

bounded first upon the frontier tracts, and then one upon another : And in the cases aforesaid, although there be a great variation betwixt the prescribed course and the reall course from the first to the second tree, yet all the land betwixt the said trees by its generall bounding on the water, shall be adjudged part of the said tracts, and afterward from the second tree it shall be determined by lines as aforesaid, as in the fifth and sixth example. And if a tract of land be layd out for a certain number of acres on such courses, which though the length of the lines yett the acuteness of the angles will not make the certain number of acres, yet the tract shall be confined by such bounds as supposing the first line be north fifty perches, and north east or north north east or the like eighty perches, and so paralell, and yett the owner shall be contented, and all latter surveys adjoining to such lines shall be good as in the seventh example. And if any man have a greater number of perches given him in length or in breadth, by express words then he ought to have, yet he shall hold the same against any latter taker up, and against the lord proprietor rendering rent as suppose north fifty perches, then east eighty perches, and so lines parallel for one hundred acres as in the eight example. Every man that hath an island intirely granted unto him, although he have surplusage, shall hold the same, although lines or courses or number of perches be not rightly exprest to conclude the same against any later taker up and against the lord proprietor, rendring rent if his lordship shall for discovery of such rent, cause the same to be resurveyed, and his lordship his heires or successors, shall not for any surplusage intirely damn or confound any pattent upon pretence of being deceived in his grant or any other pretence because every man had land granted him, in consideration that by performing conditions of plantations it was due to him, except where his lordship had granted any lands *ex mero motu de gratia espeisaliæ*.

And whereas by this act is provided that if any man hold fifty per cent above his number of perches betwixt his known bounds, he shall maintaine the same against any later taker up, &c. and will not resurvey his land in due time, but that the lord proprietor grant the surplusage to another, yet if the first taker up have seated his plantation and made his improvement after the certain number of perches is determined, yet the surplusage shall not be said to be there onely after such determination of such number of perches, because after the surveyor hath once by description as it were shap'd the land, it is then all granted att once uno flatu, and the surplusage shall be assigned by a jury intirely to lie together, but to the least detriment of the first grantee. And if a certain number of perches in any case be prescribed to run by a creek,