

and in every such case the Vestry of the respective Parish where such Gift or Grant hath been made, and the Quantity not ascertained, as aforesaid, may demand and take of such Lands, for the use of the Church, and thereto adjacent, Two Acres, and no more, which they shall cause to be Surveyed and staked out, and make Returns of two Certificates thereof, one of which must be Recorded in the County Court, and the other in the High Court of Chancery, there to be Registred *in Perpetuam rei Memoriam*, as aforesaid.

And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That where the Vestry of any Parish within this Province have or shall think convenient to place either Church or Chappel of Ease within their respective Parishes, for the better conveniency of their Parishioners, but the owner or owners of such Land chosen out and appointed by such Vestry, as aforesaid, for the use of their Parish aforesaid, either refuse to make Sale thereof, or are unreasonable in his or their demands for the same, or otherwise incapacitated by *Non-age, non sana Memoreæ*, or *beyond the Sea*, that then and in every such Case the respective Vestrys of the respective Parishes shall apply themselves to the Commissioners of the County Court whereto they belong, upon whose application the said Commissioners shall forth-with grant their Warrants to the Sheriff of their County, thereby requiring him, at a certain Day and Time, to be by them nominated and appointed, to impanel a Jury of substantial Free-holders next adjacent to the Land in quest aforesaid, which said Commissioners and Jury aforesaid shall proceed in all things as by another Act of Assembly (entituled, *An Act empowering the Commissioners of the severall and respective Counties to take up and purchase Land for their County Court Houses*) they are directed, not exceeding two Acres, as before in this Act mentioned and exprest, any thing in this Act or any other ordained to the contrary notwithstanding.

And purchase
Land for building
Churches &c. by
Warrant in Na-
ture of *Ad quod
Damnum*.

An Act declaring that the Grantees of Land lying within the *Indians* Land may have Action of Trespals against such Persons as cut Timber off their Land on pretence of having bought the same of the *Indians*.

BE it hereby Enacted and Declared by the Queens most Excellent Majesty, by and with the Advice and Consent of her Majesty's Governour, 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 Trespals; and whosoever shall purchase or receive, fall, maul or carry away Timber, as aforesaid, shall be deemed and adjudged Trespallers, and shall be lyable to Action or Actions of Trespals, 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.