

any certificate delivered to him, agreeable to the former or future rules and directions, as the case may be; and in case of refusal, death, resignation or disqualification, of any person appointed examiner-general, the governor and council may appoint another in his place; and any person appointed shall, before he acts in his office, take the oath to the government, and an oath to execute his office diligently and faithfully, without favour, affection, partiality or prejudice.

C H A P.
XX.

VIII. **And be it enacted,** That a preference shall be given to those who have, before the first day of December, seventeen hundred and eighty-one, made, or may, after the first day of February, seventeen hundred and eighty-two, make the first application for warrants (in proper hours for the transaction of public business); provided, on application heretofore made, warrants shall be obtained on or before the first day of July next; and no warrant of escheat shall be good, unless where the owner hath died or shall die intestate, seized in fee-simple, and without having any relation of the half blood within two degrees (that is first cousins) as the same are reckoned by the common law, and without leaving any relation who might inherit, if a subject of this or any of the United States; but the public do engage to warrant and defend to the respective purchasers their title in fee-simple to any lands escheated, on payment of a like sum of current money as was paid on the first purchase by escheat, in case where two thirds of the real value only is paid at the time of purchase, or without any additional sum being paid, in case the full real value of the land is paid in current money at the time of escheating the same, if it should afterwards appear that there is any person who might claim as heir to such land, or who might claim the same under any testamentary disposition, if such person was a subject of this or any of the United States, but whose claim is or may be destroyed by being a British subject.

To whom preference is to be given, &c.

IX. **And be it enacted,** That the value in current money of all escheat lands and improvements thereon, and the real value in current money of all improvements on cultivated land, shall be returned and certified by the surveyor, upon oath, at the time of returning his certificate of survey; and the treasurer of the western shore shall finally ascertain the value of such land and improvements, and shall receive the money therefor from the party.

Surveyor to certify value of escheat lands, &c.

X. **And,** whereas the agent for the late proprietary received the caution money due on certificates until the year one thousand seven hundred and seventy-seven, and in many cases the time for payment had elapsed long before, and applications have been made for warrants on the proclamation: **Be it enacted,** That where any application has been made to affect and secure any vacant land included in any certificate, where the caution money was not paid within the time limited, and the time expired on or before the first of May, seventeen hundred and seventy-five, such application shall be regarded, and warrants shall issue to the party applying, provided he shall require a warrant on or before the first day of July next.

Former applications to be regarded, &c.

XI. **And be it enacted,** That grants shall issue on all certificates on which the caution money has been paid, on the application of the owners of such certificates, unless grants have heretofore regularly issued for the same lands to other persons, or unless the chancellor, on hearing, shall otherwise direct.

Grants to issue, &c.

XII. **And,** whereas land originally included by the courses and distances expressed in the certificates of lands heretofore granted, which is now excluded by the variation of the compass, ought not to be taken from the person claiming under such survey and grant, and attempts may be made to take up such land as vacancy, contrary to justice; **Be it enacted,** That no grant shall issue, unless to the person holding under the grant originally including the land as aforesaid upon any warrant hereafter to be taken out, or already taken out, upon which patent hath not issued, to affect any land, which the chancellor, on caveat, may adjudge to have been included by the courses of such original grant, and since excluded by the variation of the compass; and the chancellor shall and may, on such adjudication, or on the certificate of the party claiming under such original grant, order

Original grants not to be affected by the variation of the compass, &c.