

From all which it appears, that the mode of obtaining a grant of public lands, and proceedings by caveat, on the common law side of the Court of Chancery, to prevent the emanation of a patent, are, and always have been substantially the same in Mary-

ter of the said office, to the register of this office, of proceedings in the case of Evans Willing against Sowan Wright, having been here filed; and the said Wright praying the Chancellor to take order in the case, for the purpose of bringing it to a final decision; the Chancellor, on deliberation, passed an order on the 6th day of March last, to be served on the said Willing. In case of such service, and the appearance here on this day of Willing, in person, or otherwise, the Chancellor, according to the said order, was to proceed to an examination and decision. In case of such service, and no appearance, the Chancellor, according to the said order was to dismiss the appeal.

Now here, this day come both parties. Willing acknowledges the due service of the order, and does not say otherwise, than that he is ready for a decision.

On examination of the said transcript, and of certain papers mentioned in it, the Chancellor perceives no reason, wherefore he should reverse the decision. Indeed the transcript is so defective, that he can scarcely perceive what were the points of dispute. However, there is nothing in it to show, how Willing, the caveator and appellant can possibly be injured by Wright's obtaining a patent, and although it is very unusual with the Chancellor to give an opinion on a point of law, he does not hesitate to concur with the Judge's opinion, on what appears the great point, viz: the construction of Panter's will to Hall. The point indeed is so plain, as not possibly to admit of a doubt amongst lawyers.

Upon the whole, it is adjudged, ordered and decreed, that the order and adjudication of Thomas I. Bullett, Judge of the Land Office of the Eastern Shore of Maryland, in the case aforesaid, of Evans Willing against Sowan Wright, made on the 24th January, 1801, be and it is hereby affirmed, or that the appeal of the said Willing from the said order and adjudication, is hereby dismissed; the Chancellor being really doubtful, whether, under all circumstances, the appeal should be said to be dismissed, or the decision of the Judge be said to be affirmed. The meaning of the Chancellor is, that nothing be gained by the appeal, and that hereafter it be no obstacle to the said Wright's obtaining a patent.

The said Act of Assembly does not direct, what shall be done in case of an affirmance on an appeal. But the Chancellor conceives, that he may with propriety direct, and accordingly he does hereby direct, that the transcript aforesaid be returned, along with an attested copy of this adjudication, order or decree, to the Register of the Land Office of the Eastern Shore; and that, on the receipt of the said transcript, there shall be the same proceedings in the said office, on the certificate of resurvey of Sowan Wright, which was caveated by Evans Willing, as if there had been no appeal as aforesaid.

HOPPER v. COLESTON.—HANSON, C., 2d March, 1803.—The said William Hopper appeals from the decision of the Judge of the Land Office for the Eastern Shore, on a caveat there instituted by him against the appellee, or defendant. The transcript of the proceedings in the said office on the said caveat, except the plat there exhibited for illustration, are here filed by the said appellee; and it was, at his instance, that this day was appointed for hearing the appeal, by an order, passed on the 1st day of December last. It appears, that a copy of the said order has been duly served on the appellant, from whom the Chancellor lately received a letter, praying a postponement