

trial by juries in the provincial court, which juries never having 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 surveyors 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 right to their more potent litigious adversaries, rather than suffer the loss of time, fatigue and expense of a long journey, and a longer and more tedious attendance. And forasmuch as the multitude of cases varying in their several circumstances will not admit of any general rule to be prescribed, whereby the court and jury may adjudge of and determine the matter in controversy; therefore this present general assembly do humbly pray it may be enacted,

2. AND BE IT ENACTED by the Right Honourable the Lord Proprietary, 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 nine persons in each respective county of this province, who are the best skilled in the art of surveying, and best acquainted with the nature and design of ancient surveys, and of the best reputation in the county, (none of them being surveyors of the county,) such as the governor and council, for the time being, shall think proper, shall be commissioned and empowered under the great seal used in this province, by the governor for the time being, which commissioners by virtue of such commission, and the authority of this act, are required to take the oaths appointed by law, and subscribe the oath of abjuration and test, before any persons qualified to administer the same, as likewise the following oath: "I, A. B. do swear, that I will justly and truly execute the powers and authorities in this act contained, according to the best of my knowledge, without favour or affection to any of the parties concerned. So help me God." And to meet at their several and respective court-houses the second day of every county court, to receive the petitions, (which must be in writing,) of all persons that shall have occasion to make application to them, for the ascertaining the bounds of any land lying within such county; provided, that the party complaining or petitioning twenty days before preferring such petition, shall have given due notice to all persons that are any ways interested or concerned in the bounds of such land, by setting up notes at the court-house door, and parish church where the land lies, certifying the time when such party designs to make application to the commissioners, at which time and place all persons concerned in the dispute about the bounds of such land, both complainants and defendants, are required to meet, and in the presence of the commissioners then present to make choice of any number of the aforesaid commissioners, not being less than three, to determine the matter in controversy and dispute between them concerning such bounds of their lands, such choice to be noted and certified on the back of such petition by the commissioners then present, which number of commissioners being mutually

Nine persons in each county to be appointed, &c. Their oath &c.

When to meet; &c

To make choice of not less than three of the commissioners, &c