

CHAPTER  
XX

issue for confirming to the person claiming, under such grant the lands which shall be determined to have been originally included by the courses therein expressed; and the person to whom patent of confirmation shall be ordered to issue as aforesaid, shall not be obliged to pay any money for the land so ordered to be confirmed to him, or the value of any improvements on such land; and no patent shall issue upon any certificate of survey heretofore returned, or hereafter to be returned, unless upon proof made of notice having been given by the party applying for such patent to the person or persons whose land may be affected by such survey, or to his or their attorney, agent, guardian, or next friend; which proof of notice shall be made by affidavit, or affirmation of a disinterested person, before a judge of the general court, or some justice of the county where such land may lie, and shall be lodged with the register of the shore on which such land shall lie, and by him shall be certified to the chancellor.

Proviso.

XVI. **Provided** always, That if the chancellor shall be of opinion, that the land claimed as vacancy was not originally included, and shall order grant for the same, the person claiming under such original patent shall have a right to controvert, by trial at law, whether the same land, or any part thereof, was originally included in the certificate on which the original grant did issue, and the opinion of the chancellor shall have no influence on the question before a jury, but the matter shall remain in the same manner as if no determination of the chancellor had been given.

XVII. **And**, Whereas the allowing natural or artificial boundaries to be expressed in certificates may prevent injury from the variation of the compass:

Boundaries  
may be inserted,  
&c.

XVIII. **Be it enacted**, That the surveyor may insert in any certificate any boundary artificial or natural, as being at the end of the distance expressed, provided he shall actually measure such distance; and in case the length of the line expressed in the certificate shall not reach the boundary, and the line shall not have been actually run, on caveat against grant issuing on such survey, the same shall be void, so far as that the land which is excluded by running from the end of the course and distance to the end of the next course and distance, or to the next boundary, if any, shall be liable to be affected as vacancy; and before any grant shall issue on any certificate expressing more than one boundary for the beginning, the owner shall make oath or affirmation (as the case may be) that he knows or believes, that the distances mentioned in the certificate were actually run, and that no more land is contained by the lines and boundaries than returned by the surveyor; and every surveyor, before he enters on the execution of his office, shall swear (or affirm) that he will not mention any boundary in his certificate of any survey, unless he shall actually run and measure the distance to such boundary, and that the boundary or boundaries by him returned shall be at the end of the line as expressed, and that the certificate does not contain more land than certified by him, to the best of his knowledge and belief.

Register to  
transmit a list,  
&c.

XIX. **And be it enacted**, That the register of the land-office for the western shore, annually, on or before the first day of October, make out