Gains Jenkins
vs
The Robertaille Float
James H. Lane

N. E. ¼ Sec 36:12:13

To the officers of the Land Office at Le=
=Compton

The attorneys of Gains Jenkins in his behalf present the following argument from the law and evidence so far as the respective rights of Jenkins and Lane are concerned. The merits of the case between the float and Jenkins will afterwards be considered

1 If Jenkins made a settlement on the land according to Law in October 1854 and never abandoned or forfeited it, of course it has the precedence of priority over Lanes settlement which was in May 1855. Some of Lanes witnesses or one of them spoke of Lanes being there in April to the best of their recollection: but the testimony of Lindsey who came into the territory with Lane and his family on April 22 1855 and who states that ~~he~~ his commenced house as late as ~~Conclusive~~ May 20/55 is conclusive. Lane resided in Olivers house the last days of April and onward but made no settlement till May 20. (See testimony page 121)

We hold the proof of Jenkins settlement in Oct. 1854 irresistible: but in considering the merits between Jenkins and Lane