

cove to another marked tree at the mouth of a creek or cove, and then be prescribed to run a certain course and number of perches by the said creek or cove, and the spending away of the number of perches upon the winding of the said creek or cove would shorten the line from extending far enough into the woods, and the creek winds outwards from the land and varying from the course, in this case the full line and prescribed [course] shall be run out, and from the end of that line shall be drawn a line reverse to the next course, which is to be run till the line reverse intersect the said creek or cove, and by that intersection it shall describe how far that tract shall be bounded by the creek, &c. and the rest of the bounds shall in such case be ascertained by the fourth example; as suppose from the second tree, at the mouth of a cove, &c. the line prescribed [be] east one hundred and sixty perches by the cove, and bounded by the cove, and the said creek winds away east north-east, an east line of one hundred and sixty perches shall be run out, and if from the end of the east line the course should be south, then there shall be first a line drawn north to the cove, and that north line shall describe at the place where it intersects the cove, how far that tract shall be bounded by the cove, and then at the intersection, the south line shall be begun and continued till it intersects a line drawn east to the first tree, as in the fourth example aforesaid: *always provided, the south line be not fifty per cent. more than it ought to be; but if the south line be fifty per cent. more than 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 aforesaid shall be further extended, that the south line may at least come to the beginning tree.* In all cases where positive eye-witness cannot be had, their traditional evidence, *viva voce*, concurring with, and agreeable to, record, shall be accounted good proof, declaring from whom they had their tradition, and not affirming any marked tree or bounds other than, or differing from, what is expressed on record; and where the first marked tree is wanting, and the beginning cannot be reasonably proved, but yet a second or third marked 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 several marked or lined trees upon the points or capes of his tract, 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 commonly called, or peninsula be granted to him, there all things shall be favourably interpreted to his holding the whole neck against any later taker up, although he hath built and improved, 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 or trespass against him, except the court which gives judgment upon the titles, being the same court that judgment is given, and not after, in due form moved, allow 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 no-