

I have nowhere met with the mention of any one single instance, in which the number of the concentrical layers, which could be distinctly counted, in the transverse section of the trunk of any forest tree, of a foot or more in diameter, had been found exactly to correspond with the years of its age, *as otherwise well and positively known and ascertained*. Yet it is most manifest, that until the regular, uniform, and exact coincidence between the number of the concentric layers in the wood of trees and the years of their age, has been so demonstrated by observation and proof, as the term of gestation of animals has been, &c., there can be no clear and sure foundation for the hypothesis, that the number of such concentrical layers does denote the age of trees, or the progress of their growth. But even if this notion were shewn to be well founded, it would call for evidence destructive of that by which it was given. The production of the necessary evidence of the lapse of years, by cutting out, as in this instance, a block of sufficient dimensions to exhibit a distinct view of the number of the concentrical layers, formed since the time in question, might occasion the death of the very boundary tree intended to be shewn and re-established; so that the production of such evidence would, by destroying that of which it had been a component part, prevent a recurrence to the same kind of proof thereafter; or, in other words, to prove a living boundary by such means, it would be necessary to destroy it. This hypothesis, however, resting, as it yet does, altogether upon speculation and conjecture, cannot be judicially regarded as affording evidence worthy of any consideration whatever.

Rejecting this hypothesis, the testimony of the witnesses stands in all respects unimpeached, and the line must be carried to the black oak, as called for and proved; and, consequently, no vacancy is left between *Jolly's First Attempt*, and *Long Fought and Dear Bought*, over which a resurvey from *Litten's Fancy*, can be so extended as to embrace any part of *M' Causland's First Attempt*.

Whereupon it is *Ordered*, that the caveat of *Robert M' Causland* be sustained; that the caveat of *Patterson & Ellicott* be overruled; and that *Patterson & Ellicott* pay the costs of both caveats, to be taxed by the Register.