

Commissioners to ascertain who are the heirs or devisees of the nominees of the Crown to lands

Letters Patent for the same, in his, her, or their life times, shall, by and under the authority of such Commission or Commissions, have full power and authority in manner herein after mentioned, to ascertain, determine and declare who is, or are, the heir, or heirs, devisee, or devisees of the said nominee, or nominees of the Crown to such Lands.

Documents and evidences to be produced before the Commissioners.

II. *And be it further Enacted by the Authority aforesaid,* That it shall and may be lawful to and for all and every person or persons, claiming any lot or lots of Land within this Province, as being the heir or heirs, devisee or devisees of the nominee or nominees of the Crown to such lands, for which said lot or lots, parcel or parcels of Land, his Majesty's letters patent have not been obtained, to come, either personally or by agent, duly authorized, before and produce to such Commissioners, or any three of them, whereof the said Chief Justice, or some one of the said Justices shall be one, all such documents and evidences as he, she, or they may possess, for the purpose of satisfying such Commissioners of the validity of such claim or claims, for which purpose such Commissioners, or any one of them are, and is hereby authorized and empowered to administer such oath or oaths, either to the party or parties claiming to be heir or heirs, devisee or devisees, of the nominee or nominees of the Crown, to the said lot or lots, parcel or parcels of land as aforesaid, or to the witness or witnesses appearing in support of such claim or claims, as shall be judged proper and expedient, and also by summons under the signature of any one of them the said Commissioners, to require the attendance of all and every such person or persons, whose evidence may be judged necessary, to ascertain the validity of any such claim or claims, or to explain the subject matter thereof, and in such summons, also, to order the production of all such books, papers, or documents, as shall be in the custody or power of any such person or persons whose attendance shall be so required by such summons, in such manner, as such Commissioner or Commissioners signing such summons shall deem expedient; which summons, all and every person or persons, to whom the same shall be directed, is and are, hereby required to obey, upon being duly served therewith, under the penalty of twenty pounds of lawful money of this Province, to be recovered in like manner as the costs and expences of witnesses are by this Act herein after directed to be recovered.

Commissioners to administer oath to the party, and to summon witnesses.

Penalty for not obeying the summons.

Nature of the testimony to be received.

*Provided always nevertheless,* and it is hereby declared, that the said Commissioners, acting under such authority as aforesaid, are hereby authorized and empowered, to receive such written or oral testimony as may be produced to them, whether the same be, or be not consistent with the rules of evidence laid down by the laws of England, and to give and allow such force and effect to such testimony as justice in each respective case shall in their judgment require.

Commissioners to determine & report upon the claims.

III. *And be it further Enacted by the Authority aforesaid,* That after the said commissioners shall, by virtue of the said commission, or commissions, have examined such claim or claims as aforesaid, they shall be at liberty, and they are hereby authorized either to reject such claim or claims, or to allow the same, as in their judgment, the justice and equity of the case may require, without any regard to legal forms and solemnities whatsoever, and to report