

chosen by the parties contending, and certified as aforesaid, shall proceed to appoint a day and make public declaration thereof, the day of the making such choice, and order notes to be set up at the court-house door, and parish churches, mills, and most frequented towns in the said county, (not being less than five weeks from the time of such election,) to meet on the lands in dispute, and shall issue out summons in writing for all such evidences or witnesses as shall be to them nominated by either or any of the parties as they or either or any of them shall require the same, requiring them to meet at the time and place appointed, to give evidence what they know concerning the bounds of such land, and likewise issue out a summons to his lordship's surveyor of the county, to attend the said commissioners at the time and place appointed; the service of all which summons, in such manner and form as is usually allowed to be good service in cases of subpoena, shall be accounted good in the cases aforesaid; and that if the surveyor of the county aforesaid shall wilfully forbear or delay to be and appear, according to the tenor of the same summons, such surveyor so wilfully refusing or delaying, shall forfeit for every such offence five hundred pounds of tobacco to his lordship, 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 essoyne, 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, her or them, to come, or commit such witnesses, for such their obstinacy, till they give their evidence, as the case may require.

For discovery of ancient bounds the lands and adjacent lands may be surveyed, &c.

3. AND for the better discovery of the true bounds of the lands in dispute, the commissioners aforesaid being met at the time appointed 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 considered 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 surveys, 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 third to be fairly entered 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 books shall be lodged with the clerk of the county where such land as aforesaid lie, and kept among the records of the same county; which said bounds so ascertained and entered, as aforesaid, shall be and remain the certain and undoubted bounds of the said lands forever. And further, the said commissioners after having ascertained the limits and bounds, as aforesaid, shall and may by virtue of this act, put either the complainant or defendant, as the case shall require, into peaceable possession of the bounds so

May give possession