

C H A P. IV.

go to the parish or incumbent where such land lies, in the same manner as glebes are commonly held, and that no want or insufficiency of words, (where the intent appears,) shall defeat such parish or incumbent of such land.

Proviso.

IV. PROVIDED NEVERTHELESS, That this law shall in no wise affect any lands that have been heretofore disputed in law, or escheated, or about which there is at this time any contest or lawsuit depending; and provided likewise, that such will or wills have and shall be signed by the testator so devising the same, or by some other person in his presence, and by his express directions, in the presence of three or more credible witnesses, and duly proved.

Passed 3d of Nov. 1722.

C H A P. V.

An ACT to regulate prosecutions in criminal cases. Lib. LL. No. 4. fol. 557.

No indictment to be exhibited, &c.

BE IT ENACTED, by the right honourable the Lord Proprietor, by and with the advice and consent of his lordship's Governor, and the Upper and Lower Houses of Assembly of this province, and the authority of the same; That from and after the publication hereof, no attorney-general, or clerk of the peace or of indictments, shall exhibit any bills or bill of indictments to any grand jury against any person whatsoever, without an express order from the governor and council, (a) or from the court where the prosecution is to be, or some one of the justices of such court, or unless the offender be bound over to such court, or that the grand jury find or make a presentment of the offence of their own knowledge, upon penalty of paying the party grieved all the damages and charges that shall be occasioned by such prosecution, any law, statute, usage or custom, to the contrary notwithstanding.

(a) See the note under 1715, ch. 48, section 1.

C H A P. VI.

An ACT for the amendment of the law, and the speedier advancement of justice in relation to the assessing of damages. Lib. LL. No. 4. fol. 558. Repealed 1794, ch. 46.

C H A P. VII.

An ACT for continuing all causes in the high court of appeals from the court that was appointed to be held in July, 1722, for the time therein mentioned. Lib. LL. No. 4. fol. 559.

C H A P. VIII.

An ACT for preventing the destroying of boundaries, or bounded trees, and the bounding of trees, or setting up of boundaries, without lawful authority. Lib. LL. No. 4. fol. 560.

Preamble.

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 dependence, 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,

Penalty for cutting down boundaries, &c.

II. BE IT ENACTED, by the right honourable the Lord Proprietor, by and with the advice and consent of his lordship's Governor, 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 session 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 although such boundary or bounded trees should stand within the person's 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.

Or bounding of trees, &c.

III. 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 original boundary or bounded tree that is any way