

Where land has been sold, under the authority of this court, by the tract or in parcels, containing so many acres, 'more or less,' the sale will not be rejected, unless the deficiency, should it be objected to on that account, be material and considerable. It has been established as the law of the land office, by the proprietary's instructions, as far back as the year 1684, that the words 'more or less,' in every patent grant, shall be taken to amount to ten *per cent.* over or under, and no more. (*k*) But in this court, and in relation to private contracts, or to sales under a decree, the words 'more or less,' added to the statement of the quantity, has never yet been fixed by any decision. (*l*) Each case appears to have been governed by its own peculiar circumstances. Where the deficiency was material in that part which was the inducement to the purchase, or the like, the sale has been set aside. (*m*) But where the deficiency has been such as not materially to vary the contract, and the purchaser was still willing to purchase, a proportionable deduction has been made. But where land is sold, not by the tract or in a body, but by the acre, or in lots, at so much per acre; and the alleged number of acres, or the location and description of the lots should not be known or admitted, a survey, when called for, may be ordered as of course; by which all uncertainty as to the quantity and location of the land, and the amount of the purchase money may be entirely removed. (*n*)

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(*k*) Land. Hol. Ass. 253.—(*l*) *Brown v. Wallace*, ante 586.—(*m*) *Stapylton v. Scott*, 13 Ves. 425.

(*n*) *CHRISTIE v. HAMMOND*.—This was a creditor's bill, filed by James Christie and others against George A. Hammond and others, the devisees and executrix of William Andrews, deceased. The defendants answered, and admitted the claims of the plaintiffs and the deficiency of the personal estate.

20th June, 1791.—HANSON, *Chancellor*.—*Decreed*, that the real estate be sold, that William McLaughlin be the trustee to make the sale, &c. 'And that when the said sale shall have been approved, ratified, and confirmed by this court, and the purchase money shall have been paid to the said trustee or his successor, or the bonds shall have been assigned under the directions of this court, the said trustee, or his successor shall, as trustee, convey,' &c.

After which other creditors came in, and filed the vouchers of their claims.

25th May, 1795.—HANSON, *Chancellor*.—The Chancellor having examined the claim of James Christie, founded on five bonds for £100 each, and costs of suit and interest from the date 15th of March, 1775, to the 30th of April, 1793, excluding the time from the 4th of July, 1776, to the 3d of September, 1783, that being the duration of the war between the United States and Great Britain, to whom the complainant is a subject, and the said claim amounting to £839 14s. 3d. It is adjudged and *Ordered*, that on the application of the said Christie, or his attorney in fact, assignee, or other legal representative, the trustee, R. B. Latimer, assign and de-