had no possession, but such is not the fact as to the legal evidence, or effect of the evidence of Preston.

Witness proves that he rented, and was in possession (although he did not know it all, or the West or North outlines of Woods land bought from Smith, of all such land, that he rented for particular purposes, that the portion of Wood's land where "Cairo" is, and around there was rough and difficult of access, and it did not suit him to cut and haul from there, timber or bark and he never knew or enquired the boundaries in that direction. But he rented the whole, was in possession of the whole until Wood sold it to the Percys and Thrustons, cutting where it suited him and with the right as tenant to use the whole, and as tenant of the whole.

Now the possession claimed by Caveators in this case is not an actual possession by enclosures of the whole not at all, they dont claim by naked possession. The deed from Smith and wife is admitted to be, as it was properly executed, and gives being a good deed (as an subsequent ones, with unnecessary proofs too of constant uninterrupted possession from June 1849 to this time) what is called color of title as we explain elsewhere.

Now where one has good title or good color of title by a deed like this (which on comparison with all the authorities will be found to be fully within the strongest of them) and has possession of part, or any part of the land, the law extends such possession to the outlines of the property, as we explained elsewhere, Preston's evidence is conclusive and unquestionable, as to his taking possession of part of the land, conveyed by Smith to Wood as soon as deed was made to Wood, renting and holding all of it though he did not know, and did not want to know where all was, as tenant to Wood, from date of Smith's deed to Wood, down to Wood's sale to Percys and Thrustons. Percy and Armstrongs evidence shew (with Armstrongs plat, that Smith had possession of all of same. Directly Wood sold,

Alexander Sloan took possession as agent for Thrustons and Percys down to this time continously and uninterruptedly, renting houses on, and parts of land, cutting wood on it, paying taxes, offering to sell, and such possession and claim of title open and notorious. Consequently the legal possession under good color of title to lines and bounds in deed same as fences or enclosures.

Reply to Brief. Points and authorities of Counsel for Caveatees.

Counsel for Caveatees objects to admission of all parol testimony, tending to set aside and render void the survey and certificate returned under special warrant for him, Because its admission would violate the rule of law "that parol contemporaneous evidence is inadmissible to contradict, or vary the terms of a valid instrument" - Citing 1st Greenleaf Ev sect. 275 and because only admissible when fraud has been alleged and proven - Citing various Maryland Cases, not necessary to quote.

Although a Rule of law, it is manifestly not applicable to such case or practice as this.

If a want of compliance with the rules and law of the Land Office and the State, and direct violations of them could not be so proven and shown, they would be of no use, or value and Cannot be proven, or established in any other way but by parol evidence of the act of the parties; the certificate, being in such cases particularly, carefully prepared in due form and signed; Again after the Patent is issued it is then too late, and if such could not be so shown before hand, there would be no remedy - "When a Patent is issued "the authority of the Land Office is understood to be at an end; Land holders Opt 495.