

ther cases, and that the chancellor may, by rule, direct depositions to be taken, and received as evidence on the hearing of caveats, reasonable notice being given by the person taking those depositions to the other party, that he may have an opportunity of attending;—with other provisions, for the payment of witnesses &c. which have been heretofore noticed: By the act of 1797, ch. 114, the chancellor has power, as in the court of chancery, to award costs to the party prevailing on the decision of a caveat in the land office. There are other provisions in this act relative to caveats, particularly one for the purpose of clearing the office of those caveats which were standing therein at the time of its passage. This provision must be noticed in another place for the purpose of explaining some orders of the chancellor, relative to the caveats in question, which being of a temporary nature, do not properly belong to the present chapter. As to the general rules, it is to be recollected that all caveats instituted subsequent to the passage of the act aforesaid were to remain in force and operation no longer than twelve months from the time of their entry, unless, under special circumstances, the chancellor, or the judge of the land office for the Eastern shore, should otherwise order and direct.

The only further matter which I shall touch upon, previous to introducing the decisions that are to be selected, is what concerns the rules of evidence in the land office. The principles upon which disputes in that office have been stated to be tried and determined may apply to the evidence required or admitted in the investigation; and it might therefore appear sufficient to refer to the established rules of evidence in the chancery court; but, from the peculiar nature of these cases, certain principles have arisen which it is thought proper to state on the authority of particular decisions, in which those principles are laid down and adopted.

---

A plot, or as it is more generally termed in the office, a *plat*, for illustration, establishing the pretensions of the caveator, ought to be retained in the office, as evidence of the ground of the adjudication; but not so as to plats exhibited by the other party; and this is founded on a maxim that the defendant succeeds of course upon his certificate, as returned, unless sufficient *affirmative evidence* be produced against it by the caveator.

A person taking out a special warrant is not allowed to prove his intention, as to location, by *parol evidence*, as, whenever such evidence is admitted to prove the intent of a *deed*, it must be the meaning of both parties that is to be enquired into, and parol evidence should not be admitted to prove that