

pany of any of the aforesaid turnpike road companies, incorporated by the several acts enumerated in the preamble to this act, having given two months notice by advertisement, set up at the court house door of the county, and published twice a week in any one or more of the newspapers published in the county or counties through which the turnpike road may run, of their intention to apply to the county court for a commission to mark and bound said road, and to fix the true location thereof, may apply by petition in writing to such court for a commission to mark and bound such turnpike road, and to fix the true location thereof, agreeably to the directions of this act, and upon proof being made to the satisfaction of said county court, that such advertisements were duly set up and published as aforesaid, the court may issue a commission to any three discreet persons, skilled in land affairs, empowering them, or a majority of them, to mark, bound and locate the road, or that portion thereof mentioned in such commission, within the limits of the county, according to the directions of this act.

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Notice to be given.

SEC. 2. *And be it enacted*, That the said commissioners, or a majority of them, shall cause advertisements to be set up at the door of the court house of their county, notifying the time and place of their meeting, at least thirty days before their meeting, and shall meet on the turnpike road, to proceed in the execution of their commission agreeably to the notice given by them as aforesaid; but before any commissioner shall proceed in the execution of any such commission otherwise than by giving notice as aforesaid, and issuing summons for witnesses, he shall take an oath or affirmation before some justice of the peace, or some other of the commissioners, that he will settle and adjust the location of the road, or that part or section thereof, mentioned in such commission, most agreeably to the true original location thereof, according to the evidence and circumstances which shall appear to him, without favor, affection or partiality, according to the best of his experience and judgment, and make a true return thereof.

Commission—how to be executed

Qualification.

SEC. 3. *And be it enacted*, That summons for witnesses may issue out of the county court, or by the said commissioners, or a majority of them, and witnesses so summoned shall attend, and be subject to punishment by the county court for not attending, in the same manner as where summons is issued by and returnable to county courts; and the commissioners may cause the turnpike road, or that portion thereof, mentioned in such

Summons—by whom issued, and how returnable.