

lines and the water be it never so little, and apply himself (if he please) to his Lordships 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 & 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 no determinate number of perches to limit the lines tis a void survey, and shall be deemed to include nothing by one part of one side & another part of another side of a river, creek, branch or cove &c.

If a tract of land begin at a certain markt tree, running to the head of a creek, branch or cove it shall be determined as aforesaid is described in such like cases, & 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 this other side shall be adjudged to be right opposit to the ending of the first side, except there be a markt tree express 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 whatever on both sides, for that 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 markt tree or trees stand with another mans lands, 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 bounds such tree is, and there in his presence either plant other sufficient Locust or Cedar post or stone or stones in the head and place of that Tree, under the penalty of six pounds Sterling to be paid to the party whose bounds that tree was, to be recovered by Action of debt &c.

And it is hereby made lawful for every Man having such tree or trees within another Mans land, and having special Warrant of Resurvey, or order of Provincial or County Court for resurvey of their land to ascertain his bounds having a ked lea ve & being done with Surveyor, Jury witnesses & chain carriers go on such land, whereon or whereon his markt tree stands, and from such markt tree measure his bounds at the distance required, provided he make all fences as good and tight as they were found, and that he and a young with him in measuring the same do not manifest damage, detriment or harm to the owner of the land whereon they go, or if accidentally any damage happen, that then in such cases he proffer and within three days make reparation and amends.

And Be it Enacted by the Authority aforesaid, that no Man shall have ten per cent given him to the precise number of perches, except it be by that addition of ten per cent. to reach to a markt tree or other natural bounds, but if he have no markt tree or natural bounds he shall not take ten per cent. to the damage of any other Survey, but if the latter Survey begin off from the first Survey and run towards it and there be ten per cent. betwixt the end of the precise number of perches the first taker up shall enjoy it, and in all such cases if ten per cent. added to both will make their lands to bound on each other no third person shall take up or hold any land betwixt them.

And Be it Enacted by the Authority aforesaid, that if any Man hold land by a river or creek side, yet so as there lies marsh betwixt the firm land and the river, such marsh shall not be taken up, or being already taken up by any other shall not be held, but such adjacent marsh shall be deemed & adjudged absolutely to belong to the land to which it is adjacent, and be bounded by the same courses that do bound the firm land into such river or creek as the firm land is bounded by, as upon Surveyes in Maryland and Delaware and the Ocean.

And Be it Enacted by the Authority aforesaid, that if any Man hold land which is bounded, or is to be bounded by a line drawn from a certain tree or other mark to the end of a certain course to a certain markt tree in the tract, and the said tree or trees do not correspond to the said certain course or courses, but the trees and courses differ very much as it is too common, and no one can be persuaded give the quantity of land one of the taker up, in such cases as herein it is not otherwise before in this Act provided in ascertaining of the bounds of land by the water side, the lines shall be the bounds of such lands, and the trees shall be destroyed, and a line shall be drawn from the end of another, bo-