

tain number of acres, yet the tract shall be confined by such bounds, as supposing the first line be north fifty perches, and north-east, or north north-east, or the like, eighty perches, and so parallel, and yet the owner shall be contented, and all latter surveys adjoining to such lines shall be good, as in the seventh example. And if any man have a greater number of perches given him in length or in breadth, by express words than he ought to have, yet he shall hold the same against any latter taker up, and against the lord proprietor rendering rent; as suppose north fifty perches, then east eighty perches, and so lines parallel for one hundred acres, as in the eighth example. Every man that hath an island entirely granted unto him, although he have surplusage, shall hold the same, although lines, or courses, or number of perches be not rightly expressed to conclude the same against any later taker up, and against the lord proprietor rendering rent, (if his lordship shall, for the discovery of such rent, cause the same to be resurveyed,) and his lordship, his heirs or successors, shall not, for any surplusage entirely dam or confound any patent, upon pretence of being deceived in his grant, or any other pretence; because every man had land granted him, in consideration that by performing conditions of plantations it was due to him, except where his lordship hath granted any lands *ex mero motu de gracia speciali*.

And whereas, by this act is provided, that if any man hold fifty *per cent.* above his number of perches, betwixt his known bounds, he shall maintain the same against any later taker up, &c. and will not resurvey his land in due time, but that the lord proprietor grant the surplusage to another, yet if the first taker up hath seated his plantation, and made his improvement, after the certain number of perches is determined, yet the surplusage shall not be said to be there, only after such determination of such number of perches, because after the surveyor hath once, by description as it were, shaped the land, it is then all granted at once *uno flatu*, and the surplusage shall be assigned by a jury entirely to lie together, but to the least detriment of the first grantee. And if a certain number of perches in any case be prescribed to run by a creek, river or branch side, and no marked tree nor certain course expressed, the said number of perches shall not be spent away by the several windings of the river, creek or cove, but brought to a straight line of that length, or else to be regulated by the other courses, as in other cases, is provided. If land be bounded by a creek or cove, running a certain course or number of perches, as suppose north one hundred perches, if that branch, creek or cove wear out and expire, or unreasonably wind above five points from the course into the land, before the number of perches be determined, so that there be no certain running constant stream, or certain bed or channel of a stream, continuing to the end of the line, or if there be such a winding as aforesaid, in [such] cases the line shall be the bounds from the beginning to the ending: *Provided* that all the adjacent lands betwixt the creek and the line, before it comes to slant over the branch, creek or cove, shall be added and taken to be part of the land, that is, so far as the creek includes, as in the ninth example. If land begin at a marked tree by a river, creek, branch or cove, and so go up or down the said river, creek, branch or cove, to another marked tree at the mouth of a creek, or