

tion, and also that, after such attestation, and the signature of the governor, the great seal shall be thereto affixed, "the cost and expence of which seal shall be paid by the register," in such manner as is or may be directed by law, and "collected by him from the party, with the sheriff's commission for collection, in the same manner as officers fees are by law directed to be collected." It is also directed, in respect to the Eastern shore, that certificates shall be recorded immediately after patent, and not before, which, though not specially directed, is equally the practice on the Western shore. How far the practice in the land office of the Eastern shore may be to issue patents before they are demanded I am not informed: but from the operation of the same causes, I presume that the practice must be the same in both offices. Patents, then, are not, in fact, issued as a matter of course as soon as the certificates appear to be capable of being patented, for this reason, among others, that as the certificates must lie unpatented for six months after they have been compounded on, there is more than a probability that the owners may have died in the interim, or that they may have transferred their rights in the certificates, by assignment. In the last case there would be a remedy, as the patentee might withdraw his assignment, and pass a deed of conveyance; but, in the other case, the patent would be wholly void. On this consideration, and through respect to general opinion and usage, which seem to have given an option as to the taking of patents, they are not made out until demanded. When a patent is required, if the certificate be free from any apparent objection, and the party appearing to be the owner, either originally or by a regular assignment produced and filed in the office, is stated to be living, the patent is issued and completed as a matter in course; but if the person or persons in whose name the patent is demanded claim by succession, either as immediate heirs or under a devise, written proofs of their claim must be produced, and the matter submitted by petition, accompanied by those proofs, to the chancellor or judge, upon whose special order, and not without, the patent is issued. If the claim is made under a devise, an attested copy of the will must be exhibited. If it is made on the ground of heirship, depositions, taken before a magistrate, are required, stating the time when the owner of the certificate died: the fact that he died intestate, either generally or in respect to the particular land in question, in which last case, however, a copy of the will serves to substantiate the fact, and, so far as the interest of general heirs is to be shewn, these depositions must state the names, and, as nearly as may be, the ages, of these heirs, being, in the first place, the children of the deceased, surviving at his death;—then, the grand children claiming through any of the imme-