

504-5 Quincy Bldg
Denver, Colo.

Red Cliff, Colorado,

May 24. 1898

Frank Boll Esq
Gypsum Colo.

Friend Frank:-

Since I wrote you this morning I have received a copy of Stewarts answer in the new case in District Court. Judge Thomas has evidently tumbled to the fact that a joint possession was not sufficient to bind you with notice of Stewarts pretended rights. So now they claim you actually knew Stewart claimed title and actually understood at the time you bought the place that Stewart was living on the land claiming to own it. They will probably rely on circumstantial evidence such as public notoriety of Stewarts claim and your residing in a section where it was commonly

Known that Stewart made such claims.
The burden of proof is on them to show
that you had such actual knowledge
and they cannot sustain it without
prejudice. Should keep them through:
Even then in a case of this character
the Judge has a right to pay no attention
to a jurys verdict or findings.

I saw White: his evidence is of no
use as it all refers to declarations of
Stewarts made before Southwicks
final proof: to the effect that Southwick
owned the place. Any such statements
AFTER final proof of Southwick
would help us materially.

Yours very truly
Chas Phillips