

heretofore granted, which is now excluded by the variation of the compass, ought not to be taken from the person claiming under such survey and grant, and attempts may be made to take up such land as vacancy, contrary to justice; *Be it enacted*, That no grant shall issue, unless to the person holding under the grant originally including the land as aforesaid, upon any warrant hereafter to be taken out, or already taken out, upon which patent hath not issued, to affect any land, which the chancellor, on caveat, may adjudge to have been included by the courses of such original grant, and since excluded by the variation of the compass; and the chancellor shall and may, on such adjudication, or on the certificate of the party claiming under such original grant, order a patent to issue for confirming to the person claiming under such grant the lands which shall be determined to have been originally included by the courses therein expressed; and the person to whom patent of confirmation shall be ordered to issue as aforesaid, shall not be obliged to pay any money for the land so ordered to be confirmed to him, or the value of any improvements on such land; and no patent shall issue upon any certificate of survey heretofore returned, or hereafter to be returned, unless upon proof made of notice having been given by the party applying for such patent to the person or persons whose land may be affected by such survey, or to his or their attorney, agent, guardian or next friend, which proof of notice shall be made by affidavit, or affirmation, of a disinterested person, before a judge of the general court, or some justice of the county where such land may lie, and shall be lodged with the register of the shore on which such land shall lie, and by him shall be certified to the chancellor.

Original grants not to be affected, &c.

By April, 1782, ch. 38, certificates or warrants before the first of March, 1777, were to lie in the office three months after the first of July then next, and certificates and warrants under this act, or thereafter to be granted, were to lie in the office six months after being compounded on, after which times respectively grants were to issue without notice as required by this act.

SEC. 13. *Provided always*, That if the chancellor shall be of opinion, that the land claimed as vacancy was not originally included, and shall order grant for the same, the person claiming under such original patent shall have a right to controvert, by trial at law, whether the same land, or any part thereof, was originally included in the certificate on which the original grant did issue, and the opinion of the chancellor shall have no influence on the question before a jury, but the matter shall remain in the same manner as if no determination of the chancellor had been given. Proviso.

SEC. 14. *And*, whereas the allowing natural or artificial boundaries to be expressed in certificates may prevent injury from