

arising from the tax on the several banks in this state, to which the said county may be entitled.

CHAP. 43.

SEC. 2. *And be it enacted*, That the commissioners of the school fund for the county aforesaid, be, and they are hereby directed to pay to the order of the commissioners of primary schools for the county aforesaid, any unappropriated money in their hands, received by them in virtue of the before recited act, and its several supplements; and in case the said commissioners of the school fund, shall or may have invested in stock or loaned on interest any part of the money received by them as aforesaid, they are hereby required to transfer and assign the same to the commissioners of primary schools for Queen Anne's county.

Commissioners to pay over, &c.

SEC. 3. *And be it enacted*, That the commissioners of primary schools for said county, shall apply and distribute any moneys they may receive, either from the treasurer of the Western Shore, or the commissioners of the school fund aforesaid, or in any other way, according to the provisions of the fifteenth section of an act, entitled an act to provide for the public instruction of youth in primary schools throughout this state, passed at December session, eighteen hundred and twenty-five, chapter one hundred and sixty-two—provided, nevertheless, the said commissioners of primary schools shall not sell, or otherwise dispose of any stock which may be transferred to them as aforesaid, except it be for the purpose of re-investing the same in a more productive fund

Application of money.

Proviso.

SEC. 4. *And be it enacted*, That all such acts, and parts of acts as are inconsistent with, or repugnant to the provisions of this act, be, and the same are hereby repealed.

Repeal.

CHAPTER 44.

*An act to authorise the several courts in this state, to appoint surveyors in certain cases.*

Passed February 11 1828.

SEC 1. *Be it enacted by the General Assembly of Maryland* That in any case or cases pending in any of the courts of this state, where it is necessary to lay out and locate any land or lands, and where upon the application of either party to such suit or suits, the court shall be of opinion, that the county surveyor is in any manner interested or prejudiced against either of the parties, or if either of the parties shall make oath that he believes the county surveyor is interested or prejudiced, it shall and may be lawful for the court in which such suit or suits are pending, to appoint some competent person to lay out, locate or survey said land or lands, for which service the person so appointed shall receive such fees as are allowed by law to the county surveyor for like services.

Court may appoint surveyor.

SEC 2. *And be it enacted*, That any person so appointed by the court, before he proceeds to act, shall take an oath or affirmation (as the case may be) before some justice of the peace, that he will faithfully without favor, affection or preju-

Qualification.