

C H A P.
XXXIII.
In case of no
suit, marking
to be conclu-
sive, &c.

V. **And be it enacted,** That in case no suit or action shall be brought within five years next after the recording such return, to call in question the adjudication of the commissioners, the marking and bounding such land as aforesaid, and the record thereof, shall be conclusive evidence of the original location thereof, both as to the direction and termination of the lines; or if the adjudication of the commissioners shall be confirmed by verdict of a jury in any suit as aforesaid, the adjudication of the commissioners in the point confirmed by the jury, and between the same parties and those claiming under them, shall conclude, to every intent and purpose; provided, that every infant, married woman, insane person, or person in prison, or beyond sea, and those claiming under either of them, shall have five years after the disability removed to commence such suit or action as aforesaid.

Proviso.

VI. **Provided always, and be it enacted,** That if the parties interested have fairly agreed, or shall hereafter agree, to settle the line or lines of any land, and have fixed, or shall fix, boundaries at the termination of such line or lines, to mark and ascertain, as well the direction as extent of the line or lines, or where such line or lines have been settled and ascertained by arbitration, no commissioners shall have power or authority, between the same parties, or those claiming under them, or either of them, to vary from the line or lines so settled, agreed or ascertained; and if any persons shall hereafter agree to settle and ascertain the location of their lands, and fix boundaries to the same, such settlement and agreement, and a plot of the lands so settled, may, by consent of the parties interested, be recorded as aforesaid, and when recorded, shall have the same effect and consequences as if the location of such land had been settled by commissioners as aforesaid.

Allowance to
commission-
ers, &c.

VII. **And be it enacted,** That each commissioner shall be entitled to seven shillings and six-pence for every day he shall attend in the execution of such commission; that any person acting as a surveyor, shall receive such *per diem* allowance as shall be adjudged by the commissioners, not exceeding fifteen shillings for every day he shall necessarily be employed; that each chain-carrier shall be entitled to receive five shillings; and that each witness shall be entitled to three shillings and nine-pence for each day they shall respectively attend, to be paid by the person at whose request the service shall be performed, and if necessary, attachment of contempt shall be issued by the county court to compel such payment.

Where several
persons
hold, either
may have a
commission,
&c.

VIII. **And,** whereas it may happen, that divers persons hold parts of one and the same tract of land, in the adjustment and fixing the out-lines of which, they are severally interested, and persons holding younger surveys are frequently interested in the location of elder interfering or neighbouring surveys, **Be it enacted,** That where divers persons hold separate parts of one and the same tract, they, or any of them, may have a commission as aforesaid, as well to fix, mark and bound, the whole tract, as their particular parts thereof, and where any person or persons hold a younger survey, and are thereby interested in the location of interfering or neighbouring elder surveys, they shall be entitled to a commission as aforesaid, to fix, mark and bound, any such elder survey; provided, that the person, or some one of the persons applying for such commission, give notice in writing to the person seized of such elder tract, of his or their intention of applying for such commission, nine months before the petition therefor, and the person seized of such elder tract shall have neglected to apply for and obtain a commission as aforesaid, and every such commission shall be obtained and proceeded on in like manner, and the execution thereof shall have the same effect, as if the commission had been obtained by a person seized of the land therein mentioned.

IX. **And,** whereas on the execution of such commissions, small parcels of vacant land may be found to lie adjoining to the land to be marked and bounded, or other lands directed by the commissioners to be surveyed, and justice requires that such vacancies should be applied in the first place to make good the deficiency,