

II. BE IT ENACTED, by the right honorable the Lord Proprietor, by and with the advice and consent of his lordship's Governor, and the Upper and Lower Houses of Assembly, and the authority of the same, That from and after the end of this present session of assembly, upon the petition of any person seized or possessed of lands, in his own or any other right, to any of the several county courts within this province where the land lies, for a commission to examine evidences, to prove or perpetuate the memory of any the bounds of such lands, or of any other lands whereon the lands he shall be so seized or possessed of shall depend, or whereto they relate, it shall and may be lawful for the justices of such county court, as often as any such petition shall be to them presented, to grant a commission to four substantial and capable freeholders within the said county, (not being any way related to any of the parties, nor interested in the lands) empowering them, or any three or two of them (they having first taken an oath before the said county court, or some magistrates, do and impartially to examine and certify such evidences,) to issue summons for all such evidences as shall be to them nominated by the petitioner, or other person concerned, to appear before them at a certain day by them to be appointed, upon the lands, the boundaries whereof are to be proved or perpetuated, and to examine all such evidences upon their corporal oaths, to be administered by such commissioners, of their knowledge concerning the several bounds of such lands, and carefully to reduce what the evidences shall declare, into writing, in the presence of all the parties concerned that shall be there present, and return the same to the county court where the land lies, to be recorded in perpetual memory.

CHAP. VIII. Court, on petition, may grant a commission, &c.

III. AND BE IT ENACTED, That all examinations of witnesses that shall be taken by virtue of and in pursuance of this act, shall be as good and available as if taken according to the rules and practice of the court of chancery, any defect or want of form, or of filing or exhibiting a bill, or any law, usage or custom to the contrary notwithstanding.

Examinations to stand good.

IV. PROVIDED ALWAYS, That the commissioners to be appointed by virtue of this act shall, (before their meeting on such land, where all parties concerned live in the county, or where they are not known,) affix public notice at the parish church where the land lies, three Sundays at the least before their meeting, intimating their intentions, and the time they shall appoint, and shall cause the like notes to be put up in the most public places in the county twenty days before such meeting, and that where all persons interested are known, and any one of them lives out of the county, that notice shall be given by affixing a note at the church door of the parish in which the party resides, forty days at the least before such meeting of the commissioners, and that the commissioners shall return a certificate of having given notice directed by this act, with the examination of the witnesses.

Proviso.

V. AND, whereas many persons in the remote counties of this province, having equitable rights against the recoveries of law that happen against them in such counties, but before the inconveniency of their purchasing injunctions, as the practice stands at present, are obliged to submit to the injuries they receive, or to procure sureties to go with them to Annapolis, to enter into bond in the chancery office, which is almost impracticable; for remedy whereof, BE IT FURTHER ENACTED, That in case any person shall think fit to proceed in equity against any verdict or judgment rendered against him, on his application to the county court it shall and may be lawful for such county court to take sufficient security from such person, with two sufficient sureties, in not less than double the debt and costs recovered against him, for the due prosecution of a writ of injunction in that case, according to the form following: "Know all men by these presents, That we A. B. C. D. and E. F. of — county, are held and firmly bound unto R. M. of —, &c. in the full and just sum of — to be paid to the said R. M. his executors, administrators or assigns; to the true payment whereof we bind ourselves, and every of us, our and every of our heirs, executors and administrators, jointly and severally, for and in the whole, firmly by these presents. Sealed with our seals, and dated this — day of — anno domini 17—. Whereas the above bound A. B. hath obtained an injunction to stay proceedings at law, on a judgment rendered against him in — county court, by — for —. Now the condition of the above obligation is such, That if the said A. B. shall prosecute the said writ of injunction with effect, and satisfy and pay as well the said — as all costs, damages and charge that shall accrue in the chancery court, or be occasioned by the delay of execution on the said judgment, unless the court of chancery shall decree to the contrary, and shall in all things obey such order and decree as the chancery court shall make in the premises, then the above obligation to be void and of none effect, else to be in full force and virtue." And that such bond so given shall be a sufficient *superfedeas* and stop to any further proceedings in that case, until the person against whom such chancery relief is proposed shall obtain a certificate from the chancellor, or his register, of the disallowance of an injunction in such case, or that such injunction has not been sued out of the chancery office within two months after such bond given, or if sued out, that the same is dissolved.

On application, court may take security, &c.

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VI. PROVIDED