

they were before, and a considerable delay having already been occasioned, and the chancellor conceiving from every thing which appeared, or was offered, that this case was peculiarly proper for the decision of a jury, the caveat was dismissed : and Chapline (if he be actually seized of "Well done," or part thereof) may bring his ejectment at law. It is however to be remarked that Chapline produced nothing to establish his title, except a deed which was not recorded until several years had elapsed after the execution. The chancellor, indeed, did not dismiss the caveat on that ground, nor did he even decide upon it. He mentions it now to shew more clearly (if possible) that this case was proper for a trial at law. It remains now, to take notice of something else which was offered as proof of the original runnings of "Well done." It was an apparently old paper, said to have been the field notes of the surveyor who originally surveyed "Well done ;" and it was alledged that every thing contained in the paper, was the work of the surveyor, who has long been dead. Now, this paper contained neither a table of courses nor a certificate of the surveyor, nor indeed any thing else from which it might be inferred that "Well done" run with the other tracts, except the delineation of a few lines, which were alledged by the caveator, and by Charles Beatty (who although not interested, has appeared on every occasion in support of the caveat) to be part of the lines of those tracts, as well as the whole of "Well done." But even supposing "Well done," to have been delineated in this paper by the surveyor, and that although it was perfectly correct, there was nothing but appearance to prove that the other few lines marked off were intended for the other tracts ; and, if intended for those tracts, there was nothing to prove that they were made by the surveyor. In short, the chancellor conceived the paper of little consequence, even if the whole had been authenticated as the work of the surveyor. It was an outrage to common sense to consider a loose unauthenticated paper, produced by surprize, on a footing with the plat of the surveyor Priggs, and his deposition thereon, taken under an order, in presence of both parties : And the chancellor is convinced that no candid, impartial, honest man will think him inconsistent in his principles on account of having admitted the caveat in the case of Peter against Beatty, and dismissed the caveat in the case of Chapline against Scott.

ROBERT PETER,
agt.

CHARLES BEATTY, }

Caveat in the Land-office, by the Chancellor ruled good.

* On the application of Charles Beatty for a rehearing, the chancellor thinks proper to state the reasons of his decision.