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Memorandum, Judgment on verdict for Defendants was entered in this action on the 3d day in February 1868.

Test. E. Dav. H. Ally Clk

Memorandum. Before the Jurors aforesaid with drew from the bar of the Court here the said John C. R. B. B. Chamberlain, Samuel Boon and Elizabeth P. Boon his wife by their Attorneys aforesaid filed in the Court here the following bill of Exceptions to wit:

John C R B. B. Chamberlain & others, Lessee vs Israel Owings & others } In the Circuit Court for Baltimore County.

At the trial of this cause the Plaintiff read in evidence to the jury the following agreement of parties, and read and exhibited to them the several Exhibits and Plots mentioned and referred to therein.

Agreement No 1.

John C. R. B. B. Chamberlain & others; Lessee vs Israel Owings & others } In the Circuit Court for Baltimore County.

It is admitted in this case that John C. R. B. B. Chamberlain and Elizabeth Boone (wife of Samuel Boone) lessors of the plaintiff are the only children of Prudence Chamberlaine, who was only child of John Cooley Robert Burley Boone by his marriage with Elizabeth Hale, and heirs at law of the said John Cooley Robert Burley Boone who died seized of the land described in the declaration, that the said Prudence was born before the time of the making of the last will and testament of the said John C. R. B. Boone hereinafter mentioned, and died during his lifetime, leaving her said two children her surviving; that the annexed Exhibit, marked A. is a

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true copy of the last will of of Thomas Boone, father of the said John C. R. B. Boone, and of the Probate thereof; that the said Thomas died sometime between the date of his said will and the 10th day of January 1775; that Richard Boone, son to the said Thomas, and one of the devisees named in his will died, without issue, between the years 1780 and 1784 that the said John C. R. B. Boone was the eldest son of said Thomas Boone, and survived Richard Boone and died in the month of February 1824, that the land now in controversy is part of the land devised to the said Richard by the said will of Thomas Boone; that the annexed Exhibit marked B. is a true copy of the last will and testament of the said John C. R. B. Boone, and of the probate thereof; that the said land sought to be recovered in this action is the land which was assigned to Eleanor P. B. Burke under a commission issued out of Baltimore County Court, and dated the 14th day of April 1827, as claimed by her the said Eleanor P. B. Burke, of the portion of land devised to her, by the name of Eleanor Parlet Boone, by the said John C. R. B. Boone, by his said last will and testament, the same being described in the proceedings of partition in which said Commission issued (of which said proceedings the annexed Exhibit marked C. is a true copy) as Lot number 2; that the Plot hereto annexed marked D. correctly represents the lands mentioned in the said last will of Thomas Boone, & that the said Thomas Boone at the time of the making of his said will and also of his death was seized thereof in fee simple; that Sarah Boone, wife of the said Thomas resided after his death in the Mansion House of the said Thomas, which stood on the parcel of land devised in his said will to his said son John C. R. B. Boone; [and said John C. R. B. Boone lived in a smaller House built by himself on the same parcel; that there was some cleared land enclosed around the Mansion House, and some enclosed meadow ground near Jones' Falls, also on said parcel, devised to said