

tion of the land mentioned in the commission, most agreeably to the true original location thereof, according to the evidences and circumstances which shall be offered or appear to him, without favor, affection, or partiality, according to the best of his experience and judgment, and will make a true return thereof.

An. Code, 1924, sec. 9. 1912, sec. 9. 1904, sec. 9. 1888, sec. 9. 1786, ch. 33, sec. 4.

9. The said commissioners shall meet on the land agreeably to the notice given by them, and may cause the lands mentioned in the commission, as well as any other lands they may think proper, to be surveyed by the surveyor of the county, or such other skilful person as they shall think fit to appoint.

An. Code, 1924, sec. 10. 1912, sec. 10. 1904, sec. 10. 1888, sec. 10. 1786, ch. 33, sec. 4.

10. Summonses for witnesses may issue out of the court issuing the commission, or by the said commissioners, or a majority of them; and witnesses summoned shall attend, and be subject to punishment by the said court for not attending, in the same manner as on summonses issued by and returnable to said court.

An. Code, 1924, sec. 11. 1912, sec. 11. 1904, sec. 11. 1888, sec. 11. 1793, ch. 70, sec. 3.

11. If any witness shall not attend when summoned, the commissioners, or any two of them, shall apply to the clerk of the said court for an attachment, which shall issue accordingly to compel his attendance.

An. Code, 1924, sec. 12. 1912, sec. 12. 1904, sec. 12. 1888, sec. 12. 1786, ch. 33, sec. 4.

12. The commissioners may administer an oath to the surveyor, and also to the chain carriers, to execute their respective duty as surveyor or chain carrier, faithfully and impartially, according to the best of their skill; and shall also administer an oath to every witness, that the evidence he shall give to the commissioners in the matter depending in question, shall be the truth, the whole truth, and nothing but the truth.

An. Code, 1924, sec. 13. 1912, sec. 13. 1904, sec. 13. 1888, sec. 13. 1793, ch. 70, sec. 2.

13. The commissioners shall take the depositions of the witnesses, touching their knowledge of the boundaries to be perpetuated, and shall make return thereof, with their other proceedings, to the court, to be recorded; and the same, when recorded, shall be as good evidence in law or equity as if taken under a commission to perpetuate testimony issued from a court of equity.

As between the parties, the judgment of the commissioners is conclusive unless reversed upon appeal; as between other persons, the proceedings are admissible in evidence on the same ground that hearsay is admissible to prove the boundary of land. The depositions of a witness before a land commission cannot be offered in evidence unless the witness be dead. *Davis v. Batty*, 1 H. & J. 264.

Where the commission cannot agree, their return is not evidence, in an action of trespass *q. c. f.* *Green v. McClellan*, 4 H. & J. 200.

The return of a jury under the act of 1699, ch. 18, for fixing the bounds of land, held not to be evidence in an action of ejectment, because the land was not located on the plat agreeably to the return, and the return not made in accordance with the act. *Ruff v. Webster*, 4 H. & McH. 499.

An. Code, 1924, sec. 14. 1912, sec. 14. 1904, sec. 14. 1888, sec. 14. 1786, ch. 33, sec. 4.

14. The commissioners, or any two or more of them, may adjourn from time to time, and they, or a majority of them, or a major part of a majority