

C H A P.
LXXXVIII.

defendant as are proper to entitle the complainant or complainants to a decree in other cases, the chancellor shall have power to decree, as shall appear to him just to all parties; and if it shall appear to him, that no money is due for the land from the person or persons who had the equitable claim or title aforesaid to the person or persons having the legal title, he shall decree a sale of the whole interest, estate and title, of all parties to the land aforesaid, and direct the money arising from the sale to be applied to the discharge of the just debts of the ancestor or devisor aforesaid; but if it shall appear to the chancellor, that the person or persons having the legal title have not been paid the whole money contracted to be paid to him, her or them, the chancellor shall not decree a sale of more than the equitable title aforesaid, without the consent of the party or parties having the legal title, or without providing that the debt for the land shall be wholly paid.

With consent,
a commission
may issue, &c.

IV. **And be it enacted,** That hereafter, with the consent of both parties to any cause in the court of chancery, a commission for taking depositions may issue to one person, instead of four persons now required by law, or by the usage and practice of chancery, and that any one person to whom such commission shall be directed, shall be allowed for his services at the rate of thirty shillings *per diem*.

Deputy, in
certain cases,
may make out
a plot, &c.

V. **And be it enacted,** That in case any warrant for surveying or resurveying land hath issued, or shall issue, and the same hath been or shall be executed by a deputy of the surveyor authorised to execute the same, and before a certificate of the survey or resurvey shall be made out and signed by the said surveyor he shall die, the said deputy shall have power, within six months after such death, to make out and sign a plot, and special certificate, stating the circumstances of the case, with an affidavit of the truth thereof annexed or endorsed, 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 chancellor, or the judge of the land-office on the eastern shore, as the case may be, shall think proper.

Surveyor re-
signing may
correct his
certificate,
&c.

VI. **And be it enacted,** That in case any certificate hath been or shall be made out by any county surveyor authorised to make the same, under a warrant of survey or resurvey, and the same hath been or shall be duly returned, and an order of the chancellor, or judge of the land-office of the eastern shore, hath been or shall be made for correcting the same, and the surveyor hath resigned or shall resign his office, without making out a corrected certificate, or correcting the original, the chancellor, or judge of the land-office of the eastern shore respectively, on application of the party, and at his own discretion, may order the correction to be made by the said surveyor; and the corrected certificate made out by the said surveyor shall be as good and effectual as if he had not resigned, and he shall be entitled to such fees as to the chancellor, or judge of the land-office for the eastern shore, shall, under all circumstances, appear reasonable, not exceeding the fees established by law.

No original
certificate to
be received
unless passed,
&c.

VII. **And be it enacted,** That hereafter no original certificate of survey or resurvey under a warrant shall be received in the land-office, unless the same be passed by the examiner-general, and returned to the said office before the first day of July next, or within eighteen months from the date of the warrant; and in case any order hath been made for the correction of any certificate of survey or resurvey under a warrant, the corrected certificate shall not be received into the land-office, unless passed by the examiner (if necessary,) and returned before the first day of January, seventeen hundred and ninety-seven; and in case any order shall hereafter be made for the correction of any certificate as aforesaid, the corrected certificate shall not be received, unless passed by the examiner (if necessary,) and returned within nine months from the date of the order, but nothing in this act contained shall be so construed as to extend the time within which a survey or resurvey under a warrant may be made.

VIII. **And**