

When a patent will be issued. *Day v. Day*, 22 Md. 538; *Chapman v. Hoskins*, 2 Md. Ch. 486; *The Railroad v. Hoye*, 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 chancellor as judge of land office. (See art. 5, secs. 88 and 89); *Baltimore v. McKim*, 3 Bl. 453.

The state will never knowingly grant same land a second time (unless, of course, there has been an intermediate escheat). *Twigg v. Jacobs*, 4 Md. Ch. 542; *Smith v. Baker*, 4 Md. 29.

An escheat grant is *prima facie* evidence; effect thereof. *Armstrong v. Bittinger*, 47 Md. 110; *Clements v. Ruckle*, 9 Gill, 328; *Hall v. Gittings*, 2 H. & J. 112; *Brown v. Shilling*, 9 Md. 80; *Hammond v. Inloes*, 4 Md. 140.

Construction of a patent, and the description therein. *Budd v. Brooks*, 3 Gill, 198. See also *Hammond v. Ridgely*, 5 H. & J. 245; *Rench v. Beltzhoover*, 3 H. & J. 474.

For cases involving the rights of purchasers from the patentee, see *Buckingham v. Dorsey*, 1 Md. Ch. 32; *Proprietary v. Jenings*, 1 H. & McH. 92.

As to what a party opposing a patent *in a court of law*, may prove, see *Cook v. Carroll*, 6 Md. 112 (questioning *Singery v. Attorney General*, 2 H. & J. 487); *Boreing v. Singery*, 2 H. & J. 455; *Garretson v. Cole*, 1 H. & J. 370.

See notes to secs. 23, 39 and 41.

An. Code, sec. 42. 1904, sec. 42. 1888, sec. 39. 1797, ch. 114, sec. 11.

**41.** Every caveat shall be heard and determined by the commissioner of the land office within twelve months from the entering of the same unless he shall under special circumstances give further time to the parties.

The caveat is but an objection to issuance of patent, and if not heard within period provided by this section, without extension of time, the certificate is released from effect of caveat by operation of law, and upon compliance by caveatee with all other provisions of law, patent should issue. Failure to hear and determine caveat as provided by this section affects only caveat and not certificate or rights of caveatee. *Barton v. Swamson*, 130 Md. 632.

The commissioner's duties under this section are judicial. *Jay v. Van Bibber*, 94 Md. 693.

An. Code, sec. 43. 1904, sec. 43. 1888, sec. 40. 1797, ch. 114, sec. 8.

**42.** The commissioner of the land office shall have full power at his discretion to award the costs to the party prevailing on the decision of any caveat.

Cited but not construed in *Cunningham v. Browning*, 1 Bl. 320.

An. Code, sec. 44. 1904, sec. 44. 1888, sec. 41. 1853, ch. 21.

**43.** All patents shall be signed by the governor and have affixed thereto the great seal of the State; and the governor, on the presentation to him of a patent by the commissioner of the land officer, certified by the said commissioner as proper to be issued, shall be authorized to sign such patent and to cause the great seal to be affixed thereto.

See notes to sec. 40.

See art. 41, sec. 17.

An. Code, sec. 45. 1904, sec. 45. 1888, sec. 42.

**44.** The commissioner of the land office may prescribe rules to regulate the conduct of surveyors in making surveys and returning certificates