

by such other person as the chancellor (or, on the eastern shore, the judge of the land office) may appoint for that purpose.

The 6th section provides for the ease of a certificate duly returned by a county surveyor, but found to want correction after the said surveyor shall have resigned his office, in which case the chancellor (or judge) may order the correction to be made by the same surveyor, notwithstanding his resignation; the corrected certificate to be as good and effectual as if he had not resigned, and the chancellor, or the said judge, to assign to him for that service such fees as may under all circumstances appear reasonable, not exceeding those established by law.

The 11th section of this act ordains that it shall be the duty of surveyors, in returning certificates thereafter, to express the quantity and quality of the land included in the survey or resurvey, and subject to the operation of the warrant, with their opinion of the value of the same; and, in connection with this, it directs, further, that no exception shall thereafter be taken to any certificate of survey or resurvey made or to be made, by way of caveat in the land office, on account of improvements not being returned. It will be recollected that surveyors were by the act of 1781 to make return, on oath, of the *value* of improvements, but were not, as by this section, required to describe them. The design of this regulation is therefore intelligible, but the object of the one joined to it is not easily perceived. I suppose however that it was thought hard that a survey in other respects fair and regular should be condemned and made void, without any possible remedy, (as in the case where a caveat prevails) on account only of an omission, perhaps accidental, of some trifling matter coming under the denomination of improvements; but it can scarcely have been intended that the omission of improvements, if known by any means in the office, should not be a bar to the issuing of a patent until it was corrected.

The only remaining provision requiring to be here noticed is that of the act of 1800, ch. 70, which directs that where a surveyor receives for execution an escheat warrant to survey lands held in tenancy in common, part only of which is liable to escheat, he shall survey the whole of the land so held, and return a certificate thereof into the land office, specifying the value of the whole tract and improvements thereon, in order that after payment to the treasury of two thirds of the value of the escheatable part of such land, the party may receive a patent as a joint tenant for the undivided portion of the said land that is so escheat.

I shall conclude this chapter by noticing the appointment of the judge of the land office, and the examiner, for the