

be affected thereby, and to administer an oath, or affirmation, to them, touching their knowledge of the boundary or boundaries to be perpetuated, and take depositions respecting the same, and make return thereof, with their other proceedings, to the county court to be recorded; and the same, when recorded, shall be as good evidence, in law or equity, as if a commission for that purpose alone had been issued under the act,* entitled, 'an act for the ease of the inhabitants in examining evidences relating to the bounds of lands, and in the manner of obtaining injunctions, any law, usage or custom, to the contrary notwithstanding.'

*1723, ch. 8.

SEC. 3. *And be it enacted*, That in case any of the said witnesses, when so as aforesaid summoned, shall not attend, the commissioners, or any two of them, shall apply to the clerk of the county for an attachment, which shall issue accordingly, to compel their attendance.

And apply for attachments, &c.

SEC. 4. *And be it enacted*, That in all cases where the same tract is held by different persons, and lies partly in one county and partly in another, or partly in this state and partly in an adjoining state, any person interested may have a commission, on application to the county court, to fix, mark and bound, the whole tract, when lying partly in one county and partly in another, and also of his particular part; and when any tract shall lie partly in this state and partly in an adjoining state, any citizen of this, or any of the United States, may have a commission, on application as aforesaid, to mark and bound such part as shall lie within this state, under the regulations of the original act to which this is supplementary; and in such cases the party or parties so applying shall derive equal benefit from the return and recording his or their commissions, as if such tract had been contained wholly in one county, or wholly in this state.

In certain cases party may have a commission &c.

SEC. 5. *And*, whereas doubts have been entertained, whether any quaker, menonist or tunker, can act as a surveyor or chain-carrier under the act to which this is a supplement; therefore, *Be it enacted*, That from and after the passage of this act, an affirmation made by any quaker, menonist or tunker, shall be as valid as an oath, in order to qualify the said quaker, menonist or tunker, either as a surveyor or chain-carrier.

Affirmation to be valid, &c.

CHAPTER 75.

AN ACT relative to Appeals to be prosecuted or Injunctions to be obtained by executors or administrators.

WHEREAS injustice may be done to executors and administrators from the nature of the bonds at present required from them on obtaining writs of error, and injunctions out of the court of chancery;

Preamble.