

the lord proprietary to survey and lay out such lands to the said persons, were deterred from making so strict a scrutiny into the true situation of the several rivers, creeks and branches of this bay, so as to prevent the interference of the bounds limited and appointed by the said surveyors for each tract, and for settling the courses, or measuring the true distances of lines directed to run to the several trees or other bounds then prescribed, to limit and bound the several tracts of land; and also the surveyors themselves, so appointed, were too often both very ignorant and negligent in performing their duty therein; and also forasmuch as the bounded trees, by them formerly bounded, (for very many of the said former surveyors are dead,) are so far lost and forgotten, that no remains or memory are left of the same, and the other boundaries, either of bays, rivers, creeks, or branches, as also of courses and distances, so darkly and unskillfully expressed, that many great controversies and suits have been, and are daily moved thereupon, and no certain method as yet being prescribed for the speedy determination thereof, but a course at common law, and trials by juries in the provincial court, which juries, having never had any view of the lands in debate, so as to be made sensible of the true situation of them, whereby the true intent and meaning of the dark and unskillful expressions of the aforesaid surveys 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 thereby frequently ruined, or very much impoverished, and many times forced to relinquish and give up their just rights to their most potent litigious adversaries, rather than suffer the loss of time, fatigue and expense of a long journey, and longer and more tedious attendance. And forasmuch 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 pray, that it may be enacted,

1. AND BE IT ENACTED, by the King's 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 former 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 discretion, from time to time, to hear and determine all differences and controversies, which hereafter shall or may happen in their several and respective counties, 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

Five persons in each county to be commissioned to determine differences concerning the bounds of land

Their oath, &c.