

cy, if any, in the adjoining tracts, and the residue would be much more convenient and valuable to the proprietors of the lands to which they adjoin than others, **Be it enacted**, That if it shall appear on the execution of any such commission as aforesaid, the land on which the same shall have issued is deficient in the quantity for which it was granted, or is partly taken away by an elder interfering survey, the commissioners, or a majority of them, on the request of the party, may and shall cause any adjoining vacant land, not exceeding the quantity of the said deficiency, to be surveyed, marked and bounded, in their presence, and shall, with their other proceedings, return a certificate thereof; and on the said certificate being recorded in the county court records as aforesaid, and also amongst the records of patents in the land-office, the party shall be seized of an estate in fee in the land therein described.

C H A P.
XXXIII.Provision in
case of deficiency,
&c.

X. **And be it enacted**, That where any vacant land, not requested to be applied to make good deficiency as aforesaid, shall be discovered on the execution of any commission, lying adjoining to any land surveyed, on the execution of such commission the commissioners, or a majority of them, may and shall, if requested, award the pre-emption thereof, or of such part thereof as to them shall seem most convenient and equitable, on a consideration of all circumstances, to any proprietor or proprietors of the lands adjoining thereto, so that the whole quantity, to any one proprietor, does not exceed fifty acres, unless the adjoining tract, of which he is proprietor, exceeds one thousand acres, in which case they may allow at the rate of five acres for every one hundred acres thereof; and any person obtaining such award of pre-emption, shall have six months to procure a common or special warrant, or warrant of resurvey, out of the land-office, to affect and secure the same, and on a due execution of such warrant, and a compliance with all requisites, a grant shall issue; provided always, that nothing herein contained shall hinder the due execution and effect of any land warrant already issued and located. . . .

Pre-emption
may be a-
warded, &c.

C H A P. XXXIV::

An ACT for the relief of William Rafin, one of the securities of
Thomas Boyer, late sheriff and collector of Kent county.

Passed Janua-
ry 20.

WHEREAS William Rafin, of Kent county, by his petition to this general assembly, hath set forth, that he became security for a certain Thomas Boyer, late of Kent county, deceased, for the faithful execution of his duty as collector of the tax for said county for the year seventeen hundred and eighty-four; that a judgment was obtained against the said Thomas Boyer, in his life-time, on the said bond; that the said Thomas Boyer was seized at the time of the said judgment of a small tract of land, containing about one hundred and twenty acres; that the whole property of the said Thomas Boyer, if sold for ready money, would not nearly pay the balance due to the state, and that the deficiency must fall upon the said William Rafin, whose estate will scarcely be sufficient to pay the same; and prayed that a law might pass to set aside the execution already issued on the judgment aforesaid, and that he the said William Rafin might be empowered to sell the lands of the said Thomas Boyer on credit, until the year seventeen hundred and ninety; and that on lodging bonds with security, from the purchaser or purchasers, for the payment of the principal and interest of the purchase money, with the treasurer of the western shore, the said Thomas Boyer and his securities might be credited to the amount of the sales of the said lands; and it appearing to this general assembly, that the prayer of the said petition is highly reasonable;

Preamble.

II. **Be it enacted**, by the general assembly of Maryland, That upon the said William Rafin paying, on or before the first day of April next, to the treasurer of the eastern shore, all monies by him collected, to be ascertained by the oath or affirmation, which may be administered by the said treasurer, the execution already issued against the property of the said Thomas Boyer, on the judgment aforesaid, be, and the said execution is hereby set aside.

Execution set
aside on con-
dition, &c.