as you have returned them to the former commission?
A. The lines of Newington conflict with themselves; and, in my judgment, could not be run in the courses called for in the patent of Newington, if they were intended to correspond with the lines of the Quarry.
(Last question repeated.)
A. I have no theory as to the running of the lines of Newington.
18 q. I will substitute then the word calculate for theory?
A. As I have several times already said, I did -- locate Newington by any variation, or by the lines of the patent of Newington; I made no calculation about the lines of Newington at all.

By Mr. Poe:

19 q. You did not ascertain the 16th line of the Quarry by running them with an allowance of one deg. and 54 min., in making your former survey of Newington?
A. As I have several times said before, I located the two lots now to be divided by these Commissioners by the deeds and the holdings, and not by any reference to the patent of the Quarry.
20 q. How did you get the 16th line of the Quarry?
A. I did not get it; I do not profess to have gotten it, and have not at any time I know of.
21 q. How do you undertake to say then that Mr. McClean's survey was not made upon the proper theory and principle in regard to that 16th line of the Quarry, if indeed you do say it was not correctly done?
A. I say that to run the lines of the Quarry accurately, called for in the patent of Quarry, they must be run with something like a variation of a deg. and a half.

By Commissioner Brady:

22 q. Calculating the variation from 1789, the date of the patent of Newington, and running Newington by the same, would the lines as then run, by said variation not conflict with the location of Lots 54 and 55, as you have returned them to the former commission?
A. As I did not run any of the lines of Newington by the patent, I cannot say; though I believe there would be some confliction.
23 q. You think there would be some difference?
A. I think there would be.
24 q. In locating any land, is not the surveyor bound to regard the calls as made for older patents?
A. He is bound to do so if he can locate the older patents to his satisfaction; but my practice is, when I find a confliction, and lines held by possession for 60 or 80 years, to take the possessory line in preference.

By Mr. Williams:

25 q. Then you run a possessory holding, and not a paper holding?
A. Exactly.
Commissioner Wilson: How long does possessory title answer in bar?
Mr. Williams: Of course, if the call in a modern patent goes to the line of an older patent, you are obliged to run with it if you can get to it, and that line being once truly ascertained, it clinches the whole matter; and the 16th line of Quarry being ascertained, it clinches this whole matter, because our patent sends us there; having ascertained Quarry truly, we have got Newington; you must be satisfied with your beginnings, and the