

purchase or caution money, or be liable to any charge or demand whatsoever, except the common fees of office.

C H A P.
LXVI.

VIII. **And be it enacted,** That the chancellor shall have full power and authority, before the title of the state is granted or conveyed; to determine, in a summary way, all disputes between purchasers of confiscated property, and, for his information, to cause surveys to be made and certificates to be returned, and to order witnesses to be summoned by the register of the land-office aforesaid, and to enforce obedience to such summons by attachment, and in case of dispute between any purchaser of confiscated property, before the state's title is conveyed as aforesaid, and any other person, the chancellor shall have full power and authority to hear and determine the same as aforesaid; and if the chancellor shall be of opinion that the purchaser under the state can derive a right or title from the state to only part of the land purchased, and that the person or persons disputing such title have a right to part of the said land, then the chancellor shall issue a commission to five men of integrity and understanding, residing as near the land as may be and not interested in the dispute or connected with the parties, to inquire, upon their oaths, what damage the purchaser from this state will sustain by the loss of such part of his purchase; and such commissioners shall, before they act, take an oath before some justice of the peace, well and truly, according to the best of their skill and knowledge, to determine what damage the purchaser aforesaid will sustain by loss of such part of his purchase, and the said commissioners shall ascertain, and under their hands certify, the damage aforesaid to the chancellor, who may, upon the certificate of any three of such commissioners, determine and adjudge the damage sustained by such purchaser by the loss of part of the purchase as aforesaid; and the chancellor shall, upon such his determination, cause a certificate to be made by the register in chancery of the damage determined by him to be sustained by such purchaser, and upon such certificate being produced by the purchaser to the treasurer of the western shore, he shall enter the sum certified as aforesaid to the credit of the bond given or to be given by the purchaser, or by any person or persons on his behalf, for the property sold, or if bond hath not been given or may not be given before such determination, then the damage aforesaid shall be deducted from the price agreed to be paid for such land, and in case the purchaser hath paid the whole of the purchase money and a loss and damage may be determined and ascertained as aforesaid, the treasurer shall pay to the party, upon a certificate of the register in chancery, to be given as aforesaid, money equal to such damage out of any appropriated money in the treasury, if the payment of the purchaser was in money, or a certificate for the same of the same kind as paid, if the payment was made in certificates; and the chancellor shall have full power and authority, in all cases by him determined in pursuance of the authority given by this act, in his discretion, to order costs to be paid, and to enforce obedience to such order by attachment and commitment in case of non-payment.

Chancellor to
determine dis-
putes, &c.

C H A P. LXVII.

A Supplement to the act, entitled, An act to authorize the issuing grants for the lands therein mentioned.

Passed Mar. 5.

WHEREAS by the last clause in the act, entitled, An act to authorize the issuing grants for the lands therein mentioned, it is enacted, that where surveys have been made to the westward of Fort Cumberland, under warrants granted between the twenty-second day of March and sixth of October seventeen hundred and seventy-four, and the quantity expressed in the warrant has been exceeded, grants may issue on such surveys, where the quantity expressed in the warrant has

Preamble.

not