

C H A P. XXXIX.

An ACT declaring that the Grantees of Land, lying within the *Indians* Land, may have Action of Trespass against such Persons as cut Timber off their Land, on Pretence of having bought the same of the *Indians*. *Lib. LL. N^o 3. fol. 102.*

Passed 3d of
October 1704.

BE it hereby Enacted and Declared, by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same, That the Falling, Mauling, and Carrying away of Timber, or Purchasing or Receiving any Timber, by any Person or Persons, upon Pretence of having Bought the same of the *Indians*, or upon any unlawful Pretence whatsoever, on or from off any Lands, within the Bounds of the *Indians* Land, whereof any other Person or Persons have in him, her or them, the Fee, be judged, deemed and accounted, a Trespass: And whosoever shall purchase and receive, fall, maul, or carry away, Timber as aforesaid, shall be deemed and adjudged Trespassers, and shall be liable to Action or Actions of Trespass: And the Persons grieved shall and may recover their Damages accordingly, as if the Grantee or Patentee aforesaid, did actually occupy and enjoy such Land, and had improved it; any Law, Act of Assembly, or Usage to the contrary notwithstanding.

The Falling,
&c. of Tim-
ber, on any
Lands, with-
in the *Indians*
Bounds,
whereof any
other Person
hath the Fee,
declared to
be a Trespass.

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

C H A P. XL.

An Act regulating of Ordinaries. *Lib. LL. N^o 3. fol 103. EXP.*

C H A P. XLI.

An Act ascertaining the Height of Fences, to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse-Rangers within this Province. *Lib. LL. N^o 3. fol. 108. REP. 1715, ch. 49; and 1719, ch. 16.*

Passed 3d of
October 1704,
for 3 Years.

Passed 3d of
October 1704.

This Act was to continue 3 Years, &c. was revived for 3 Years, &c. longer by the Acts of 1708, ch. 18; and 1712, ch. 26. A new Law was made 1715, ch. 31.

C H A P. XLII.

An ACT for Settlement of an annual Revenue upon her Majesty's Governor within this Province, for the Time being. *Lib. LL. N^o 3. fol. 111.*

Ditto.

WHEREAS by an Act of Assembly formerly made, entitled, * *An Act for providing a Support for the Lord Proprietary of this Province, and likewise a Supply for defraying the public Charge of the Government*, it was by the said Act published and declared; That from and after the First Day of *September* then next ensuing, there should be raised, levied, collected and paid, to the said Lord Proprietary, the Sum of Two Shillings Sterling for every Hoghead, or Quantity of a Hoghead of Tobacco, which should be at any Time thereafter shipped in any Ship or Vessel, to be exported out of this Province, on Condition that his said Lordship should receive his Rents, and Fines for Alienation of Lands, in good, sound, merchantable Tobacco, when tendered, at the Rate of Two Pence per Pound, for one Moiety of the said Imposition; the other Moiety, by the said Act raised, to be applied towards maintaining a constant Magazine, and defraying other public and necessary Charges of the Government. And whereas former Assemblies, upon strict Inquiry made into the Premises, did find his said Lordship had not only been very deficient, and at small Charges and Expences in maintaining a Magazine as aforesaid, but that this Province hath been obliged to defray all public Charges arising for the Support of Government, by Way of an equal Assessment upon the Inhabitants thereof, the several Provisoes in the afore recited Act to the contrary notwithstanding. And whereas also his said Lordship the aforesaid Moiety of Two Shillings per Hoghead, under Pretext

* *An* Preamble.

Recital of the
Act of 1671,
ch. 11.