before this suit and prior to their deed to Elijah Friend, they did not know where their lines were but that they had frequently gone on a part of the land to the east of the sixteenth line of the Blooming Rose as claimed by W. H. H. Friend and north of his part of said tract and between the two lines located as the sixteenth line of the Blooming Rose by the respective parties to this suit and used thereon a maple sugar camp and a swimming hole and cut wood for fire purposes and claimed and used said land as their own and that the plantiffs had since within the last ten years cleared out and fenced part of the land claimed by the defendant as part of Lot No. 3 of the subdivision of the Blooming Rose tract, to which offer the defendant objected but the Court overruled their objections, to which ruling the defendant excepted, and the testimony was thereupon given.

The plantiffs then offered evidence tending to show that the stone pile located by them and returned as located and shown on the plate by ,,,,,,, from black R to black O on the plate was located by them as a trespass and that the defendant hauled the stone there to which offer the defendant objected the same not being described by the Surveyor as a trespass, but the Court overruled said objection to which ruling the defendant excepted.

Plantiffs then proved by defendant that he had hauled stone on the ground and that the black ,,,,,, on the plat correctly show the place on which he deposited them and offered evidence tending to show the trespass as alleged and then rested their case.

The defendant to prove the issues on his part joined,

offered in evidence the Patent for the Re-Survey on Blooming Rose dated 13th July 1795.

Messrs Jas Murray & John Muir their Pat: "The Re-Survey on the Blooming Rose," 1352a.

The State of Maryland, &c.: Know ye, that whereas Doctor James Murray and John Muir of the City of Annapolis on the twenty-fifth day of November seventeen hundred and ninety-three obtained out of the Western Shore Land Office a special warrant to resurvey a tract or parcel of land called "The Blooming Rose," lying and being in Allegany County, originally on the twenty-third day of November seventeen hundred and ninety-three, granted them for eleven hundred acres, with liberty of correcting errors and adding the contiguous vacancy.

In pursuance whereof a re-survey was made when the said tract was found to contain the exact quantity of eleven hundred acres to which there was added two hundred and fifty-two acres of vacant land.

And they having pursuant to law, paid to the Treasurer of the Western Shore the sum of thirty-one pounds, ten shillings, current money Caution, being the full composition due as also nineteen shillings for some improvements on the said vacant land

The State of Maryland doth therefore hereby grant and confirm unto the said Doctor James Murray and John Muir, the said tract or parcel of land re-surveyed as aforesaid with the vacancy added and called "The Re-survey on the Blooming Rose," lying and being in Allegany County aforesaid: Beginning at the original beginning and running thence with the original north twenty-two degrees east one hundred and twenty