

The Justices
may assess
Damages.

Plaintiff or De-
fendant pray-
ing for a Writ
of Enquiry, it
may be issued.

and the Authority of the same, That from and after the End of this present Sessions of Assembly, the Justices of every Court of Record in this Province may assess Damages, and give final Judgment in all Actions of the Case, upon Assumpsit, whether the same shall be entred upon Default, Demurrer, *Nihil dicit, non sum informatus*, or upon Confession; and no such Judgment shall be staid or reversed for or by Reason of not Speeding or Executing a Writ of Enquiry of Damages: Any Law, Usage or other Thing heretofore had, made or used to the contrary, notwithstanding. *Provided always, and be it Enacted by the Authority aforesaid,* That if either Party, Plaintiff or Defendant, shall, the same Court that Judgment shall be rendred, pray and insist on a Writ of Enquiry of Damages, the same shall issue in such Manner as if this Act had not been made; and if any Plaintiff shall insist on a Writ of Enquiry of Damages, and refuse to take Judgment for what the Defendant shall confess, the Plaintiff shall be at the Charge of such Writ of Enquiry, if the Jury assess no more Damages than the Defendant so confess'd.

An ACT for preventing the destroying of Boundaries or bounded Trees; and the Bounding of Trees, or setting up Boundaries, without lawful Authority.

Many Abuses
having hap-
pened, by
the setting up,
or removing
Boundaries,

For Remedy,

No Person
shall destroy
any Boundary,
either upon
his own or any
other Persons
Land.

On Penalty of
5000 Pounds
of Tobacco for
every Offence.

If any Per-
son shall set
up a Boundary,

WHEREAS 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,

Be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, 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 Sessions 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 altho' such Boundary or bounded Trees should stand within the Persons 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.

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