

C. H. A. F.
XXXVII.

his order, and the owner may compel payment of such fees from the surveyor who returned such erroneous certificate, or if dead from his executor or administrator.

Certificates to
be corrected,
&c.

V. AND, whereas there may be certificates in the land-office which include land lying within some one of the reserves made by the late proprietaries, BE IT ENACTED, That no grant shall issue on such certificate, but the same shall be corrected so as to exclude any land lying within any reserve.

Governor, &c.
to instruct sur-
veyor, &c.

VI. AND, whereas divers persons may, by mistake or misapprehension of the late act for the opening the land-office, (a) conceive that they have a right to take up lands, heretofore reserved for the use of the late lord proprietary, as common vacancy, BE IT ENACTED, That the governor and council shall, (and they are hereby requested as soon as conveniently can be done,) give instructions to all the surveyors in the several counties of this state, not to run the lines of any common warrant, special warrant, or warrant of resurvey, issued, or hereafter to issue, out of the land-office, for common vacancy, into the manors or lands heretofore reserved for the use of the late lord proprietary, lying adjacent to such manors, or which may have been otherwise reserved for the use of said proprietary, or which may have been heretofore set apart for the use of the Nanticoke Indians; and it is hereby declared, that the said reserves shall be appropriated to such uses and purposes as the general assembly shall hereafter direct and appoint.

(a) November, 1781, ch. 20

Caution money
to be repaid,
&c.

VII. AND BE IT ENACTED, That any caution money which may have been paid into the treasury for such reserves shall, on application to the governor and council, be immediately repaid to the person applying for and who hath paid in the same, and an order shall be given to such party on the treasurer of the shore where the payment may have been made, to return such caution money, or repay the same out of the first money that may come into the treasury.

Caveated certi-
ficates, to lie
six months, &c.

VIII. AND, whereas many certificates lie in the office caveated, BE IT ENACTED, That every such certificate shall remain for six months after the first day of July next, after which time, if caveat be not prosecuted, or *subpoena* taken out to bring the same to a full hearing, patent may issue; and, for the information of all concerned, the register of the land-office for the western shore shall make out a list of all certificates, the name of the person, the name of the land, and in what county, and by whom caveated, and the time when, and shall transmit such list in the nature of a public letter, directed to the clerk of each county within this state, who shall give public notice of the receipt thereof, by advertisement set up at the door of the court-house of said county, or at the door of the place where the county courts have been usually held for his county.

New warrants
may be grant-
ed, &c.

IX. AND BE IT ENACTED, That where any special or common warrants shall not be executed, new warrants may be granted in lieu thereof, or they may be applied towards the composition on any certificate, and shall thereupon be entitled to patent of confirmation, but nothing herein shall be taken or construed to oblige or compel the owner or possessor to pay for surplus land, or in any manner to weaken the title of such owner, or to give any person except the owner, under the grant heretofore issued, a right to take up or obtain a grant for any such surplus.

Warrants may
be renewed,
&c.

X. AND BE IT ENACTED, That all special or common warrants granted before the first day of March, seventeen hundred and seventy-seven, may be renewed at any time within six months from the first day of July next.

Subpoenas may
issue, &c.

XI. AND BE IT ENACTED, That *subpoenas* may issue from the chancery, or from the general court of either shore, to summon parties to appear before the chancellor, to maintain or answer any caveat, or to require the attendance of any witnesses to give testimony on any caveat, provided there be not less than fifteen days on the western, and thirty days on the eastern shore, between the date of the *subpoena* and the day of the return thereof; and every sheriff shall obey such *subpoena*, and, on return thereof, attachment for contempt may issue out of the court issuing the *subpoena*, against any witness who shall not attend, and the court may fine such witness for non-attendance, as in other cases; and every witness shall have the same allowance for his attendance and itinerant charges, as on *subpoenas* out of the general court, and may compel the party at whose request he is summoned to pay him the same, either by attachment from the court out of which the *subpoenas* issue, or by warrant, before a justice of the peace, if under five pounds current money; and the chancellor may compel the person against whom he shall determine on the caveat, to pay all the expences of issuing any *subpoenas*, and of the witnesses; (b) and the chancellor may, by rule, direct any deposition to be taken and received

as

(b) By 1797, ch. 114, the chancellor has power, (as in the court of chancery,) at his discretion, to award costs to the party prevailing on the decision of any caveat in the land-office.