

before taken, and the evidence taken since the continuance, were read and considered, and the observations of the parties thereon heard.

The caveat is entered by Richardson against the certificate of Randall, returned on a special warrant, the land included in which is claimed by the caveator under a warrant of resurvey, which was issued prior to the special warrant, and, of course, if Richardson should be entitled to a patent on the certificate returned on such warrant of resurvey, the caveat would be ruled good.

But it is alleged that Richardson had not at the date of the warrant of resurvey such a seizin of the contiguous land as would entitle him to the benefit of such warrant, and it appears clearly from the evidence, that whatever his equitable right or interest may have been, his legal title to the land accrued after the date of the warrant.

Considering the nature and grounds of a warrant of resurvey, and the established practice of the land office, the chancellor is of opinion that the bond of conveyance, and the other equitable circumstances adduced, were not sufficient to entitle Richardson to the warrant of resurvey taken out by him in this case, or that no right accrued to him thereby to the land in question; and the execution of the deed afterwards, (though, as stated by the caveators counsel, before the execution of either warrant) cannot better his title; more especially as it was improperly antedated.

The caveat of Thomas Richardson is therefore dismissed;—the costs to be paid by him:—and if Randall is otherwise entitled, by payment of the composition &c. there is nothing to prevent his obtaining a patent.

Considering the determination on this caveat to have the same effect as if on cross caveats, it follows that Richardson is not entitled to a patent for the said land.

MATTHIAS STEM

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SAMUEL FARQUHAR,

} *Caveat in the Land-office,*
June 24th, 1805.

The caveat, in this case, is on the ground that a part of the land returned in the certificate, on the warrant of resurvey, is included in a tract of land called Harle valley, the property of the caveator.—This claim is endeavored to be supported by the plat, shewing the running of that tract by course and distance, for illustration, and by an allowance of $2\frac{1}{4}$ degrees for variation, which the caveator alleges is proved to correspond with the former location of the said land.