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the land in controversy from John C.R.B. Chamberlaine and Elizabeth T. Chamberlaine his sister (afterwards Elizabeth T. Boone) commencing with a deed dated 12th January 1835 — from John C.R.B. Chamberlaine to said Elizabeth Chamberlaine and a deed of the same date from said Elizabeth Chamberlaine to said John C.R.B. Chamberlaine and that the defendant produced evidence of occupation of said land under said deeds, and it is agreed that in making up the record for the Court of Appeals the Clerk shall omit said deeds either party being at liberty to produce and read the said deeds (or the copies which were used at the trial) in the Court of Appeals at the hearing of the appeal in this case, to have then the same effect as if stated at length in the bill of Exceptions.

It is further agreed that the plat given in evidence at the trial under the agreement mentioned in the sixth bill of Exceptions be omitted from the record and that the original plat may be produced and used in the Court of appeals to have the same effect if set out in the record of the exceptions

George Jellett Plaintiffs Attorney

Oct. 2nd. 1866 A.W. Machen } Defendants Attorney
R. J. Gettings }

And the case being closed the plaintiff offered the 18 prayers following.

Plaintiffs 1st. Prayer.

If the Jury believe from the evidence that John C.R.B. Boone and the Mother of Stephen T. Boone lived together and cohabited and that said Stephen was an offspring of such cohabitation and that the said John C.R.B. Boone acknowledged said Stephen to be his son and called him by the family name of Boone they must find that said Stephen was a legitimate son of said John C.R.B. Boone unless they find satisfactory proof to the contrary

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Plaintiffs 2d. Prayer

If the Jury believe from the evidence that John C.R.B. Boone cohabited with the mother of Stephen T. Boone and that said Stephen was an offspring of such cohabitation and that the said John C.R.B. Boone acknowledged said Stephen as his son and always treated him as such and that the said Stephen lived with said John C.R.B. Boone and was brought up by him as if he was his legitimate son, and that the said John C.R.B. Boone in his last will and testament expressly named said Stephen as his son and gave him the family name of Boone and provided for him by bestowing upon him a large portion of his property they must find that these acts of the said John C.R.B. Boone amounted to a daily assertion that the said Stephen was his legitimate son and they must presume that he was such unless they find stronger proof to the contrary

Plaintiffs 3d. Prayer

If the Jury believe from the evidence that John C.R.B. Boone and the Mother of Stephen T. Boone lived together and cohabited and that said Stephen was an offspring of such cohabitation and that the said John C.R.B. Boone acknowledged said Stephen as his son and in his last will and testament gave him the family name of Boone and provided for him as his son, and that the said Mother died before said John C.R.B. Boone and that after the death of said Mother the said John C.R.B. Boone declared that his wife the Mother of said Stephen was dead and pointed out the spot in the family burial ground of the Boone family where she was buried and expressed a wish to be buried by her side and was buried by her side in conformity with his wish as aforesaid and that the said Stephen was also there buried by the side of his said parents and that a long period has elapsed since the death of the said —