

STATE OF ALABAMA on the relations of
A. C. COUNCIL et al. and A. C. COUNCIL
et al., individually,
Plaintiffs

1185
L A W
NO.

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA

-vs-

J. MATT BROADUS,
Defendant

AMENDED INFORMATION

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AND
THE HONORABLE F. W. HARE, AS JUDGE OF SAID COURT:

Comes the STATE OF ALABAMA on information of A. C. COUNCIL,
JOHN C. MORELL, T. L. McCANN, HORACE T. E. CULVER, MARY EASLEY
GOLDSBY McCONNELL, T. K. JACKSON, MRS. W. E. DEER, and A. G. ANDERSEN
and A.C. COUNCIL, JOHN C. MORELL, T. L. McCANN, HORACE T. E. CULVER,
MARY EASLEY GOLDSBY McCONNELL, T. K. JACKSON, MRS. W. E. DEER and A.
G. ANDERSEN, individually, and respectfully represent and show unto this
Honorable Court and unto your Honor:

PARAGRAPH 1: That the Defendant, J. MATT BROADUS, has usurped,
intruded into and unlawfully holds without warrant or authority of
law the office of Councilman of the Town of Daphne in that the said
J. Matt Broadus claims his right to act as Councilman for the Town of
Daphne under an election held by the Town Council of Daphne on, to-wit
the 26th day of April, 1947, as shown by the extract from the minutes
of said Town Council hereto attached and made a part hereof and labeled
"Exhibit A" for identification. All elections for officers of such
towns under the law of this State require the concurrence of a majority
of the whole number of elected members to the Council.

PARAGRAPH 2: That the said J. MATT BROADUS, a public officer, has
done an act by which under law he forfeits his office, to-wit; That
on the 16th day of July, 1947 at a meeting of the Daphne Town Council,
while acting as a Councilman for the Town of Daphne, he voted on a
question in which he had a special financial interest at the time of

voting; namely, he voted for the moving of a roadway of approximately one hundred feet, more or less, at a point where it ran through his property from its present location at the expense of the Town of Daphne and he further voted for the appropriation of the sum of Ninety Dollars to be expended in the moving of this roadway. This said roadway was on his property, as shown.

The premises considered, Plaintiffs pray that the Defendant, J. Matt Broadus, be required to show by what warrant, right or authority he claims the right to hold said office and to exercise the powers and privileges thereof and by what warranty, right or authority he does exercise the rights and privileges of said office and holds said office, and that on the final hearing hereof that the said Defendant may be adjudged guilty of usurping or intruding into or unlawfully holding or exercising said office and that judgment may be rendered that such Defendant, J. Matt Broadus, be excluded from said office and from holding same and from exercising the powers and privileges thereof and that the Plaintiffs may recover their reasonable costs against said Defendant, and that the Plaintiffs may have all other relief to which they may appear legally entitled.

STATE OF ALABAMA on the information of
A. C. COUNCIL, JOHN C. MORRELL, T. L. McCANN, HORACE
T. E. CULVER, MARY EASLEY GOLDSBY McCONNELL, T. K. JACKSON,
Mrs. W. E. DEER and A. G. ANDERSEN, and individually,
Plaintiffs

by:

Richard J. [Signature]
Attorneys for Plaintiffs

STATE OF ALABAMA:

BALDWIN COUNTY:

Before me, *E. E. Reekie*, a Notary Public in and for said State and County, personally appeared *T. W. McCann*, who is known to me, and who being by me duly sworn deposes and says, that the facts stated in the foregoing complaint are true, and that he verily believes each of the conclusions therein alleged to be true.

Sworn to and subscribed before me 17 day of May 1948.

T. W. McCann

E. E. Reekie
Notary Public, Baldwin County, Alabama

Carbon copy this day mailed V. R. Jansen,
Esq., Attorney for Matt Broder.

E. E. Reekie

EXHIBIT A.

Extract from minutes of the Daphne Town Council held April 26th, 1947 at 7:30 o'clock by Mayor Lindsey in the Woodmen Hall.

"The business of electing a successor to Wm. Dryer, which was held over from the previous meeting, was brought up. Councilman Newman moved the acceptance of Dryer's resignation.-- Seconded by Andrews and passed. Mayor Lindsey called nominations for a successor to Dryer. Councilman Newman nominated E. C. Beall, seconded by Trione. Councilman Bertagnolli nominated J. M. Broadus, seconded by Andrews. In the resulting vote, Bertagnolli and Andrews cast their votes for Broadus. Newman for Beall and Trione did not vote, - majority for Broadus."

EXHIBIT B.

Extract from minutes of the Daphne Town Council held in the Parrish Hall July 16th at 7:30 O'clock, 1947.

"Councilman Broadus brought up the matter of the Community Road, approximately 150 feet, more or less, of which runs through his property. He asked that the roadway be moved to the west of its present location. Mayor Newman advised that it would be best for the town to find if it has legal authority to change a road that has been used for the many years that this one has. Mr. Broadus replied that if the change was not made, he would fence up the road and compel the people to take his proposed route. The Mayor asked that Mr. Broadus make his request in writing. He refused to do so saying that his verbal request was all that is necessary. Councilman Broadus then moved that the road be changed to the west, to run alongside the wire fence. This motion was seconded by Bertagnolli. The vote showed Bertagnolli, Broadus and Andrews voting for the measure, Beall against and Trione not voting. The Mayor asked the clerk to put in the records that the chair had requested that the town attorney be consulted before action was taken as to the right of the council in ordering the road moved. He asked that it show on the records that Councilman Beall expressed opposition for the same reason that he did not consider it legal. A discussion of the cost followed. Councilman Andrews moved that the road supervisor be authorized to spend \$60.00 for sand and gravel and \$30.00 for road patrol, a total of \$90.00 for the work. This was seconded by Broadus and passed-affirmative votes-Broadus, Bertagnolli, and Andrews, with Trione not voting and Beall voting No."

STATE OF ALABAMA on the relation of
A. C. COUNCIL et al, and A.C. COUNCIL
et al, individually,
Plaintiffs

LAW
NO.

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA

-vs-

J. MATT BROADUS,
Defendant

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
AND THE HONORABLE F. W. HARE, AS JUDGE OF SAID COURT:

Comes the realtors in the above styled cause and moves the
court for permission to amend the information to read as the in-
formation filed herewith which changes the dates in Paragraph 2
and Exhibit A.

Richard A. Rebar
Atty for Realtors.

State of Ala
ex rel

A C Council et al
vs

J Matt Broadus.

Circuit Court of
Baldwin County.

Amended Quo
Warrants.

Filed

5-19-48

Alice J. Welch
clerk

Thos. J. P. P.