purpose of showing that the Defendant entered under his father, and to dispense with further proof of legal title on the part of the Plaintiff; to this ruling of the Court overruling the objection of the Defendant, and admitting said record as evidence to go to the jury, for the purpose stated; the Defendant Excepted and prayed the Court to sign and seal this, his 2nd bill of exceptions, which was accordingly done, this 18th day of September 1882

Oliver Miller (Seal)
E. Hammond (Seal)

After the foregoing bills of Exception had been signed & sealed, & which are prayed to be taken as part of this bill of exceptions the Plaintiff to further maintain the issues joined on his part, proved a demand on the Defendant by the Plaintiff, of the possession of said property, on the 18th of February 1880, and the Plaintiff refused, and the rental value of the same and there closed his case in Chief. Whereupon the Defendant, by his Counsel, to maintain the issues joined on his part called John Cook Mobberly, the Defendant to the witness stand and offered to prove by him title to said property in controversy in this cause, in himself, by adverse possession. But the Plaintiff then offered in evidence the aforesaid record in the injunction case and relied upon the same as estopping the defendant from setting up title to said property by adverse possession, and the Court admitted said record for said purpose, and refused to allow said Defendant to offer any testimony on that subject to which ruling of the Court the Defendant excepted and prayed the Court to sign & seal this his third bill of exceptions,

which was accordingly done this 19th day of September 1882.

Oliver Miller (Seal)
E. Hammond (Seal)

After the foregoing Bill of Exceptions had been signed & sealed, which are prayed to be taken as part of this, the testimony was closed on both sides. Thereupon the Defendants, by his Counsel, offered the following prayers.

Defendant's 1st Prayer.

The Defendant by his Counsel prays the Court to instruct the Jury that under the pleadings in this cause the deed offered in evidence from George Smith, trustee, to Eldridge W. Mobberly is no evidence of legal title in the Plaintiff, although they should find from the evidence that the Plaintiff is the party intended to be named in said deed, instead of Eldridge W. Mobberly.

Indorsed

Rejected.

Defendant's 2nd Prayer

That under the pleadings in the cause there is no evidence sufficient to enable them to find a legal title in the Plaintiff to the property claimed by the declaration.

Indorsed

Rejected.

but the Court refused to grant the said instructions or either of them, to which ruling by the Court, the defendant excepted & prays the Court to sign & seal this his 4th Bill of Exceptions, which is accordingly done this 19th day of September A. D. 1882.