

C. H. A. P.  
XX.  
Original grants  
not to be affect-  
ed, &c.

up such land as vacancy, contrary to justice; **BE IT ENACTED**, That no grant shall issue, unless to the person holding under the grant originally including the land as aforesaid, upon any warrant hereafter to be taken out, or already taken out, upon which patent hath not issued, to affect any land, which the chancellor, on caveat, may adjudge to have been included by the courses of such original grant, and since excluded by the variation of the compass; and the chancellor shall and may, on such adjudication, or on the certificate of the party claiming under such original grant, order a patent to issue for confirming to the person claiming under such grant the lands which shall be determined to have been originally included by the courses therein expressed; and the person to whom patent of confirmation shall be ordered to issue as aforesaid, shall not be obliged to pay any money for the land so ordered to be confirmed to him, or the value of any improvements on such land; and no patent shall issue upon any certificate of survey heretofore returned, or hereafter to be returned, unless upon proof made of notice (a) having been given by the party applying for such patent to the person or persons whose land may be affected by such survey, or to his or their attorney, agent, guardian or next friend, which proof of notice shall be made by affidavit, or affirmation, of a disinterested person, before a judge of the general court, or some justice of the county where such land may lie, and shall be lodged with the register of the shore on which such land shall lie, and by him shall be certified to the chancellor.

(a) By April, 1782, ch. 38, certificates or warrants before the first of March, 1777, were to lie in the office three months after the first of July then next, and certificates and warrants under this act, or thereafter to be granted, were to lie in the office six months after being compounded on, after which times respectively grants were to issue without notice as required by this act.

Proviso.

**XIII. PROVIDED ALWAYS**, That if the chancellor shall be of opinion, that the land claimed as vacancy was not originally included, and shall order grant for the same, the person claiming under such original patent shall have a right to controvert, by trial at law, whether the same land, or any part thereof, was originally included in the certificate on which the original grant did issue, and the opinion of the chancellor shall have no influence on the question before a jury, but the matter shall remain in the same manner as if no determination of the chancellor had been given.

Boundaries  
may be erected,  
&c.

**XIV. AND**, whereas the allowing natural or artificial boundaries to be expressed in certificates may prevent injury from the variation of the compass, **BE IT ENACTED**, That the surveyor may insert in any certificate any boundary, artificial or natural, as being at the end of the distance expressed, provided he shall actually measure such distance; and in case the length of the line expressed in the certificate shall not reach the boundary, and the line shall not have been actually run, on caveat against grant issuing on such survey, the same shall be void, so far as that the land which is excluded by running from the end of the course and distance to the end of the next course and distance, or to the next boundary, if any, shall be liable to be affected as vacancy; *and before any grant shall issue on any certificate expressing more than one boundary for the beginning, the owner shall make oath or affirmation (as the case may be,) that he knows or believes, that the distances mentioned in the certificate were actually run, and that no more land is contained by the line and boundaries than returned by the surveyor; and every surveyor, before he enters on the execution of his office, shall swear, (or affirm,) that he will not mention any boundary in his certificate of any survey, unless he shall actually run and measure the distance to such boundary, and that the boundary or boundaries by him returned shall be at the end of the line as expressed, and that the certificate does not contain more land than certified by him, to the best of his knowledge and belief.*

*The part of this section printed in italic was repealed by November, 1787, ch. 3.*

List to be made  
out, &c.

**XV. AND BE IT ENACTED**, That the register of the land-office for the western shore, annually, on or before the first day of October, make out and transmit to the commissioners of the tax of the several counties, a list of all grants, the name of the grantees and land, and the quantity of acres, and the date of the certificate and grant.

*The provision in this section appears to be altered by 1797, ch. 89, sections 37 and 39, which direct, that the registers shall annually, between the first of January and the first of March, make out, for the commissioners of the tax, a list of all certificates which have become ready for patent, &c. and shall forward them as public letters.*

Certain land  
not to be taken  
up, &c.

**XVI. AND BE IT ENACTED**, That no land adjoining to the land lately belonging to the Principio company, or the Nottingham company, shall be taken up as vacancy, or affected by any warrant to be taken out; and if any warrant has been taken out, or certificate returned, to affect such land, no patent shall issue thereon, but such vacancies, if any, adjoining to, or in any manner interfering with, the land formerly belonging to the said companies, or either of them, shall be reserved to this state, surveyed, and sold for the purposes to which the property of the said companies are respectively applied.

XVII. AND