

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 indorsed, 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.

13. If any certificate shall be made out by any surveyor authorized to make the same under a warrant of survey or resurvey, 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.

14. No surveyor or deputy surveyor shall take up any vacant land unless it be land adjoining lands to which he is *bonâ fide* entitled.

15. All warrants taken out for the purpose of taking up land under the preceding section shall be directed to the county surveyor of any adjoining county, who, before he executes the same, shall take the following oath, to be indorsed on the warrant, to wit: "I, A. B, do swear that I will well and truly execute this warrant to the best of my skill and judgment, without favor, affection or partiality."

16. If in any cause plots made under the order of the court are not returned from the neglect of the surveyor, the court may order him to pay the costs of the term, and may impose on him such fine as the circumstances of the case may require.

17. If a surveyor shall return a certificate for the examination of the commissioner of the Land Office, and the same shall be by him found to be erroneous, the party for whose use the survey was made shall not pay any fees to the commissioner or surveyor on such erroneous certificate, but the surveyor shall pay to the commissioner of the Land Office one-third the usual fees thereon.

18. No surveyor shall mention any boundary in his certificate of any survey, unless he shall actually run and measure the distance to such boundary, and the boundaries by him returned shall be at the end of the line as expressed, and his certificate shall not contain more land than certified by him therein.

death of
surveyor.

Id s 13
1795, c 88, s 6
Order for correction, when
surveyor resigns
without correct-
ing.

Fees

Id s 14
1789, c 85, s 2,
1792, c 15, s 2
Vacant land
When warrant
to issue

Id s 15
1792, c 15, s 4
Oath of sur-
veyor executing
warrant

Id s 16
1787, c 9, s 4.
Neglect to
return plots
Fine.

Id s 17
1779, c 25, s 12
What liable to
pay to commis-
sioner for re-
turning errone-
ous certificate.

Id s 18
1781, c 20, s 14
Not to mention
boundaries
without run-
ning and
measuring dis-
tances.