

Refused Charges

Phillips

vs

Gunn

*Refused
to call
jury*

1.

The Court charges the jury that if you believe the evidence in this case you must find for the Defendant.

2.

*Refused
to answer
jury*

The Court charges the jury that if you believe the evidence in this case you cannot find for the Plaintiff.

The Court charges the jury that if you are reasonably satisfied from the evidence that on the dates of the execution of the deeds from Mamie Hubbard, George Milton and Rena Milton, his wife, Agnes Tate, Janie Tate, Maggie Tate and Willie Mae Tate to W. V. Phillips, the Plaintiff, the lands described in the complaint were in the adverse possession of the Defendant in this case, then these deeds are void as to the Defendant, C. C. Gantt, and your verdict should be for the Defendant.

*Refused
Hubbard
Gantt*

*Refused
to take
deed*

The Court charges the jury that the conveyance of land which, at the time of the execution of the deeds, is in the possession of one holding adversely to the Grantor, and exercising acts of ownership, and claims to be in rightful possession, is void as to the person holding adversely and will not support an action of ejectment by the Grantee against such adverse holding.

*Refused
by Phillips
Jr.*

The Court charges the jury that if you believe from the evidence that the Defendant, C. C. Gantt, was in the possession of the land sued for on March 5, 1953, claiming to be in rightful possession, exercising acts of ownership and holding adversely to George Milton and Rena Milton, his wife, in that event, the Court charges the jury that the deed from George Milton and Rena Milton, his wife to W. V. Phillips executed on that date is void as to the Defendant, C. C. Gantt, and will not support an action of ejectment by W. V. Phillips against C. C. Gantt.

The Court charges the jury that if you believe from the evidence that the Defendant, C. C. Gantt, was in the possession of the land sued for on March 20, 1953, claiming to be in right-ful possession, exercising acts of ownership and holding adversely to Agnes Tate, Janie Tate, Maggie Tate and Willie Mae Tate, in that event, the Court charges the jury that the deed from Agnes Tate, Janie Tate, Maggie Tate and Willie Mae Tate to W. V. Phillips executed on that date is void as to the Defendant, C. C. Gantt, and will not support an action of ejectment by W. V. Phillips against C. C. Gantt.

W. V. Phillips
W. V. Phillips
Gantt

*Refused
H. W. Gantt*

The Court charges the jury that if you believe the evidence in this case that the Defendant, C. C. Gantt, was in possession of the property sued for, holding the same adversely, exercising acts of ownership and claiming to be in the rightful possession of the same on the date of any of the deeds under which the Plaintiff claims title to this property then such deeds are void as to the Defendant, C. C. Gantt and will not support the claim of the Plaintiff in this suit.

*Referred
to the
jury*

The Court charges the jury that if you believe from the evidence that the Defendant, C. C. Gantt, was in possession of the land sued for prior to the deeds to the Plaintiff then the Plaintiff is required to show that his grantor had the legal title and that it passed to him by said deeds and unless the Plaintiff does this the fact that the Defendant was in possession is sufficient to support a verdict for the Defendant at your hands.