

prietary. The power to grant acts of grace and favour, which, under the proprietary government, had been thus confided first to a council for lands, and then to judges of the Land Office, was, after the revolution, recognised as having devolved upon the Chancellor; and it has accordingly been always so exercised by him; but, it is merely a power to revise certain proceedings in respect to the sale of public lands, and to correct immaterial errors in cases, which involved none of that judicial power proper and necessary for the management and 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.(a)

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.(b) 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.(c) 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.(d) 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* ;(e) but it can only be entered by the interested party himself, or by the direction in writing of his attorney.(f) And when entered, it cannot be permitted to continue longer than

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(a) Land Ho. Ass. 273, 434; November, 1781, ch. 20.—(b) Land Ho. Ass. 331, 465.—(c) Land Ho. Ass. 434, 442, 461.—(d) Land Ho. Ass. 467.—(e) Land Ho. Ass. 321, 379, 487.—(f) Land Ho. Ass. 442, 443, 487, 491.