

tual Consent of both the said Parties, shall go upon the Land in Dispute, and view and consider the Premises.

AND for the better Enabling the said Commissioners to proceed with Effect in the said Causes; Be it Enacted by the Authority aforesaid, That upon a Petition or Complaint, made to the said Commissioners in Writing, by any Person or Persons any ways concerned in such disputable Bounds, that it shall and may be lawful for any one of the said Commissioners to grant Summons in Writing, to be directed to the Party or Parties therein mentioned, and also to any Witnels and Witnesses, or His Majesty's Surveyor of the said County for the time being, to be and appear before the said Commissioners at a Day and Place therein to be perfixed, the Service whereof in such Manner and Form, as is usually allowed to be good Service in Cases of *Subpœna*, shall be accounted to be good Service in the Cases aforesaid; and that upon Appearance or Default of any Person or Persons, interested in any manner, as aforesaid, upon Oath thereof made before the said Commissioners, they shall and may notwithstanding, proceed to the Determination of such Controversy; saving always, that when any Person or Persons, so to be summoned, shall be beyond the Seas, or cannot be found to be summoned, that no Proceedings shall be thereupon had, until after Eighteen Months then next following; and then, upon Oath being made of endeavouring to serve the said Summons, the said Commissioners shall and may proceed, as if the said Party had been actually summoned, unless the said Person or Persons, so absent, upon a new Summons after his or their Return, or being found, shall sooner appear.

AND be it further Enacted by the Authority aforesaid, That if the Surveyor of the County aforesaid, shall wilfully forbear or delay to be and appear, according to the Tenor of the said Summons, such Surveyor, so wilfully refusing or delaying, shall forfeit for every such Offence, Five hundred Pounds of Tobacco to the King's Majesty, His Heirs and Successors, for Support of Government; to be recovered in any Court of Record, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, to be allowed: And if any Witness, so summoned, shall neglect to appear at the Time and Place notified, or shall, when appearing, refuse to give his or their Evidence, it shall be lawful for the said Commissioners to issue Attachment against him, her, or them, to cause him to come, or commit such Witness, for such their Obstinacy, until they give their Evidence, as the Case may require. And for the better Discovery of the true Bounds of the Lands in Dispute, the Commissioners, or any Three of them, as aforesaid, being upon the Land, may cause the said Lands, and also any other adjacent Lands, for their better Information, to be surveyed; and having duly and impartially consider'd, as well the Proofs and Allegations of both Parties, as all other Circumstances nearest concurring, with the true Intent, Design, and Meaning of the Original Surveyors, shall then and there determine and ascertain the Limits and Bounds of the said Lands in Dispute, as they, or the major Part of them, then and there present, shall adjudge most Just and Reasonable, and cause the same Lands, in their Presence, to be new marked out, with such Marks and Bounds, as to them shall be adjudged most plain and durable, and cause Three fair Plats, and Certificates thereof, to be made by the said Surveyor; Two thereof for the contending Parties, and the other to be fairly entred in a Book for that purpose, to be provided by the Commissioners at the County Charge, of good, large, strong Paper, with a Leather or Parchment Cover, which said Book shall be lodged with the Clerk of the County where such Lands, as aforesaid, lye, and kept among the Records of the said County; which said Bounds, so ascertained and entred, as aforesaid, shall be and remain the certain and undoubted Bounds of the said Lands for ever. And further, The said Commissioners, after having ascertained the Limits and Bounds aforesaid, shall and may, by virtue of this Act, put either the Complainant or Defendant, as the Case shall require, into peaceable Posses-