

matter thus put in issue, is allowed to open and conclude the argument. After which the Chancellor may overrule, or allow the objections; from which there is no appeal: but no costs are given if the *caveat* be not unreasonable.<sup>(m)</sup> If the objections are overruled the *caveat* is discharged, and the great seal is at once put to 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.<sup>(n)</sup>

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 *vice-roy* 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;<sup>(o)</sup> 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

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(m) *Ex parte* Fox, 1 Ves. & Bea. 67.

(n) Leighton's Case, 2 Vern. 173; *Ex parte* O'Reilly, 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. 13; 1 Hal. Con. Eng. 499, note; 2 Virg. Stat. 523, 531, 537.

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.

(o) 1 Boz. His. Mary. 274; Land Ho. Ass. 13, 64, 255; *Cassell v. Carroll*, 11 Wheat. 134, 170.