

the instrument, and the grant is thus perfected and issued; but if the Chancellor sustains the objections, he then withholds the great seal, and represents the whole matter to the king; who may nevertheless order a patent to be issued or not at his pleasure. *Leighton's Case*, 2 *Vern.* 173; *Ex parte O'Reily*, 1 *Ves. Jun.* 112; 1 *Chal. Opin. Em. Law*, 152; *Ex parte Beck*, 1 *Bro. C. C.* 578; *Slingsby's Case*, 3 *Swan.* 178, *note*; 1 *Mad. Chan.* 18; 1 *Hal. Con. Eng.* 489, *note*; 2 *Virg. Stat.* 523, 531, 537. (e)

The charter of Maryland gave to the Lord Proprietary an absolute right of soil to all the territory comprehended within its specified boundaries; and constituted him viceroy over the Province. Thus clothed with an unqualified title to all the lands, and a limited yet large extent of sovereignty over the projected State, he commenced the settlement of the country in March, 1634. 1 *Boz. His. Mary.* 274; *Land Ho. Ass.* 13, 64, 255; *Cassell v. Carroll*, 11 *Wheat.* 134, 170. And, as might have been expected, from the nature of things, the parcelling out and sale of lands called for his earliest attention. It appears accordingly, that among the first things done by the Proprietary, was to adjust and publish the terms upon which he proposed to dispose of his lands, and the manner in which an individual might obtain a legal title to any specified quantity he might want; but of those terms, or conditions of plantation, it will here be unnecessary to say any thing further, in regard to original grants from the Proprietary, than that lands were given to emigrants as an encouragement to their coming into and settling the country; or they were sold at a low, but stipulated price payable in money. But large quantities of land, after having been thus alienated, were continually reverting to the Proprietary, considering him merely as * one of the contracting parties; be-
306 cause of the purchasers failing to comply with the conditions of plantation on their part; or the lands which had been so disposed of by the Proprietary were returned to him by forfeiture or escheat.

By several proclamations of the Proprietary, the first of which was published in November, 1725, it was made an express condition of all future contracts between himself and the purchasers of

(e) The process of obtaining a patent for a new invention; and the mode of preventing the emanation of such a patent, in England, by a caveat, is substantially similar to that here described. *Westm. Rev. Jan.* 1835, *art.* 12. It would seem, that, under the Colonial Government as well as since the Revolution, the exclusive right to a new invention could only be secured to the inventor by a special Act of the Legislature, 1 *Virg. Stat.* 374; 1784, *ch.* 20; 1786, *ch.* 23; April, 1787, *ch.* 21, as the English statute of monopolies, 21 *Jac.* 1. c. 3, did not extend to the colonies, 1 *Chal. Opin. Em. Law*, 202. But this matter now belongs to the Government of the United States, and has been regulated by the Acts of Congress of the 21st February, 1793, *ch.* 11, and 15th February, 1819, *ch.* 19.