9 q. And then in running the lines in 1883, I understand that you counted the variat-o-s proper to be allowed from the time of the resurvey instead of going back to the date of the patent?

A. I believe that to be correct.

10 q. Why do you believe that to be the correct way?

Mr. Williams: What have we to do with his belief?

Mr. Poe: His opinion as an expert; I propose to show by Mr. Shipley, that he made this survey, and allowed four degrees variation of the compass, because he allowed four degrees in running lines, which lines had themselves been fixed by the resurvey; that that was the proper starting point, and not 1754, the date of the patent; and that to go back to the date of the patent instead of starting at the date of the resurvey, would be to upset possessions and boundaries as fixed by resurvey towards the beginning of the present century; I think it is only fair that the testimony should be admitted, in order to meet the counter theory set up, and for the purpose of showing the accuracy of the survey made by Mr. Shipley, and that made by Mr. McClean, and the identity of the result in the surveys made by those gentlemen.

Mr. Williams: In answer to what has been said by Mr. Poe, I submit to the Commissioners, as the settled ejectment law of Maryland, this proposition: The patents of the tract in question, of course, are the highest evidence; the variation of the compass as ascertained by the scientific world, is another fact; monumental corners - that is corners that have monuments fixed to determine them - of course, are proof; runnings of all deeds and all plats under which parties claim is evidence; but my brother

Poe knows perfectly well that the private deeds of other people under whom we do not claim, outsides of these lines, are not evidence, and cannot possibly be evidence; what Mr. Charles Carroll (of Carrollton) did in his deeds and what was written in his deeds as to land not involved in this matter, and as to which we do not claim under, nor as to which the other side does not claim under, is foreign matter.

Mr. Poe: You are a tenant-in-common; it comes under the same title precisely.

Mr. Williams: We claim under the same title as to Stewington; the question is not proper.

Commissioner Wilson: The Commissioners wish to know why you made the variation referred to in the question?

The witness: I told you why I did; my practical experience is, that when I go into a section of country and run lines I ascertain first, how those lines have been run subsequent to the patent, if run subsequent to the patent, and then adapt my survey to the practice of the surveyors who have preceded me; they all differed; there were hardly two surveyors agreed as to what allowance should be made; consequently, if I were to go into a neighborhood, and were to adopt a different theory from that of the old surveyors who have preceded me, I would upset nine-tenths of the surveys of Baltimore county; I will illustrate -

Mr. Williams, (interposing:) All that is argument.

Mr. Poe: Make your answer as brief as you can.

The witness: I was called upon to run the lines of a tract of land, patented in 1706, called "Framore."

By Mr. Boarman: