

When a caveat is regularly entered it is the most natural course for the caveator to apply to the judge of the office for the necessary orders for bringing it to a hearing. On the application, however, of either party, a day may be fixed for that purpose, which is regulated by the situation of the land, the convenience of the parties, or other circumstances, in the discretion of the judge; there being no stated terms for trials in the land office. If the caveator has taken no step for a hearing, it is possible that the other party may have no knowledge of the matter until he applies for a patent, which it is *presumed* he will do when his certificate has lain the requisite time; though, in practice, it is possible that a caveat may have been entered, and suffered to expire for want of prosecution, without the owner of the certificate's ever being informed of the circumstance. In some cases the matter in dispute is compromised or arbitrated without a trial, and the caveat, in consequence, withdrawn, or else ruled good by consent. In a general way no order is taken on a caveat without application, though it is doubtless in the power of the judge, upon information from the register, of the entry of caveats, to assign times of hearing, and direct the necessary process. When, at the instance of either a party, a day is assigned for hearing, subpœna issues from the office of the chancery court, or on the Eastern shore from the land office itself, to the other party, summoning him to appear before the chancellor, (or judge) in the land office, to maintain or to answer the caveat, as the case may be: The party taking out the subpœna, which is issued from the chancery office as a matter of course upon the view of the order for hearing, attends to its being duly served, which may be done either by the sheriff or by any other individual, the service being in the latter case proved by a special affidavit. The summoning of persons, as witnesses, though authorised by law, is not practiced. Instead of this, an order passes, (as also directed by law) authorising either party to take depositions before a single magistrate, on a previous notice, generally of from two to six days, given to the other party, that he may, if he pleases, attend;—which depositions, the order declares, may be read in evidence on the trial. Order is also given, if desired, to the surveyor of the county, to lay down, and return a plot or plots, of any lands that he may be directed by either party so to lay down, for illustration of the matter in dispute. The authority for this last proceeding seems to be grounded on the act of 1789, ch. 35, which provides that disputes in the land office shall be decided on the principles established in the chancery court, &c. and directs the manner of executing orders for the laying down lands for illustration of any matter relative to a cause depending in that court. It must, however, have been al-