

of any alleged vacant land within the tract. The signature and seal of the surveyor shall be affixed to the plat as well as to the certificate itself.

(e) *Death or substitution of surveyor.* If the surveyor to whom a warrant is directed dies or is unable or unwilling to execute such warrant or to return a certificate as required herein, the Commissioner may upon written request of the applicant setting forth in detail the circumstances giving rise to such request, issue a duplicate warrant to another surveyor designated in such request. If notice of the original warrant has been given as provided in Section 17, no further notice need be given of the issuance of a duplicate warrant. The issuance of a duplicate warrant shall not extend the time for filing the certificate of the surveyor except upon application as provided in subsection (b).

(f) *Charges of surveyor.* All costs, expenses and other charges of the surveyor in executing any warrant or returning any certificate thereon shall be paid by the applicant; and such charges shall not be included in the costs of the proceeding before the Commissioner.

(g) *Application of other law.* The provisions of this Section supersede the provisions of Article 91, Sections 1-18, in proceedings to obtain patents.

19. *Depositions.*

(a) *When required.* A certificate of the surveyor shall be supported by proof of the holding and possession, if any, of the land referred to in the certificate for the twenty years next preceding the date of filing of the application. Such proof shall be taken by the applicant by deposition, including the deposition of at least one person other than the applicant or a person related to him, and shall be conducted in the manner prescribed for the taking of depositions in the Rules of Procedure adopted by the Court of Appeals. The examination of each deponent shall include his knowledge of the land described in the certificate and the general area surrounding such land, and the apparent accuracy, based upon such knowledge, of the plat prepared by the surveyor.

(b) *Proof at hearing.* In cases where a hearing is to be held, the Commissioner may, upon motion of the applicant made prior to the time referred to in subsection (d), direct that the proof required by subsection (a) be taken at such hearing and not by way of deposition.

(c) *Deposition on request of surveyor.* Upon request of the surveyor, the applicant may take the deposition of any person in order to assist the surveyor in ascertaining the boundaries upon which his survey depends or otherwise to assist him in the execution of the warrant.

(d) *Notice of deposition.* Notice of the taking of any deposition shall be given to all parties to the proceeding; and any such party may be present at the deposition and examine any deponent.

(e) *Filing depositions.* All depositions shall be filed with the Commissioner within forty-five days from the date of filing the certificate of the surveyor. Depositions, when filed, shall be accompanied by all exhibits introduced during the course of such depo-