

enforced for the benefit of any one. On the death of *Rebecca* all the rights and authority of the petitioner *John Cromwell*, 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.

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.

The five several kinds of Land Warrants.

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.

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.

It appears that *James Cunningham*, as assignee of two common warrants, on the 31st of October, 1826, placed them in the hands of the surveyor of Allegany county for execution; who on that day, in pursuance of the rules and orders established by the governor and council, noted down in his book the receipt of them, and designated the place at which *Cunningham* desired to have them located, in these words: "I hereby locate the within warrants for *James Cunningham* at a large spring on the west side of the North Fork of the Little Crossings, and near a large oak tree, marked J. C.; and adjoining the south corner of lot number 2370." By virtue of these warrants, on the *third* day of November following, the surveyor laid out and surveyed a tract of land for *Cunning-*