

determination of controversies between two or more citizens, such as that which was then, and is now exercised by the Chancellor in determining on a caveat case. *Land Ho. Ass.* 273, 434; November, 1781, ch. 20.

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 the survey. As all that relates to patents for land belongs properly to the common law side of the Court of Chancery, here as well as in England, it necessarily follows, that a caveat must be the commencement of a judicial proceeding on the same side of the Court with that to which it is opposed; and consequently, as to all controversies brought before the Chancellor, by caveat, he holds a common law Court of record; or as it was formerly said, the proceedings are in "the Chancery Court of Records," not in a mere Court of equity. *Land Ho. Ass.* 331, 465. And considering it as a Court of record, it has, like all Courts of common law or of equity of that description, the power to regulate its own practice and proceedings; which regulations become the law of the Court, and of the case also, so far as they apply. *Land Ho. Ass.* 434, 442, 461. And as a grant for land can only be obtained through the land office, in which all the preliminary preparations for it are deposited, it follows, that a caveat can only be presented to the Chancellor in that office; and, in general, after the proceedings have been so far matured as to be ready to have the great seal put to the grant. *Land Ho. Ass.* 467. A caveat is most usually entered by a simple endorsement of the word "caveat" upon the certificate, if there be one returned to the office; or otherwise by a note on the record opposite to the warrant, without any specification whatever of the cause of caveat; *Land Ho. Ass.* 321, 379, 487; but it can only be entered by the interested party himself, or by the direction in writing of his attorney. *Land Ho. Ass.* 442, 443, 487, 491. And when entered, it cannot be permitted to continue longer than **316** * twelve months, unless under special circumstances. A caveat by two or more does not abate by the death of one of them, as it does where it has been entered by one only. *Land Ho. Ass.* 283, 442, 443, 490; 1797, c. 114, s. 10.

The grounds upon which a caveat may be entered are various; in general they must be such as shew, that no grant ought to be issued, because to do so would be unjust to the public, or to some individual; *Land Ho. Ass.* 90, 91, 304, 449, 453, 491;(f) or because

(f) RIDGELY v. JOHNSON.—HANSON, C., 24th November, 1801.—The Chancellor having examined all the depositions in this cause, produced to support the allegations of the parties, together with the plot returned for illustration; and having considered also the arguments of the counsel on each side, and having deliberated thereon, is of opinion as follows:—

He must first make some preliminary remarks.—When a man caveats a certificate, on the ground that the land, surveyed as vacancy, is compre-