

C H A P.
XXXVIII.
Grand jury to
inquire.

III. AND, To the end it may be known what lands have been so given to the use of any church or chapel aforesaid, and made over and confirmed by deed of gift or grant as aforesaid, the grand jury in each respective county within this province, next after the publication of this act, shall have in charge to inquire by what title such lands, whereupon the several churches or chapels aforesaid, within their respective parishes, and in their precincts, are held, and to render an account thereof to the court, who are hereby empowered, where any such lands shall appear to be given, and not confirmed as aforesaid, in open court to examine witnesses *in perpetuam rei memoriam*, and the same cause to be recorded in the county records, which shall be deemed, adjudged and taken, in all courts of record within this province, as sufficient proof of the donation or grant, as also to the quantity of acres given or granted as aforesaid.

Vestry may de-
mand, &c.

IV. AND, In case it shall appear upon such examination, that lands have been given for the use of any church, chapel or church-yard as aforesaid, but the quantity thereof not mentioned by the donors or grantors thereof as aforesaid, that then, 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 registered *in perpetuam rei memoriam* as aforesaid.

In what man-
ner they shall
proceed.

V. 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 chapel 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 memoria*, or being beyond the seas, that then, in every such case, the respective vestries of the respective parishes, shall apply themselves to the commissioners of the county court whereto they belong, upon whose application the said commissioners shall forthwith 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 freeholders 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, entitled, An act empowering the commissioners of the several and respective counties, to take up and purchase lands for their county court-houses, they are directed, not exceeding two acres as before in this act mentioned and expressed, any thing in this act, or any other, ordained to the contrary notwithstanding.

Passed 3d of
October, 1704.

C H A P. XXXIX.

An ACT declaring that the grantees of land, lying within the Indians land, may have action of trespass against such persons as cut timber off their land, on pretence of having bought the same of the Indians. Lib. LL. No. 3. fol. 102.

C H A P. XL.

An ACT regulating of ordinaries. Lib. LL. No. 3. fol. 103.

For three years: Expired.

C H A P. XLI.

An ACT ascertaining the height of fences, to prevent the evil occasioned by the multitude of horses, and restraining horse-rangers within this province. Lib. LL. No. 3. fol. 108.

For three years, &c. Revived by 1708, ch. 18, and 1712, ch. 26. Repealed 1715, ch. 49, and 1719, ch. 16.

C H A P. XLII.

An ACT for settlement of an annual revenue upon her majesty's governor within this province for the time being. Lib. LL. No. 3. fol. 111.

C H A P. XLIII.

An ACT prohibiting the importation of bread, beer, flour, malt, wheat, or other English or Indian grain, or meal, horses, mares, colts, or fillies, or tobacco, from Pennsylvania, and the territories there belonging. Lib. LL. No. 3. fol. 114.

For three years. Continued by 1707, ch. 19, 1710, ch. 11, and 1713, ch. 22. Repealed 1715, ch. 49, and 1719, ch. 16.

C H A P. XLIV.

An ACT for limitation of certain actions, for avoiding suits at law. Lib. LL. No. 3. fol. 116.
Repealed 1715, ch. 49, and 1719, ch. 16.

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