

cate be vacated as to the vacancy not contiguous, and patent issue to the younger certificate.

*Answer.* Yes. I suppose it is meant that the land contained in the certificate lies in two separate parcels.

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*Additional interrogatories of the Defendant.*

11th. Is a man by the law and practice of the land office entitled to a patent on a certificate including vacancy, returned upon a warrant of resurvey, and on which he has paid the composition money for the vacancy included, if it appears on caveat that he has no legal estate in the original but his whole title is a bond of conveyance for the same, and he has *neither paid* the purchase money for the land, nor *ever* been in possession of the same? And has there been a new or different law or rule on this subject since the American revolution from that which prevailed before that event?

*Answer.* When the chancellor was interrogated respecting equitable title, he was apprehensive that this was the case of equitable title meant. He answers, without hesitation, that in no case can a bond from A to B for the conveyance of a patented tract of land give B a right to a warrant of resurvey on the said tract, whether B had paid the purchase money or not, or whether he was in possession or not.

I accede to the answer of the chancellor,

JNO. CALLAHAN.

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12th *Question.* Is a man by the law and practice of the land office entitled to a patent on a certificate returned upon a warrant of resurvey including vacancy, and on which he has paid the composition money for the vacancy included, if it appears upon caveat that he has no legal estate in the original, but his only title to the same is a bond of conveyance for the same, and he *has* paid the purchase money for the original, but has never been in possession of the land. And has there been any other on different law or rule on this subject since the American revolution from that which prevailed before that event.

*The Chancellor.* This question answered above.

(*Signed*)

A. C. HANSON, *Chancellor.*

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13th. Is a man by the law and practice of the land office entitled to a patent on a certificate returned upon a warrant of resurvey including vacancy and on which he has paid the composition money for the vacancy included, if it appears upon caveat that he has no legal estate in the original, but his only