

the cause or their counsel of record, unless a different time of notice shall be prescribed by rule or order of the court issuing such warrant, or unless notice be waived or agreed upon by the parties.

1904, art. 91, sec. 11. 1888, art. 91, sec. 11. 1860, art. 92, sec. 11. 1800, ch. 70.

11. When warrants of escheat shall be delivered to a surveyor to execute in order to survey lands held in tenancy in common, and the part only of one or more of the said tenants in common hath become liable to escheat, the surveyor shall cause the whole of the said land so held in common to be surveyed, and a certificate thereof returned to the land office specifying the value of the whole tract of land and improvements thereon; and after the examination of the said certificate and payment to the treasurer of two-thirds of the value of the escheatable part of the land therein expressed, a patent shall issue in due time to the party in whose name the said certificate may be returned, or his heirs or assigns, for the undivided portion of the land that may be liable to escheat.

Cited but not construed in *Cunningham v. Browning*, 1 Bl. 307.

Ibid. sec. 12. 1888, art. 91, sec. 12. 1860, art. 92, sec. 12.  
1795, ch. 88, sec. 5.

12. If any warrant for surveying or re-surveying land shall issue and the same shall be executed by a deputy of the surveyor authorized to execute the same, and before a certificate of the survey or re-survey shall be made out and signed by the said surveyor he shall die, the said deputy may, within six months after such death, make out and sign a plot and special certificate stating the circumstances of the case with an affidavit of the truth thereof annexed or endorsed, and the said certificate shall be as good and effectual as if made out and signed by the said surveyor; and if any amendment or correction of the said plot or certificate shall be necessary, the amendment or correction shall be made by the said deputy or such other person as the commissioner of the land office shall think proper.

Ibid. sec. 13. 1888, art. 91, sec. 13. 1860, art. 92, sec. 13.  
1795, ch. 88, sec. 6.

13. If any certificate shall be made out by any surveyor authorized to make the same under a warrant of survey or re-survey, and the same shall be duly returned, and an order of the commissioner of the land office shall be made for correcting the same, and the surveyor shall resign his office without making out a corrected certificate or correcting the original, the commissioner of the land office, on the application of the party, may in his discretion order the correction to be made by the said surveyor; and the corrected certificate made out by him shall be as good and effectual as if he had not resigned, and he shall be entitled to such fees therefor as the commissioner of the land office shall under all circumstances deem reasonable, not exceeding the fees allowed to surveyors.

Cited but not construed in *Gibson's case*, 1 Bl. 150.