

which are found the several marks which denote the place of beginning. This certificate was returned to the land office on the 23d of March, 1827, and on the same day the caution money was paid.

On the third day of April following, a caveat was entered upon this certificate of Browning's by James Cunningham. An order was passed appointing a day for hearing, authorizing the parties to take testimony before any justice of the peace, on giving notice as usual, and directing the surveyor to lay down and return a plot of the lands. Under this order a plot was accordingly returned, upon which the pretensions of both parties were laid down without any counter location from either; from which it appears that Browning's Hunting Ground extends entirely across Cheviot Dale. Some depositions were also taken and returned; but, as they develop nothing of any importance, it is deemed unnecessary to state the facts proved by them.

301 * BLAND, C., 20th June, 1827.—This caveat standing ready for hearing, and the argument of the caveator's attorney having been heard, and the notes of Browning's counsel having been read, the proceedings were thereupon read and considered.

The Chancery Court of England has always been considered as the prototype of that of Maryland; and, that the one has been in fact the exemplar of the other, in almost every respect, might be shewn by a comparison of the various offices, powers, and jurisdictions of each of them. The Chancery of Maryland, as well as of England, was originally resorted to as an *Officina Brevium*. In cases of *scire facias*, to repeal letters patent, and in some others, in which the Chancellor sits as a Court of common law, his authority is substantially the same in Maryland as in England. As mere Courts of equity, there is scarcely any difference between the Court of Chancery of Maryland, and that of England. And the form of proceeding by caveat, according to which the Chancellor is now called upon to act, is one which has been derived from the Chancery of England; and is regulated by forms and principles similar to those by which the English mode of proceeding by caveat is governed. It may be well, therefore, for the better understanding of this, and all similar cases, briefly to review the mode of obtaining a patent grant for land in England, and in this State; and the general doctrine in relation to caveats, before the merits of the case, now before the Court, are taken up, considered and determined.

The King of England being invested with a limited sovereignty over the realm, all public property belongs to him in that capacity; and all lands are said to be held directly or indirectly of him. The king is also invested with authority to create corporations, to grant franchises, and to dispose of any lands, or public property, at his