

neglects or refuses to proceed with such warrant or order, any one interested in the execution and return of such warrant or order may petition the commissioner of the land office or court for the appointment of a deputy surveyor to execute the warrant, and the said commissioner of the land office or court may, if necessary, appoint such deputy and issue a duplicate warrant to such deputy; and such return or certificate shall have the same effect as if executed by the surveyor.¹

County surveyor may be ordered to survey lands in controversy. *Andrews v. Scotton*, 2 Bl. 629.

A deputy surveyor has no authority to survey lands lying outside of his county. *Hammond v. Ridgely*, 5 H. & J. 245.

As to admissibility of evidence to prove that a certificate of survey was forged, see *Boreing v. Singery*, 4 H. & McH. 398; *Boreing v. Singery*, 2 H. & J. 455.

As to admissibility of evidence to contradict return of surveyor, see *Carroll v. Smith*, 4 H. & J. 128; *Hammond v. Norris*, 2 H. & J. 130; *Webb v. Beard*, 1 H. & J. 349; *Hammond v. Sheredine*, 4 H. & McH. 420; *Boreing v. Singery*, 4 H. & McH. 398.

As to evidence as to where surveyor ran his lines, see *Richardson v. Milburn*, 17 Md. 71.

See notes to sec. 7.

An. Code, 1924, sec. 2. 1912, sec. 2. 1904, sec. 2. 1888, sec. 2. 1849, ch. 549, sec. 2.

2. He shall keep a regular alphabetical record of the surveyor's duplicate of all surveys or re-surveys made by him by virtue of a warrant issued from the land office.

An. Code, 1924, sec. 3. 1912, sec. 3. 1904, sec. 3. 1888, sec. 3. 1849, ch. 549, sec. 2.

3. The books for that purpose shall be procured at the expense and shall be the property of the county or Baltimore City and shall be kept by the surveyor thereof open to the inspection of all persons who may desire to examine the same, and shall be handed down to his successor in office.

An. Code, 1924, sec. 4. 1912, sec. 4. 1904, sec. 4. 1888, sec. 3. 1849, ch. 549, sec. 3.

4. Each surveyor may appoint a deputy or deputies.

An. Code, 1924, sec. 5. 1912, sec. 5. 1904, sec. 5. 1888, sec. 5. 1811, ch. 100.

5. Surveyors and their deputies may administer an oath to their chain and pole carriers, carefully, without favor or partiality to carry the chain or pole to the best of their knowledge whilst making a survey.

An. Code, 1924, sec. 6. 1912, sec. 6. 1904, sec. 6. 1888, sec. 6. 1811, ch. 100.

6. No one but a male person above the age of twenty-one years shall be a chain or pole carrier.

An. Code, 1924, sec. 7. 1912, sec. 7. 1904, sec. 7. 1888, sec. 7. 1789, ch. 35, sec. 7.

7. On the execution of any warrant of re-survey from any of the courts of this State, or on the execution of any order of a court of equity of this State to make a survey, the sheriff or coroner shall summon the witnesses he may be directed to summon by either party and upon proof of such summons and non-attendance of the witness made to the court from which the warrant or order issued, such witness shall be adjudged in contempt of court and an attachment may issue as in other cases of contempt.

The county surveyor may be ordered to survey lands in controversy and to take depositions and return plots. *Andrews v. Scotton*, 2 Bl. 629. See also *Cunningham v. Browning*, 1 Bl. 319.

¹ On secs. 1 to 18 of this article, see art. 54, "Land Office," secs. 25 to 44.