

decided by the Chancellor according to right, to reason, and to good conscience; or in other words, according to the rules of the Land Office, and the whole law properly applicable to the case : (v) or he may decree thereon according to equity and good conscience, and agreeably to the principles established in the High Court of Chancery, as if the matter were brought before him by a bill in Chancery. (w) If the certificate be incorrect the Chancellor may, at the instance of the party, order the survey to be corrected in such manner as he shall direct. (x) In some cases, if the certificate be vacated, he may order other warrant to be issued to the party to the amount of the vacated certificate on which the composition had been paid ; (y) and, as in chancery, he may award costs and enforce the payment of them to the prevailing party. (z)

It is said, there are some instances to be found, within the early periods of the provincial government, in which controversies instituted by *caveat* have been tried in the courts of common law. (a) In proceeding by *scire facias* in Chancery to repeal letters patent, where an issue of fact is joined between the parties, as the Chancellor cannot call a jury before him, the case is sent to a court of common law for the purpose of obtaining the verdict of a jury upon it. (b) And so, in the instances alluded to, it might formerly have been the practice here in cases of *caveat*, as on a *scire facias*, to have the facts found by a jury convened in a court of common law. But however that may have been, it is certain, that no such practice appears to have ever prevailed in England, and that here, all *caveat* cases are now exclusively and finally determined by the Chancellor, from whose decision there never was, nor is at the present time any appeal allowed. (c) But, although there be no appeal properly so called; yet the party, if refused a patent, might have obtained redress from the sovereign, and, in that respect, unlimited discretion of the lord proprietary; or he may at present obtain it from the General Assembly of the State: or if the patent should be granted, the caveator is not concluded by it, for he may have it repealed by information or *scire facias* in Chancery, or nullify its operation in an action at common law. (d) So that in either alter-

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(v) Land Ho. Ass. 316, 373, 374, 400, 446, 452, 462; November, 1731, ch. 20, s. 6.—(w) 1789, ch. 35, s. 4; Land Ho. Ass. 384; Hammond v. Warfield, 2 H. & J. 151.—(x) Land Ho. Ass. 403, 420, 450; West v. Hughes, 1 H. & J. 9.—(y) Land Ho. Ass. 473.—(z) 1797, ch. 114, s. 8.—(a) Land Ho. Ass. 84, note; Noland v. Cromwell, 4 Mun. 160.—(b) 1 Mad. Chan. 4.—(c) Land Ho. Ass. 338, 409, 410, 415, 418, 424.—(d) November, 1731, ch. 20, s. 13; Carvill's Lessee v. Griffith, 1 H. & McH 316; Report of D. Dulany, 1 H. & McH. 554.