

requiring Tho^s Fairman to resurvey ~~the same~~ and divide the same to wit to John Hood 200^{ac} to John Callow 200^{ac} & to Mouns Justason 200^{ac} and to make return thereof into the General Surveyors Office

In pursuance whereof the sd Tho^s Fairman by his return now remaining in my office reports that he had laid out to the sd John Hood 200^{ac} not ~~interfering~~ interfering with the Land of John Mifflin nor with the Land late of Jonathan Dickinson in a word not including according to Thomas Hoods extravagant Claim 300^{ac} for so much is contained within the lines that he shows ^{or very near its} but according to a careful resurvey ~~made~~ since made by Jacob Taylor ^{The Land laid out to J^r Hood} by y^e sd Tho. Fairman ~~made~~ ^{Contains} 226^{ac} which is ^{& that Quanty} a larger allowance than granted to any other Mifflin surely has as good a right to such allow as Hood has tho should Hood desist from his claim Mifflin has not his bare quantity. Nevertheless ~~had~~ refused to accept of a patent of Confirmation on that Tract Perhaps he supposes the mistakes made in surveys of land ^{tho his Fathers} now his could never be rectified by that Law, tho all disputes of that kind, throughout the whole province besides were ^{thereby} determined

But there can be no occasion to mention that Law in regard of the difference between Mifflin & Hood for tho no such Law had ever been made surely it can never be supposed that in making a later survey when the intention was to join it on Mifflins, That either a mistaken or designed incroachment on Mifflin by Robt Longshore or any other Surveyor could destroy Mifflins prior right for if that should be allowed what certainly is there that any mans right is yet fixed: or is Tho Hoods right to the Land he has clear of others claims w^{ch} according to Jacob Taylor's survey is 226^{ac} better secured than Mifflins was when Longshore invaded it? Mifflin had then a survey made by proper authority and Hood has yet no more to that Land, but that ^{was} an involuntary mistake of Longshore is evi^d ^{for his} ~~return~~ return declares his intention to have been to join that survey on Mifflins ~~had~~ not to encroach on it. I shall now speak of surveying instruments, their difference & the consequences.

Instruments differ one from another & a line run by one ^{instrument} when the same ^{line} is tried by another it will appear to be a different course I have lately compared ^{& tried} seven different instruments ~~together~~ and can find no two of them to agree yet all good instrument if the line in dispute be tried by each of them must it be seven times changed? surely no: the line first run ought to be established. The difference I have mentioned is the disagreement of instruments one from another at the same time but there is another difference for ^{if} a line formerly run by any instrument ~~if the same line~~ be now tried by the same instrument it will appear to be a different course to what it was when first run this difference is commonly called the Variation, tho more properly it is the motion of the Variation. if I find this difference to be one or two degrees in a certain length of time & thence lay down to myself a rule for making allowances that rule will not hold for I shall find that lines run by different instruments ought to have different allowances. in The trial I made on the line in dispute I made an allowance of 1 1/4 degree but I never proposed nor did expect that any of the persons to which the matter in dispute is referred would judge that a new line ought to be run according to that or any other allowance then to be made. The Variation so called of the lines ^{first run} in this City is by the same instrument with w^{ch} I tried that line 3 degrees and the Information I had in the case in dispute by that trial would have been the same ^{the same or} whether I had made ^{double} the allowance

I did or none at all it was to find what difference there was between the courses of the two lines in contest for Mifflins claim is from Nobles survey & Hoods claim is from Robert Longshores survey & their acc^s differ half a point of the compass as Mariners call it which at that distance would make the lines each 15 perches within the other & by our measure we found ^{12 1/2} & I further find that the spot claimed by Edw^d Mifflin is ^{more agreeable to the course mentioned in Nobles survey than the line claimed by Tho. Hood is to Longshores survey.} But I am sure there is a far more easie & certain way to determine the matter in dispute than by endeavouring to find out & adjust these differences of instruments. I doubt not but you will endeavour & aim at settling the dispute justly I have taken much pains in shewing their claims from their originals ^{my sole view is to give you the best assistance I am capable in order to accommodate the Difference as also to shew the justice of Thomas Hoods claims in any future dispute} he may hereafter raise. Phil. the 4th of y^e 3^d mo. 1737.

To Samuel Preston, Thomas Leech & Edward Cathrall

Berj^s Eastburn

IN TESTIMONY that the above is a copy of the original remaining on file in the Department of Internal Affairs of Pennsylvania, made conformably to an Act of Assembly approved the 16th day of February, 1833, I have hereunto set my Hand and caused the Seal of said Department to be affixed at Harrisburg, this

twenty-first day of November 1911.

Nemry Houck
Secretary of Internal Affairs.