

exceeding the quantity of the said deficiency, shall be surveyed, marked, and bounded, in their presence, and shall, with their other proceedings, return a certificate thereof; and on the said certificate being recorded in the county court records as aforesaid, and also amongst the records of patents in the land office, the party shall be seized of an estate in the land therein described.---*ibid* § 9.

19. Where any vacant land, not requested to be applied to make good deficiency, shall be discovered on the execution of any commission, lying adjoining to any land surveyed, on the execution of such commission on the commissioners, or a majority of them, may and shall, if requested, award the pre-emption thereof, or of such part thereof as to them shall seem most convenient and equitable, on a consideration of all circumstances, to any proprietor or proprietors of the lands adjoining thereto, so that the whole quantity, to any one proprietor, does not exceed 50 acres, unless the adjoining tract, of which he is proprietor, exceeds 1000 acres, in which case they may allow at the rate of 5 acres for every 100 acres thereof; and any person obtaining such award of pre-emption, shall have 6 months to procure a common or special warrant, or warrant of re-survey, out of the land office, to affect and secure the same, and on a due execution of such warrant, and a compliance with all requisites, a grant shall issue; provided that nothing herein contained shall hinder the due execution and effect of any land warrant already issued and located.---*ibid*. § 10.

20. The respective county courts within this state shall have jurisdiction, authority and power, under the limitations and directions in the act for marking and bounding lands prescribed, upon application as therein mentioned, to issue commissions to mark and bound lands held as well by bodies politic and corporate as others.---*Nov. 1787, c. 22, § 2.*

21. When any commission shall hereafter be issued by any county court, under the act for marking and bounding lands, the commissioners therein named, or a majority of them shall have authority to issue summonses for all persons nominated by the petitioner, or other person affected, or to be affected thereby, and to administer an oath or affirmation to them, touching their knowledge of the boundary or boundaries to be perpetuated, and take depositions respecting the same, and make return thereof, with their other proceedings, to the county court, to be recorded; and the same, when recorded, shall be as good evidence, in law or equity, as if a commission for that purpose alone had been issued under the act, entitled, An act for the ease of the inhabitants in examining evidences relating to the bounds of lands, and in the manner of obtaining injunctions,---1793, c. 70, § 2.