

property belonging to individuals in separate parcels. (b) The charter of Maryland not only vested the right of soil in the Lord Proprietary, but it also clothed him with certain political and regal powers within his province; and hence, in establishing a Land Office, and laying down rules for the sale of the great body of his real estate, he followed, in many respects, the forms which had been adopted in England for the purpose of preventing fraud and imposition in obtaining grants of property from the king; and all grants of land here were accordingly required to pass under the supervision of the Chancellor; and to be attested by the great seal of which he was the keeper. If the rules of the office were complied with, and the purchase money paid, a grant for the land was issued as of course, otherwise not. (c) Among the earliest acts of the Provincial Legislature was one, which declared it to be illegal for any individual to purchase lands of the Indians to the prejudice of the rights of the Lord Proprietary. (d)

The mode of proceeding for the purpose of contesting the right to a patent by a *caveat*, being interposed against its issuing, was substantially the same here as in England. (e) From the judg-

(b) *Gifford v. Lord Yarborough*, 15 Com. Law Rep. 405.—(c) *Cunningham v. Browning*, 1 Bland, 299.—(d) 1649, ch. 3; 1798, ch. 82, s. 7; 1802, ch. 45; 1816, ch. 136.—(e) *Cunningham v. Browning*, 1 Bland, 299.

*COURSEY v. HEMSLEY*.—At the Land Office in the State House at the city of Annapolis, *Anno Domini*, 1721.

Present the honourable Philemon Lloyd, Esquire, his lordship's deputy secretary of this province, and sole judge in the determination of all differences and disputes arising upon land affairs within the said province.

A hearing was then moved for by Mr. James Heath, of counsel for Elizabeth Coursey of Chester River in Queen Ann's county, and a petition by him produced, on behalf of her son William Coursey, a minor and legatee of Col. William Coursey, late of Queen Ann's county aforesaid, Esquire, deceased. Complaining that a certain Vincent Hemsley of Queen Ann's county, upon the 22d of September, 1720, had obtained, out of his lordship's Land Office, a special warrant for the resurveying of two hundred and thirty acres of vacant cultivated land; which said warrant, as the petitioner afterwards understood, was executed upon the cultivation of a certain tract of land called *Coursey upon Wye*, heretofore, that is, upon the 12th of June, 1695, surveyed for Col. William Coursey, late of Queen Ann's county, deceased; and the said William, in his last will and testament, together with a greater part of the tract, being nine hundred and twenty acres in all, devised unto William Coursey, a minor as aforesaid; and that a certificate of the resurvey thereof had been already returned unto his lordship's Land Office, in order to have his lordship's grant thereupon, according to the course of the office. She, therefore, prayed to be heard by her counsel against the passing of Letters Patent upon the resurvey aforesaid, according to a *caveat* heretofore by her lodged in the office for that purpose.

But the said Hemsley, by his letters to the above Philemon, alleged an unpreparedness to come to a hearing at that time, and prayed a continuance of the cause;