

H. H. MONTGOMERY, Suprintendent
of Banks,

Plaintiff,

-VS-

JOHN LANGHAM, et al,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY.

Now comes the plaintiff in the above entitled cause and moves the Court to suppress the deposition of William Powell of Oklahoma City, Oklahoma, a witness on behalf of defendants, upon the following grounds:-

1st. Because the plaintiff, or his attorneys-of-record, were not given notice of the filing of such interrogatories and petition for the issuance of commission for the taking of the deposition as is requested by law.

2nd. Because said request for the taking of the said deposition does not give ^{the} a residence of the witness as is ^{required} ~~requested~~ by the statute.

3rd. Because said request for the said deposition does not name the place of the residence of the suggested commissioner as is ~~required~~ by law.

4th. Because the Clerk of this Honorable Court had no authority, under the law, to issue the commission to take this deposition at the time same was issued.

Not waiving the above motion to suppress the deposition of William Powell, but expressly insisting thereupon the plaintiff files the following objections to the following questions propounded to said Powell:-

The plaintiff objects to question (a) of Interrogatory 1, because said question calls for immaterial, incompetent and irrelevant testimony, and also because the records of the bank would be the best evidence.

The plaintiff objects to question (f) of Interrogatory 1, because it calls for incompetent testimony, calls for the conclusion or opinion of the witness and because the records of the bank would be the best evidence.

The plaintiff objects to question (h) of Interrogatory

1, because it calls for irrelevant, incompetent and immaterial testimony, also for the conclusion of the witness and upon the further ground that it calls for secondary evidence.

The plaintiff objects to question (i) of Interrogatory 1, upon the ground that said question calls for secondary evidence, the certificate of stock and the stock book of the bank being the best evidence.

The plaintiff objects to question (j) of Interrogatory 1, because it calls for secondary evidence.

The plaintiff objects to question (k) of Interrogatory 1, because it calls for secondary evidence and the records of the bank being the best evidence.

The plaintiff objects to question (l) of Interrogatory 1, upon the ground that it calls for secondary evidence, the records of the bank being the best evidence.

The plaintiff objects to question (m) of Interrogatory 1, on the ground that it calls for irrelevant, immaterial and incompetent testimony, and also calls for the opinion of the witness.

The plaintiff objects to question (c) of Interrogatory 2, upon the ground that it calls for the opinion of the witness; upon the further ground that it is not confined to the suit sued upon and further because it is not shown that the witness knows who are the defendants in this case.

The plaintiff objects to question (d) of Interrogatory 2, upon the ground that it is ~~leaving~~, and on the further ground that it calls for irrelevant, incompetent and immaterial testimony.

The plaintiff objects to question (j) of Interrogatory 2, because it calls for the opinion or conclusion of the witness, and on the further ground that it calls for irrelevant, incompetent and immaterial testimony.

The plaintiff objects to question (k) of Interrogatory 2, upon the ground that it calls for irrelevant, incompetent and immaterial testimony, and it also calls for the opinion and conclusion of the witness.

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The plaintiff objects to question (n) of Interrogatory 2, upon the ground that it calls for the opinion of the witness and also calls for irrelevant, incompetent and immaterial testimony.

The plaintiff objects to question (o) of Interrogatory 2, upon the ground that it calls for the opinion of the witness; upon the further ground that it calls for irrelevant, incompetent and immaterial testimony.

The plaintiff objects to question (p) of Interrogatory 2, upon the ground that it calls for irrelevant, incompetent and immaterial testimony, and upon the further ground that it is not shown that the note sued upon was the one asked about.

The plaintiff objects to question (q) of Interrogatory 2, upon the ground that it calls for irrelevant, incompetent and immaterial testimony, and upon the further ground that it calls for hearsay testimony.

The plaintiff objects to question (r) of Interrogatory 2, upon the ground that it calls for irrelevant, incompetent and immaterial testimony and upon the further ground that it calls for hearsay testimony.

The plaintiff objects to question (s) of Interrogatory 2, upon the ground that it calls for the opinion of the witness, and upon the further ground that it calls for irrelevant, incompetent and immaterial testimony.

The plaintiff objects to question (t) of Interrogatory 2, upon the ground that it calls for hearsay testimony, and upon the further ground that it calls for irrelevant, incompetent and immaterial testimony.

The plaintiff objects to question (a) of Interrogatory 3, upon the ground that it calls for irrelevant, immaterial and incompetent testimony.

The plaintiff objects to question (d) of Interrogatory 3, upon the ground that it calls for heresay testimony, and also upon the further ground that it calls for irrelevant, incompetent and immaterial testimony.

The plaintiff objects to question (e) of Interrogatory 3, upon the ground that it calls for heresay testimony, and upon the further ground that it calls for irrelevant, incompetent and immaterial testimony.

The plaintiff objects to question (f) of Interrogatory 3, upon the ground that it calls for the opinion of the witness, and upon the further ground that it calls for secondary evidence, the note being the best evidence, and on the further ground that it calls for irrelevant, incompetent and immaterial testimony.

The plaintiff objects to question (g) of Interrogatory 3, upon the ground that it calls for irrelevant, incompetent and immaterial testimony; upon the further ground that it is not shown that the said witness was present when the said note was delivered to the said plaintiff.

The plaintiff objects to question (h) of Interrogatory 3, upon the ground that it calls for irrelevant, incompetent and immaterial testimony.

The plaintiff objects to Interrogatory 4, upon the ground that it calls for the conclusion of the witness; on the further ground that it calls for irrelevant, incompetent and immaterial testimony.

Chris Hall & Gordon Edington
ATTORNEYS FOR PLAINTIFF.

(over)

CROSS-INTERROGATORIES.

Not waiving the above objections to the questions, but expressly insisting thereon, the plaintiff files the following cross-interrogatories to the witness, William Powell.

1st. Do you know Judge Charles Hall, of BayMinette, Alabama, and if so how long have you known him? Did you not tell Judge Charles Hall in the lobby, on second floor, of the Court House of Baldwin County, during a term of Circuit Court, and when this case was on the docket to be tried at said term, that you were not a stock-holder in the Bank of BayMinette at the time the notes in question were executed by C.B.Thompson and endorsed by the defendants, and you had never owned any stock in said Bank? Did you not also tell Judge Hall at the same time and place, that C.B.Thompson, in your company, took the notes in question to the Bank of BayMinette, and that C.S.Woodson, as Cashier of said Bank, looked at the notes, and said he would not accept them unless he would get good endorsers on the notes, and you further said that you went with the said Thompson to get the notes endorsed, and you were with him when they were endorsed by the defendants, and there were no conditions to the endorsements; that he came back with Thompson and was with him when he delivered the said notes to C.S.Woodson, as Cashier of the Bank of BayMinette, and nothing was ever said about W.D.Owens endorsing the said notes, and nothing was said about any conditions when the notes were delivered to Bank of BayMinette.

Charles Hall & Gordon E. Evans
Attorneys for Plaintiff.

H. H. MONTGOMERY, SURVIVOR OF
A. E. WALKER, SUPERINTENDENT
OF BANKS,

-VS-

JOHN H. LANGHAM, ET AL.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY,
A L A B A M A.

Now comes C. S. Woodson, and in conformity with the orders of this Court in regard to the Third Interrogatory and to the last Two questions in the Fourth Interrogatory, and for answer says as follows:

That he, C.S. Woodson, was Cashier of the Bank of Bay Minette, and one of the Officers thereof, at the time the notes sued on in this action were endorsed by the Defendants and delivered to the Bank, and that he then had personal knowledge, and still has personal knowledge of the affairs of the Bank.

TO THE THIRD INTERROGATORY:

The connection William Powell had with the procuring of the notes sued on in this action was that he brought the notes to me, as Cashier of the Bank of Bay Minette, for Thompson, and I told Powell that if Thompson would get responsible endorsers on the notes that I would accept them for the Bank and let Thompson have the money on them. Mr. Powell told me he would go with Thompson to procure endorsements on said notes, but he was not sent as a representative of the Bank of Bay Minette to procure the endorsements on said notes, and in this matter did not represent the Bank in any way, shape or form. I was not with William Powell and Mr. Thompson when the endorsements on the notes were procured, and do not know what, if any, representation Mr. Powell or Mr. Thompson made to the defendants in this action in procuring such endorsements on the notes. The defendants were not in the Bank at the time the notes sued on in this action were delivered to me, as Cashier of the Bank of Bay Minette, by William Powell, I do not know whether or not any person other than William Powell held possession of the notes before they were delivered to me, as such Cashier for the Bank of Bay Minette. The notes were delivered to me for the Bank and by me received and held for the Bank, and when Powell de-

livered the notes to me for the Bank, he told me that the defendants, whose names appear on the back of the notes, endorsed them.

TO THE TWO LAST QUESTIONS OF THE FOURTH INTERROGATORY:

I was Cashier of the Bank of Bay Minette at the time the notes were endorsed, and the Bank was not notified by the Endorsers, nor by either of them, nor by their Attorney, not to discount said notes. The Bank of Bay Minette was never notified by anyone, prior to its acceptance of said notes, that anything was irregular as regards said notes, or that there were any conditions or limitations whatever as to the endorsements thereon, and was not notified by anybody not to discount such notes before the Bank accepted them and became owner of them.

C. Greenwood

Subscribed and sworn to before me this 26th day of

March, 1921.

Leonelis Hall
NOTARY PUBLIC, Baldwin CO., ALA.



H. H. MONTGOMERY, Suprintendent
of Banks,

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-VS-

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Charles H. Grooms
ATTORNEYS FOR PLAINTIFF.

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Chas Hall & George Edmiston
Attorneys for Plaintiff.

H. H. MONTGOMERY,	:	
SUPERINTENDENT OF BANKS, etc.	:	
PLAINTIFF	:	IN THE CIRCUIT COURT
VS.	:	OF
JOHN LANGHAM, et al.	:	ESCAMBIA COUNTY, ALABAMA.
DEFENDANTS.	:	

The defendants desiring the testimony by deposition of William Powell of Oklahoma City, Oklahoma and who is a material witness for the defendants in this cause, propounds to him the following interrogatories:

1. (a) State your name, age and place of residence.
- (b) Did you ever reside at Bay Minette, Alabama?
- (c) If so, when and for how long a time?
- (d) What connection, if any, did you have with the Bank of Bay Minette?
- (e) When was said bank organized, when did it begin business and by whom was it organized?
- (f) Who was the president of said bank when it began business?
- (g) Who was its cashier when it began business?
- (h) If you state that you were the president of this bank then give the date you assumed such position and tell how long you were the president of the bank.
- (i) Were you a stock-holder in said bank?
- (j) If so, when did you become such and when did you cease to be a stock-holder?
- (k) Were you a director of said bank?
- (l) If so, state when you became a director and when you ceased to be a director.
- (m) What other official position, if any, did you occupy in said bank from the time it was organized until it discontinued its business?

2. (a) Are you acquainted with the defendants John Langham, C. W. Hall, J. H. Bryars and E. Ward and were you acquainted with Alex. Boone, now deceased?

(b) Do you know C. B. Thompson?

(c) Do you remember the circumstances connected with the execution of a note by C. B. Thompson to the Bank of Bay Minette, which note was indorsed by the defendants in this case?

(d) Is it not true that there was only one transaction of this kind?

(e) Where did C. B. Thompson live at the time said note was made?

(f) Where was said note signed by him?

(g) Where were the indorsers when they indorsed the note?

(h) Were you present when said note was signed by Thompson and indorsed by the indorsers?

(i) If not, state whether you were present when any of the parties signed or indorsed said note and give the names of those whom you saw sign or indorse said note.

(j) What person negotiated with the said C. B. Thompson in taking said note from him?

(k) Did you consult with him concerning the execution of said note to the Bank of Bay Minette?

(l) At the time the note was signed or at the time it was indorsed, or at both times did you have any official position with the Bank of Bay Minette?

(m) If so, what was said position and what were your duties?

(n) Did you obtain the execution of said note by said Thompson?

(o) Did you obtain the indorsement of said note by

the indorsers of any one of them?

(p) If so and if you have stated that you occupied an official position with the Bank of Bay Minette, then state what, if anything, was said by you to said indorsers, or any one of them, with reference to their indorsement.

(q) Was anything said about obtaining the indorsement of W. D. Owens, Jr. on said note?

(r) If so, what?

(s) Was it agreed between you, as a representative of the Bank of Bay Minette and any one or more of said indorsers that said note would not be accepted and used by the Bank of Bay Minette unless and until it was also indorsed by W. D. Owens, Jr.?

(t) If there was such an agreement state just what you said with reference to it to the indorsers on said note, or to any one of them.

3. (a) How long after said note was executed by C. B. Thompson before it was delivered to the Bank of Bay Minette?

(b) Who delivered it to said bank?

(c) Who received it for the bank?

(d) Was anything said in your presence or hearing when said note was delivered concerning the circumstances under which the indorsements were made by the defendants?

(e) If so, state what was said at that time and by whom.

(f) What was the consideration of said note?

(g) Was it for money loaned to the said Thompson?

(h) If not, was it for a debt already owing to said bank by the said Thompson?

(i) Is it not a fact that Thompson was indebted to said bank at the time the note sued on in this case was delivered to the bank?

(k) If so, is it not a fact that his debt to the bank or a part thereof was past due when said note was delivered to the bank?

(l) Please state how much was owing to said bank by the said Thompson at the time the note sued on was delivered to the bank and how much of said debt was past due at that time.

(m) How much of the consideration of the note sued on was for money loaned or advanced to the said Thompson contemporaneously with the delivery of said note to said bank?

4. Please state any other facts connected with the indorsement or delivery of said note to the Bank of Bay Minette which would constitute relevant and material testimony in this cause and which you have not stated in reply to the foregoing interrogatories.

Leon G. Brooks
Attorney for Defendants C. W.
Hall and J. H. Bryars.

THE STATE OF ALABAMA)

ESCAMBIA COUNTY)

Before the undersigned authority personally appeared Leon G. Brooks, who being duly sworn deposes and says that he is the attorney for defendants C. W. Hall and J. H. Bryars in the above entitled cause, that William Powell is a material witness for the defendants in said cause and that he is a non-resident of the State of Alabama and resides at Oklahoma City, Oklahoma, his Post Office address being Post Office Box 1432 in said city.

Leon G. Brooks
Notary Public

Sworn to and subscribed before me this 21st.
day of November, 1922.

Riley M. Jefferson
Notary Public,
Escambia County, Alabama.

The defendants suggest the name of Hugh E.
Tyson, Security Building, Oklahoma City, Oklahoma as a suitable
person to act as commissioner in taking the foregoing deposition.

Walter G. Brown
Attorney for Defendants.

The State of Alabama, }

Baldwin County

CIRCUIT COURT.

To Hugh E Tyson, Security Building, Oklahoma City, Oklahoma,

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine William Powell, P.O. Box 1432 Oklahoma City, Oklahoma.

as witnesses in behalf of Defendant s C.W.Hall and J.H.Bryars, in a cause pending in our Circuit

Court of Baldwin County, of said State, wherein

H.H.Montgomery Superintendent of Banks,

is Complainant

and John Langham et als,

are Defendant, S

on oath to be by you administered, upon interrogatories filed by Defendants C.W.Hall & J.H.Bryars, to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 19th day of December, 192 2

J. W. Richardson
Register.

Commissioners Fee \$5⁰⁰

Witness Fee's \$.

No. 1255.

THE STATE OF ALABAMA,

Baldwin

County.

CIRCUIT COURT.

H. H. Montgomery Superintendent

of Banks,

Complainant.

vs.

John Langham et als.

Defendant.

COMMISSION TO TAKE DEPOSITION
ON INTERROGATORIES.

COMMISSIONER:

Hon. Hugh E. Tyson,

WITNESSES:

William Powell,

T. W. RICHESON
CLERK AND REGISTER CIRCUIT COURT
BALDWIN COUNTY, ALA.

Copy

BAY MINETTE, ALA., July 12th, 1923.

To Hon. W. R. Stuart,
Sheriff of Baldwin Co., Ala.

The Defendants in cause of
E. A. Jackson, Superintendent of Banks vs John Lasham et al
have this day filed appeal Bond in said cause and the execution
in this cause in your hands is held up pending said appeal
in the Supreme Court of Alabama.

T. W. Richeson

Clerk Circuit Court Baldwin Co., Ala.