

shall not be made any other line then is exprest in the Record of survey to joyne 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 latter taker up that hath seated & improv'd where the Area of such first survey includes considerable land of any quality and hath but one markt 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 a well known trees by the water side markt for his breadth of land, and hath seated, improv'd and paid Rent, & quietly for seven years enjoyed the said betwixt the said trees, & yet by some error or mistake in the Surveyor or Clark the said land is exprest 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 improv'd 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 exprest for other land, and the second taker up may by virtue of this Act and his Possession 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 fieri facias or Attachment, but yet if such second Survey have been made above seven years before this present Sessions and hath been seated and improv'd by the second taker up and never yet seated and improv'd by the first taker up or his Assigns, then the first 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 create any grant or deed by which land is convey'd from one Man to another, when the rest of the words in the said grant or deed manifestly imply it only to be a nullity, and the first taker up shall rectifie 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 & 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, altho such Judgments and Awards are given contrary to the meaning of this Act, but such Judgments & all such awards tho' they might not otherwise be good about the same 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 Judges.

And be it certified to be defective that one whole line be left out, yet if the other lines be so exprest that they show what length and breadth were designed, & that the length and breadth would make out the quantity of land which the taker up had due to him, and the lines exprest 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 & intire.

And if any Man hold a tract of land which is exprest to bound on another tract, and there be a markt tree standing in the line of that tract on which it is said to bound, yet the first markt tree cannot be prov'd nor found, yet if any other markt tree of the tract be found and prov'd, that found and prov'd tree shall rule the bounds of the tract, yet shall only the precise number of perches shall be held, but shall not be found or prov'd may survey and lay it out again, beginning in the first where it was at first said to begin, but it shall then be accounted later than a new survey over the other parts, and the taker up shall not intrude nor hold part of any tract of land whereon a Plantation is seated, & whereof there is certain proof