

## C H A P. VIII.

Passed 3<sup>d</sup>  
Nov. 1722.

An ACT for preventing the Destroying of Boundaries, or Bounded Trees; and the Bounding of Trees, or setting up of Boundaries, without lawful Authority. *Lib. LL. N<sup>o</sup> 4. fol. 560.*

Preamble.

**W**HEREAS it appears to this present General Assembly, That many Abuses and Prejudices have happened to many of the Inhabitants within this Province, occasioned by private Persons taking upon themselves in a private Manner, the Bounding, or Re-bounding of Trees, whereon the Bounds either of their own Lands, or any other adjacent Lands, may have any Dependance; and also by the Bounding of Trees at Random in the Woods, the Multiplicity of which renders the true Boundaries of Lands very precarious and uncertain; and likewise by the cutting down or destroying of Bounded Trees, either of or upon their own Lands, or any others; For the Remedy of which Evils for the future;

No Person shall cut down any Boundary Tree of his own or other Person's Land.

**H. Be it Enacted**, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly of this Province, and the Authority of the same, That from and after the End of this present Session of Assembly, it shall not be lawful for any Person or Persons whatsoever, within this Province, under any Pretence whatsoever, to cut down, or otherwise destroy, any Boundary, or Bounded Trees, either of his own Lands, or of the Lands of any other Person whatsoever, even although such Boundary or Bounded Trees should stand within the Person's own Land so cutting down and destroying the same, under the Penalty of Five Thousand Pounds of Tobacco for every Offence; the one Half to the Informer, or to him or them that shall sue for the same, the other Half to the Use of Free-Schools in the County where the Offence is committed.

Penalty.

Persons Bounding any Tree without lawful Authority, &c.

**III. And be it also further Enacted**, That if any Person or Persons whatsoever, shall, without lawful Authority, either at Random, or for their own Pleasure, presume to Bound any Tree or Trees in the Woods, or upon their own Lands, or that shall Bound any Tree or Trees, or set up other Boundaries for their own or others Land, in lieu and place of any original Boundary or Bounded Tree that is any way decayed or destroyed, without first giving Notice to all Persons concerned in such Boundaries, of the Time and Place proposed for setting up or making such new Boundary, or that upon the Failure of the Persons concerned in such Lands (upon Notice, or when Notice cannot be given) being present at the Time and Place appointed, shall not take with him Four substantial Freeholders of his Neighbourhood at the least, that may be present at the Bounding such Tree or Trees, or setting up such other Boundary, shall forfeit for every Time he, she or they shall be convicted thereof, the Sum of Five Thousand Pounds of Tobacco; the one Half to the Informer, or to him or them that shall sue for the same, the other Half to the Use of Free-Schools in the County where the Offence is committed: All which Fines aforesaid, to be recovered in his Lordship's Name, in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law shall be allowed.

Penalty.

The Prosecutor's Duty.

**IV. And be it further Enacted**, That in all Prosecutions against any of the Offenders aforesaid, the Attorney-General, or Clerk of Indictments, in their Indictments or other Proceedings, shall be as particular as possible in describing the Place upon, or to whose Lands the Boundaries relate, which have been made, so set up, or destroyed, contrary to the true Intent of this Act.

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

C H A P.