land is held and owned by the patentee, to whom the irregularity and the imputed fraud founded upon that irregularity are attributed, but it is a proceeding against an innocent purchaser, without notice, instituted forty-seven years after the date of the patent, and forty-five years after the patentee had sold and conveyed the land to such innocent third person for a valuable consideration and without notice, and this too by a party who had but recently acquired an interest in the subject of this controversy.

The state of Maryland, in the year 1795, sold and granted this land, first receiving the purchase money from the purchaser, who, in two years afterwards, sold and conveyed it to an innocent and third person, who paid him value; and then, forty-five years afterwards, a party claiming under the state, seeks to avoid the title acquired by this innocent third person.

It seems to the Chancellor, that such an attempt cannot receive the countenance of a court of equity. If parties who purchase lands, are required not only to trace the title back to the patent, but to go behind the patent, and see that the proceedings which led to it are all regular, difficulties of a serious, if not insuperable nature, would exist in the investigation of titles. If in purchasing land taken up under a warrant of resurvey, the purchaser must see at his peril, that no vacancy is included which is not contiguous to the original tract, he would also be bound to see that the party by whom the warrant was taken out, had a sufficient title to the original, to authorize him to sue out such a warrant. It seems to the Chancellor, that the argument *ab inconvenienti* is powerful against such a principle, and nothing but high authority could induce him to adopt it.

For these reasons, he deems it proper to dismiss this proceeding.

[No appeal from the decree in this case.]