that the grantors in said deed were the heirs at law of George Frantz, and that the plaintiffs and Emma I. Friend are the only heirs at law of Elijah Friend, then the plaintiffs have a good legal title to the same and are entitled to maintain this action against the defendant; if they also find that he committed the alleged trespass within the lines of said deed to Elijah Friend as located by either of the parties, if they find said location to be correct; and if the jury find that the defendant with knowledge on his part, that he did not own the lands at the place where the alleged trespass is charged to have been committed, nevertheless went on the said land, and there done the acts relied on in this case, as the trespass complained of, then the plaintiffs may not only recover to the extent of the actual damage sustained by the plaintiffs, but may recover exemplary or punitive damage to such extent as the jury may think reasonable under the circumstances of this case.

2nd. And they further pray the Court to instruct the jury that if they find that the point shown on the plats at black A is the true beginning of the tract of land called the Blooming Rose and that the lines of said tract from one to sixteen inclusive shown by the plain black lines on the plats, numbered from one to sixteen inclusive correctly located by actual survey on the ground, then such location by actual survey is the best evidence of the true location of the sixteenth line of said tract, but before the jury can find that the said 16th line is correctly located as stated above, they must find that the lines courses and distances of Blooming Rose were run from the beginning with the true and correct variation of the compass.



3rd. And they further pray the Court to instruct the jury that if they find that the plaintiffs and defendant in this case agree that said point shown by black A. on the plats is the correct beginning of said tract, then the only mode of ascertaining the correct location of the sixteenth line of said tract is by actual survey from said beginning and its correct location cannot be ascertained in this case by protraction or by reversing any of its lines from objects not called for in its patent.

4th. And if they find that the 16th line of Blooming Rose shown by the plain black lines as located by the plaintiffs is the true line of said tract and correctly located with a proper allowance for variation of the compass then the plaintiffs are not estopped by any admissions or anything proven in this case from claiming the line so located by them as the correct line of said tract or the line of Kensington and the deed to Elijah Friend.

5th. The plaintiff by his attorneys prays the Court to instruct the jury if they shall find from the evidence in the cause that the defendant has located the lines of the tract of land called the Blooming Rose by protraction from the beginning at black A upon the plats and that in locating the fifteenth line of said tract by protraction the said defendant has extended the said fifteenth line in distance beyond the point to which it would stop according to the courses and distances in the patent for said tract called The Blooming Rose and should further find that there is no call at the end of said fifteenth line in the patent, then that the said defendant has not properly located the sixteenth line of said tract of land called the Blooming Rose.