therein. And the said parties of the first part doth hereby covenant and agree with the said party of the second part that at the time of the delivery hereof the said parties of the first part is the lawful owners of the premises above granted, and seized thereof in fee simple absolute, and that they will warrant and defend the above granted premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns forever.

Witness our hands and seals.

Witness:

Geo. F. Gephart. William Frantz (Seal)

Andrew Gonder. Julian Frantz (Seal)

State of Maryland, Allegany County, to wit:

Be it remembered, and it is hereby certified, that on this 30th day of August, in the year of our Lord, 1860, personally appeared before me, the subscriber, a Justice of the Peace of the State of Maryland, in and for Allegany, William F. Frantz and Julian Frantz, his wife and severally acknowledged the within deed to be their respective acts.

In testimony whereof I have subscribed my name,

Andrew Gonder J. P.

State of Maryland, Allegany County, to wit:

I, Theo. Luman, Clerk of the Circuit Court for Allegany county, hereby certify that the above and aforegoing to be a true copy taken from Liber H. R. No. 19 folios 175, &c, one of the Land Records of Allegany county.

In testimony whereof I hereunto subscribe my name and affix the seal of the Circuit Court aforesaid this (Seal) 8th day of September 1884.

Theo. Luman, Clerk.

Also deed from Forsyth to defendant conveying same part as former deed.

The defendant then offered in evidence a book of courses and distances and a plat showing the subdivision of the Blooming Rose into Lots 1, 2, 3, 4, &c; (by agreement of counsel original of this to be used in Court of Appeals) purporting to have been made by John Simpkins in 1811, and proposed to follow it by testimony of Richard Jamison, showing that it had been in possession of the father of the witness who was the agent of Daniel Murray, the owner of the Blooming Rose from sometime prior to 1826, and that the same book was used afterwards in making the runnings for the deed conveying the defendant parcels or subdivision of the tract known as the "Resurvey on Blooming Rose" to which offer the plaintiffs objected, and the Court sustained the objection, to which ruling the defendant excepted.

The defendant, to further prove the issues on his part joined, then offered in evidence a plat of Kensington made by one Dr. Swartzer, plat and description (by agreement of counsel original of this to be used in Court of Appeals) and proved by him that he was sent for by Forsyth and the Frantz heirs, sons of George Frantz, to run out and ascertain the lines of the respective parts of Kensington; that the division had been made prior to that, but he was to give the courses and distances. That he went on the ground and started at the hickory which was pointed out as standing on the sixteenth line of Blooming Rose at Block I on the plats, and run thence in a straight line to the Maple and stone pile at block I. on the