

for fees and composition money, and the same is not paid within two months after such notice, then such certificate may be vacated and annulled, and the vacant land included in such certificate may be taken up by any one in the same manner as other vacant land. If however, the said notice is returned unserved by reason of the owner of the certificate not being found by the sheriff of the county where the vacant land embraced in said certificate is situated or where the owner resides, or is dead, or for any other cause the said notice can not be served, the commissioner of the land office may then give at least four weeks' notice in some newspaper printed and published in the county where the land lies, that the examiner's fee and composition money is not paid as provided in the notice aforesaid; the land commissioner may, after the expiration of two months from the date of the last publication of said notice, the examining fee and composition money still remaining unpaid, vacate and annul such certificate, and the land included in such certificate may be taken up by any one in the same manner as other vacant land. And the costs of issuing any such notice, service or advertisement, shall be paid by the owner of such certificate, and if dead, be a preferred claim against the decedent's estate, if the said estate, is not finally administered; and such costs shall be collected by the sheriffs of the several counties and Baltimore city, as fees of the land office are collected.

An. Code, sec. 37. 1904, sec. 37. 1888, sec. 34. 1781, ch. 20, sec. 8. 1861, ch. 3.

36. 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 payment the usual fees and caution money.

An. Code, sec. 38. 1904, sec. 38. 1888, sec. 35. 1781, ch. 20, sec. 9.

37. 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.

An. Code, sec. 39. 1904, sec. 39. 1888, sec. 36. 1861, ch. 3. 1894, ch. 191.

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

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

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

An. Code, sec. 40. 1904, sec. 40. 1888, sec. 37. 1795, ch. 88, sec. 7. 1902, ch. 270.

39. 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