

to a legal title only; but when a certificate of survey on any kind of warrant has been returned and compounded on, it then becomes, so far, immediately a legal title, as to draw to itself a similar incidental right to include contiguous vacancy. So that the vacancy, thus surveyed and included, becomes a part, and not an incident of the original tract; and it is no longer liable to be affected, or acquired by an incidental right of resurvey.

The holders of this land, who claimed by descent from *Aaron Allford*, held one parcel of it by a perfect, and the other by an imperfect legal title. And being thus seised and possessed, they distinctly and specially conveyed that parcel called *Allford's Fancy*, for which they had a perfect legal title, and no more, to *Goodman*, who conveyed the same tract precisely to the petitioner *Hughlett*. In which conveyances there is nothing, that in any manner shews it to have been the intention of *Allford's* heirs to convey the vacancy which had been included by the resurvey called *Aaron's Addition*. *Hughlett* is the purchaser of a part only of the land held by the heirs of *Aaron Allford*; and consequently, he can have no claim to a patent for that which they held by an imperfect legal title, which they did not convey; and which was, at the time they conveyed, in no manner to be considered as an incident to that which they actually sold. But was, in fact, a part of the whole number of acres they held, a portion only of which they sold according to the express description of it contained in their deed. The heirs of *Aaron Allford* alone, or those claiming under them, can have a right to complete the imperfect legal title to the ninety acres embraced by the resurvey called *Aaron's Addition* by a patent from the state. (c)

Whereupon it is *Adjudged* and *Ordered*, that the said petition of *William Hughlett* be, and the same is hereby dismissed with costs.