

sects the Cove how farr that Tract shall be bounded by the Lib. L. L.  
Cove and then att the Intersection the South line shall be  
begun and Continued till it Intersects a Line drawn East to p. 216  
the first Tree and in the fourth Example aforesaid allways Pro-  
vided the South line be not fifty p Cent more then it ought to  
be but if the South line be fifty p Cent more then it ought to  
be then the South line shall be the bounds and not the Creek or  
Cove and if the South line go to the Westward of the first Tree  
then the East line afores<sup>d</sup> shall be further Extended that the South  
line may att least Come to the beginning Tree. In all Cases  
where positive Eye Wittness cañot be had, their Tradition all  
Evidence Viva Voce Concurring with and agreeable to record  
shall be Accounted good Proof declareing from whom they  
had their Tradition and not Affirming any Markt Tree or  
Bounds other then or differing from what is Exprest on  
Record and where the first Markt Tree is wanting and the  
beginning Cañot be reasonably Proved but yett a second or  
third Markt tree is found the tree so found shall rule the  
bounds of the whole Tract according to the rules of this Act  
mentioned or hereafter to be mentioned where a man holds a  
Peninsula or Neck of Land and have Severall Markt or lined  
Trees upon the Points or Capes of his Tracts which do not  
very Exactly agree in Course or Distance and yet by good  
Evidence prove his Exterior bounds and the whole neck as it  
is Comonly Called or Peninsula be granted to him there all  
things shall be favourably Interpreted to his holding the whole  
neck ag<sup>t</sup> any later taker up although he hath built and Im-  
proved because it is unreasonable a second Taker up for a  
Small Skirt of Land shall have the same advantage of Range  
as the other but yet if the Second taker up be ejected the  
first shall not have any Action of Trespass against him  
Except the Court which Gives Judgement upon the Titles p. 217  
being the Same Court That Judgment is given and not after  
in due forme moved all on such Action to be brought upon  
the Consideration of the reasonableness of the Matter and  
that is humbly prayed to be thus Enacted, Because Such  
Peninsula or Necks of Land do not fall under any Ordinary  
Rule of Regulation Provided that nothing be Allowed of  
which is directly Contrary to any other rule of Regulation or  
Clause of this Act, And if any Tract of Land be Described to  
begin att the upermost or Lowermost Marked Tree of an  
other Tract when the Record of the former Tract mentions  
not any Tree markt for the upermost or lowermost Bounds  
thereof in all Such Cases the second Tract shall begin where  
the upermost or Lowermost Bounds of the first Tract Termi-  
nates by this Act Except it can possitively and very Strongly  
by good Wittness be proved that thc Surveyor and not the