

perches and fifty *per cent.* added on the same course to that line do not come to the said land, yet the number of perches give the quantity of land which the taker up had due to him, he shall be contented with his precise number of perches, and shall not extend his line further, to the damage of any latter survey, although his survey be said to be bounded by the other man's land; but the land betwixt, being surveyed by common warrant, shall be sure to him that surveyed it. Provided, that is not already taken up, he shall have a year and a day, from the publication of this act, to take it up by common warrant, except in such cases as falls under the regulation of the eleventh example. And if any owner of land perceiving that he hath more breadth betwixt his trees, which gives him more land than was due to him at first, have already, whilst he was owner of the first tract, by common warrant, taken up the surplusage, he shall, by virtue of such survey, and his lordship's grant, hold the same according to his grant, notwithstanding the said land seem to have been formerly surveyed, but there shall not be made any other line than is expressed in the record of survey, to join the land together.

*And be it further enacted, &c.* That no warrant or grant to alter any survey upon pretence that the surveyor hath not taken up the intended land, or was mistaken in prescribing his courses, or any the like pretences, shall take effect or be good in law, to the altering the bounds of any land, to the damage of any later taker up, that hath seated and improved, where the area of such first survey includes considerable land of any quality, and hath but one marked tree; but where such area includes no land at all, but water, there the mistake was manifest, and it shall be adjudged in case of difference, according to the intent of the surveyor manifestly so proved and adjudged, notwithstanding. If any man have two well known trees by the water side, marked for his breadth of land, and hath seated, improved and paid rent, and quietly for seven years enjoyed the land betwixt the said trees, and yet by some error or mistake in the surveyor or clerk, the said land is expressed in the body of his grant or patent to begin at one of the said trees, and run to the other, but the line prescribed runs directly contrary; that is to say, in running up the said river, creek, &c. instead of down the river, creek, &c. or down instead of up to the second tree, and leave out the intended land where such mistake is manifest, and the first taker up hath, as aforesaid seated and improved betwixt the said trees, and never claimed other land by virtue of that grant, but the land betwixt the said trees, the first taker up shall enjoy it, as if no such mistake had been; and if there be any other errors in his back lines, it shall be regulated as in like cases is before expressed for other land, and the second taker up may, by virtue of this act and his lordship's favour, make use of his warrant elsewhere, and the first taker up shall reimburse the second his reasonable charge for letting his survey fall, to be adjudged by the county court upon his petition or motion, the first taker up being first called and heard, and after such judgment, award execution by *feri facias*, or attachment. But yet, if such second survey have been made above seven years before this present session, and hath been seated and improved by the second taker up, and never yet seated and improved by the first taker up, or his assigns, then the first