taker up, and not the second, shall be put to seek for the benefit of his warrant elsewhere; and this word up the river, creek, &c. instead of down, or down instead of up, shall not vitiate any grant or deed, by which land is conveyed from one man to another, where the rest of the words in the said grant or deed manifestly imply it only to be a mistake, and the first taker up shall rectify his survey and take a new grant, which shall be under the same rent and no other. *Provided always, and be it enacted,* That nothing in this act contained shall alter, change, make void, make erroneous, or defeat any judgment given and recovered in the provincial court before the making of this act, nor make void any arbitration or award under hand and seal, given before the making of this act, although such judgments and awards are given contrary to the meaning of this act; but all such judgments, and all such awards, though they might not otherwise be good about land, shall be and are hereby confirmed, other errors in law excepted: provided such awards shall, within a year and a day, be recorded in their respective county records after the publication of this act, and acknowledged in open court by one of the arbitrators or umpire. And if a certificate be so defective that one whole line be left out, yet if the other lines be so expressed that they shew what length and breadth were designed, and that the length and breadth would make out the quantity of land which the taker up had due to him, and the lines expressed, do infer to common reason and sense, that the lines were left out by mistake, in all such cases, the first taker up shall hold his land against any later taker up, as if the certificate were good and entire. And if any man hold a tract of land which is expressed to be bound on another tract, and to begin at a marked tree standing in the line of that tract on which it is said to bound, but the first marked tree cannot be proved nor found, yet if any other marked tree of the tract be found and proved, that found and proved tree shall rule the bounds of the tract, yet so as only the precise number of perches shall be held; but if no tree be found, the owner may resurvey and lay it out again, beginning in the line where it was at first said to begin, but it shall then be accounted latter than any other survey in them parts, and the taker up shall not intrude, nor hold part of any tract of land whereon a plantation is seated, and whereof there is certain proof of the bounds, because a certainty is to be preferred before an uncertainty; but what land he shall include by his survey, clear of other tracts, he may hold for ever by virtue of his first warrant, and the like shall be adjudged in all parallel cases, where no tree is to be found, if the owner shall think it any advantage by saving his warrant, but then, after such resurvey, he shall not pretend to his former survey any more for ever; yet if any such marked tree was said to begin in the point of a fork, at the mouth of a creek, or such other place, which is, as it were, a natural beginning, there, if no tree is found, (yet if the place is certainly known and proved,) a jury shall find a point or prick to begin at, most agreeable to the description in the certificate of survey or grant of the same. No evidence admitted to prove a marked tree where the record expresses none.

And lastly, be it further enacted, &c. That if any controversy happen about the bounds of land, whereof there is no parallel