

native of putting or withholding the great seal, a direct appeal, in *caveat* cases, is thus rendered unnecessary; and, as regards the rights of the State, nugatory if not entirely improper.(e)

When a patent has been finally authenticated, by having had the great seal affixed to it, there can be no proceedings in the Land Office, by *caveat*, in relation to it, the Chancellor's legal jurisdiction in that form, as keeper of the great seal, having been thus entirely cut off;(f) except in the case of a patent obtained in secret trust for a surveyor.(g) After a patent has been thus finally passed, it is, before its being delivered, recorded together with the certificate, assignment, petition, and order on which it was granted.(h) But it must be recollected, that all cases of *caveat* on the Eastern Shore are there brought before the judge of the Land Office for the Eastern Shore, from whose judgment there is an appeal allowed to the Chancellor.(i)

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(e) Land Ho. Ass. 496.—(f) Land Ho. Ass. 495.—(g) 1789, ch. 35, s. 2.—(h) Land Ho. Ass. 495.

(i) 1795, ch. 61.

WILLING v. WRIGHT.—25th May, 1802.—HANSON, *Chancellor*.—This is the case of an appeal to the Chancellor from the decision of the judge of the land office of the Eastern Shore. The act of assembly, creating the place of the said judge, and giving an appeal from his decision, not having directed in what manner the appeal shall be prosecuted; but a transcript from the register of the said office, to the register of this office, of proceedings in the case of Evans Willing against Sowan Wright, having been here filed; and the said Wright praying the Chancellor to take order in the case, for the purpose of bringing it to a final decision; the Chancellor, on deliberation, passed an order on the 6th day of March last, to be served on the said Willing. In case of such service, and the appearance here on this day of Willing, in person, or otherwise, the Chancellor, according to the said order, was to proceed to an examination and decision. In case of such service, and no appearance, the Chancellor, according to the said order was to dismiss the appeal.

Now here, this day come both parties. Willing acknowledges the due service of the order, and does not say otherwise, than that he is ready for a decision.

On examination of the said transcript, and of certain papers mentioned in it, the Chancellor perceives no reason, wherefore he should reverse the decision. Indeed the transcript is so defective, that he can scarcely perceive what were the points of dispute. However, there is nothing in it to show, how Willing, the *caveator* and appellant can possibly be injured by Wright's obtaining a patent, and although it is very unusual with the Chancellor to give an opinion on a point of law, he does not hesitate to concur with the judge's opinion, on what appears the great point, viz.: the construction of Panter's will to Hall. The point indeed is so plain, as not possibly to admit of a doubt amongst lawyers.

Upon the whole, it is adjudged, ordered and decreed, that the order and adjudication of Thomas I. Bullett, judge of the land office of the Eastern Shore of Maryland, in the case aforesaid, of Evans Willing against Sowan Wright, made on the 24th January 1801, be and it is hereby affirmed, or that the appeal of the said Willing from the said order and adjudication, is hereby dismissed; the Chancellor being