

from it That your Orator upon the Tryall made it evidently appear that at the place where now a plumb tree Stands were your Orator in the Provincial Court made his pretensions as for the begining of Amptill Grange one Charles Boteler the Surveyor that originally lay'd out the said Land and Sundry other Tracts Contiguous thereto bounded a White Oake Tree as for the first bounded tree of Amptill Grange and that in Some Small time after being asked why in the certificate of the Survey of the s^d Land he had mentioned the s^d Tree as standing by the River Side Which Stood Some perches from it answered that that Signified nothing for that he concluded the Survey to be bounded by and running as the Said River runneth to the first bounded Tree or to that effect That at the time when the said Charles Butler marked the Said Tree one that was with him walked from the said Tree Towards the river Side and Sliped or knotted Sundry trees as he went many of which are yet Standing and were fairly proved by your Orator on the Tryall That y^r Orator likewise proved that the said Originall first bounded tree had been Seen by Sundry Evidences which your Orator produced at the barr Viva Voce Standing in the place pretended to by your Orator and was generally allowed as the begining Tree without Controversy by those whose Interest led them to maintain the Contrary That your Orator likewise produced to the Court by the leave of one [344] Roger Booke [sic] Gent the Originall platt of the said Land Call Amptill Grange and of Sundry other Tracts contiguous as aforesaid were originally Surveyed and layd down according to y^r Orators pretensions but absolutly contradictory and inconsistant with those of the said Charles Carroll That altho your Orator had fully proved his pretensions both by the correspondency of Records by the proceedings of a former Jury upon the Resurvey of the said Land and the best traditionall Evidence that the length of time cou'd possibly admitt and tho' upon Controversies your Orator's Said begining tree had been entirely Submitted to by differing parties Yet so farr was the Jury on the s^d Tryall amused by the s^d Charles Carroll Esq^r and his Councill at the Barr and by one of the Jurors (who profest himself a Surveyour) in their Chamber that by Insisting that because the Certificate of Amptill Grange exprest the first begining Tree thereof to Stand by the River Side The tree that your Orator pretended to could not be the begining Tree of Amptill Grange nor that the said Jury ought to find it So altho' the said Charles Boteler himself was to arise out of his Grave and affirm it to them alleging that Such finding would be contrary to The Expression of the certificate And that therefore tho' never So fully proved they could not find the fact Contrary to that Record And thereupon prevailed with the said Jury to find a Verdict ag^t your Orator Contrary to their evidence And the truth of the fact and agt all Justice Equity and good Conscience to the Surprize of the Court and all others that heard the said Tryall That your Orator Imediately upon the Jury's giving their Verdict ag^t him after a friendly manner requested the Said Originall platt under the