

cond 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 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 writing, under their hands and seals, what part of such land happening to be clear, shall be assigned to the taker up to take up again by common warrant, and what part shall be assigned to the second taker up, to take up again in like manner, which by this act they are empowered 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 do, 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 lies, 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 certainty's sake, cause the same to be done at 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 jury, if required, where the reason of resurvey is only ascertaining of bounds according to this act, the petitioner only paying to the clerk sixteen pounds of tobacco for his warrant, and thirty pounds of tobacco, or two shillings and six pence, to the commissioners towards supporting their expenses; and where the warrant of resurvey is granted as aforesaid, there the surveyor shall have only 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 laid out for *B.* described to lie 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 fair plat, 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,

*Be it enacted,* That the governor for the time being may constitute and appoint one discreet person to be examiner of the said county, and to do therein as to such office belongs, &c. taking for his fees for every such certificate fifty pounds of tobacco, if the same be for five hundred acres or under, and one hundred pounds of tobacco, if the same be above five hundred acres, and the examiner shall keep a fair book, and record the certificate and plat.

*And be it enacted, &c.* That if any person hold a tract of land, which on any line is said to run a certain course and certain number of perches to another man's land, and that certain number of