

1904, art. 54, sec. 37. 1888, art. 54, sec. 34. 1860, art. 54, sec. 27.
1781, ch. 20, sec. 8. 1861, ch. 3.

37. The person who first applies to the commissioner of the land office for a warrant during business hours shall be entitled to the same upon paying the usual fees and caution money.

Ibid. sec. 38. 1888, art. 54, sec. 35. 1860, art. 54, sec. 28. 1781, ch. 20, sec. 9.

38. The value of all escheat lands and the improvements thereon and the real value of any improvements upon vacant land shall be returned and certified to by the surveyor, on oath, at the time of returning his certificate of survey; and the commissioner of the land office shall finally ascertain the value of such land and improvements, and receive the money therefor from the party, but the omission by the surveyor to return such valuation shall in no case be a cause of caveat.

Ibid. sec. 39. 1888, art. 54, sec. 36. 1860, art. 54, sec. 29. 1861, ch. 3.
1894, ch. 191.

39. Every certificate of survey shall be returned to the land office within six months from the date of the warrant.

The time when a certificate was returned is a question for the jury. Admissibility of evidence. *Steuart v. Mason*, 3 H. & J. 507; *Hammond v. Warfield*, 2 H. & J. 151.

As to the failure to return the certificate in time as affecting the priority of a grant, see *Hammond v. Warfield*, 2 H. & J. 151; *Steuart v. Mason*, 3 H. & J. 507.

Ibid. sec. 40. 1888, art. 54, sec. 37. 1860, art. 54, sec. 30. 1795, ch. 88, sec. 7.
1902, ch. 270.

40. All certificates of survey returned under this article shall be examined by the commissioner of the land office, and if found to be correct shall be by him recorded, and if found to be incorrect he shall return them to the surveyor returning the same, or to some other surveyor, as he may order and direct, ordering such surveyor to correct such certificate; and a corrected certificate shall be returned to the land office within two months from the date of such order; provided, however, that the commissioner may for good cause shown extend the time for the return of the corrected certificates.

Land included in a grant but excluded from the certificate of survey, can not be taken up as vacant. A grant can not be corrected or controlled by the certificate of survey. Method of correcting a grant for more or less land than that contained in such certificate. *Tolson v. Lanham*, 2 H. & J. 175. See also, *Carroll v. Llewellyn*, 1 H. & McH. 162.

A patent will not be granted under a warrant of re-survey unless the land is contiguous, though the survey may be corrected. *Wilson v. Markle*, 4 Md. Ch. 535; *Buckingham v. Dorsey*, 1 Md. Ch. 32; *Baker v. Naylor*, 4 Md. Ch. 543.

If vacant land, not contiguous, is included in the certificate of survey, it is not notice of the location of the warrant until the certificate is returned to the land office. *Hammond v. Warfield*, 2 H. & J. 151.

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.

When depositions under a warrant of re-survey are evidence in a later suit. To what matters the proof may extend. Caution money. Priority