Allegany County who proves correctness of the same.

W Brace for Caveators } See also admissions that Deeds
Int 1st & 3d and answer } from Smith and wife to Wood.
Int 4. & answer & cross } -- Wood and wife to Percy et al are
examined Int 5 and } properly executed in Brace's evidence
answer. } after end of his first cross Examination.

There are offered by Caveators,

The general objection of Caveatee made several times in the course of examination of witnesses amount to nothing unless sustained by evidence.

The plats produced by Caveators are all proven for the purposes for which they are produced.

The deeds under which Caveators claim being properly executed are proven for all purposes unless shewn to be defective, or fraudulent, and there is no pretence of any evidence to such effect or bearing.

The plat made by Brace is for illustration shewing relative locations of Patents, deeds, certificates and plat made by Armstrong for Smith shewing "Cairo" to be within lines of Smiths deed to Wood, and the subsequent deeds, and on old plat made by Armstrong, and within courses and distances of table of courses or distances on Old plat, which are not the courses or distances of the Patent at all, but greater in number &c.

all these shew title in Smith before 1849 and now in the Caveators,

Alexander Sloan } The Caveators then prove by Alexander Sloan
for Caveators } that he knows the land, was shown over it
Int & Answer } in 1849 by D. Wood and particularly over
from 1. to 10 } that part within the lines of "Cairo" as surveyed. This will be seen on comparing his evidence with illustration map of Caveators, made and proven by Brace.

Wood dug pits in every part. That witness has been acting as agent for the Caveator ever since they bought from

Wood in 1850. That they have paid taxes ever since, their ownership notorious. Have used it constantly as theirs, rented it, offered to sell it, and shewn it many times, cut wood off of it frequently, almost every year &c. If he had known of trespass by Armstrong when they dug on it, he would not have permitted it.

The parties offer no evidence of suit for trespass against Caveatee, who is under age, and irresponsible, as his Father James D. Armstrong also is, and also if worth any thing pecuniary, would have been responsible for his infant son, as he is legally so, on account of infancy of Son.

Nor should any argument or force be implied from the fact, that parties chose to vindicate their title in this mode rather than by allowing a Patent to go, and then be compelled to bring Ejectment, There are frauds and advantages taken of the State and of themselves, which they can give in evidence in this mode of proceeding, for location of Certificate and in support of their possession which the law will not allow after Patent granted, for its wise policy when title complete, again to bring Ejectment against an infant is to incur the loss of heavy costs, for though Father may be legally responsible which is doubtful in this case, he is not pecuniarily so, and to bring Ejectment, is to acknowledge themselves out of possession by the very act of bringing such suit.

Now possession under Smith's deed and possession they found, (on discovering this proceeding by Armstrong and his sons) is their only title, and to give it up would be to lose their land, until Armstrongs took these proceedings in his sons name for "Cairo", the Caveators supposed they had a perfect title from the State, never having looked for, or at, the Patent, and having always been assured that their title was clear and undoubted, as it has been notorious in the neighborhood from the time of Smith, until this attempt was made.

No force or strength can be claimed in support of Armstrong