

in the matter depending in question, shall be the truth, the whole truth, and nothing but the truth; and the said commissioners, or any two or more of them, may adjourn from time to time, as they may think necessary, and they, or the majority of them, or the major part of such majority met, concurring in opinion, may and shall cause the land mentioned in such commission to be marked in the lines where convenient, and shall mark or set up boundaries at the termination of the lines when course and distance only are given, according to their adjudication and adjustment of the location thereof, and shall return a certificate of such marked lines and boundaries to the court under their hands, which return shall be received and recorded in the records of land commissions and returns of such county, unless the court shall otherwise order, because of ill behaviour of the commissioners.

By 1793, ch. 70, an affirmation made by any quaker, menonist or tunker, shall be as valid as an oath, in order to qualify him as a surveyor or chain-carrier.

By 1793, ch. 70, the commissioners may summon, (and compel the attendance of,) evidences to prove boundaries which are desired to be perpetuated, and may take depositions, and return them, with their proceedings, to be recorded, which shall be as good evidence as if a commission for that purpose had issued under the act of 1723, ch. 8.

In case of
no suit,
marking to
be conclu-
sive, &c.

SEC. 5. *And be it enacted*, 'That in case no suit or action shall be brought within five years next after the recording such return, to call in question the adjudication of the commissioners, the marking and bounding such land as aforesaid, and the record thereof, shall be conclusive evidence of the original location thereof both as to the direction and termination of the lines; or if the adjudication of the commissioners shall be confirmed by verdict of a jury in any suit as aforesaid, the adjudication of the commissioners in the point confirmed by the jury, and between the same parties and those claiming under them, shall conclude, to every intent and purpose; provided, that every infant, married woman, insane person, or person in prison, or beyond sea, and those claiming under either of them, shall have five years after the disability removed to commence such suit or action as aforesaid.

Provido.

SEC. 6. *Provided always, and be it enacted*, That if the parties interested have fairly agreed, or shall hereafter agree, to settle the line or lines of any land, and have fixed, or shall fix, boundaries at the termination of such line or lines, to mark and ascertain, as well the direction as extent of the line or lines, or where such line or lines have been settled and ascertained by arbitration, no commissioners shall have power or authority, between the same parties, or those claiming under them, or either of them, to vary from the line or lines so settled, agreed or ascer-