

The difference between exogenous and endogenous plants.

The concentric layers of wood in the trunk of an exogenous tree, being, as it has been said, an annual production, shews its age, and the progress of its growth.

Assuming that the concentric layers in the trunk of a tree do thus indicate its age; and then assuming, that trees, in general, do enlarge by a succession of annual concentric layers of a certain thickness, the ages of other trees similarly situated may be thus ascertained.

But there being no proof, that the number of concentric layers in the trunk of a tree do correspond with the years of its age, as otherwise authenticated, the hypothesis, that the formation of each one of such concentric layers is evidence of the lapse of a year, cannot be judicially received as evidence for any purpose.

THIS case arose on cross caveats in the land office. Joseph W. Patterson and Evan T. Ellicott, who are admitted to have been the legal holders of the tract of land called Litten's Fancy, by virtue of a warrant of a resurvey of that tract, claim the land in question under a certificate of resurvey, bearing date on the 6th of November, 1829, as a part of a tract called Litten's Fancy Enlarged. And they allege, that all the land taken in by their resurvey was, in truth, contiguous vacancy. Robert M'Causland claims the tract of land called M'Causland's First Attempt, under a certificate of survey, dated on the 12th of November, 1829, made by virtue of a common warrant; which land is altogether included within the survey called Litten's Fancy Enlarged.

Each of these parties caveated the certificate of the other; and under an order, obtained for that purpose, plots of the resurvey of those tracts of land, with others for illustration, were made; and the depositions of witnesses were taken, and the whole returned and filed. From which it appeared, that there was a considerable space between the original tract, called Litten's Fancy, and that called M'Causland's First Attempt; that the tract called Long \* Fought and Dear Bought, which was laid out on the 21st of April, 1788, laid to the northward of them both and extended entirely from the one to the other; and that the tract called Jolly's First Attempt, which was laid out in the year 1791, laid to the southward of them; and, in like manner, extended from one to the other. The certificate of Jolly's First Attempt, calls for a black oak, at one point, a white oak at another, and a white oak at a third; which calls having been shewn and proved by witnesses, the lines of that tract were extended to those boundary trees accordingly, as the law required, whereby that tract has not only been made to border upon but, to some extent, to interlock with the tract called Long Fought and Dear Bought, so as to leave not the least vacancy contiguous to Litten's Fancy, over which a resurvey could be extended from it, so as to embrace any part of M'Causland's First Attempt.