

BY THE HOUSE OF DELEGATES.

ORDERED, That the bill, entitled, A further supplement to an act, entitled, An act for marking and bounding lands, be published with the Votes and Proceedings of the present session for the consideration of the people.

A BILL

Entitled, A further supplement to an act, entitled, "An act for marking and bounding lands."

WHEREAS, it appears to this general assembly, that the existing laws respecting the locating, marking, and bounding lands, are in their operation often tedious, expensive and insufficient; Therefore,

Be it enacted by the General Assembly of Maryland, That the several county courts, at the next sitting after the passage of this act, shall appoint in each county discreet, intelligent persons, skilled in land affairs, and as far as practicable acquainted with the theory and practice of surveying, to be called *Commissioners of Locations* in their respective counties.

2. *And be it enacted,* That all commissions thereafter issued by the said courts for marking and bounding lands, shall be directed to the said board of commissioners for the county, who shall proceed to execute the same agreeably to the mode prescribed by the said original act, and the supplements thereto, with all the powers given to commissioners by that act and supplements thereto.

3. *And be it enacted,* That all warrants issued by the county courts, or any court of this state, for making locations, in cases of ejectment or trespass, shall be directed to the said board of commissioners for the county in which the lands in controversy, or the greater part of them lie; and it shall be the duty of said board of commissioners, or a majority of them, to attend on the premises with the surveyor of the county, or such other surveyor as the court may direct or appoint, and settle, determine, and lay down, or cause to be laid down, by the surveyor, on a plot, all the lands in controversy, or any that may be necessary for explanation or illustration, according to their true original location, and according to the evidence and circumstances which shall be offered, or appear to them, and according to their best skill and judgment; and such location or locations so made, and plots and certificates thereof returned to the said court, signed by the surveyor, and a majority of said commissioners, shall be exclusive evidence in the case as to any disputed matter of location, leaving to the court and jury to settle and decide as to matter of title and damages.

4. *And be it enacted,* That whenever lines, boundaries or locations, are to be settled or laid down by order of court, whether the same be composed of a tract or tracts, or part of a tract or tracts, or lines or locations expressed or referred to in any deed, will, or other instrument of writing, the court shall issue and direct their order to the board of commissioners and surveyor as aforesaid, who shall proceed to settle, adjust, determine and lay down the same, and return to the said court a plot and certificate thereof as before mentioned, which location shall be final, conclusive and binding, on the parties concerned in the case, as to any disputed matter of location, if confirmed as herein after provided.

5. *And be it enacted,* That whenever any caveat may be entered against any certificate of original survey or resurvey, where laying down the lands are necessary for the decision of the judge of the land office, the said judge shall direct an order to the said board of commissioners for the county, to settle and adjust all the locations necessary, as in cases of pretensions, leaving the said judge to settle points of law.

6. *And be it enacted,* That whenever either of the parties concerned may think themselves aggrieved by the proceedings of the board of commissioners, appeal may be made to the court, or to the judge of the land office, as the case may be, stating in writing the particular points of grievance, and if the said court, or judge of the land office, should determine that such proceedings were contrary to law, they may revise such proceedings and returns, and reverse or confirm the same, and if confirmed shall be conclusive as herein before provided.

7. *And be it enacted.* That each and every of the said commissioners, before they shall proceed to act, shall take and subscribe the following oath, or affirmation, before some justice of the peace for the said county: "that he will settle and adjust the