

rect that which is repugnant to the established rules and practice of this office.

It is thereupon adjudged and ordered that the said order of the late chancellor, passed December 26th 1783 be reversed, and wholly set aside, and that the caveat be considered as reinstated, and that all things be in the same state and condition as if the said order never had been passed; unless cause to the contrary be shown on or before the third Tuesday in April next; provided a copy of this order be served on the said Norman Bruce and William Digges before the first day of February next.

N. B. The chancellor thinks proper to protest against any construction of the within order into a precedent for one chancellor to rehear or rejudge the decision of another chancellor.

A judge of the land office may indeed on some occasions with propriety revise his own decision, and if he reverses it, his determination must be considered as the result of mature deliberation and better judgment: But there can be no such reason for his setting aside the judgment of his predecessor whose opinion even if it were not prior in time, must in point of law be considered as equal to his own.

Much inconvenience, indeed, would follow if the decision of a judge, in any particular cause, should be considered as no longer binding than whilst he remained in office. The sure consequence of establishing such a precedent would be that, whenever a new chancellor should enter on his office, an application would be made for the rehearing of a caveat already decided, in every case in which the fruit of the decision should not have been obtained.

It was merely on account of the surveyors having stated the former chancellor's order to be unintelligible or impracticable, and of its appearing in that light to the chancellor, that the within order was passed.—It appeared to him as the only expedient for rendering justice to the parties.—It was clear that Shields was, under the late chancellor's decision, entitled to a patent on a corrected certificate, and yet so long as an order which has proved to be impracticable remained in force, he could not obtain the patent.

After all, it was on great deliberation and with reluctance that the chancellor passed the within order.—He is aware that it may seem an extreme nice matter to distinguish between such a proceeding and the rejudging of a decision of his predecessor.

Nov. 11, 1794.