

Line drawn East to the first Tree and in the fourth Example
afore said: always provided the South Line be not fifty p Cent
more than it ought to be ~~but~~ the South Line be fifty p
Cent more 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 witness cannot be had, their Traditionall Evidence viva
voce 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 yett 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 severall Mark or End Trees upon the
points or Capes of his Tract which do not very exactly agree
in Course or Distance and yett by good Evidence prove his
Exterior bounds and the whole Neck as it is Comonly Called
or peninsula be granted herein there all things shall be
favourably Interpreted to his holding the whole Neck ag-
ainst later taker up although he hath built and Improved
because it is unreasonable a second Taker up for a
Small Part of Land shall have the same Advantage
of Range as the other but yett if the second taker up
be ejected the first shall not have any Action of Trespass
against him Except the Court which gives Judgment