

2nd. Doth not a court of equity consider every person who is equitably entitled to land as the legal owner of the land ?

*Answer.* I might well object to this question, because the answer might be drawn from Books: However, I will answer so far as to say that, in general, a court of chancery considers that which is agreed to be done as already done.—For most purposes it will consider him who has contracted and paid for land, without obtaining a deed, as the owner of the land.

3d. Do you know of any decision in the land office under the proprietary government agreeably to the opinion you have given in your answer to the eleventh question put by the defendant? If so in what case?

4th. Do you know of any decision in the land office under the proprietary government agreeably to the opinion you have given in your answer to the 12th interrogatory put by the defendant? and if so, in what case?

5th. Do you know of any decision in the land office under the proprietary government agreeably to the opinion you have given in your answer to the 13th interrogatory put by the defendant? and if so, in what case?

*Chancellor.* One answer to the 3d, 4th, and 5th questions may suffice. I do not remember by name a single decision in the land office before the revolution, nor (I may add) do I recollect the substance of any such decision relative to the subject of any of the said three questions.

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*Questions propounded by the Defendant to the Chancellor, and his answers thereto.*

1st *Question.* By the rules of the land office can any person entitle himself to a patent upon a certificate of resurvey unless he is at the time of the grant, or was when he obtained the warrant of resurvey, seized of the original so resurveyed.

*Answer.* No. I conceive that there have been decisions in such cases as this that the owner of a certificate of resurvey, on caveat, cannot succeed unless he shew himself seized, or having an interest.

2nd *Question.* Is the want of seizin or title to the land so resurveyed a sufficient ground to vacate a certificate of resurvey even after the composition money has been paid by the owner of such certificate.

*Answer.* Yes. There has been no decision that I recollect in my time: But I have understood that the question