part of the land running round and having hands cutting and mauling wood. I dont know that the Boones cut wood on this part of the land.

Mrs. Sarah Owings, the next witness called by the plaintiff testified as follows, my name is Sarah Hurly Burly Cockey Dye Boon Owings. I was 17 years of age in 1824 when John C R B Boone died, my Mother was Eleanor Burke, Stephen Boones sister. I have seen John & Stephen together and they acted towards each other as father and son would. The old man addressed Stephen as my child or my Stephen. Old man took me often to the grave yard and told me that is where your old grandmother lies. After my uncle died he has said there lies my son Stephen. I was with the old Man from the time I was three years old till his death. He treated Stephens children as he did other grand children with great respect. The children lived on the part which was called Richard Boones part at the grave yard the old man pointed out the place he wanted my mother to be buried at. He pointed to a grave and said that is your grandmothers grave. He did not say she was his wife. That isnt common for old people to say to young ones or children. I was at his house hundreds of times but he only said "your poor grandmother". He called me Sarah.

William Boone, being recalled by the plaintiff testified I lived on Richard Boones part and cut all over both tracts before John Boones death cut cord wood, poles, posts &c and after his death we cut as before till we were stopped and it was said the property was not ours and we had to stop.

On Cross examination, he further testified. Mother said we should have to stop cutting on all except that which had belonged to Richard. My Mother was Stephen Barlett

Boones wife.

Snowden Disney, a witness called by plaintiff testified I knew John and Stephen and have seen them together and never saw any thing wrong between them. I lived nearly a week at John Boones, Stephen lived on Richards part of the Boone property I never heard any conversation between them that I can recollect. I dont know that I ever heard the old Man call Stephen Son, have heard Stephen call old Man father but not in his presence. I believe I have heard the old man call him Stephen Boone. I never heard the name of Barlett mentioned till of late years. Being afterwards recalled by the plaintiff the witness testified, the property John Boone lived on was not all enclosed. Some portion of that which Elizabeth Chamberlain got was and some was not enclosed about eight acres west of railroad & about six east of it were enclosed on Elizabeths part. The rest was not enclosed till Samuel Boone & wife got possession. He enclosed some 10 or 12 acres more. Then he sold some portions which were subsequently enclosed.

The plaintiff then read the following deposition of Barbara Taylor, Ann Granberry Josiah Hook, John Fishpaw Joseph Hook, Elizabeth Boone Nicholas Smith and Chester Brown.

Barbara Taylor, says her maiden name was Barbara Hook, that she was born on the fifth day of December in the year Seventeen Hundred and Seventy three and is now in her seventy eight year. Before she was married she lived in Hookstown Baltimore County, deponent knew old John Boone and Elizabeth, who passed for his wife, and never heard she was not his wife, deponent knew their child, deponent only saw John Boone & Elizabeth in their house, she was nursing her child