

money arising from the sale to be applied to the discharge of the just debts of the ancestor or deviser 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.

SEC. 4. *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.

With consent, a commission may issue, &c.

See note to 14th section, 1785, ch. 72, ante page 216.

SEC. 5. *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 authorized 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.

Deputy may make out a plot, &c.

SEC. 6. *And be it enacted*, That in case any certificate hath been or shall be made out by any county surveyor authorized 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.

Surveyor resigning may correct his certificate, &c.