sonable to make some allowance, yet, the variation being different in different places, and at different times, no general rule can be found applicable to all cases; and as an arbitrary allowance would be inconsistent with the principles of justice, it has, necessarily, been adopted as a rule to make no allowance, without proof of the original running of one or more of the lines, whereby the proper allowance for all might be ascertained. For further reasonings on this point, and on various other parts of the practice, I shall refer the reader to the decisions themselves; but something further remains to be said relative to the authority of the judges of the land office, and the methods of proceeding on caveats.

The rise, and the general nature, of caveats have been explained in the former book. They constitute a proceeding of essential use in the land office, in preventing litigious and groundless actions of ejectment in the courts of law; for, without a title, by or under a patent, such an action cannot be maintained. The judge of the land office, in admitting a caveat against a certificate founded on erroneous or fraudulent proceedings, such as would eventually be condemned in a court of law, destroys the germ of an useless litigation; for, as the late chancellor very frequently observes in his decrees, the defendant in the land office, when the caveat against him is admitted and ruled good, is without appeal and without remedy, at least as to his obtaining a patent on the certificate as it stands, although, after such corrections as shall have removed all defects recognized in the admission of the caveat, he may still obtain a patent upon the same certificate. The practice a while ago noticed of dismissing caveats where very little is wanting to establish the irregularity of the certificates, is in one point of view considerate, as it affords the only apportunity which the defendants can have of trying their right at law, where some possibility of a right is admitted to exist; but, on the other hand, lessens the utility of the institution of caveats; discourages them where perhaps they ought to be entered; and lessens also the importance of patents, in sending them into courts of law merely to be set aside. On which side lie the greatest advantages, or inconveniences, I shall not pretend to determine.

The principal directions relative to the summoning of parties &c. in trials in the land office, are contained in the act of 1782, ch. 38, which provides that subpœnas may issue from the chancery (or the general court of either shore) to summon parties to appear, or to require the attendance of witnesses to give testimony on any caveat; that every sheriff shall obey such subpœna; that attachment for contempt may go from the court issuing the subpœna against a witness for non-attendance, and that such witness may be fined as in o-