asking that a caveat should issue against granting a patent to the said Davison Armstrong upon Certificate of Survey dated December 14th, 1868, respectfully shows, That the said Davison Armstrong obtained from the Land Office a special Warrant bearing date December 9th 1868 to effect and include the vacant land adjoining the 24th Line of a tract of land called "The Birmingham Mines" and the First line of Lot No. 4007, and that the surveyor of Allegany County located the said special Warrant and returned a certificate of said survey, dated December 14th, 1868, as stated by said Caveators, on which Certificate the said Davison Armstrong had paid the composition money and all costs unto the Land Office —

This Respondent denies that the Petitioners or Caveators ever owned or ever had possession of the said land as contained in said Certificate — That the tract of land called "Birmingham Mines" does not embrace the land in said Certificate or any portion of it, that the land was vacant land belonging to the State of Maryland until taken up under said special Warrant by the said Davison Armstrong.

And this Respondent denies that the said land or any part thereof ever did belong to the Caveators or any one of them — That the objection that the tract of land as described in said Certificate has no legal or proper beginning and was never lawfully surveyed under said special Warrant is sufficiently answered by reference to the Certificate itself, which shows that it has a certain beginning and that the surveyor of Allegany County executed said warrant and that the said survey does not interfere with the said tract of land called "Birmingham Mines" This Respondent therefore prays that an order may be passed in the usual form directing the surveyor of Allegany County to survey the said tract of land called "Cairo" and the said

tract called "Birmingham Mines" and such other tracts as either party may direct to be surveyed by the way of illustration, and return to the Land Office a Plat thereof, and that an order may also be passed directing and allowing either party Caveators or Caveatees to take testimony before a Justice of the Peace of Allegany County upon giving the opposite party five days notice of the time and place of taking said testimony to be used as evidence upon the trial of said Caveat before the Commissioner of the Land Office of Maryland — and as in duty &c &c.

J. D. Armstrong
Next Friend of Davison Armstrong

(Exhibit W. A.)

Courses of "Cairo" with Certificate of Surveyor of Allegany County courses and distances of a tract of Land called "Cairo" Beginning at the end of 48 pes on the 3d Line of Lot No 3972. it being also the end of the 23d Line of a tract of Land called "The Birmingham Mines" and running thence with the 24th Line of said Tract corrected to its call N. 18½° E. 100 perches to the end of the 3rd Line of the first piece of Addition to "Policy" it being also the 1st Line of Lot No. 4007. and with a part of said first Line South 59 perches to the 6th Line of a tract of Land called "Dundee" and with it West 3 perches to the end of said 6th Line and still running with the Lines of said tract South 30 perches S. 35½° E 7 perches to the third Line of Lot No. 3972, and with it reversed West 34 perches to the place of Beginning containing 9 1/16 acres.

I hereby certify as Surveyor of Allegany County that the aforegoing is a true Copy and correct of the Survey called "Cairo" made for Davison Armstrong Decr 14th, 1868 and that the said survey was accurately and correctly made by me acting as the Agent of Wm M Evans, then Surveyor for Allegany County and sanctioned, signed and