

best of his experience and judgment, and will make a true return thereof.

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

Id s 9
1786 c 33, s 4
Commissioners to make surveys

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.

Id s 10
1786 c 33, s 4.
To issue summonses for witnesses

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 their attendance.

Id s 11
1793 c 70, s 3
Attendance of witness s, how compelled.

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-carriers 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

Id s 12
1786 c 33, s 4
Commissioners to administer oath.

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.

Id s 13
1793 c 70, s 2
To take and return depositions
4 H & J 200

When recorded to be evidence.

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 met, concurring in opinion, shall cause the lands mentioned in the commission to be marked in the lines where convenient, and shall mark or set up boundaries at the termination of the lines, when course and distance only are given, according to their adjudication and adjustment of the location thereof, and shall return a plat and certificate of such marked lines and boundaries to the court under their hands, which return shall be received and recorded in the record of land commissions and returns of such court, unless the court shall otherwise order, because of the misconduct of the commissioners.

Id s 14
1786 c 33, s 4
To set up boundaries and return plats

Returns to be recorded

15. If no suit or action shall be brought within five years next after recording the return of the commissioners, to call in question their adjudication, 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 the verdict of a jury in any such suit, the adjudication of

Id s 15
1786 c 33, s 5
When adjudication of commissioner and record thereof to be conclusive evidence
1 H & J 153