

Whereupon it is *Ordered*, that the said defendants, *The Proprietors of the Susquehanna Canal*, and their agents, the said *John W. Thomas* and *James Galloway*, be, and they are hereby discharged from the said attachments with their costs to be taxed by the register.

PATTERSON v. M'CAUSLAND.

The law respects the regular course of nature as well in regard to the revolutions of the seasons, as in relation to animals and vegetables. A man may have an estate of inheritance in land so long as such a tree shall grow. The oak is said to live more than a thousand years; but the average term of the life of most forest trees seems to be indefinite; although it is evident, that all of them are subject to the law of mortality. 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 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 the 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*