of it, to this time,

We are aware that there are some earlier cases in Maryland, apparently in conflict with above, but the Court of Appeals has explained, or overruled them as we shall show, when we come to consider the Caveatee's Argument. But the above doctrine is now the law of Maryland, The deed here is perfect, in accordance with the laws requiring record, acknowledgement &c, and bona fide in all respects,

This brings us to our fourth proposition - To comprehend this we must see what effect the decision of the other points will have,

First. The Certificate & Return must be vacated, This ends the Caveatee's title under the Survey, Certificate and return, Caveated by 1st & 2d. Caveats now argued, Second return of December 1869 being void.

Second This proposition is fully established and is involved in the above.

Third. If the Judge is of Opinion that the title of Caveators is good, under their deeds, giving color of title and possession, the Caveators will have the right to a Patent from the State, as soon as their Warrant of Re-survey can be executed, without compounding or paying for the Land - If Judge determines this differently,

Then the Fourth proposition comes up, and the Caveators are entitled to take up the land under their warrant of Re-survey (the Special warrant of Caveatee having expired) and after compounding on it, on proper Certificate & return they will be entitled to their Patent.

The Counsel for Caveators submits the aforegoing with accompanying notes and memoranda of Evidence and authorities, which include also additional reasons in support of the positions taken - And we claim, confidently, the judgment and Decree of your Honor, vacating the 1st Return, made (apparently) by Wm Owens, declaring the 2nd Return by Wm Armstrong void for want of all authority to make it; determining all the -

Caveats good against the Caveatee and the land surveyed as "Cairo," and refusing the Patent on such returns, and that such decision shall be because of violation of the Law of the State and rules of the Land Office, in making said returns, and because the Caveators have proven their title by possession under color of title, good to said land, and determinging their right to said land, as soon as the Warrant of resurvey of same can be returned for them, and also deciding that the Caveatee shall pay the costs of these Caveats,

Respectfully &c,
George A. Thruston.

Defects in validity of Survey, and return of the Certificate for "Cairo" wholly invalidating them, and making such return nugatory and void,

First, as to Chain Carriers The Law and practice of the Land Office of Maryland, and the present Code requires two things - absolutely, in respect to Chain carriers.

They must be 21 years of age, Article 92, sec. 6, of Code of Public General Laws, Landholders Assistant. 326.

They must be sworn, carefully, without favor or partiality, to carry the chain, or pole, to the best of their knowledge, whilst making a Survey - Article 92, Sec 5 Code P. G. Laws,

Landholders Assistant. 326,

Evidence for Caveators, 7th, Interrogatory = James D. Armstrong, Witness for Caveatee, proves, That himself, Witness, and Sons, William and Danson (the Caveatee) carried Chain, He carried one end & Danson the other - 8th. do. do. 9th & 10 do, 14th & answer, Danson under age of 21 years of age, none of them Sworn 15th & do. Never was himself a Deputy of Owens, the then Surveyor, Also Evidence of Wm Brace, for Caveators, In 1st & answer - It