

An ACT to restrain surveyors, to regulate certain proceedings in the land-office, and to compel the attendance of witnesses on surveys under the authority of the chancery, general, and county courts.

Passed December 24.

WHEREAS many frauds and abuses may be practised by surveyors, or their deputies, if they be not by law prevented from taking up vacant land in their respective counties,

Preamble.

II. *Be it enacted, by the General Assembly of Maryland,* That from and after the end of the present session, no county surveyor, or deputy to a county surveyor, while he acts as such, shall take up, either in his own name, or in the name of any other person for his use, or in secret trust for him, any land lying in the county of which he is surveyor or deputy as aforesaid, unless by virtue of a warrant of resurvey on lands by him obtained and held before his appointment to the office of surveyor or deputy, or by virtue of a special or an escheat warrant procured by him before such appointment; and no grant shall issue to any such surveyor or deputy, or to his assign, or to any person for his use, or to any person who shall be known to act for him in secret trust, for any land taken up after the end of the present session contrary to the tenor of this provision; and if any patent shall issue to any person acting under a secret trust for any surveyor or deputy as aforesaid, it shall be liable to be vacated upon a petition made, within two years from the date of such patent, to the chancellor as judge of the land-office, and there shall be the same proceedings on such petition as upon caveats to certificates.

Surveyors not to take up land, &c.

III. *And be it enacted,* That if any county surveyor shall knowingly return any certificate of survey to the land-office, contrary to the tenor of this act, he shall, on conviction thereof in a court of record of this state, be fined by the said court a sum not less than twenty-five pounds current money, nor more than one hundred pounds, and one half thereof shall be paid to the first informer, provided the fact be sufficiently proved by other testimony than his own oath, and so declared to be by the jury on delivering their verdict; and if any deputy to a county surveyor shall knowingly procure any certificate to be returned contrary to the tenor of this act, he shall, on the like conviction, be subject to a like fine, of which there shall be the like appropriation, on the like declaration of the jury.

Penalty on returning certain certificates, &c.

IV. *And be it enacted,* That in all disputes which may hereafter arise before the chancellor, as judge of the land-office, he shall have full power and authority to decree thereon according to equity and good conscience, and agreeably to the principles established in the high court of chancery, as if the matter were brought before him by a bill in chancery.

In all disputes chancellor may decree, &c.

V. *And be it enacted,* That whenever a caveat is entered in the land-office, and the composition money due upon the certificate so caveated hath not been paid, the time during which the caveat shall remain undetermined shall not be considered as part of the time limited for payment of the said composition; provided the proprietor of such certificate will make oath or affirmation, as the case may be, that he hath not procured such caveat to be entered for the sake of delay, nor in any manner whatever contrived or endeavoured to postpone the determination on the said caveat longer than was necessary to obtain a full hearing of the real merits in the cause.

Time not to be considered, &c.

VI. *And be it enacted,* That whenever an order shall issue from the high court of chancery for the surveyor of a county to survey, lay down and return a plot and certificate of lands lying in his county, for the illustration of any matter relative to a cause in the said court, it shall be lawful for the said surveyor, at the instance of either party concerned, to issue under his hand and seal a summons for any person whose testimony may be wanted on the survey; and the said summons shall be according to the following form: "You are hereby re-

Surveyor may issue a summons, &c.

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