plat and fixed that as the end of the second line of the Frantz part and the beginning of the Forsyth part, that the line along which he run from black I to black J. was shown to him as the sixteenth line of the Blooming Rose. That Forsyth and three of the Frantz boys were with him, that the line was a well defined line cleared up to the Frantz side and in woods on the other side part of the way, they then run along the old fence from black I to black S which was shown him as the division line on the south side of the Frantz part of the tract thence to black U, thence to black V on the plat and thence protracted the line from black V to black I.

Defendant then offered the plat and return of the surveyor to show his locations and proved first by the Surveyor that from his experience in running lines along the Pennsylvania line on the Pennsylvania side above five miles from the locality of this survey that three degrees and three-quarters was in his judgment the proper variation to use in making the survey of the lines of the Blooming Rose, that in making calculation for variation it is customary to allow one degree for every twenty years from the year 1805 and to deduct from that one degree for every twenty years prior to 1805, but that some times it did not answer, and that he had never run any other lines in that locality in Maryland other than the lines run on the survey in this case, that the location for the defendant with three and three-quarters variation would place the first fifteen lines of the Blooming Rose where they are shown to be protracted for the defendant from black A by the dotted lines that

the distance reaches to within six perches and six-tenths of a perch of the point T. on the plats with which point he connected as being the beginning of the sixteenth line of the Blooming Rose as ascertained by reversing the course and two hundred and sixty-three perches of the whole distance of the sixteenth line from the Birch at black W. on the plat to black T the whole line being two hundred and seventy-six perches long; That the Surveyor did not see any indications of ancient bounded trees as line trees along the sixteenth line of the Blooming Rose, as run by plaintiffs but that along the line as run by the defendant from black T to black W. there were ancient marked trees and a well defined line cultivated up to it on one side for some distance and on the other a portion of the way and that the first twenty-two lines of The Blooming Rose and the Resurvey on the Blooming Rose agree in course and distance but that the original has no calls and the Resurvey has.

The defendant further proved by a witness that in 1826, he had carried the chain when running out the Lots 1, 2 and part of 3 of the Resurvey on the The Blooming Rose described in the deed from Daniel Murray to Leonard Smith that they had started at the Birch at black W. and run but that the Resurvey had calls at the end of its lines while the original had none with the 17, 18, 19, 20, 21, and part of the 22nd line of The Blooming Rose as located by the defendant and had then run the black dotted lines to red P. on the sixteenth line Blooming Rose as located by the defendant and from red P. to the Birch at black W. on the plat. That the witness father was in possession of