

SEPTEMBER, 1723—CHAPTER 8.

AN ACT for the ease of the inhabitants in examining evidences relating to the bounds of lands, and in the manner of obtaining injunctions.

WHEREAS the bounds of land in this province depend chiefly upon marked trees, which are subject to decay, or upon bays, rivers, creeks or branches, the names whereof do frequently become obsolete or change, by which means the true bounds of such lands, (in process of time,) become doubtful, and cause tedious and chargeable law-suits to the owners thereof, and very often the loss of their inheritance; wherefore, for the more easy examination of evidences in perpetual memory, relating to boundaries,

SEC. 2. *Be it enacted, by the right honourable the Lord Proprietor, by and with the advice and consent of his lordship's Governor, and the Upper and Lower houses of Assembly, and the authority of the same,* That from and after the end of this present session of assembly, upon the petition of any person seized or possessed of lands, in his own or any other right, to any of the several county courts within this province where the land lies, for a commission to examine evidences, to prove or perpetuate the memory of any the bounds of such lands, or of any other lands whereon the lands he shall be so seized or possessed of shall depend, or whereto they relate, it shall and may be lawful for the justices of such county court, as often as any such petition shall be to them preferred, to grant a commission to four substantial and capable freeholders within the said county, (not being any way related to any of the parties, nor interested in the land,) empowering them, or any three or two of them, (they having first taken an oath before the said county court, or some magistrate, duly and impartially to examine and certify such evidences,) to issue summons for all such evidences as shall be to them nominated by the petitioner, or other person concerned, to appear before them at a certain day by them to be appointed, upon the lands, the boundaries whereof are to be proved or perpetuated, and to examine all such evidences upon their corporal oaths, to be administered by such commissioners, of their knowledge concerning the several bounds of such lands, and carefully to reduce what the evidences shall declare, into writing, in the presence of all the parties concerned that shall be there present, and return the same to the county court where the land lies, to be recorded in perpetual memory.

SEC. 3. *And be it enacted,* That all examinations of witnesses that shall be taken by virtue of and in pursuance of this act, shall be as good and available as if taken according to the rules and practice of the court of chancery, any defect or want of form, or of filing or exhibiting a bill, or any law, usage or custom to the contrary notwithstanding.

Preamble.

Court, on petition, may grant a commission &c.

Examinations to stand good.