

C H A P.  
XXXIII.

titled to a commission as aforesaid, to fix, mark and bound, any such elder survey; provided, that the person, or some one of the persons, applying for such commission, give notice in writing to the person seized of such elder tract, of his or their intention of applying for such commission, nine months before the petition therefor, and the person seized of such elder tract shall have neglected to apply for and obtain a commission as aforesaid, and every such commission shall be obtained and proceeded on in like manner, and the execution thereof shall have the same effect, as if the commission had been obtained by a person seized of the land therein mentioned.

By 1793, ch. 70, where the same tract is held by different persons, and lies partly in one county and partly in another, a commission may be obtained to fix, mark and bound, the whole tract, and the particular part of the applicant. And when any tract shall lie partly in this state, and partly in an adjoining state, a citizen of this, or any other state, may obtain a commission to mark and bound the part within this state.

IX. AND, whereas on the execution of such commissions small parcels of vacant land may be found to lie adjoining to the land to be marked and bounded, or other lands directed by the commissioners to be surveyed, and justice requires that such vacancies should be applied in the first place to make good the deficiency, if any, in the adjoining tracts, and the residue would be much more convenient and valuable to the proprietors of the lands to which they adjoin than others, BE IT ENACTED, That if it shall appear on the execution of any such commission as aforesaid, the land on which the same shall have issued is deficient in the quantity for which it was granted, or is partly taken away by an elder interfering survey, the commissioners, or a majority of them, on the request of the party, may and shall cause any adjoining vacant land, not exceeding the quantity of the said deficiency, to be surveyed, marked and bounded, in their presence, and shall, with their other proceedings, return a certificate thereof; and on the said certificate being recorded in the county court records as aforesaid, and also amongst the records of patents in the land-office, the party shall be seized of an estate in fee in the land therein described.

Provision in  
case of defi-  
ciency, &c.Pre-emption  
may be award-  
ed, &c.

X. AND BE IT ENACTED, That where any vacant land, not requested to be applied to make good deficiency as aforesaid, shall be discovered on the execution of any commission, lying adjoining to any land surveyed, on the execution of such commission the commissioners, or a majority of them, may and shall, if requested, award the pre-emption thereof, or of such part thereof as to them shall seem most convenient and equitable, on a consideration of all circumstances, to any proprietor or proprietors of the lands adjoining thereto, so that the whole quantity, to any one proprietor, does not exceed fifty acres, unless the adjoining tract, of which he is proprietor, exceeds one thousand acres, in which case they may allow at the rate of five acres for every one hundred acres thereof, and any person obtaining such award of pre-emption, shall have six months to procure a common or special warrant, or warrant of resurvey, out of the land-office, to affect and secure the same, and on a due execution of such warrant, and a compliance with all requisites, a grant shall issue; provided always, that nothing herein contained shall hinder the due execution and effect of any land warrant already issued and located.

C H A P. XXXIV.

Passed 20th of  
Jan. 1787.

An ACT for the relief of William Rafin, one of the securities of Thomas Boyer, late sheriff and collector of Kent county. Lib. TBH. No. B. fol. 137.

C H A P. XXXV.

An ACT to continue the acts of assembly therein mentioned. Lib. TBH. No. B. fol. 138.

Several acts  
continued.

BE IT ENACTED, by the General Assembly of Maryland, That an act of assembly, entitled, An act to prevent disabled and superannuated slaves being set free, or the manumission of slaves by any last will or testament, made at a session of assembly begun and held at the city of Annapolis the third day of June, seventeen hundred and fifty-two, (a) be and is hereby continued, and shall be and remain in full force for and during the term of three years, and to the end of the next session of assembly which shall happen thereafter; that another act of assembly, entitled, An act to authorize the county courts to impose an assessment to defray their county charges, made at a session of assembly begun and held at the city of Annapolis on the thirtieth day of October, seventeen hundred and eighty, (b) be and is hereby continued, and shall be and remain in full force for and during the term of seven years, and to the end of the next session of assembly which shall happen thereafter; that another act of assembly, entitled, An act to declare what foreign gold and silver coin shall be deemed the current money of this state, made at a session of assembly begun and held at the city of Annapolis on the fifth day of November, seventeen hundred and eighty-one, (c) be and is hereby con-

(a) 1752, ch. 1.

(b) October, 1780, ch. 26.

(c) November, 1781, ch. 16.

tinued.