any prospects & if they are kept from making a crop
by keeping them Gaber will open what Eck closes
&c, the road but would be a good plan to get them to
Loggerheads & thus divide the feeling against you. If Gaber
travels that road let him keep in the old track - My tenants
can have a private way over any of my land you know
to suit - I say nothing about Eck's right to close that road at
the spring, that road has been a sanctioned by Uncle & myself
but whether its duration in time has given the neighbours a
legal right I cannot just now say - It is not I believe a county
road by authority of the Levy Ct. As regards suits I advise you
do to conduct yourself on as to any legal rights & prospection
do not to pull but be sued - stand on the defensive let them
sue you for an amt over Magistrates jurisdiction - $100 - in Ct
a defence as to their title requiring surveys &c on the part
may be taken to destroy them almost with costs or compel
them to settle or withdraw - If no district Courts are established
then look at the act of 1835 ch 201 sec 2° near the middle of
it & you will find if you are sued for removing a fence
(or any thing put on land)
which is on my land or of your certainty but they believing
they have a right - all you have to do is to go before the
Magistrates Court & if you can swear that you are entitled
to the land on which the trespass was alledged to be committed
by you, or if on my land that I am entitled &c & this
destroys the jurisdiction of the Magistrates Court & they
who sue you must if they desire to continue suit go
into the County Court & then do you take defence on
warrant & your suitors will be sorry for them &c &
think would be entitled to all the land lies of mine
enclosed by old Eck that was Mr Taney's opinions but not
an inch more & if he moves out the fence on me the fence
is mine - Length of time gives him title to all within the
old line of that fence & establishes the fence as the line, in
course, if he moves on me the fence is mine - did you
sue Eck for opening the road fence in your name of so
being on my property it should be in my name - If Eck
closes the road at the spring & any one opens it the person
opening it might be sued by him & then the question whether
his father the having acquiesced in that road being open
for more than 20 yrs was not a surrender of his rights
to the public - The road leading from the road up through
my field stands on different rights he has acquiesced in
gates being on it & otherwise stopped for a number of yrs
All fences standing are real estate & not personal property - fence
rails by my scattered on the ground or in a heap are personal