

thing 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 at the uppermost or lowermost marked tree of another tract, when the record of the former tract mentions no any tree marked for the uppermost or lowermost bounds thereof; in all such cases the second tract shall begin where the uppermost or lowermost bounds of the first tract terminates by this act, except it can positively and very strongly, by good witness, be proved, that the surveyor and not the taker up, then and there, at the taking up, did mark a tree for the beginning of the second tract; and if the second tract be said to bound upon the first, yet it shall not be allowed to do so to the prejudice of any latter survey, but may come to its beginning by its prescribed line or lines, parallel to the tract on which it is said to bound, and the land betwixt may be taken up by a common warrant, as in the tenth example, by which all cases parallel may be adjudged and determined. If a tract of land be described to lie on a certain side of a river, creek, branch with a stream or cove, and at last, by general bounds, is described to be bounded by the said river, creek, &c. and the first line is drawn from the river, creek, &c. into the woods and from the river, &c. and there are other courses prescribed, and at last come to the river, &c. yet if any of the former courses come to the river, branch or cove, the courses shall there determine, and thence by the water be bounded, and shall not pass over, but the owner shall be content with what land is between such lines and the water, be it never so little, and apply himself, if he pleases, to his lordship's favour, for the benefit of his warrant, as in the twelfth example.

If a tract of land be described to begin at a certain tree, and to run a certain course, expressing no certain number of perches, till it intersect another tract of land, which course goes clear from such lands, and [there is] no determinate number of perches to limit the licus, 'tis a void survey, and shall be deemed to include nothing by one part of one side, and another part of another side of a river, creek, branch or cove, &c.

If a tract of land begin at a certain marked tree, running to the head of a branch, creek or cove, it shall be determined as aforesaid is described in such like cases; and then if for more breadth it begin again at the head of the said river, creek, branch, or cove, and on the other side thereof, the beginning on the other side shall be adjudged to be right opposite to the ending of the first side, except there be a marked tree expressed on the second side to regulate that part otherwise. If one tract of land be so laid out, and the one part of it lies on the one side of a former survey, and another part of it lies on the other side of the former survey, and part is taken away by the said former survey, yet the owner of the second tract shall hold all that is clear of the former survey, and all former surveys whatsoever on both sides; for the land is not granted perch by perch as the surveyor measures it: but the grant is *uno flatu*, all at once of every part of it. And if any man's marked tree or trees stand within another man's land, the owner of the said land in whose land the said trees stand, shall not, on any pretence, cut down or destroy the said tree or trees, except he first give notice to the owner of that land whose bound such tree is,