

C A P. IX.

AN ACT, to impower His Majesty's Justices of the *Supreme Court* to require, and take Bail from Persons removing or bringing up Causes from *Inferior Courts* to the *Supreme Court*.

Preamble.

HEREAS the issuing Writs of Certiorari or Habeas Corpus cum Causa, to bring up Causes and Parties from the Inferior Courts within this Province subject to no Terms or Conditions on the Part of the Person or Persons suing out the same may be attended with great Inconveniencce.

No cause to be removed out of Inferior Courts, into Supreme Court; without sufficient surety being first given.

I. Be it therefore Enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Publication hereof no Cause commenced in any of the Inferior Courts of Common Pleas or other Inferior Courts in this Province, shall be removed by any Writ or Writs of Habeas Corpus cum causa or Certiorari into His Majesty's Supreme Court without sufficient Surety being first given in the said Supreme Court, or before a Judge thereof by the Person or Persons applying for, and purchasing out such Writ or Writs to abide, fulfill and perform the final Judgment of the said Supreme Court in the cause or causes so removed.

The Justice before whom such surety is taken shall indorse on the back of the Writ all particulars and affix his Signature thereto.

II. And be it further Enacted, That previous to the issuing of such Writ or Writs, the Justice of the said Supreme Court, who has taken the Surety as aforesaid shall indorse on the back of the Writ the Amount for which Surety is taken with the Names of the Surety or Sureties, and shall also signify his Assent to the issuing the said Writ by indorsing his Allowance thereof, with the Day and Date it was allowed, and his Signature thereto.

C A P. X.

AN ACT in Amendment of an Act, passed in the Thirty Second Year of the Reign of His late Majesty, intituled, an Act, for confirming Titles to Lands, and quieting Possessions.

Preamble.

HEREAS great Inconveniencies may happen to the Inhabitants of this Province, from the manner in which Townships, and large Tracts of Land have been granted, for Remedy whereof;

I. Be it Enacted, by the Lieutenant Governor Council and Assembly, That all Persons who now hold Lands, Tenements or Hereditaments,

taments, in joint Tenancy, and who have not, nor shall in their, or any of their Life Times, have parted or divided such joint Interest, that nevertheless, the undivided Share or Right of such joint Tenant or Tenants, who may die, shall not be inherited by the surviving joint Tenant or Tenants, but shall descend to the lawful Heir or Heirs of the deceased; any Law, Usage or Custom to the contrary thereof notwithstanding.

II. *And be it further Enacted.* That where any Persons, being either joint Tenant or Tenants in Common in Lands or Tenements, have divided such their Interests in the same by Survey and Plan, such Surveys and Plans, shall be henceforth deemed and taken to be a legal division of the same, so as to bind the Owners thereof, equally as if the same had been made by Deed or Writ of Partition.

III. *And be it further Enacted,* That any Person or Persons, who shall hereafter, wilfully or maliciously remove and destroy the Bounds or Land Marks, or shall be aiding, abetting or assisting, in removing or destroying the Bounds or Land Marks, of any Person or Persons, whatsoever set up agreeable to said Survey and Plan, such Person or Persons being duly convicted thereof, in his Majesty's *Supreme Court*, or any other Court of Record within this Province, shall be fined, imprisoned, or whipped, at the Discretion of the Judges of said Court.

IV. *And be it further Enacted,* That all Grants of Land, of what Kind or Nature whatsoever, purporting to be Grants in Fee Simple, which have been heretofore made, by any Governor, Lieutenant Governor or Commander in Chief, for the Time being, under the Great Seal of the Province, such Grants shall be, and are hereby declared to be good and sufficient in Law, to convey unto the Grantee or Grantees, in such Grant or Grants respectively named, a good and sufficient Title in Fee Simple, for ever, notwithstanding any Defect in the form or words thereof, and notwithstanding, that such Grant or Grants, might not express his Majesty's Name therein. *Provided,* That the Lands specified in such Grant or Grants were vested in his Majesty, by Inquest of Office or otherwise, at the Time of making the same. *And Provided also,* That any Defect in form or words as aforesaid, shall not be construed to extend said Grant, beyond the Limits intended by the true Intent and Meaning thereof; any thing herein contained to the contrary notwithstanding.

Tenancy not divided during the life time of the parties shall not be inherited by the surviving Tenant or Tenants but descend to the lawful Heir of the deceased.

Tenants in Common who have divided their Interests by Survey and Plan, the same shall be deemed a legal division, as if made by Deed or Writ of Partition.

Whoever shall be found removing the Bounds &c. and convicted thereof in his Majesty's *Supreme Court* or any other Court of Record, shall be fined, imprisoned or whipped at the discretion of the Judges.

All former Grants in Fee Simple under the Great Seal of the Province, shall be deemed good and sufficient in Law although they may be defective in words.

If the Lands so Granted were vested in his Majesty by Inquest of Office, or otherwise at the time of making said Grant.