

Lib. L. L. the Quantity of Land due to the Taker up in Such Cases wherein it is not otherwise before in this Act Provided in Ascertaining the bounds of Lands by the Water Side the

p. 221 Lines shall be the Bounds of such Lands and the Trees shall be deserted and one Line shall be drawn from the end of Another because the Errors of such Surveys was in the Misplacing of Trees Yet so if any Second Taker up hath begun att any the aforesaid deserted Trees and run lines Paralell to the first Taken up Lands and that by this Regulation some part of the Land of the Second Taker up will now fall within the lines of the first Taker up in Such Case the first Taker up shall have no Action of Trespass against the Second Taker up for any Suposed Trespass within his Lines which he Could not have had before but on the Contrary if the second Taker up have made any Improvement on the Land now to be taken away he shall hold his Improvement and all the Lands & all the Land that falls to be within the Lines of the first taker up by reason of this Regulation for such Number of Years as a Iury shall think such Improvement deserves not Exceeding fourteen Years to be reckoned from the time that the first Taker up Resurveyed his Land by a Iury and the Same Iury shall there ore Tenus Determine the Matter. And whereas this may Occasion that some Land may be Clear by or about these deserted Trees or otherwise in Such Cases the Iury or the Major part of them shall determine in Writeing under their hands and Seales what part of such Land hap- pening to be Clear shall be Assigned to the Taker up to take up againe by Common Warrant and what part shall be Assigned to the second Taker up to take up againe in like mañer which by this Act they are Impowered to do to make good what Dis- advantage may happen to either part and no other person for a Year and a day after shall Take up any the Land So

p. 222 Assigned and if they doe it shall be of no Effect nor shall any Grant for the same upon any such Surreptitious Survey be of Validity in Law And if the first Taker up do not within a Year and a day after the Publication of this Act in the County where such Land lyes resurvey his Land and Ascertain his Bounds tht then after one Year and a Day Expired the second Taker up (may if he pleaseth) for Certainties sake Cause the same to be done att his own Cost and Charges And be it Enacted &c That the Justices of each respective County Court may Grant a Warrant of Resurvey and a Venire for a Iury if required where the reason of resurvey is onely Ascertaining of Bounds According to this Act the Petitioner onely paying to the Clerk Sixteen Pounds of Tobbacco for his Warrant and thirty Pounds of Tobbacco or Two Shillings Six pence to the Commissioners towards Supporting their Expences and where