

or wager of law, to be allowed: and if any witness so summoned shall neglect to appear at the time and place notified, or shall, when appearing, refuse to give his or their evidence, it shall be lawful for the said commissioners to issue attachment against him, her, or them, to cause him to come, or commit such witnesses, for such their obstinacy, until they give their evidence, as the case may require.

For discovering the true bounds, the lands and adjacent lands, to be surveyed, and commissioners to determine the limits and bounds of the lands in dispute

And for the better discovery of the true bounds of the lands in dispute, the commissioners, or any three of them, as aforesaid, being upon the land, may cause the said lands, and also any other adjacent lands, for their better information, to be surveyed; and having duly and impartially considered, as well the proofs and allegations of both parties, as all other circumstances nearest concurring, with the true intent, design and meaning of the original surveys, shall then and there determine and ascertain the limits and bounds of the said lands in dispute, as they, or the major part of them, then and there present, shall adjudge most just and reasonable, and cause the same lands, in their presence, to be new marked out, with such marks and bounds as to them shall be adjudged most plain and durable, and cause three fair plats and certificates thereof to be made by the said surveyor; two thereof for the contending parties, and the third to be fairly entered in a book for that purpose to be provided by the commissioners at the county charge, of good, large, strong paper, with a leather or parchment cover, which said books shall be lodged with the clerk of the county where such lands, as aforesaid, lie, and kept among the records of the said county; which said bounds, so ascertained and entered, as aforesaid, shall be and remain the certain and undoubted bounds of the said lands for ever. And further, the said commissioners, after having ascertained the limits and bounds as aforesaid, shall and may, by virtue of this act, put either the complainant or defendant, as the case shall require, into peaceable possession of the bounds so determined, and also assess and decree all costs and damages accruing thereupon; upon non-payment whereof, it shall and may be lawful for the party or parties concerned, to bring an action at the common law for the recovery thereof, and to give such order or decree in evidence to prove the same, in which action no essoign, protection or wager of law, shall be allowed; and that from all and every of such decrees and determinations, there shall be no appeal or review, other than is hereafter expressed.

Lands to be new marked out, and plots and certificates to be made and entered, &c.

Commissioners to put either party into possession and may decree damages and costs

Allowance to the commissioners

5. AND BE IT FURTHER ENACTED, by the authority aforesaid, That such commissioners so commissioned as aforesaid, in consideration of their time and trouble in viewing the several lands in controversy, as aforesaid, and passing such order and decree, as aforesaid, shall, for every day they attend thereon, be paid the sum of one hundred pounds of tobacco *per diem*, and no more; to be paid by such of the parties as the commissioners shall adjudge to pay the same.

Fees to the surveyor

6. AND for ascertaining what fees the surveyor shall receive, BE IT ENACTED, by the authority aforesaid. That for all such surveys, which in this case shall be made, the said surveyor shall have such fees as by law are settled for primitive surveys; but if in case it should be found needful to survey and run out only one or more lines of any of the adjacent lands, that then the surveyor for every such line or lines by him run, shall have only a quarter of a pound of