

of a Creek or Cove, and then by direction to run a certain course or 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 away from the woods and varying from the course, in this case the full line and course prescribed 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 intersects the said creek or cove, and by that intersection it shall be described 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 East one hundred and sixty perches by the cove and bounded by the cove and the said creek winds away East North East, the east line of the 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 first be drawn a line northe to the cove, & 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. 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 witnesses cannot be had, there traditional evidence *intra vice* concurring with and agreeable to Record shall be accounted good proof, declaring from whom they had their tradition, and not affirming any mark tree or bounds other then or differing from what is express on Record, and where the first mark tree is wanting, and the beginning cannot be reasonably proved, but yet a second or third mark 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 mark 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 'tis commonly called or Peninsula be granted to him, there all things shall be favourably interpreted, to his holding the whole neck gainst any later taker up who he hath built & improv'd, because 'tis unreasonable a 2^d 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 of 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 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 nothing 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 tree of another tract, when the record of the former tract mentions not any tree mark 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 witnesses 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 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 its 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 & determined.

If a tract of land be described to lie on a certain side of a River, Creek or Branch with a stream or cove, and at the last by general bounds is described to be bounded by the said River Creek &c. and the first line is drawn from the river &c. into the woods 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