

5. No person shall act as a chain carrier, unless he be first sworn or affirmed, faithfully, carefully and impartially, to carry the chain; which may be administered by any surveyor or sheriff; and no surveyor shall execute any warrant from the land office, or the general or any county court, unless the chain carrier be first qualified as aforesaid, and it is the duty of every surveyor, diligently to observe the conduct of chain carriers, and to take care that they faithfully execute their duty.—*April, 1782, c. 38, § 3.*

6. An affirmation made by a quaker, menonist or tunker, shall be as valid as an oath, in order to qualify the said quaker, menonist or tunker, either as a surveyor or chain carrier.—*1793, c. 79, § 5.*

7. No county surveyor, or his deputy while he acts as such, shall take up either in his own name, or in the name of any other person for his use or in secret trust for him, any land lying in the county of which he is surveyor or deputy as aforesaid, unless by virtue of a warrant of resurvey on lands by him obtained and held before his appointment to the office of surveyor or deputy, or by virtue of a special or an escheat warrant procured by him before such appointment; and no grant shall issue to any such surveyor or deputy, or to his assign, or to any person for his use, or to any person who shall be known to act for him in secret trust, for any land taken up after the end of the present session contrary to the tenor of this provision; and if any patent shall issue to any person acting under a secret trust for any surveyor or deputy, as aforesaid, it shall be liable to be vacated upon a petition made, within 2 years from the date of such patent, to the chancellor as judge of the land office, and there shall be the same proceedings on such petition as upon caveats to certificates.—*1789, c. 35, § 2. (See below, art. 10, 11).*

8. If any county surveyor shall knowingly return any certificate of survey to the land office, contrary to the tenor of this act, he shall on conviction thereof in a court of record of this state, be fined by the said court a sum not less than 25l. current money, nor more than 100l. and one half thereof shall be paid to the first informer, provided the fact be proved by other testimony than his own oath, and so declared to be by the jury on delivering their verdict; and if any deputy to a county surveyor shall knowingly procure any certificate to be returned, contrary to the tenor of this act, he shall, on the like conviction, be subject to a like fine, of which there shall be the like appropriation, on the like declaration of the jury.—*ibid. § 3.*

9. When an order shall issue from chancery for the surveyor of a county to survey, lay down and return a plot and certificate of lands lying in his county, for the illustration of any matter relative to a cause in the said court, the said surveyor, at the instance of either party concerned, shall issue under his hand and seal a summons for any person whose testimony may be wanted on the survey; and shall be according to the following form: