

When depositions under a warrant of re-survey are evidence in a later suit. To what matters the proof may extend. Caution money. Priority between an elder and junior survey. *Stewart v. Mason*, 3 H. & J. 507.

For cases involving the construction of the act of 1839, ch. 34, in connection with the act of 1818, ch. 90, see *Hoye v. Swann*, 5 Md. 237; *Mitchell v. Mitchell*, 1 Md. 54.

See notes to sections 29 and 33.

1904, art. 54, sec. 31. 1888, art. 54, sec. 29. 1860, art. 54, sec. 22.
1854, ch. 322, sec. 2.

31. The surveyor, before he executes any warrant issued under the preceding section, shall give reasonable notice to the owners and occupiers of all the adjacent lands, if the same be occupied, if the owners reside in the county where the lands lie, and if the adjacent lands be occupied or unoccupied and the owners do not reside in the county, the surveyor shall give notice of the time he will execute such warrant by advertisement in some daily newspaper published in the city of Baltimore, not less than six times, the first publication to be at least two months before the execution of such warrant.

Ibid. sec. 32. 1888, art. 54, sec. 30. 1860, art. 54, sec. 23.
1854, ch. 322, sec. 3. 1894, ch. 191.

32. The surveyor shall return to the land office within six months from the date of such warrant a certificate of survey and plot, together with the depositions relating to the possession and occupancy of the lands resurveyed and proof of the notice by publication or otherwise given to the owners or occupiers of the adjacent lands, and upon return of such certificate and proofs, if no caveat or objection be made within six months after such return, the commissioner of the land office shall issue a patent thereon to the person or his heirs, or assigns who obtained such warrant of resurvey.

A deputy surveyor has no authority to survey lands lying in another county. A caveat will be sustained on that ground, but if the patent has been granted without fraud a good title passes. *Hammond v. Ridgely*, 5 H. & J. 245.

A warrant must be legally pursued within the time prescribed. *Proprietary v. Dorrel*, 1 H. & McH. 2.

As to plats returned by the surveyor being evidence, see *Chisholm v. Perry*, 4 Md. Ch. 32.

See notes to sections 30, 40 and 41.

Ibid. sec. 33. 1888, art. 54, sec. 31. 1860, art. 54, sec. 24. 1781, ch. 20, sec. 8.

33. Any person may obtain an escheat warrant by application to the commissioner of the land office, unless some other person has obtained or is entitled to a warrant affecting the land.

If another person has already obtained or is entitled to a warrant, no title passes to a party subsequently applying unless the first party fails to comply with the rules of the land office. When such a warrant is issued, it amounts to notice that no other warrant will be issued within one year. The legislature may direct the commissioner to issue a patent, but can not annul a patent already issued. *Smith v. Devecmon*, 30 Md. 481; *Steyer v. Hoye*, 12 G. & J. 202. See also, *Chapman v. Hoskins*, 2 Md. Ch. 486; *Hoye v. Johnston*, 2 Gill. 316; *Hammond v. Norris*, 2 H. & J. 130; *Hath v. Polk*, 1 H. & McH. 363; *Beall v. Beall*, 1 H. & J. 348; *Jones v. Badley*, 4 Md. Ch. 167.