

to be given in Evidence to the Jury att the Barr; they ought not to have Such a Power Committed to them which Concerns the Rights and Inheritances of the Subject without taking an Oath well and truly to Execute Such Power And they did not take any Oath but Executed the Warrant without taking any Oath by which they were left to their own Liberty whether they would do right or Wrong, which is Error.

2 The Said three persons directed the Surveyo^r to lay out the first Course of the Land called Cumberland that is to Say East South East 180 Perches to the Land Called forti Ventura and the Second Course that is to Say South South East 112 Perches to the Land Called Cove hall and the third Course that is to Say South one hundred and Twenty Perches; but they did not direct the Surveyo^r to lay out the East North East line nor the rest of the Courses mentioned in the Decl and in the Originall Certificate of Survey nor have they laid down the Said Courses from the End of the South line in the platt which they made and Delivered to the Court, but they of their own heads have from the End of the South line drawn a straight line to the first bounded tree whereas there is not any Such line mentioned in the Declaration, nor in the record of the Certificate, and by this Land the Defendants house is taken in within the Land Called Cumberland whereas in truth it is not within that Land According to the p^{ts} Declaration and According to the Originall Certificate and they returned a Certificate and a Platt of that their Survey to the Court who rec^d the Same as resurveyed and platted according to the p^{ts} Declaration and According to the Ancient meets and Bounds of the Said Land in the Pattent and Certificate of Survey thereof Expressed, and the Same was Given in Evidence as Such to the Jury att the barr upon the tryall who taking that to be a true Plat According to the P^{ts} Declaration were induced to find for the pl^t Whereas in truth it was not resurveyed and platted According to the Ancient meets and Bounds Mentioned in the Certificate and Pattent and in the Pl^{ts} Decl, but was and is a false Platt and the Court and Jury was thereby Deceived and Misguided And the Jury being deceived was induced to find for the pl^t and the Court gave Judgm^t accordingly which is a great and Manifest Error.

for all which and Diverse other Errors as well in the Record and Process as in the rendring of Judgm^t the Def^t prays that the Judgm^t Given ag^t him in the Prov^l Court May be Sett aside holden for None and reversed and he to all that he hath lost thereby may be restored

R: Gouldsborough.

The whole Proceedings aforesaid as also the reasons af^d being here read and by this Board fully Understood Whereupon it is Considered Ordered and Decreed by this Board, that the Judgm^t of the Provinciaall Court ag^t the Said Isaack Seserson Given as af^d be affirmed and holden for Good. And that Procedendo issue for Costs.

W Bladen Cl Appeals.