

well, as trustee, immediately ceased for every purpose whatever; except that of closing his accounts and delivering over the property, if any, in his hands, to the legal representatives of Rebecca. But it does not appear, that this petitioner, who was appointed by the decree as the trustee of Rebecca, ever gave bond or qualified as required.

The case was afterwards revived and the amount ordered to be paid to John Cromwell, which order on appeal was affirmed, and so the case was closed.

CUNNINGHAM v. BROWNING.

PATENTS FOR LAND.—THE DIFFERENT KINDS OF LAND WARRANTS.—HISTORY OF THE LAND OFFICE, AND THE PROCEDURE THEREIN.—CAVEATS.

The manner of obtaining a patent grant for land. The objects of an inquest of office; the cases in which it is required; and the mode of proceeding by caveat to prevent the emanation of a patent in England and in Maryland.

The origin of the land office, considered as a branch of the Chancery office; the jurisdiction of the Judges of the land office, under the Proprietary Government, and of the Chancellor, at present, in relation to proceedings in the land office. (a)

There are five several kinds of warrants by which an applicant may obtain a patent for the land he proposes to purchase, *i. e.* common warrants, special warrants, warrants of resurvey, proclamation warrants, and escheat warrants. (b)

The first designation of the land aimed at by one who wishes to purchase from the State, from the date thereof, by a special warrant in the land office, or by a special location on the surveyor's book, or by a certificate of survey, gives an incipient title against all others.

The right thus acquired is not an equitable interest; but an imperfect legal title, which, when completed, by a patent grant, is considered as a legal title, by relation from the date of the incipient title. (c)

A special warrant, or a special location, to be deemed an incipient title, must so describe a space or area of land, as to distinguish it from all other tracts.

A caveat in the land office is a warning to the Chancellor not to put the great seal to a patent for a certain tract of land as prayed by the holder of the certificate of survey.

The grounds upon which a caveat may be entered are various. In general they must be such as show that no grant ought to be issued, because to

(a) Cited in *Stallings v. Ruby*, 27 Md. 155; *Smith v. Devecmon*, 30 Md. 479; *Chapman v. Hoskins*, 2 Md. Ch. 496; *Jones v. Badley*, 4 Md. Ch. 170.

(b) See *Garretson v. Cole*, 2 H. & McH. 459, *note*; *Report of Daniel Dulany*, 1 H. & McH. 552.

(c) Cited in *Smith v. Devecmon*, 30 Md. 482.