

contiguous to the Lands of any Minor or Minors, then Notice thereof shall be given to his or her or their Guardian, who shall, and is hereby required to take up and secure such Land, for, and in the Name of such Minor or Minors; and if the Profits of the Estate, over and above the Maintenance of such Minor or Minors, will not be sufficient to reimburse such Guardian for the Expence of taking up and securing such vacant Land, the said Minor or Minors shall be liable to his, her or their Guardian therefor, when he, she or they shall arrive at full Age, any Thing beforementioned in this, or any other Act of Assembly, to the contrary in any wise notwithstanding.

And whereas when Lands shall be hereafter surveyed and laid down, with Allowance for Variation, according to the Directions in this Act, it may be found that Houses, Fences, or other Improvements, will be left out of one Survey and included within the Lines of some other Tract, or taken by an elder Tract from a younger, or be left upon vacant Land, and it may be thought grievous to dispossess Persons of such Improvements made upon Lands to which they thought they had legal Title; for Prevention whereof,

Be it enacted, by the Authority, Advice and Consent aforesaid, That in all Cases, where it shall appear that by Means of the Allowance for Variation given by this Act, the Houses, or other Improvements that are upon any Tract or Parcel of Land, are left out of the Lines thereof and included within the Lines of any other Tract, or shall be taken by an elder Tract from a younger, the Person or Persons, out of the Lines of whose Land such Houses and Improvements are excluded, or who shall hold the younger Survey, from which an elder Survey shall take as aforesaid, shall have Liberty to remove the same; and if the Improvements so excluded, left out or taken away, shall consist of an House or Houses, in which the Person or Persons holding the same, or his, her or their Tenant or Tenants, doth, or do usually dwell, or any other valuable House that cannot easily be removed, the Owner or Owners of such Dwelling-House, or other valuable Houses, shall have and hold all that Part of such Tract of Land, which would otherwise be taken away by the Allowance for Variation, by the same Title that he hath in and to his other Land, out of which it shall be taken, he paying to the Person or Persons, within the Lines of whose Lands such Dwelling-House or Houses may be included, a reasonable Price for such Land, exclusive of said House or Houses; and in Case Diversity of Sentiment should arise between the Owners of such neighbouring Tracts, about the reasonable Value of such Land,

Be it enacted, That in all such Cases it shall and be lawful, for the Person or Persons in Possession, to name Six Arbitrators out of the most respectable Inhabitants in that Part of the County where the Lands lie, not of Kin to either of those who may be interested; out of which, Three shall or may be struck by the Person or Persons into whose Survey the same Land and Improvements would fall, and such Arbitrators so struck as aforesaid, shall finally settle and adjust such Difference as aforesaid, and set a Price on the Lands, exclusive of Improvements aforesaid: Upon Payment or Tender, and Refusal whereof, the Possessor of such Lands shall, by Force and Virtue of this Act, be seized of and entitled unto the same Estate therein, as he, she or they, may have in his, her or their Land, out of which the same shall be so taken.

And be it further enacted, by the Authority aforesaid, That in Case any Tract, or Part of a Tract of Land, shall, by Means of the Allowance given by this Act for Variation, become vacant, the Person or Persons, to whom the same belonged, or within whose Lines it was included, according to the Direction of the Needle before such Allowance given, shall have the Pre-emption thereof, without being obliged to pay for the Buildings, or other Improvements that may be found thereon; provided always, that if such Person or Persons, do not survey and take up such Vacancy within Twelve Months after Discovery and Notice given to him or them thereof, that then it shall and may be lawful for any other Person to survey and take up the same; provided always, that wherever such immovable Improvements, as aforesaid, which shall happen to be taken into any other Survey, or be left upon vacant Land as aforesaid, shall be the Right of a Minor or Minors, the legal Guardian of such Minor or Minors shall pay the Value of the Land as aforesaid, or take up and secure the same, as the Case may happen, on Behalf of the said Minor; and if the Profits of the said Minor's Estate, over and above the Maintenance of such Minor or Minors, will not be sufficient to reimburse such Payment or Expences of taking up and securing such Land, the said Minor or Minors shall be liable to his, her or their Guardian therefor, when he, she or they, shall arrive at full Age, any Thing herein before contained to the contrary in any wise notwithstanding.

By the LOWER HOUSE of ASSEMBLY, 31st October 1770.

Read the Second Time, and referred for Consideration on the Second Tuesday of next Session of Assembly.

Signed by Order,

JOHN DUCKETT, Cl. Lo. Ho.