

tained; and if any persons shall hereafter agree to settle and ascertain the location of their lands, and fix boundaries to the same, such settlement and agreement, and a plot of the lands so settled, may, by consent of the parties interested, be recorded as aforesaid, and when recorded, shall have the same effect and consequences as if the location of such land had been settled by commissioners as aforesaid.

SEC. 7. *And be it enacted*, That each commissioner shall be entitled to seven shillings and six-pence for every day he shall attend in the execution of such commission; that any person acting as a surveyor shall receive such *per diem* allowance as shall be adjudged by the commissioners, not exceeding fifteen shillings for every day he shall necessarily be employed; that each chain-carrier shall be entitled to receive five shillings, and that each witness shall be entitled to three shillings and nine-pence, for each day they shall respectively attend, to be paid by the person at whose request the service shall be performed, and if necessary, attachment of contempt shall be issued by the county court to compel such payment.

Allowance  
to commis-  
sioners, &c.

See 1779, ch. 25, sec. 4, as to surveyor's fees.

SEC. 8. *And*, whereas it may happen, that divers persons hold parts of one and the same tract of land, in the adjustment and fixing the out-lines of which they are severally interested, and persons holding younger surveys are frequently interested in the location of elder interfering or neighbouring surveys, *Be it enacted*, That where divers persons hold separate parts of one and the same tract, they, or any of them, may have a commission as aforesaid, as well to fix, mark and bound, the whole tract, as their particular parts thereof, and where any person or persons hold a younger survey, and are thereby interested in the location of interfering or neighbouring elder surveys, they shall be entitled to a commission as aforesaid, to fix, mark and bound, any such elder survey; provided, that the person, or some one of the persons, applying for such commission, give notice in writing to the person seized of such elder tract, of his or their intention of applying for such commission, nine months before the petition therefor, and the person seized of such elder tract shall have neglected to apply for and obtain a commission as aforesaid, and every such commission shall be obtained and proceeded on in like manner, and the execution thereof shall have the same effect, as if the commission had been obtained by a person seized of the land therein mentioned.

Where  
several per-  
sons hold,  
either may  
have a  
commission  
&c.

By 1793, ch. 70, where the same tract is held by different persons, and lies partly in one county and partly in another, a commission may be obtained to fix, mark and bound, the whole tract, and the particular part of the applicant. And when any tract shall lie partly in this state, and partly