

on my papers & if they are kept from making a new
tract by him then Garber will open what Eck closes
that is, the road but would be a good plan to get them to
Loggerheads & thus divide the feeling against you. If Garber
travels that road let him keep in the old tract - 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 Sam &
but whether its duration in time has given the neighbors a
legal right I cannot just now say - It is ^{not} I believe a county
road by authority of the leg. Ct. As regards suits I advise you
to conduct yourself on your legal rights & possession
do not to sue but be sued - stand on the defensive & if they
sue you for an amt. over magistrates jurisdiction - ^{\$100} in
a defense as to their title requiring surveys &c on the spot
may be taken to destroy them almost with costs or compel
them to settle or withdraw - If yr district Courts are established
then look at the act of 1835 ch 201 sec 2^d near the middle of
it & you will find if you are sued for removing a fence
(or any trespass on land) which is on my land or yr own certainly but they believing
they have a right - all you have to do is to go before the
Magistrates Court & if yr own case ^{swear} that you are entitled
to the land on which the trespass was alleged 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 & yr suitors will be sorry for them a etc

I think I think would be entitled to all the land held of mine
enclosed by old Eck that was Mr Tanys opinion 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 J Eck for opening the board fence in yr name if so
being on my property it should be in my name - If J 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 & he 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 board 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 lying scattered on the ground or in a heap are personal