

1857. *Fick v. McMichael.* had been obtained by fraudulent practices, and as having recommended *William McMichael* to take possession of the land. All this is emphatically denied by Mr. *Walsh*, and is indeed most improbable. It would be impeaching the character not only of the witnesses to the deed, but of his own father in relation to a matter of which he had no personal cognizance, or any reason that we can see for believing it to be other than fair and honest.

*William McMichael* seems to have obtained possession stealthily of a small house on the southern part of the land, and to have himself put a small house on the land, and to have held possession of some land, it does not appear clearly how much, for several years. But the north 200 acres remained in the undisturbed possession of *McKay* and of *Anderson*, who claimed through him, and a large portion of the south part of the land also.

Judgment. His proceedings in this respect were not those of a man openly claiming title to this lot, but rather as if striving to keep alive a claim which he might afterwards assert.

If *William McMichael* honestly believed in the goodness of his own title, it is unaccountable that he did not assert it earlier, and put those in possession to the proof of theirs. Take his own position; up to 1837 there was, as he believed, nothing against his own title but a forged deed, dated after his father's death; yet, he never put them to the proof of their title, and after 1837 he does not impeach what he represents as the newly discovered deed fraudulently obtained from himself; nor is it impeached at all until after the death of those best qualified to speak to the circumstances under which it was executed. According to his own evidence and that of *Williams*, his own mother was actively instrumental in procuring its execution. She is dead as well as Mr. *Walsh* and the witnesses. The witnesses to the first deed are all dead, so that these matters are not brought in question until a period when time and death have made