

first taker up shall have no action of trespass against the second taker up for any supposed 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, and 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 jury 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 jury, and the same jury shall there ore tenus determine the matter. And whereas this may occasion that some land may lie clear by or about these deserted trees or otherwise, in such cases the jury or the major part of them shall determine in writeing under their hands and scales, what part of such land happening 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 manner, which by this act they are impowered to do to make good what disadvantage may happen to either part, and no other person for a year and a day after shall take up any the land so 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, that 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 veniere for a jury if required: where the reason of resurvey is only ascertaining of bounds according to this act, the petitioner onely paying to the clerk sixteen pounds of tobacco for his warrant, and thirty pounds of tobacco, or two shillings six pence to the commissioners towards supporting their expences; and where the warrant of resurvey is granted as aforesaid, there the surveyor shall have onely such fees as in a primitive survey, any law, statute, or custom to the contrary notwithstanding, and shall certify that by virtue of such warrant, he hath resurveyed a tract of land called A. first layd out for B. described to lye and be bounded as followeth [Here the situation and bounds of lands to be expressed] and that he hath resurveyed and regulated the same according to the first, second, or other example of the act for regulating and ascertaining, &c. which certificate with a faire platt shall be returned to the examiner of the county, and being approved by him, to the county clerk, to be recorded: And to that end,