

CONSTRUCTION OF ACTS AND STATUTES.—*Continued.*

REGISTRATION OF DEEDS, &amp;c., 9, 10.

MORTGAGE, &amp;c., 6, 7.

## CONSTRUCTIVE NOTICE.

*See* REGISTRATION OF DEEDS, 2, 7, 8.

MECHANIC'S LIEN, 7 to 9.

HUSBAND AND WIFE, 14.

## CONTRACTS, CONSTRUCTION OF, &amp;c.

1. The words "more or less," or other equivalent words, used in contracts and conveyances, should be construed to qualify the representation of quantity, in such a manner, that if made in good faith, neither party should be entitled to any relief, on account of a deficiency or a surplus. *Hurt vs. Stull*, 24.
2. In a contract for the sale of land for a gross sum, in which, by the introduction of the words "more or less," the representation of quantity is qualified, the number of acres is to be considered as merely descriptive, and not of its essence, and, in the absence of fraud, deficiency or surplus in the quantity of land, will not avail to vacate the contract. *Ib.*
3. There may be, however, cases in which the deficiency, from its magnitude, would raise a presumption of fraud, imposition or mistake, and in such cases, the words "more or less," would not be permitted to stand in the way of relief. *Ib.*

*See* PARTNERSHIP, PARTNERS, 4, 5.

## CONVERSION OF REALTY INTO PERSONALTY.

1. Where land is sold under the Act to direct descents, or by a trustee under the Act of 1785, ch. 72, for the purposes of partition, or for the payment of debts where the personal estate proves insufficient, the mutation from realty to personalty is not effected until the sale has been finally ratified, and the purchaser has complied with the terms of it. *Betts vs. Wirt*, 113.
2. The ratification of the sale, and compliance with the terms of it by the purchaser, when done, do not relate back and work a conversion from the day of sale. *Ib.*
3. The doctrine of relation does not apply to such a case; this doctrine is founded upon a principle of equity, and is never admitted to prevail unless required to advance the purposes of equity. *Ib.*
4. Patents of lands relate back to the certificate, so as to overreach prior grants, only when the holder of the prior certificate has a superior equity. *Ib.*
5. As between the heirs-at-law, and the next of kin, the superior equity cannot be with the latter; the policy of the law is to permit the estate to descend in the line of the ancestor from whom it came, and the inclination of the courts should be in favor of the heir. *Ib.*

## COPIES.

*See* REGISTRATION OF DEEDS, 6, 8.

## CORPORATIONS.

*See* NOTICE TO.

MERGER, 2 to 5.

PRACTICE IN CHANCERY, 66.

## COVENANT.

*See* MORTGAGE, &c., 4.

VENDOR, VENDEE, 1.