

of two thirds of the valuation of the escheatable part of the land, a patent shall issue, in due time, to the party in whose name the certificate may be returned, or to his heirs, or assigns, for the undivided portion of the land that may be liable to escheat as aforesaid.

CHAPTER IX.

POWERS OF THE JUDGES OF THE LAND OFFICE ; WITH SOME NOTICE OF THE PRINCIPLES OF DECISION, AND RULES OF EVIDENCE ; AND A COLLECTION OF CASES ADJUDGED, ON CAVEAT, AND ON APPEAL :

THE foregoing chapters have stated, in general, what the laws of Maryland prescribe in relation to land affairs ; and, if things were always done in conformity with those rules and directions, the practice of the land office would require but little further explanation : but, besides that the proceedings in this office are, in common with all others creating or transferring titles in landed property, subject to error, and to failure, for want of a requisite conformity and adaptation between the thing intended and the method taken to effect it, the land office system is such a compound of law and usage, and the distinctions resting upon the latter, or upon mere reason and equity, which must govern where neither law or precedent is found, are so nice, and so difficult to reduce to principles of general application, that those proceedings may be said to be peculiarly liable to the production of errors in those who mean fairly, and unfair views and contrivances in others, equally giving rise to conflicting claims or pretensions, which, as the object in contest is, always land to which neither party is admitted to have obtained a title, cannot be tried and determined in the courts of law. It was for this reason, and for greater promptitude of proceeding, that there was generally a special judge or judges for the land office, possessing authority to adjust matters of preference and right between parties aiming at the acquisition of the same land, and to hear and determine all contests relative to the final question of passing a title by patent, after which, their jurisdiction and authority were understood to cease, since the title so passed was a matter for the cognizance of a court of law, or of equity, in their usual modes of proceeding in suits or questions of title. In regard to the general principle of decision in the land office, I have