CHAP. XXXVIII.

firmly and absolutely, as if the same had been made over by Deed of Gift, Grant, or otherwise, enrolled and recorded as aforesaid.

The Grand Juries to inquire by what Title such Lands are held, &c.

III. And to the End it may be known what Lands have been so given to the Use of any Church or Chapel aforesaid, and made over and confirmed by Deed of Gift or Grant as aforesaid, the Grand Jury in each respective County within this Province, next after the Publication of this Act, shall have in Charge to enquire by what Title such Lands, whereupon the several Churches or Chapels aforesaid, within their respective Parishes, and in their Precincts, are held, and to render an Account thereof to the Court; who are hereby impowered, where any such Lands shall appear to be given, and not confirmed as aforesaid, in open Court to examine Witnesses *in perpetuam Rei Memoriam*, and the same cause to be recorded in the County Records; which shall be deemed, adjudged and taken, in all Courts of Record within this Province, as sufficient Proof of the Donation or Grant, as also to the Quantity of Acres given or granted as aforesaid.

Where such Lands have been given, but the Quantity not mentioned, the Vestry may cause two Acres to be surveyed, &c.

IV. And in case it shall appear upon such Examination, that Lands have been given for the Use of any Church, Chapel, or Church-Yard as aforesaid, but the Quantity thereof not mentioned by the Donors or Grantors thereof as aforesaid, that then, and in every such Case, the Vestry of the respective Parish, where such Gift or Grant hath been made, and the Quantity not ascertained as aforesaid, may demand and take of such Lands, for the Use of the Church, and thereto adjacent, two Acres, and no more, which they shall cause to be surveyed and staked out; and make Returns of two Certificates thereof, one of which must be recorded in the County Court, and the other in the High Court of Chancery, there to be registered *in perpetuam Rei Memoriam* as aforesaid.

In what manner Vestries shall proceed in taking up Lands for building Churches and Chapels.

V. And be it further Enacted, *by the Authority aforesaid, by and with the Advice and Consent aforesaid*, That where the Vestry of any Parish within this Province, have, or shall think convenient to place either Church or Chapel of Ease within their respective Parishes, for the better Conveniency of their Parishioners, but the Owner or Owners of such Land, chosen out and appointed by such Vestry as aforesaid, for the Use of their Parish aforesaid, either refuse to make Sale thereof, or are unreasonable in his or their Demands for the same, or otherwise incapacitated by Non-age, *non sanæ Memoriæ*, or being beyond the Seas; that then, in every such Case, the respective Vestries of the respective Parishes, shall apply themselves to the Commissioners of the County Court whereto they belong; upon whose Application the said Commissioners shall forthwith grant their Warrants to the Sheriff of their County, thereby requiring him, at a certain Day and Time, to be by them nominated and appointed, to impannel a Jury of substantial Free-holders next adjacent to the Land in quest aforesaid, which said Commissioners, and Jury aforesaid, shall proceed in all Things, as by another Act of Assembly, entitled, * *An Act impowering the Commissioners of the several and respective Counties, to take up and purchase Lands for their County Court-houses*, they are directed; not exceeding two Acres as before in this Act mentioned and expressed; any thing in this Act, or any other, ordained to the contrary notwithstanding.

Examined and Compared with the Original Act, REVERDY GHISELIN, THOMAS BACON.

* The Act of 1697, *ch.* 5, here referred to, is not only executed, and the Purchases made by virtue thereof confirmed by *ch.* 76, of this Session, but also falls under the General Repeal in *ch.* 77; As, however, it is made a Rule of Proceeding under this Act, it is inserted at large, in its proper Place, in this Collection.

CHAP.