

by deed, it is necessary to resort to extrinsic evidence to ascertain what the parties intended to indicate by any expression or words in the deed purporting to describe any monument, such as an old line, marked stake or other object used to designate and define the bounds of the lot conveyed. In doing this, we must place ourselves as nearly as possible in the position of the parties when the deed was given, and ascertain as far as we can, the true location of all things specified in the description contained in the deed, as objects by which the land intended to be conveyed is to be ascertained and located. If, having done this, we discover that there is not to be found upon the ground sufficient of the means of identification called for by the deed to enable us to determine with certainty what the parties intended to convey, then the deed is void for uncertainty; but a mere error or inaccuracy in the description will not vitiate the deed, provided there is in the document sufficient accurate description to enable us to determine, with certainty, the land intended by the parties to be conveyed.

Now, it is quite apparent that the line designated in the deed by the words, "Thomas Harrison's south line," as the basis from which we are to find the starting point on the highway road, is the same line which is to form the third and north boundary of the lot. The first course and south boundary is to be a line parallel with this north boundary line and to be six chains and eighty links distant from it, and is to start at a stake on the highway road and run "thence 84 degrees and 45 minutes west 25 chains and 90 links to a cedar post squared and hacked standing on Lenihan's east line." The second course, and western boundary, is to run from this marked post "north five degrees and forty-five minutes east along the Lenihan line six chains and eighty-six links," to the line given as the basis for locating the starting point, and which, as stated, is to form the third course and north boundary of the lot conveyed. The highway road is to constitute the east boundary. All this appears on the face of the deed. Then what extrinsic evidence have we? About the time the deed was executed, Harrison and Sharp had a surveyor to run out the bounds of the lot which they intended to convey, and on this survey an iron stake was driven, as the starting point. This stake is shewn by the evidence to have been driven at the north-east corner of the Nevers lot, which forms the south-east corner of the land claimed by the plaintiffs. A wooden