

NORMAN AIKIN, Plaintiff.)

-VS-

IN CIRCUIT COURT; BALDWIN COUNTY.

B. F. McMillan et al. Defendants.)

Defendants move the court to set aside the verdict and judgment in this cause and grant the defendants a new trial, for the following reasons, each of which is separately and severally assigned:

1-

After the plaintiff and defendants had finished their evidence and the cause had been submitted to the jury and before the rendition of their verdict one of the members of the jury trying the cause went into the record room of Baldwin County, Alabama where the tax records or some of them are kept and examined one of the records showing plaintiffs assessment which was not offered in evidence by either plaintiff or defendant in said cause.

2-

Alleging the same facts set forth above defendants allege that said examination was for the purpose of securing certain information with reference to the pending cause.

3-

Alleging same facts set forth in paragraphs numbered 1 and 2 above, the defendants say that such examination and data secured therefrom influenced one or more of the jurors trying the cause in reaching the verdict they rendered.

4-

Alleging the same facts set forth in paragraph numbered 1, 2 and 3 above, defendants say that the purpose of said examination was to ascertain whether plaintiff had assessed or paid taxes on the land involved in this litigation.

5-

Defendant reiterates the facts alleged in grounds numbered 1, 2, 3 and 4 and adds to each separately the following words. " which was calculated to operate to defendants prejudice in reaching their verdict."

6-

The jury reached their verdict by consideration of evidence which neither party to the cause offered.

7-

The members of the jury trying the cause separated while they had the cause under consideration and before the rendition of their verdict.

8-

The verdict of the jury was against the weight of the evidence.

9-

The jury's assessment of damages was excessive.

Nov-26th motion overruled + Dept
Expts — W. G. Amery
Judge

10- The Court erred in admitting in evidence the alleged deed or conveyance from Lewis Baudin to Joshua Kennedy.

11- The Court erred in admitting in evidence the patent to the representatives of Lewis Baudin.

W. C. Meese & Co.
Attys for defendant.

We certify that we sent a copy of this motion to Messrs Gregory L. & H. T. Smith, of counsel for the plaintiff of this 24th day of November 1913.

W. C. Meese & Co.
Attys for Defendant.

Ex H. T. Smith & Co. Inc. & Hall
Cuba.

✓ Nov-26th motion overruled + Dept
excepts — W. C. Meese
Judge