

W.V. Phillips

vs.

C.C. Gantt

Five Charges

A.

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Matter
Rise

The Court charges the jury that unless you believe from the evidence in this case that the Plaintiff was in possession of the land sued for prior to the Defendant and that the Plaintiff has shown a better title than the Defendant, then your verdict should be for the defendant

2. The court charges the jury that the presumption of title arises in support of a peaceable possession under claim of title for twenty years or more.

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3. The court charges the jury that presumption of title arises in support of a peaceable possession under claim of title for twenty years or more, and that if you believe from the evidence in this case that the plaintiff and those through whom he claims title to the property involved in this suit were in the peaceable possession of the said property under claim of ownership for twenty years or more, and until on, to-wit, the 28th day of FEBRUARY, 1953, your verdict should be for the plaintiff.

*Given
H. M. Bell
Judge*

3.

The Court charges the jury that if you believe from the evidence, and the instructions of the court, that the Plaintiff has not shown a better title than the Defendant then the Plaintiff is not entitled to recover.

*Given
for the*

4. The court charges the jury that if you find from the evidence that the plaintiff, W. V. Phillips, bought the lands involved in this suit from Isreal Milton and Jane Milton, husband and wife, in the year of 1944, and went into actual possession of the said lands, claiming them as his own from his said purchase, then his adverse possession would run from that time, although he did not receive deeds from the heirs of Isreal Milton and the heirs of Jane Milton until prior to the commencement of this suit in 1953.

the contrary is
G. J. [unclear] [unclear]

6.

*John
H. Milton
Jr.*

The Court charges the jury that if Jane Milton was in possession of the land in this suit, claiming to own it, such possession would carry with it the presumption that so long as she continued in possession she owned the land. But if you find from the evidence that Jane Milton abandoned her possession, moved off the land, with no intention of returning, and the Defendant entered the land under claim of right of title, then the presumption that Jane Milton owned the land no longer existed, and the presumption would be that the Defendant owned the land from the time of his entry and claim of ownership.