

to the tenor of this provision ; or being issued may be vacated, upon petition made to the chancellor, as judge of the land office, within two years from the date of the patent ; the proceedings upon such petition to be the same as those upon caveats to certificates.—The act further declares that if any county surveyor shall knowingly return, or any deputy surveyor shall knowingly procure to be returned, a certificate contrary to the tenor of the said provision, he shall, on conviction in any court of record, be fined a sum not less than twenty five pounds current money, nor more than one hundred pounds, one half to the informer, provided the fact be proved by other testimony than his own oath, and so declared to be by the jury, on delivering their verdict.

By a supplement to this act, passed at November session 1792, ch. 15, the before mentioned prohibitions and penalties are removed in respect to lands owned by a surveyor or deputy before his appointment, or becoming his property afterwards by descent or devise, in either of which cases the surveyor or deputy surveyor may take a warrant to resurvey his said land or by a common or special warrant may take up any vacant land thereto adjoining, and have a patent issued therefor in the usual form ; and it is provided by the said supplement, that in the cases specified, the warrant shall be directed to the surveyor of some county adjacent to that in which the surveyor or deputy obtaining it shall reside, which neighbouring surveyor may execute it, provided he first takes an oath, to be endorsed on the warrant, that he will well and truly execute the same, according to the best of his skill and judgment, without favour, affection, or partiality.

By the act of April 1782, ch. 38, it is declared that no person shall act as a chain carrier unless he be first sworn or affirmed faithfully to carry the chain, which oath or affirmation any surveyor or sheriff may administer : and that no surveyor shall execute any warrant from the land office (or the general or any county court) unless the chain carriers be first qualified as aforesaid ; and it is declared to be the duty of every surveyor diligently to observe the conduct of chain carriers, and to take care that they faithfully execute their duty.

The 5th section of the act of 1795, ch. 88, provides that where a survey or resurvey shall have been made by a deputy surveyor, and the principal, or county surveyor, shall have died without having signed a certificate of such survey, the deputy who made the same shall have power to make out and sign a plot, and special certificate, stating the circumstances of the case, with an affidavit of the truth thereof annexed or endorsed, which certificate shall be valid, as if made and signed by the surveyor, and if any amendment or correction be necessary, it may be made by the said deputy, or