

manner as other actions of trespass against several defendants, who sever in their pleadings; and in particular, every summons and other process for witnesses, to be issued by the plaintiff, shall be entitled, as in the cause of the said plaintiff against all the defendants; and the said plaintiff may examine his said witnesses in the trial of the issues joined between himself and any one or more of said defendants; and if upon the trial of the issues joined between the plaintiff and any of the said defendants, severing as aforesaid, an exception shall be taken to the instructions of the court given to the jury, or to the refusal of the court to instruct the jury, or any other legal objection taken to the proceedings, upon which an appeal may be taken, the county court, before whom the said cause shall be depending, may, in their discretion, continue all other issues joined between the said plaintiffs and all other of said defendants, upon the trial of which, like questions may arise, until the determination of said appeal.

Sec. 3 *And be it enacted*, That all costs in said action, which may appear to be necessary for the trial of said action, as against any particular defendant severing as aforesaid, shall be considered and taxed as costs as between the plaintiff and said defendant; and that all costs which may be necessary for the trial of said action, as against several defendants, and which may be chargeable to the defendants, shall be apportioned by the court justly and equitably amongst the said defendants.

Costs, how to be taxed.

AND WHEREAS, it frequently becomes necessary for parties in ejectment to locate lands having no certain and visible boundaries, in several different modes, in order to accommodate said locations to the uncertain variation of the compass; and whereas, it is doubtful whether a party locating lands with a certain allowance for variation, can use said location unless the jury trying the cause shall determine that the allowance made is exactly correct, and a doubt often induces parties to make many locations of the same tract, with many different allowances for variation, therefore,

Location of lands having no certain or visible boundaries.

Sec. 4 *Be it enacted*, That if any plaintiff in ejectment shall hereafter locate his pretensions, or any part of his pretensions, having no certain boundaries at the termination of the lines thereof, according to the courses and distances, with or without allowance for variation, and on the trial of the said cause, the jury shall think that said locations should have been made with a different allowance for variation, it shall and may be lawful for the jury, or the surveyor, under the direction of the court, to correct said locations at bar, and the jury shall thereupon give their verdict upon all the locations, as corrected; *Provided*, that said corrected location shall not enlarge the plaintiffs pretensions as against the defendant or defendants, and no continuance shall be granted on account of said cor-

Locations made by plaintiff, to be corrected at bar.

Provided.