

1862. The defendants, it is merely stated, succeeded, because
Henderson no such evidence was given; and *Smith & Henderson*
v. Graves. brought an action subsequently against the *Bryants* upon
the joint demise of the plaintiff *George Graves*, and
his next brother *James Graves*. It was prudent to pro-
ceed upon this demise of the two, or on a double demise,
and not to drop *George Graves* as lessor of the plaintiff,
for otherwise if the action had been on a demise by
James alone, as heir of *George*, the case must have failed
if it could have been shewn at the trial that *George*
Graves was in fact living.

The reason given for persevering in attempting to
recover for the heir of *Adam Graves*, notwithstanding
what had been heard of the deed made to *Samuel S.*
Bridge by *Samuel Doty* is, that Messrs. *Smith & Hender-*
son were unable to prove that *Adam Graves* had ever
conveyed to *Doty*, who made that deed.

Judgment.

Several ejectments, it seems, were brought against
other occupants of these lands in 1850, by defendants
Smith & Henderson, on the demise of *George* and *James*
Graves, but no trials were had of any of them for the
reason, according to the evidence, that from the event of
the trial in 1849, and from what the defendants in the
different cases had heard from Messrs. *Smith & Hender-*
son, and from other counsel, as well as from *James*
Graves, they were satisfied that he, *James Graves*, was
the heir, on account of the presumption, not disproved,
of *George's* death; and upon the further understanding
that *James Graves'* title had been, or would be, fortified
by a transfer to him of whatever interest could have
passed under the release taken by the defendant *Smith*
from *Thomas H. Bridge*, they were content to purchase
from *James Graves*, and in that manner the several
cases were compromised.

Two or three years after this, it appears a deed was
found in Montreal, by which the patentee, *Adam Graves*,