

A.E.Walker, as Superintendent
of Banks of the State of Ala-
bama liquidating the affairs
of the Bank of BayMinette,
Plaintiff,

vs.

John Langham, C.W.Hall, J.H.
Bryars, Alex Boone and E.Ward,
Defendants.

CIRCUIT COURT OF
BALDWIN COUNTY.

Spring Term 1916.

The plaintiff claims of the Defendants Two thousand Dollars, due on the promissory note made by C.B.Thompson, bearing date of August 26th, 1914, and payable thirty days after date to the Bank of BayMinette for Two thousand Dollars, and indorsed by Defendants, together with the interest thereon, and plaintiff avers that said note contained the following clause:

" The parties to this instrument, whether maker, indorser, surety or guarantor, each for himself, hereby severally waive as to this debt or any renewal thereof, all right to exemption under the Constitution and Laws of Alabama, as to personal property, and they each severally agree to pay all costs of collection, or securing or attempting to collect or secure this note, including a reasonable attorney's fee, whether the same be collected or secured by suits or otherwise."

Plaintiff claims Three hundred Dollars as a reasonable attorney's fee incurred by him in bringing this suit.

SECOND:

The Plaintiff claims of the defendants the further sum of Three thousand Dollars, due on the promissory note made by C.B.Thompson, bearing date of August 26th, 1914, and payable sixty days after date to the Bank of BayMinette for Three thousand Dollars and indorsed by Defendants, together with the interest thereon, and Plaintiff avers that said note contained the following clause:

"The parties to this instrument, whether maker, indorser, surety or guarantor, each for himself, hereby severally waive as to this debt or any renewal thereof, all right to exemptions under the Constitution and Laws of Alabama, as to personal property, and they each severally agree to pay all costs of collection, or securing or attempting to collect or secure this note, including a reasonable attorney's fee, whether the same be collected or secured by suits or otherwise,"

Plaintiff claims Four hundred and fifty Dollars as a reasonable attorney's fee incurred by him in bringing this suit.

Ervin T. McAuliffe
Charles Hall

Attorneys for Plaintiff.

SUMMONS AND COMPLAINT

The State of Alabama {

No. _____

Baldwin County

Circuit Court

February 22nd, 1916.

To Any Sheriff of the State of Alabama :

You are hereby commanded to summon John Langham, C.W. Hall, J.H. Bryars,

Alex Boone, and E Ward,

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against them the Defendant's

by A.E. Walker, as Superintendent of Banks of the State of Alabama,

liquidating the affairs of the Bank of Bay Minette, Plaintiff

Witness my hand this 22nd, day of February 1916.

T. W. Richardson

Clerk.

COMPLAINT

Plaintiff Versus

The plaintiff claims of the defendant

Dollars due by

Plaintiff's Attorney.

1st. Original R

No. _____

STATE OF ALABAMA,

BALDWIN COUNTY.

CIRCUIT COURT

vs. Plaintiff's

Defendants

SUMMONS AND COMPLAINT

Filed _____ 1916

W. W. Rieunier Clerk

Defendant lives at

Plaintiff's Attorney

Defendant's Attorney

Times Print, Bay Minette

Received in office

C. E. Eubanks Sheriff

I have executed this Writ

this Mar 4th 1916

by leaving a copy of the within summons and complaint with

John Langham

C. E. Eubanks Sheriff

Deputy Sheriff.

We the jury find for plaintiff and assess the damages at \$8499.97.

Harry A. Bill.
Foreman

We the Jury find for the Plaintiff in the sum of \$8499.97
H. A. Bill
Foreman.

Given Sept 1888

4) I charge you, Gentlemen, that the burden is upon the defendants in this case to reasonably satisfy you from the evidence, that the promise to get W.D. Jones to endorse the note said upon, before same should become binding upon the endorsers, was the inducing cause for such endorsements, and unless the evidence so reasonably satisfies you of this fact, then you arrived at the judgment in returning a verdict for the defendants in this case.

3

Swear
Large Judge

The burden is upon the defendants to satisfy you from the evidence that the promise to get H. H. Down to endorse said note was the inducing cause for her endorsing said note, and unless the evidence does reasonably satisfy you of this fact, then such of the defendants, who was not so induced, should not be entitled to a verdict under this special plea.

69

Montgomery, Alabama, November 4th., 1914.

A meeting of the Banking Board of Alabama was held at the office of A. E. Walker, Superintendent of Banks, at twelve o'clock, on Wednesday, November 4th, 1914.

There were present at the meeting A. E. Walker, Superintendent of Banks and Geo. A. Searcy, E. J. Buck, the other member of the Board had been duly notified of the meeting, but was unable to attend the same.

The Superintendent of Banks stated to the meeting that he had called the same for the purpose of considering the question of taking possession of the property and assets of the Bank of Bay Minette, of Bay Minette, Alabama; that notice of the meeting of the Banking Board for this purpose had been served upon the cashier and vice-president of the bank; that said notices were served on C. S. Woodson, Cashier of the Bank of Bay Minette, and W. W. Sowell, Vice-President of the Bank of Bay Minette, there being no president of said bank. Said notices were served Friday, October 30th, 1914, more than three days before this meeting was called for, to-wit; the fourth day of November, 1914. Said notices which were served on C. S. Woodson and W. W. Sowell aforesaid were as follows:

"You are hereby notified to appear before the Banking Board of the State of Alabama, at the office of A. E. Walker, Superintendent of Banks for the State of Alabama, on Wednesday November 4th., 1914, at twelve o'clock, at Montgomery, Alabama; then and there to show cause why the said A. E. Walker, Superintendent of Banks for the State of Alabama should not take possession of the property and business of the said Bank of Bay Minette, for the purpose of liquidating the same as provided in section ten (10) of an Act entitled "An Act to Create a Banking Department of the State of Alabama", General Acts of Alabama Session 1911, Page 50."

The Superintendent of Banks then stated to the meeting that in his opinion the Bank of Bay Minette was insolvent and that the bank was in an unsound and unsafe condition to transact the business for which it was organized and that it was unsafe for it to continue in business; whereupon the following resolution was offered by Geo. A. Searcy, and upon motion the same was unanimously adopted:

"That whereas the Bank of Bay Minette has been summoned before the Banking Board by proper notice, to show cause why the Superintendent of Banks should not forthwith take possession of the property and business of the said Bank of Bay Minette and should not retain such possession until such corporation or individual banker shall resume business or its affairs be finally liquidated, and

WHEREAS it appears to the Banking Board that the Bank of Bay Minette is in a failing and insolvent condition; that it has suspended payment of its obligations, and that said bank is in an unsound and unsafe condition;

NOW, THEREFORE, be it further resolved that A. E. Walker, Superintendent of Banks is hereby authorized and instructed by the Banking Board of the State of Alabama to forth-

2.

with take possession of the property and business of the Bank of Bay Minette and retain such possession until such corporation or individual banker shall resume business or its affairs be finally liquidated."

Upon motion the Banking Board adjourned.

WITNESS our hands and seals this November 4th., 1914.

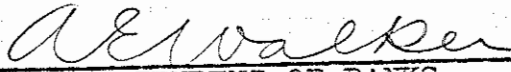
(Signed) A. E. Walker (L. S.)

(signed) Geo. A. Searcy (L.S.)

STATE OF ALABAMA }
MONTGOMERY COUNTY }

I, A. E. Walker, Superintendent of Banks for the State of Alabama, hereby certify that the foregoing is a true and correct copy of the minutes of the Banking Board of its meeting held in Montgomery, Alabama on the 4th day of November, 1914.

Given under my hand and seal of office, this the 18th day of May, 1915.


SUPERINTENDENT OF BANKS.



5
A.E.Walker, as Superintendent
of Banks for the State of Alabama,
liquidating the affairs of the
Bank of BayMinette,

Plaintiff,

vs.

John Langham, C.W.Hall

J.H.Bryars, Alex Boone and

E.Ward, Defendants.

In Circuit Court of

Baldwin County, Alabama.

Now comes H.H.Montgomery and represents unto your Honor
that since the filing of the complaint in the above said cause
A.E.Walker has resigned the office as Superintendent of Banks
of Alabama, and that D.F.Green was appointed as his successor in
such office, and that the said D.F.Green has resigned the office
of superintendent of banks for the State of Alabama, and that
the said H.H.Montgomery has been appointed as his successor in
such office and is now superintendent of banks for the State of
Alabama, and begs leave of the Court to allow the said cause
to be amended by making him, H.H.Montgomery, as successor to
D.F.Green as superintendent of Banks for the State of Alabama,
party Plaintiff in said cause.

Charles H. Hester

Gordon Edgington

Attorneys for Petitioner.

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

The State of Alabama, }
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Jay P. Mix

if to be found in your county, at the instance of the

Wtft

to appear before the honorable Circuit Court of Baldwin County at the Court House thereof, on the

18

day of *Nov* *18* 19*19*, then and there to testify, and the truth to say, in a certain case pending, wherein

R E Walker

Plaintiff,

Jess Langham

Defendant,

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ .

Witness my hand this *15* day of *Nov* A. D., 19*19*

ATTEST:

J. W. Ricciron

Clerk.

Copy

No.

**The State of Alabama,
BALDWIN COUNTY.**

R E Macker

VS.

SUBPOENA FOR

Jno Langham

Circuit Court

WITNESSES

Jay P Smith

SET FOR TRIAL

18 day of *Nov* 19 *19*

Baldwin Times Print.

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

The State of Alabama, }
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

J. H. Hapton
Jay B. Mix Geo. Frost

if to be found in your county, at the instance of the

Deft

to appear before the honorable Circuit Court of Baldwin County at the Court House thereof, on the

18th

day of *Nov* *9/19*, then and there to testify, and the truth to say, in a certain case pending, wherein

A. E. Walker

Plaintiff,

Mrs. Langham

Defendant,

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ .

Witness my hand this *5* day of *Nov* A. D., 19*19*.

ATTEST:

M. B. B. B.

Clerk.

Executed Nov.
12th 1919 by serving
Copy of the within
on W.D. Slaughter &
J.W. Frost
M.R. Stuart
Sheriff

J.P. Mc not found
in my County

Original

No.

The State of Alabama,
BALDWIN COUNTY.

A.E. Walker

vs.

SUBPOENA FOR

Geo. Langham

Circuit Court

WITNESSES

W.D. Slaughter
J.P. Mc
J.W. Frost

Just not served

SET FOR TRIAL

18 day of Nov 1919

Baldwin Times Print.

E

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

The State of Alabama,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Jay Pruitt

if to be found in your county, at the instance of the

Deft

to appear before the honorable Circuit Court of Baldwin County at the Court House thereof, on the

20th

day of

May

19 *17*

, then and there to testify, and the truth to say, in a certain case

pending, wherein

R. Butler

Plaintiff,

Mr. Langham

Defendant,

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ.

Witness my hand this

17

day of

Apr

A. D., 19 *17*

ATTEST.

J. M. McIlwain

Clerk.

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

The State of Alabama,
Baldwin County. }

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

W. D. Stearns
Jay P. Mix. W. Frost

if to be found in your county, at the instance of the

Deft

to appear before the honorable Circuit Court of Baldwin County at the Court House thereof, on the *20th*
day of *May* 19*19*, then and there to testify, and the truth to say, in a certain case

pending, wherein

A. B. Walker

Plaintiff,

Jos. Langham et al

Defendant,

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ.

Witness my hand this

17

day of

Apr

A. D., 19*19*

ATTEST:

J. W. Stearns

Clerk.

Original

No.

The State of Alabama,
Baldwin County.

A. E. Walker

VS.

SUBPOENA FOR

Jno. Laughman
et al

Circuit Court

WITNESSES:

W. D. Stapleton
L. J. Smith
J. W. Frost

SET FOR TRIAL

20 day of May 1919

BALDWIN TIMES PRINT

E.

Presented May 15th 1919
go not returned not found

W. D. Stapleton Sheriff

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT.

THE SUPREME COURT OF ALABAMA,

October
~~November~~ Term, 1912-23

To the *Clerk* of the *Circuit* Court of
Baldwin County, Greeting:

Whereas, the Record and Proceedings of the *Circuit* Court
of said county, in a certain cause lately pending in said Court between
C. W. Hall et al., Appellant S.,
and
A. A. Montgomery as Sept of Paul, Appellee---,
wherein by said court, at the *1912* Term, 1912, it was considered
adversely to said appellant---, were brought before our Supreme Court, by appeal taken,
pursuant to law, on behalf of said appellant---:

Now, it is hereby certified, That it was thereupon considered by our Supreme Court,
on the *2nd* day of *November*, 1912, that said *judgment*
of said *Circuit* Court be reversed and annulled, and the cause remanded to
said court for further proceedings therein; and that it was further considered that the
appellee--- pay

the costs accruing on said appeal in this Court and in the Court below

Witness, Robert F. Ligon, Clerk of the Supreme
Court of Alabama, at the Capitol, this the

7th day of *November*, 1912
Robert F. Ligon
Clerk of the Supreme Court of Alabama

The Supreme Court of Alabama

October
~~November~~ Term, 19*22-23*

1 Div., No *224*

Hall et al.
Appellants,
v.

Montgomery, Supt. of Banks
Appellee.

From *Baldwin* ~~Ct.~~ Court.

Certificate of Reversal

The State of Alabama, }
Baldwin County. } Filed

this *8* day of *Nov* 19*22*

W. H. Williams
Clark

Waldo Printing Co., Montgomery, Ala

Plaintiff claims Four hundred and fifty Dollars as a reasonable attorney's fee incurred by him in bringing this suit.

Ervin McAleer
Lehas Hall

Attorneys for Plaintiff.

SUMMONS AND COMPLAINT

The State of Alabama

Baldwin County

No.

Circuit Court

February 22nd 1916.

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon John Langham, C.W. Hall, J.H. Bryers,

Alex Boone, and E. Ward.

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court

of Baldwin County, State of Alabama, at Bay Minette, against them the Defendant's

by A.E. Walker as Superintendant of Banks of the State of Alabama,

liquidating the affairs of the Bank of Bay Minette. Plaintiff

Witness my hand this 22nd day of February 1916.

G. W. Richardson Clerk.

COMPLAINT

Plaintiff Versus

The plaintiff claims of the defendant

Dollars due by

Plaintiff's Attorney.

~~Branch~~ Original
2nd leave off
No. 3

Branch Summons and Complaint.

STATE OF ALABAMA,

BALDWIN COUNTY.

CIRCUIT COURT

A. E. Walker as Superintendent

of Banks, of the State of
Alabama liquidating the affairs
of the Bank of Bay Minette
vs. Bank of Bay Minette

John Langham, C.W. Hall J.H.
Bryars, Alex Boone, and E. Ward.

Defendants

SUMMONS AND COMPLAINT

Filed February 22nd, 1916

T. W. Ricumson Clerk

Defendant lives at

Ervin and Mc Aleer and One Hall.

Plaintiff's Attorney

Defendant's Attorney

Times Print, Bay Minette

Received in office

February 22nd, 1916

Sheriff

I have executed this Writ

this The 26 day Feb 1916

by leaving a copy of the within summons and complaint
with

C. W. Hall Alex
Boone and J. H.
Bryars

and John Langham
in Baldwin Co.

Sheriff

Deputy Sheriff.

This Summons and Complaint and another of the same
tender and date, in Baldwin County, Alabama, against
John Langham, C.W. Hall, J.H. bryars, Alex Boone,
and E. Ward, are for one and the same cause, of
action and is branch of the original suit.

T. W. Ricumson - Clerk.

The State of Alabama, }
Baldwin County—Circuit Court.

To the Sheriff of the State of Alabama—Greeting:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the
4th
~~8th~~ Monday ~~after~~ in May ~~1923~~ Monday in 1923, 191
in a certain cause in said Court wherein A.E. Jackson, as Superintendant of Banks
of the State of Alabama, Plaintiff, and C.W. Hall, J.H. Bryars, and John Langham,
Defendant, a judgment was rendered against
said C.W. Hall, J.H. Bryars, and John Langham,
to reverse which Judgment, the said C.W. Hall, J.H. Bryars and
John Langham,
has on this day applied for and obtained from this office an APPEAL, returnable to the
~~8th~~ next, Term of our Supreme Court of the State of Alabama, to be held
at Montgomery, on the 1st Monday day of October, 1923, next,
and the necessary bond having been given by the said C.W. Hall, J.H. Bryars,
and John Langham, with W.R. Holley, and
A.A. Graham, sureties,

Now, You are Hereby Commanded, without delay, to cite the said
A.E. Jackson, as Superintendant of Banks for the State of Ala,
or Chas. Hall & Gordon & Eddington, attorney, to appear at the
Next Term of our said Supreme Court, to defend against the
said Appeal, if they think proper.

WITNESS, T. W. Richerson, Clerk of the Circuit Court of said County,
this 12th, day of July A. D. 1923.

Attest:

T. W. Richerson Clerk.

8th

Original

Executed this 13th day of July,
1923, by serving copy of the
within Citation of Chas. Hall one
of the Attorneys of record for
A.E. Jackson, Superintendent of
Banks for the State of Alabama.
liquidating the affairs of the Bank of Bay Minette, Ala.
Chas. Hall Sheriff.
by *Wm. H. ...* D.S.

CIRCUIT COURT
BALDWIN COUNTY, ALA.

A.E. Jackson, Superintendent of
Banks for the State of Alabama.

VS. } CITATION IN APPEAL.

John Langham et al.

Issued 12th day of July, 1923.

BALDWIN TIMES PRINT. BAY MINETTE.

A. E. Walker, Superintendent of Banks, *

-VS-

John H. Langham, et al.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY.

Plaintiffs answers to the interrogatories
propounded by the defendant:

TO FIRST INTERROGATORY:

I am the plaintiff in this cause and am Superintendent of Banks for Alabama, and have held this position since March 2 "1911. I am acquainted with William Powell, but did not know that he was acting as President and Manager of the Bank of Bay Minette in September, 1914.

TO SECOND INTERROGATORY:

During that time I do not know that the said Powell was connected with said Bank in any capacity.

Plaintiff declines to answer that portion of the first question in the second interrogatory, to-wit: "And what influence he exercised in the control of same" upon the ground that the said question calls for the opinion of the witness, and is therefore incompetent.

The plaintiff declines to answer the second question of the second paragraph, unless ordered to do so by the Court, upon the following ground: That said question calls for irrelevant, immaterial and incompetent testimony, and also calls for the opinion of said witness.

Plaintiff declines to answer the third question of the second paragraph, unless ordered to do so by the Court, upon the ground that said question calls for irrelevant, incompetent and immaterial testimony, and upon the further ground that the affidavit inquired about will be the best evidence, and upon the further ground that it is

res inter alios acta.

Plaintiff declines to answer the fourth question of the second interrogatory, unless ordered to do so by the Court, upon the ground that the said question calls for the ~~opinion of the witness, and is irrelevant, incompetent and~~ immaterial.

Plaintiff declines to answer the fifth question of the second interrogatory, unless ordered to do so by the Court, upon the ground that it calls for irrelevant, incompetent and immaterial testimony and because the affidavit inquired about would be the best evidence.

Plaintiff declines to answer the sixth question of the second interrogatory, unless the Court so orders, upon the ground that it calls for irrelevant, incompetent and immaterial testimony, also hearsay testimony, and upon the further ground the affidavit inquired about would be the best evidence.

Plaintiff declines to answer the seventh question of the second interrogatory, unless so ordered by the Court, upon the ground that it calls for irrelevant, incompetent and immaterial testimony, and also the opinion of this witness.

TO THE THIRD INTERROGATORY:

I was not present at the time that the note sued upon was procured, and therefore have no personal knowledge as to whether William Powell had any connection therewith or ~~was even present at the time the said note was procured.~~ I do not know that William Powell ever represented the Bank of Bay Minette, and as I was not present at the time the endorsements on the said notes were procured, I cannot say whether Powell went with Thompson at the time the notes were endorsed or not. I was not present, did not hear any of the conversation, and therefore do not personally know anything that

transpired or was said at the time the notes were endorsed.

I have no personal knowledge as to who held possession of the said notes, until they were turned over to the Bank of Bay Minette, nor who delivered them to said Bank.

TO THE FOURTH INTERROGATORY:

I cannot answer this interrogatory of my own personal knowledge, but the books of the Bank indicate that at about the time the said notes were delivered to said Bank, Thompson was indebted to it in the sum of \$2,530.00. These notes were used as full payment of said indebtedness, and the sum of \$2311.00, was placed to the credit of the said Thompson and which sum was drawn out by the said Thompson subsequent thereto by checks. I am advised, and so believe, that the Bank was not notified by the endorsers, or any of them, or their attorney, not to discount such note, prior to the time that the said notes were discounted, and the deal closed as between the said Thompson and the Bank of Bay Minette.

Arwaker

Subscribed and sworn to before me this the 4th
day of May, 1917.

John Davies
NOTARY PUBLIC,

A. E. WALKER, SUPERINTENDENT OF BANKS,
NOW REVIVED IN THE NAME OF H.H. MONT-
GOMERY, AS HIS SUCCESSOR,

Plaintiff,

-VS-

JOHN H. LANGHAM, ET AL,

Defendants.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,
ALABAMA.

Now comes A. E. Walker, and in conformity
with the orders of this Court, answers the Third Question
of Second Interrogatory, to-wit:-

Q. If you say that he was not, or that you have no
knowledge on the subject, please state whether or not you did
not swear to this in practically the same manner as stated
above, in your affidavit before C.H. Lapsley on January 2nd,
1915, which you filed in the Chancery Court in Mobile in the
case of The Bank of Bay Minette, et al versus Baldwin County
Bank ?

A. What I stated in said affidavit, touching the matter
inquired about, was as follows:-

" But affiant is informed and believes and so charges
that he (Powell) was in fact the active and controlling spirit
in the Organization of the Bank, and since its organization he
has practically dominated and controlled the officers and
directors of the Bank and has been the dominating and controlling
influence in the Bank."

So it will be seen that I made this statement based
upon information and belief, stating same to have been based
upon information and belief in said affidavit.

I have no personal knowledge as to the matters inquired
about in the ^{And Fourth} Third Interrogatory, but will have to refer the
said question to the Cashier of the Bank at that time, who was
Mr. C. S. Woodson, whom I am informed still resides at Bay
Minette, Baldwin County, Alabama, and who will answer said
Interrogatory if he has personal knowledge of the matters
inquired about.

A. E. Walker

Subscribed and sworn to before me this the 2nd day of

March, 1921.

William Moss
NOTARY PUBLIC, JEFFERSON CO., ALA.

✓

A.E.Walker, as Superintendent of
Banks of the State of Alabama
liquidating the affairs of the
Bank of BayMinette,
Plaintiff,
vs.
John Langham, C.W.Hall, J.E.
Bryars, Alex Boone and E.Ward,
Defendants.

CIRCUIT COURT OF
BALDWIN COUNTY.
Spring Term 1916.

The plaintiff claims of the defendants Two thousand Dollars due on the promissory note made by C.B.Thompson, bearing date of August 26th, 1914, and payable thirty days after date to the Bank of BayMinette for Two thousand Dollars, and indorsed by defendants, together with the interest thereon, and plaintiff avers that said note contained the following clause:

"The parties to this instrument, whether maker, indorser, surety or guarantor, each for himself, hereby severally waive as to this debt or any renewal thereof, all right to exemption under the Constitution and Laws of Alabama, as to personal property, and they each severally agree to pay all costs of collecting, or securing or attempting to collect or secure this note, including a reasonable attorney's fee, whether the same be collected or secured by suits or otherwise."

Plaintiff claims Three hundred Dollars as a reasonable attorney's fee incurred by him in bringing this suit.

SECOND.

The plaintiff claims of the defendants the further sum of Three thousand Dollars, due on the promissory note made by C.B.Thompson, bearing date of August 26th, 1914, and payable sixty days after date to the Bank of BayMinette for three thousand Dollars and indorsed by defendants, together with the interest thereon, and plaintiff avers that said note contained the following clause:

"The parties to this instrument, whether maker, indorser, surety or guarantor, each for himself, hereby severally waive as to this debt or any renewal thereof, all right to exemptions under the Constitution and Laws of Alabama, as to personal property, and they each severally agree to pay all costs of collection, or securing or attempting to collect or secure this note, including a reasonable attorney's fee, whether the same be collected or secured by suits or otherwise."

Plaintiff claims Four hundred and fifty Dollars as a reasonable attorney's fee incurred by him in bringing this suit.

Ernest M. McKeever &
Chas. Hall
Attorneys for Plaintiff.

SEEMONS AND COMPLAINT

The State of Alabama {

Baldwin County

No.

Circuit Court

April 12th, 1916.

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon John Langham, C.W. Hall, J.H. Bryars, Alex Boone
and E. Ward,

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court

of Baldwin County, State of Alabama, at Bay Minette, against them the Defendant's

by A.E. Walker as Superintendent of Banks of the State of Alabama,

liquidating the affairs of the Bank of Bay Minette, Plaintiff

Witness my hand this 12th day of April 1916.

J. R. Riccione Clerk.

COMPLAINT

Plaintiff Versus

The plaintiff claims of the defendant

Dollars due by

Plaintiff's Attorney.

4th Original
2nd Branch Summons and Complaint.

STATE OF ALABAMA,

BALDWIN COUNTY.

CIRCUIT COURT

A. E. Walker as Superintendent of
Banks of Alabama, liquidating the
affairs of the Bank of Bay Minette,

vs.

Plaintiffs

John Langham, C. W. Hall, J. H.
Bryars, Alex Boone, and E. Ward.

Defendants

SUMMONS AND COMPLAINT

Filed April 12th, 1916.

Clerk

Defendant lives at

Ervin and Mc Aleer and Chas
Hall.

Plaintiff's Attorney

Defendant's Attorney

Times Print, Bay Minette

Received in office

April 15 1916
A. M. Sawyer Sheriff

I have executed this Writ

April 28 1916

J. H. Bryars
Alex Boone

L. M. Sawyer Sheriff
Claude Kilgus Deputy Sheriff

April 12th, 1916.

This summons and complaint and another of the same tender and dated Feb 22nd,
1916, in Baldwin County, Ala, against John Langham, C. W. Hall, J. H. Bryars, Alex
Boone, and E. Ward, are for one and the same cause of action and is a branch
of the original suit.

Clerk.

A. E. WALKER, As Superintendent of
Banks of the State of Alabama,
liquidating the affairs of the
BANK OF BAY MINETTE,

PLAINTIFF,

-VS-

JOHN LANGHAM, C. W. HALL,
J. H. BRYARS, ALEX BOONE AND
E. WARD,

DEFENDANTS.

Now comes the plaintiff, and by leave of the
Court first had, files the additional grounds of demurrer to the
special pleas in the above said cause, as follows:

Plaintiff demurs to the second plea upon
the following grounds:

FIRST: Because said plea is but the
conclusion of the pleader.

SECOND: Because said plea does not allege
any facts to show the alleged failure of consideration.

Plaintiff demurs to the third plea upon
the following additional grounds:

FIRST: Because said plea fails to allege
that the said Powell had any authority to act for said Bank.

SECOND: Because the allegation that Powell
"was acting for said Bank" is but the conclusion of the pleader,
there being no facts averred to show how, in what capacity,
or by what authority he was so acting.

THIRD: Because said plea fails to allege
that the Bank of Bay Minette knew, or was charged with notice,
that the said notes were endorsed upon fraudulent representations
of the said Powell, or that said endorsements were made with
restrictions, or that the said notes were not being used in
accordance with the conditions upon which they were endorsed.

FOURTH: Because there are no facts alleged

or averments made in said plea to show that the Bank was bound by any representation made by the said Powell.

Plaintiff demurs to the fourth and fifth pleas, each separately and severally, upon the following additional grounds:

"A". Because there is no averment that said representation or promise by the said Powell was an inducing cause for the defendant endorsing said notes.

Gordon & Edington
ATTORNEYS FOR PLAINTIFF.

after having taken and subscribed the oath herein below annexed, testified as follows.

I, _____ solemnly swear (or affirm)
that in the matter of the application of _____ for Registration
as elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God.

Subscribed and sworn (or affirmed) before me on the _____ day of _____ 192_____

If the jury do not
believe the evidence
they should return
a verdict for the
defendant.

Refused
Leigh

Judge

1
Sole question is did the bank acquire these notes with knowledge of the condition that the notes would not be used unless and unless endorsed as such

2
Was Pawell acting as agent for bank when these notes were taken if so knowledge on his part was knowledge of the bank

3
There is no dispute Pawell was acting for the bank - Woodson says so and as does Pawell and Woodson says he and Pawell were running the bank

4
Pawell says after he turned the notes over to Woodson he told him to have the directors pass on the loan and Woodson

8. Because Bank paid as much
for any reason as to Court
5. It is compliant.

9) Because said plea shows
as it fact that the Bank of Bay-
munia was, perhaps for a valuable
consideration, and fail to allege
that it had notice or knowledge
of any condition as to the subor-
nation.

Chas. H. H.

John A. Edwards

attys for def.

A.C. Jackson, As Supt. } Books
to

Langham et al.

1st - I am aware the plaintiff
said also ^{and cannot} ~~and cannot~~
move to dismiss A. and B. ^{and} separately
and severally as filed to the complaint,
as amended, upon the following grounds:
1st Because it is not averred in said
pet. who secured the endorsement of
said note.

2nd Because it is not averred in
said pet. that the party who secured
the endorsement of said note, knew of
any conditions upon which said
note would be used or negotiated.

3rd - Because for aught appears in said
pet., the endorsement may have made the
endorsement upon conditions which were
never communicated to any person
whatsoever.

4 Because for aught that appears in said plea, the defendant may have had only a mental perception as to a conditional and temporary nature communicated to any party interested in the securing of said endorsement.

5 Because it is not averred that said notice was not received by said W.D. Owens.

6 Because said plea is not answer to the allegations of Count 5 of the complaint, and is available to the defendants under general issue.

Plaintiff also desires to plea A, and assigns the following grounds therefor -

A. Because said plea fails to averge that the Bank, Bay Mills, did not prove with any reliable con-

for said matter.

B. Because said plea seeks to set up matter which ~~is~~ ^{is} only a defense to part of Count 5.

C. Because said plea sets up no matter of defense as to Count 5 of the complaint.

D. Because said plea sets up no matter which is a true answer to Count 5 of the complaint, but rather alleges matter which would only go a part of said count.

E) Because said plea fails to allege that the Port of Bay Minette had knowledge & notice as to every condition on the the endorsement of said vessel by the defendant.

LEON G. BROOKS
ATTORNEY AT LAW
BREWTON, ALABAMA

November 20, 1923.

Messrs. Stone & Stone,
Bay Minette, Ala.

Gentlemen:

IN RE: John Langham et al.
VS. A. B. Jackson, Superintendent of Banks.

I enclose herewith the bill of exceptions in this case which was approved on yesterday by Judge Leigh. Please deliver this to the Clerk and instruct him to make up the transcript in this case at his very earliest convenience. You will notice that the bill of exceptions was prepared on August 23rd, and that we almost used up all of our time before having it approved by the judge. I do not know the exact date when the appeal bond was filed, but I think it was some time in July. I would not like to delay the filing of the transcript in the Supreme Court any longer than is absolutely necessary, although we have sixty days from the date of the signing of the bill of exceptions within which to file the transcript.

I presume Mr. Richerson would like for you to examine the papers which should go in the transcript, and in this connection I suggest that you have him use a copy of the transcript on the former appeal which should aid him very materially in preparing this transcript. However, on the former appeal, the only questions raised were on the pleadings and on this appeal our assignments of error will be based upon rulings on the evidence. I think you will find from the bench notes that we practically agreed upon the pleas and of course the transcript should contain only such pleadings as are shown by the bench notes to have remained in the record.

Kindly have Mr. Richerson to mail me the transcript when he has completed it, as I agreed with you and Mr. Webb to look after the assignment of errors and the handling of the case in the Supreme Court if you and he would attend to the bill of exceptions.

Yours very truly,

Leon G. Brooks

A. E. Walker
Supt. vs

Langham et al

10

And for further answer to the
Complaint defendants say
that for himself that their
indorsements on the notes and
on were obtained under the
following circumstances
(of which the Bank of Bay Mills
had notice before said
notes were negotiated or cash
back became the owner
thereof) viz: Thompson the
maker of said notes and
one Paul representing him
self to be the president of
The Bank of Bay Mills
stated to defendants that
Thompson wished to buy the
old Murphy stock of Cash
and that it would take
seven thousand dollars to
do so, that Thompson had
two thousand dollars
in the Bank of Bay Mills
and it would let them
have the five thousand

additional if he would
give a note for that amount
endorsed by defendant and
W.D. Owens and Raymond Mims
and said notes would not be
used if Owens and Mims did
not endorse them, and defendants
~~swear~~ that the said Thompson
did not have \$2000 in said
bank as stated, that the money
was not used or intended to
be used for the purpose stated
and that the said Mims and
Owens did not endorse the
said notes

!!

And for further answer to
the complaint defendant E. Ward
says that before the notes were
out were negotiated, ~~and~~ instructed
Thompson the maker and Parrell
who at the time with authority do
do so acted for the Bank of Payson
to erase his name as endorser
on said notes, and they promised
to do so, and defendant was thereby
released from any liability on said
notes. Defendant further says that
he assumed nothing of value to endorse said
notes but did so merely as a matter
of accommodation to the maker.

Al. E. Walker, As Supt 7.
Board of the State of
Alabama, representing the
appeal of the Board of Minors.

John Langford, Clerk
of the District Court.

Now comes A. E. Jackson and
represents to your Honor that since
the filing of the Complaint in the
above said cause A. E. Walker,
who resigned the office of Supt of
Alabama, & that W. B. Gunn was ap-
pointed as his successor in such
office, & that he has resigned

such office, that H. H. Montgomery
was appointed as his successor
in such office, and that he has
resigned such office, and

that A. E. Jackson, Esq. has
appeared in the receiver
in and to such office, and in
some Department, Bank, Bure
for the State of Alabama, and the
present day, have of the
court to allow said office
to be removed by trusting
him, A. E. Jackson, as collector
to H. H. Montgomery, as Superintendent
of Bank for the State of Alabama, for the
plaintiff in said cause.

Chas. H. H.

John & daughter
Aug 18 1871

THE STATE OF ALABAMA :

BALDWIN COUNTY :

IN THE CIRCUIT COURT.

We, the undersigned C. W. Hall, J. H. Bryars, John Langham and W. R. Holley and A. A. Graham, hereby acknowledge ourselves as security for the costs of the appeal to the Supreme Court of Alabama taken by the said C. W. Hall, J. H. Bryars and John Langham from a judgment rendered against them in the Circuit Court of Baldwin County, Alabama, on May 30, 1923 for the sum of Eight Thousand, four hundred and ninety-nine and 97/100 dollars (\$8,499.97) ~~dollars~~, wherein A. E. Jackson, as Superintendent of Banks of the State of Alabama was the plaintiff and the said C. W. Hall, J. H. Bryars, John Langham and others were the defendants.

Witness our hands and seals this the 6th day of

July, 1923.

C. W. Hall (SEAL)

J. H. Bryars (SEAL)

John Langham (SEAL)

W. R. Holley (SEAL)

A. A. Graham (SEAL)

Taken and approved this the 12th day of July,

1923.

T. M. Richardson
Clerk of the Circuit Court.

STATE OF ALABAMA.
ESCAMBIA COUNTY.

I, C. W. Weaver, Clerk of the Circuit Court of Escambia County, Alabama, hereby certify that I have examined the above bond as to the sureties thereon who are residents of this county, viz:- C. W. Hall, J. H. Bryars, John Langham, W. R. Holley and A. A. Graham, and hereby certify that I find said bond a good and solvent bond and if presented to me as Clerk of Circuit Court in this county that I would approve same.

Certified to this 17th day of July, 1923.

C. W. Weaver
Clerk of Circuit Court.

APPEARANCE.

A E WALKER SUPT BANKS. (No. 1255)
VS. (Circuit Court Baldwin County .
JOHN LANGHAM ET. ALS. (Law Side.
(

We Hereby enter appearance for Henry Bryars the personal representative
of Alex Boone Deceased. in aboveentitled cause and DEMAND A TRIAL OF
THE ISSUES BY A JURY.

Stone & Stone
Webb McAlpine & Gove

Attys for Henry Bryars as personal
Representative of Alex Boone Deceased.

Pleas .

and amended complaint
For pleas to the complaint and each count thereof severally and sepa-
rately the defendant Henry Bryars, as personal representative of
Alex Boone Deceased. ~~xxx~~ pleads

1st. . .

The General Issue.

2nd. Not Guilty.

3rd. Defendant hereby adopts and refiles each and every plea hereto-
fore filed by the other defendants in this cause.

Stone & Stone
Webb McAlpine & Gove
Attys for Henry Bryars
Personal Representative
Alex Boone Deceased.

Pleas of Henry Bryars Personal
Representative Alex. Boone Dec.
and Demand for JURY TRIAL.

Filed June 17th. 1919

W. W. Richardson

Clk.

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* * * * *

* A. E. WALKER, as Superintendent *
 * of Banks, *
 * -vs- *
 * JOHN LANGHAM. *
 * * * * *

CIRCUIT COURT OF BALDWIN
 COUNTY, ALABAMA.

Comes the Plaintiff and demurs to the pleas filed May 23rd
 1916.

To the 3rd, 6th, 8th and 9th separately because first:

It fails to aver any fraud practiced upon Defendant.

Second: It fails to aver any facts showing fraud.

Third: The validity of the note indorsed by Defendant
 cannot be affected by the promise of the maker as to what he
 will do with the proceeds of the note when negotiated by him.

Fourth: The failure of the maker of the note to use the
 proceeds of the note in the way he stated he would use same
 does not affect the validity of indorsement of said note by
 Defendant.

Fifth: The fact that the maker of the note did not use
 its proceeds as he stated to the indorser he would do, does not
 invalidate the indorsement of the note by Defendant.

Sixth: Said plea fails to aver that the proceeds of the
 note were not used as the maker said he intended using them.

Seventh: Said plea fails to aver how the proceeds of the
 note were used by the maker.

Eighth: Said plea fails to aver that the Bank of Bay
 Minette knew or had notice of the agreement between the maker
 of said note and Defendant, as set up in said plea.

To the fourth plea, because,

First: It is not shown that William B. Powell had any
 authority to represent the Bank of Bay Minette.

2.

Third: It is not shown that William B. Powell was any officer or agent of the Bank of Bay Minette, or had any authority to bind the Bank in any manner.

Fourth: It is not averred that W. D. Owens agreed to indorse the notes with Defendant.

Fifth: It is not averred that the Bank of Bay Minette had any knowledge or notice of the agreement between C.B. Thompson, William B. Powell and Defendant as to the indorsement of said note by W. D. Owens.

Plaintiff assigns to plea number Five, each of the grounds of demurrer assigned to plea number Four.

Erwin M. Allen

Robert Hall

ATTORNEYS FOR PLAINTIFF.

A. E. Jackson

vs.

John Sanghram Das

Now comes the plaintiff and
moves the Court to strike para
5, a, b, c, & d, each separately
and severally as filed to Count
5 of the Complaint, upon the
following grounds:

1st Because said para sets up
no defense to said count.

2nd Because said para is frivolous.

3rd Because said para is immaterial.
Sory.

4th Because said para is avail-
able to the defendant under the
general issue.

Chs. H. H.

Subm. & Exh. to Att. Gen.