

thereof, but a course at common law and trials by juries, in the provincial court, which juries never having had any view of the lands in debate so as to be made sensible of the situation of them, (whereby the true intent and meaning of the dark, and unskillfull expressions of the aforesaid surveyors, are the better to be understood) cannot possibly give a just verdict thereupon, which occasions most common and frequent appeals to the superior courts, and vast additional charges thereby accruing, insupportable to the inhabitants of this province especially the poorer sort, who are hereby frequently ruined or very much impoveished, and many times found to relinquish and give up their just right to their more potent litigious adversaries, rather than suffer the loss of time, fatigue and expence of a long journey, and longer and more tedious attendance, and for as much as the multitude of cases varying in their several circumstances, will not admit of any general rules to be prescribed, whereby the court and jury may adjudge of, and determine the matter in controversy, therefore this present general assembly do humbly pray that it may be enacted,

*And be it enacted, by the kings most excellent majesty, by and with the advice and consent of his majesty's governor, council and assembly of this province, and the authority of the same, that five persons in each respective county of this province, (who are best skilled in the art of surveying, and best acquainted with the nature and design of ancient surveys,) such as the governor and council for the time being shall see proper, shall be commissioned and empowered under the great seal, used in this province by the governor, for the time being, who by virtue thereof, and the authority of this act, shall or may with or without adjournment from time to time, meet and summarily, and without the formalities of proceedings used in courts of law or equity, by testimony of witnesses upon oath, examination of parties interested, or by all, or any of the said ways, or otherwise at their discretions from time to time, to hear and determine all differences and controversies which hereafter, shall, or may happen in their several and respective county's, between any persons therein of, for touching or concerning the bounds and metes of land only; which said commissioners, shall take the following oath. "I. A. B. do swear that I will justly and truly execute the powers and authorities in this act contained, and according to the best of my knowledge, without favor or affection to any of the parties concerned, so help me God." And for that it may be highly necessary that certain times be appointed for the said commissioners to meet at a certain place whereto all persons aggrieved may repair to make application for redress.*