

marked tree expressed in the certificate of survey, and well and sufficiently proved, to which either the course or the creek, river or branch directly leads, and may be attained by adding ten *per cent.* to every hundred perches of that line, which leads to it, the owner or owners of such land shall hold that surplusage, granted by the said ten *per cent.* against any latter taker up, and even against the Right Honourable the Lord Proprietor, his heirs and successors, at the granted rent, without any alteration by reason of the words more or less. And, if the said marked tree may be attained by adding of fifty *per cent.* to every hundred perches of the said line which leads to it, the owner of such land shall hold that surplusage against any later taker up; that is to say, all between the said trees, against the lord proprietor, paying arrears of rent at two pence per pound in tobacco; but if the fifty *per cent.* will not attain the second tree, it is out of measure unreasonable, and then the owners of such land shall be concluded by his precise number of perches, as if he had never any second marked tree: and if, in either the former cases, or any other case where the aforesaid fifty *per cent.* will attain the second tree, so as by this act the owners may hold the surplusage, the second line is [to be*] drawn from the second tree, the just length; as for example, for one hundred acres, a line from the first tree be mentioned north one hundred perches to the second marked tree, but is really one hundred and fifty perches, and then from the second tree a line is drawn east, one hundred and sixty perches, the just length, then from the end of the said east line, a line is drawn south, one hundred perches, but no marked tree there expressed, it will leave a gore betwixt a line drawn west to the first tree and the end of the hundred perches south, in all such cases, by virtue of this act, the third line shall be extended of equal length with the first, and the fourth line shall be parallel with the second, as in the first example demonstrated, that the tract of land may be square and one and the same, being laid out backward or forward; but if in the certificate of survey it be expressed in the third line a certain course and number of perches, and then, or from the end thereof, or such like synonymous expressions, with a straight line to the first bounded tree, such straight line shall be the bounds thereof, although the third line be not of equal length with the first; and if any second, or later taker up of land, have taken up the said gore, or land that may include it, and not improved or built thereon, the owner of the first tract shall pay him his reasonable charge expended in taking up the same, and reimburse him all the rent paid for the same, and the first owner shall entirely hold the full square, paying his lordship his succeeding rent for the surplusage; but if the taker up of the said land, or gore including it, have built thereon, he shall not be liable to an action of trespass; but if in case the owner of the first tract do not agree with him about paying him for his improvement, then the taker up of the gore shall, for the improvement's sake, hold it such number of years, not exceeding fourteen years to come, as a jury of resurvey shall adjudge; and this all to be required, and the number of years to commence, when the owner of the first tract shall, by a jury, resurvey and ascertain his bound, according to this act.

* The parts of this act included in crochets are supposed to be omissions in the record