

A patent issued under a presumption that only certain lands are included in it, is good as to lands properly included. *Jarrett v. West*, 1 H. & J. 501. Cf. *State v. Reed*, 4 H. & McH. 11.

A legal title is acquired by a patent although the certificate of survey did not lay six months in the land office. Proof that a certificate of survey was forged. *Boreing v. Singery*, 4 H. & McH. 403 and note (b).

Where the applicant dies after the return of the certificate and before the grant, the patent is invalid. *Potter v. Purnell*, 1 H. & McH. 208.

Caveats.

Nature of a caveat and grounds upon which it may be entered. *Cunningham v. Browning*, 1 Bl. 299.

What is a sufficient caveat? Letter and verbal notice, held insufficient. *Jay v. Van Bibber*, 94 Md. 689.

A caveat will not be dismissed because the caveator fails to show an interest in the matter in dispute. *Armstrong v. Bittinger*, 47 Md. 111; *Patterson v. Gelston*, 23 Md. 446 (overruling on this point, *Gittings v. Moale*, 21 Md. 135); *Chisholm v. Perry*, 4 Md. Ch. 32.

After a patent has been issued, the authority of the land office is ended, and no caveat can be filed. *Jay v. Van Bibber*, 94 Md. 690; *Steyer v. Hoyer*, 12 G. & J. 203; *Cunningham v. Browning*, 1 Bl. 321.

Fraud.

A patent fraudulently obtained is void, and the estate passes to a second patentee. *Boring v. Lemmon*, 5 H. & J. 225.

For patents annulled in equity because obtained fraudulently and contrary to the rules of the land office, see *Smith v. State*, 2 H. & McH. 247; *Proprietary v. Jennings*, 1 H. & McH. 92; *Hoyer v. Johnston*, 2 Gill, 316; *Attorney General v. Snowden*, 1 H. & J. 332; *Seward v. Hicks*, 1 H. & McH. 22. Cf. *Garretson v. Cole*, 1 H. & J. 370, and *Cook v. Carroll*, 6 Md. 104; *Railroad v. Hoyer*, 2 Bl. 261, note (b). See also, *Singery v. Attorney General*, 2 H. & J. 487; *Norwood v. Attorney General*, 2 H. & McH. 201; *Smith v. State use of Yates*, 2 H. & McH. 244.

An equitable title to vacant lands, will prevail over a legal title obtained by fraud. *Hoyer v. Johnston*, 2 Gill, 292.

The proprietary only can complain of a fraud practiced on him. *Wilson v. Inloes*, 6 Gill, 121.

Generally.

The proceedings of the commissioner may be reviewed or controlled by the courts. The pendency of proceedings to obtain a patent, does not oust the jurisdiction of equity, though such jurisdiction will not ordinarily be exercised. *Goodsell v. Lawson*, 42 Md. 370. See also, *West v. Jarrett*, 1 H. & J. 538; *Ringgold v. Malott*, 1 H. & J. 316.

Where two certificates of survey and grants bear the same date, he who got the earlier warrant, prevails, although the other party's grant was actually issued first. *Karn v. Hughes*, 3 H. & J. 210. See also, *Attorney General v. Jarrett*, 2 H. & J. 472.

The commissioner's duty under this section where there is no contest, is ministerial only; *contra*, if there is a contest. *Jay v. Van Bibber*, 94 Md. 689. See also, *Cook v. Carroll*, 6 Md. 112.

When a patent will be issued. *Day v. Day*, 22 Md. 538; *Chapman v. Hoskins*, 2 Md. Ch. 486; *The Railroad v. Hoyer*, 2 Bl. 263; *Jones v. Bradley*, 4 Md. Ch. 167; *Dorothy v. Hillert*, 9 Md. 573; *Ridgely v. Johnson*, 1 Bl. 316, note (f).

A patent which has been illegally vacated in equity, will sustain ejectment. *Beale v. Digges*, 1 H. & McH. 26.

The payment of composition money, does not establish a contract between the state and the applicant. Effect of such payment. *Day v. Day*, 22 Md. 538. See also, *Attorney General v. Snowden*, 1 H. & J. 332; *Steuart v. Donaldson*, 5 H. & J. 429.

Public lands can only be disposed of for value with a view to some public benefit. The land office only conveys title to land. Formerly no appeal lay from the chancellor as judge of the land office. (See article 5, section 82 and 83); *Baltimore v. McKim*, 3 Bl. 453.