

LAND OFFICE—*Continued*

- taken up under a common warrant, honestly supposing it was vacant, paid the purchase money therefor and erected improvements thereon, the grant will not be refused though the land be escheat. *Ib.*
8. The Chancellor, sitting as judge of the land office, may decree according to equity and good conscience, and agreeably to the principles established in the High Court of Chancery, as if the matter were brought before him by a bill in Chancery. *Ib.*
  9. It is a general rule of the land office to issue the patent when the right is doubtful, in order that the party may not be deprived of the privilege of taking the judgment of a court of law upon its efficacy. *Ib.*
  10. It is the settled rule of the land office, that a patent will not be granted for lands taken up under a warrant of resurvey, which are not contiguous. *Wilson vs. Markle*, 534.
  11. A party has the right to abandon the land which was not liable to be taken up under his warrant, and have the survey corrected to this extent, but he cannot at the same time keep open the question whether a correction is necessary at all. *Ib.*
  12. As a general rule, no patent will issue for any land for which a patent has been previously granted so long as such patent remains in force, and exceptions to this rule should be admitted with much caution. *Smith vs. Baker*, 29.
  13. Escheat land must be taken up by a warrant of escheat, and if under such a warrant it is included as vacancy, the title does not pass to the patentee but remains in the state. *Ib.*
  14. Where a party takes up escheatable lands as vacancy, and obtains a patent therefor, the title does not pass, and such lands are liable to be granted under an escheat warrant, notwithstanding the pre-existing patent. *Ib.*
  15. There is no rule of the land office, which requires that a *caveat* shall be dismissed because the caveator did not show an interest in the matter in dispute. *Chisholm vs. Perry*, 31.
  16. The judge may on *caveat* or on application for a patent, where there is no *caveat*, refuse a patent on account of a violation of the rules of the land office. *Ib.*
  17. Plats authenticated by the signature of the county surveyor, and returned under the orders of the court, must be treated as evidence and have weight accordingly. *Ib.*
  18. The right to a warrant of resurvey, only appertains to a party who has a fee simple interest in the original tract proposed to be resurveyed, and by parting with the title to such tract subsequent to the date of the warrant, the latter loses its effect as a warrant of resurvey. *Twigg vs. Jacobs*, 541.
  19. A warrant of resurvey may operate as a common warrant, and affect any vacant land which a common warrant could effect. *Ib.*
  20. The state will never knowingly grant the same land a second time. *Ib.*
  21. A certificate of survey embraced several lots contiguous to each other,