if the line were run straight from the beginning stone to the corner at the gate, it would pass about 12 or 14 feet north of the persimmon trees spoken of, and would run through a portion of Mr. Winter's garden, close to his house and out-buildings, and would run on his side of the fence between him and Mrs. Dorsey, from 10 to 14 feet, all the way along. That said fence seems to be very ancient. That to make the line run directly to the said fence corner would violate both course and distance, and would make the second line of Winter's land, as per Dawson's survey, only 130 and a half perches to the stone, marked V. O. (still standing) instead of 136 perches, as called for in the deeds; whereas said second line would measure just about its correct length, 136 perches, if extended to its intersection with the red line. From witness' experience as a surveyor, he believes that many of the supposed straight lines of old surveys, never were run straight. The surveyors of those days, in running a course as far as they could see, and then setting the compass to run the same course would, often, deflect a little. And from the papers in this case and the location of the ancient fences he does not believe that this first line of Benson's Park ever was run straight.

The plaintiff offered other evidence by J. M. Isaac, and other witnesses, tending to show that the old fence from the stone C. V. 2 to the New Cut road, prior to its removal shortly before the institution of this suit, was substantially as described by

the witness, Tustin; that it was a part of the original line of fence, between the lands now owned by the plaintiff, and those of the late Mary P. Dorsey, before the New Cut road was opened, some forty years ago. That said line of fence, including that still standing between the plaintiff and Mrs. Comfort W. Dorsey, a part of which is of stone, occupied the same location, as far back as the memory of the oldest inhabitant; and at that time seemed to be an ancient fence. That at least from 1835, down it was always regarded as the division line between the land of the plaintiff, then in the possession of Theodore R. S. Boyce, and the land of the defendant, then in the possession of Col. Charles Dorsey, and was jointly kept up, and maintained as a division fence. That at a survey made about 1837 by the late Charles R. Stewart, by the authority of said Boyce, Dorsey and others, the surveyor started at a stone then standing about where the present corner of Davis' land is at the gate, and ran along the fences, which were regarded as the line, back to the stone C. V. 2.

And that all the land on the plaintiff's side of that old fence was held and occupied by said Boyce, as a part of the farm on which said Boyce resided at the time of his death, and those claiming under him, down to and including the plaintiff, until the erection of the new fence by the defendant, not long before the institution of this suit, in the location shown on Tustin's plat.

He also offered evidence by himself tending to show that the plat made by Wm. Dawson Jr. was not