

WE have solved the Office Equipment and Supply Problem for many successful Banks and Business Houses---

Why not yours?
WHY NOT YOURS?



GILL PRINTING COMPANY
MOBILE

No 326

Filed, August 20/1917

James Adams

Registered by agreement
without prejudice.

Sept 12/1917

James Adams

Maggie Roberts vs. Buchmann

Abstract & Investment Co.

Depositions of F. J. Buchmann,

Witness for Respondent.

O. F. Metz
Commissioner.

~~Opened by mistake~~

~~James Adams~~
~~Registered~~

Mrs. Maggie Roberts, Complainant,

vs. No. 326 in Circuit Court of Mobile County, Alabama .

Buchmann Abstract & Investment Company, Defendant and cross-complainant .

Objections by defendant to certain parts of the direct interrogatories filed by complainant to herself as a witness , namely :-

Ist. Defendant objects to the second direct interrogatory as to whether she claims the lands, &c.. Ist, because the pleadings show that she does claim them. 2nd, because this interrogatory opens up the way to objectionable testimony .

2nd. Defendant objects to that part of the third direct interrogatory, which reads as follows : " Did you or MARY JAMES, or anyone else, pay the taxes on these lands falling due October 1st, 1906 ? "

Ist, because this is a leading question . 2nd, because it calls for hearsay testimony. 3rd, because it calls for secondary evidence without laying a proper predicate for it . 4th, because it calls for the witness' opinion. 5th, because it calls for the witness' conclusion. 6th, because it opens the way for objectionable testimony . 7th, because it opens the way for testimony that is inadmissible . 8th, because it calls for or opens the way to testimony that is not the best evidence. 9th, because it calls for incompetent testimony .

Defendant objects to that part of the third direct interrogatory which reads as follows : " State whether or not you paid taxes on any other lands in Baldwin County for that year ? "

Ist, because this calls for testimony that is irrelevant. 2nd, because it calls for testimony that is immaterial. 3rd, because it calls for testimony that is inadmissible. 4th, because it calls for testimony that is incompetent . 5th, because it opens the way for testimony that is objectionable. 6th, because it calls for witness' opinion. 7th, because it calls for testimony that is witness' conclusion. 8th, because it calls for secondary evidence without laying a proper predicate. 9th, because it calls for testimony that is not the best evidence . 10th, because it calls for hearsay evidence . 11th, because it calls for incompetent testimony. 12th, because it calls for self-serving testimony. 13th, because it calls for evidence that is argumentative .

Defendant objects to that part of the third interrogatory saying : " If you state that you paid taxes on such lands for such year, state the time, place and manner of payment, and the person to whom they were paid . " Ist, because this calls for evidence that is incompetent. 2nd, because it calls for evidence that is illegal . 3rd, because it calls for secondary and not the best evidence. 4th, because no predicate was laid for the secondary evidence. 5th, because it calls for the witness' opinion. 6th, because it calls for the witness' conclusion. 7th, because it calls for hearsay. 8th, because it calls for inadmissible evidence . 9th, because there is better evidence of the fact, if it be a fact, of payment of taxes .

Defendant objects to that part of the third interrogatory which says : " If you answer that you paid the taxes on these lands, state whether or not you paid them in person or by mail ", 1st because this calls for her saying she paid them by mail. 2nd, because it calls for the witness' opinion. 3rd, because it calls for the witness' conclusion. 4th, because it calls for incompetent testimony. 5th, because it calls for illegal testimony. 6th, because it calls for secondary evidence without a proper predicate laid. 7th, because it calls for not the best evidence. 8th, because it calls for testimony that is inadmissible. 9th, because it calls for testimony that is objectionable. 10th, because there is better evidence of the fact, if it be a fact, of payment of taxes.

Defendant objects to that part of the third interrogatory, saying : " If you answer that you paid in person, state whether you paid them by check or cash ". 1st, because this calls for witness' opinion. 2nd, because it calls for witness' conclusion. 3rd, because it calls for not the best evidence of payment of taxes. 4th, because it calls for testimony that is inadmissible. 5th, because it calls for testimony that is incompetent. 6th, because it calls for testimony that is objectionable. 7th, because it calls for secondary evidence without a proper predicate laid.

Defendant objects to that part of the third interrogatory saying : " If with check, have you such original check or stub ? " 1st, because this calls for self-serving testimony. 2nd, because it calls for testimony that is argumentative. 3rd, because it calls for the witness' conclusion. 4th, because it calls for the witness' opinion. 5th, because it calls for testimony that is not the best evidence of payment of taxes. 6th, because it calls for testimony that is immaterial. 7th, because it calls for testimony that is irrelevant. 8th, because it calls for testimony that is incompetent. 9th, because it calls for testimony that is illegal. 10th, because it calls for insufficient evidence of payment of taxes.

Defendant objects to that part of the third interrogatory saying : " If so, attach stub or check to your deposition and mark exhibit 'A'. " 1st, because this stub is not competent evidence of payment of the taxes. 2nd, because this check is incompetent evidence of the payment of the taxes. 3rd, because this stub, or this check, is not competent evidence of the payment of the taxes. And defendant objects to the stub, and this check, as well as to the preceding question concerning them, upon each ground separately above stated in all the preceding objections.

Defendant objects to that part of the third interrogatory saying : " If you state that you paid through mail, state as nearly as you can when you mailed remittance, to whom letter was addressed and remittance payable, whether remittance was made in the form of check, cash, postal money order or express money order or other form. " 1st, because this calls for testimony that is witness' opinion. 2nd, because it calls for testimony that is witness' conclusion. 3rd, because it calls for incompetent testimony. 4th, because it calls for illegal evidence. 5th, because it calls for self-serving testimony. 6th, because it calls for argumentative evidence. 7th, because it calls for testimony that is inadmissible. 8th, because it calls for secondary evidence without a proper predicate. 9th, because it calls for not the best evidence of payment of taxes. 10th, because, if the taxes were paid, there is better evidence of that fact.

Defendant objects to that part of the third interrogatory saying : " If by check and you have such check or stub of such check, attach same to your deposition and mark exhibit 'A'. " 1st, because this stub is not competent evidence of payment of the taxes. 2nd, because this check is incompetent evidence of the payment of the taxes. 3rd, because this stub or this check is not competent evidence of the payment of the taxes. 4th, because this calls for evidence that is not competent and legal evidence. And defendant objects to the stub, and this check, as well as to the preceding question concerning them,

upon each ground separately above stated in all the preceding objections .

Defendant objects to that part of the third interrogatory saying : " If by postal money order or express money order, state whether or not you have receipt for same ", 1st, because this calls for witness' opinion. 2nd, because it calls for witness' conclusion. 3rd, because it calls for incompetent evidence. 4th, because it calls for inadmissible testimony or evidence. 5th, because it calls for immaterial evidence . 6th, because it calls for irrelevant evidence . 7th, because it calls for secondary evidence without a proper predicate laid . 8th, because it calls for not the best evidence of payment of taxes. 9th, because if paid there is better evidence of the payment of taxes . 10th, because it calls for hearsay evidence .

Defendant objects to that part of the third interrogatory saying : " If so, attach to your deposition and mark exhibit ' A ' ; state what postoffice or express office you bought such money order and date of purchase ", 1st, because this calls for witness' opinion. 2nd, because it calls for witness' conclusion. 3rd, because it calls for incompetent evidence . 4th, because it calls for not the best evidence of payment of the taxes . 5th, because it calls for secondary evidence of payment of taxes, without a proper predicate laid . 6th, because it calls for hearsay evidence . 7th, because it calls for evidence that is inadmissible. 8th, because it calls for evidence that is objectionable . 9th, because it calls for illegal evidence . 10th, because it calls for evidence that is self-serving. 11th, because it calls for evidence that is argumentative . 12th, because it calls for evidence that is insufficient evidence of payment of taxes in this case. And defendant objects to the entire interrogatory upon each separate ground of objection to said several parts of it .

Defendant objects to that part of the fourth interrogatory saying : " If you answer that you paid the taxes in person, was a receipt for such taxes given you ? ", 1st, because this calls for the witness' opinion. 2nd, because it calls for the witness' conclusion. 3rd, because it calls for hearsay evidence. 4th, because it calls for evidence that is inadmissible. 5th, because it calls for immaterial evidence. 6th, because it calls for incompetent evidence . 7th, because it calls for self-serving evidence . 8th, because it calls for argumentative evidence or testimony . 9th, because it calls for not the best evidence . 10th, because it calls for secondary evidence without a proper predicate laid . 11th, because it calls for evidence that is objectionable. 12th, because if paid as required by law in this case there is better evidence of that fact.

Defendant objects to that part of the fourth interrogatory saying : " If so, state whether or not you have such receipt. " 1st, because this calls for witness' conclusion. 2nd, because it calls for witness' opinion. 3rd, because it calls for incompetent evidence. 4th, because it calls for illegal evidence. 5th, because it calls for hearsay evidence . 6th, because it calls for evidence that is inadmissible. 7th, because it calls for secondary evidence without a proper predicate laid. 8th, because it calls for not the best evidence of payment of the taxes.

Defendant objects to that part of the fourth interrogatory saying : " if so, attach to your answer and mark exhibit ' B ' . 1st, because this receipt is not competent evidence of the payment of the taxes in this case. 2nd, because this receipt is incompetent evidence of payment of the taxes . 3rd, because this receipt is inadmissible in evidence . And defendant objects to this receipt, as well as the preceding questions concerning it, on each ground separately above stated in all the preceding objections .

Defendant objects to that part of the fifth interrogatory saying: "If you answer that you paid the taxes through the mail, state whether or not in due course of mail you received a receipt for the money sent in payment of taxes." 1st, because it is a leading question. 2nd, because it calls for witness' opinion. 3rd, because it calls for witness' conclusion. 4th, because it calls for incompetent evidence. 5th, because it calls for inadmissible evidence. 6th, because it calls for illegal evidence. 7th, because it calls for hearsay evidence. 8th, because it calls for what is not the best evidence of the payment of taxes. 9th, because it calls for evidence that is objectionable. 10th, because it calls for evidence that is inadmissible and insufficient.

Defendant objects to that part of the fifth interrogatory saying: "If you state that you did receive a receipt, state whether or not you have such receipt, and if so, attach the receipt received by you to your answer and mark exhibit 'B'." 1st, because this calls for witness' opinion. 2nd, because it calls for witness' conclusion. 3rd, because it calls for incompetent evidence. 4th, because it calls for illegal evidence. 5th, because it calls for inadmissible evidence. 6th, because such paper purporting to be in the form of a receipt is not competent and admissible evidence of the payment of these taxes. 7th, because such paper purporting to be in the form of a receipt is not admissible and sufficient evidence of the payment claimed. 8th, because if paid there is better evidence thereof than such paper. 9th, because it calls for not the best evidence of the payment of the taxes on these lands, in this case. 10th, because the question calls for hearsay evidence. 11th, because this so-called receipt for taxes is not sufficient evidence of the payment of the taxes in this case. 12th, because it calls for evidence that is objectionable. And defendant further objects to this paper on each separate ground severally stated above throughout, and further, because the question calls for incompetent proof of the payment of taxes in this case.

Defendant objects to the sixth interrogatory, 1st, because it calls for evidence that is incompetent evidence of the payment of taxes claimed in this case. 2nd, because it calls for evidence that is inadmissible to show payment of the taxes claimed. 3rd, because it calls for hearsay evidence. 4th, because it calls for witness' opinion. 5th, because it calls for witness' conclusion. 6th, because it calls for incompetent evidence. 7th, because it calls for illegal evidence. 8th, because it calls for inadmissible evidence. 9th, because it calls for evidence that is objectionable. 10th, because it calls for evidence not binding on this defendant.

And defendant objects to each of the questions addressed to this witness, because it calls for inadmissible evidence.

D. B. Cobb, S. C. Jenkins,
Solicitors for Defendant & Cross-Complainant.

Mrs. Maggie Roberts, complainant,

vs. No. 326 in Circuit Court of Mobile County, Alabama.

Buchmann Abstract & Investment Co., defendant and cross-complainant.

Now comes the above named defendant and, not waiving any objection to the examination or parts of the examination of complainant's witness named, Mrs. Maggie Roberts, files to her the following cross-interrogatories :-

Cross-Inty. 1st. When was it you left Alabama, first and last ?
During what period of time have you been back in Alabama since you first left this State, and how long each time did you remain in Alabama on any of your trips back to this State ? Were you in Alabama at any time during the year 1906, or at any time during the year 1907 ? If so, state when was it you were here, and how long you remained in this State at the time or times, and where were you in Alabama during that period or those periods ? Name each place in Alabama that you were in at any time after you first left the State ?

Cross-Inty. 2nd . You claim to have received from someone in Alabama a paper which you claim was a tax receipt that you are asked in the direct interrogatories to attach to your deposition as an exhibit -- have you not recently received that paper by mail from one or more of your solicitors in Alabama in order that you may use it in giving in your testimony ? About when was it that you last received this paper from your solicitors or some of them, was it not very recently, in the present year ? In what month was it that they sent it to you to be attached to your deposition as an exhibit ?

Cross-Inty. 3rd . Were you ever present with Mr. Cooper, the old

man, who was the tax collector of Baldwin County, in years past, when you saw him sign his name to any paper, in the tax collector's office at Bay Minette, or anywhere else and saw him sign his name to anything? If so, what was the paper you saw him sign his name to? Did you see him sign his name to the paper you are asked in direct interrogatories to attach to your deposition as a tax receipt, if you did see him sign it, when was it, and where was it that you saw him do it? What paper did you ever see him sign his name to at any time? Have you any such papers, if so, attach them to your deposition-- have you done so? If not, why not?

Cross-Inty. 4th. State from your own knowledge, who were all the persons you can name who were acting as the clerks or deputies of the tax collector, the old man, Mr. Cooper, during the years of 1906, and 1907, and 1908, and 1909, or any of those years, and do not answer except of your own personal knowledge from having seen them doing so, in the matter of receiving tax moneys for him and giving receipts in his name as such tax collector-- name every one of them that you saw so acting, and state at what time you saw them so acting? Where they at the time?

Cross-Inty. 5th. What if any other papers besides those you are asked in the direct interrogatories to attach to your deposition, have you ^{or} on hand, in your custody, or under your control, purporting to be signed by said tax collector, or in his name by anyone else, or in his name? Attach such others to your deposition -- have you done so? If not, why have you not done so? Where did you get them from, and when did you so get them, and when did you get them from? State the place you got them from?

Cross-Inty 6th. Do you personally know, from having seen him write it, upon any tax receipt or paper purporting to be a tax receipt for Baldwin County taxes, the signature of any of the sons of old man Cooper the former tax collector of that county? When did you see such son do such writing on such a receipt or paper purporting to be such a tax receipt? Where was he when you saw him do it?

what was his name ? Do you know personally of your own knowledge his handwriting, from having seen him write, if so, state when and where it was that he did the writing in your presence and you saw him doing it and saw the writing itself ?

W. B. Bobbs, S. C. Jenkins
Cross-Inty. 7th. If you have answered cross-interrogatory fourth (4th) above written concerning clerks and deputies, do you know of your own knowledge from having seen anyone of them write in your presence, the signature and handwriting of any such clerks or deputies ? When did you see such person doing such writing, and where was it done in your presence ? Who was it, what was his name ? Do you know his handwriting and signature of your own personal knowledge ?

CrossInty. 8th. The commissioner is required by law to read you and ask you each of the foregoing questions contained in each of the foregoing cross-interrogatories, and to take down your answers in as near as may be your own language-- have you answered each of said questions ?

Have you answered any of said questions from what has been told you by anyone else by word of mouth, or from hearsay ? If so, which of them ? Whenever and wherever you have given any answer from hearsay or what was told you by others, please say that you got your information from others, and-- have you done so ? In other words, where you answer as of your own personal knowledge, please say so, and wherever you answer from hearsay, please show that -- have you so done ?

W. B. Bobbs, S. C. Jenkins,
Solicitors for defendant and cross-complainant
the Buchmann Abstract & Investment Company .

CINCINNATI COURT HOUSE MOBILE VLA
MAY 10 1918
ORDER

Maggie Roberts,

No. 326.

VS.

Buchman Abstract & Investment
Company.

This cause coming on to be heard on this day, the
Complainant, by leave of the Court, withdraws her motions to
modify decree of April 10, 1918, except the motion filed
May 1, 1918.

In term time, May 9, 1918.

CIRCUIT COURT OF MOBILE COUNTY
MOBILE, ALA.
IN EQUITY

No. 326.

Maggie Roberts,

VS.

Buchman Abstract & Investment
Company.

ORDER - Motions
to modify decree withdrawn.

January Term, 191 8

May 9th., 191 8

Ent. Min. 2 Page 617

MAGGIE ROBERTS,

VS.

BUCHMAN ABSTRACT &
INVESTMENT COMPANY.

NO. 326

IN EQUITY

IN THE CIRCUIT COURT OF MOBILE
COUNTY, ALABAMA.

Comes Complainant and moves the Court to overrule
Respondent's objections to certain parts of the testimony of P. J.
Cooney and Reuben McCurdy as being not noted at the time of taking
testimony and as having been disallowed in the hearing of the cause.

Wm. L. Carby, Reuben McCurdy
Solicitors for Complainant.

NO. 326

IN EQUITY

IN THE CIRCUIT COURT OF MOBILE
COUNTY, ALABAMA.

MAGGIE ROBERTS,

VS.

BUCHMAN ABSTRACT &
INVESTMENT COMPANY.

Complainant's Motion to Overrule
Respondent's Objections to Evi-
dence.

FILED

Jan 9, 1920

James Abane
Register

MAGGIE ROBERTS,
Complainant,

-vs-

BUCHMANN ABSTRACT and INVEST-
MENT COMPANY,
Respondent.

IN EQUITY.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Come the parties by their solicitors of record and move the Court for an order requiring the Register in preparing transcript to send up the original deposition of complainant, Maggie Roberts, with exhibits thereto attached, and also book marked "Receipts for taxes of 1907, Baldwin County" offered by complainant in evidence for comparison of handwriting, said papers containing a receipt, the authenticity of which is an issue in this cause, and proven signatures offered for the purpose of comparison.

Riskaby & Beebe
Solicitors for Complainant.

We consent to the granting of the motion
Legenhins
Legenhins
Solicitors for Respondent.

MAGGIE ROBERTS,
Complainant,

-vs-

BUCHMANN ABSTRACT and INVEST-
MENT COMPANY,
Respondent.

MOTION TO HAVE ORIGINAL PAPERS
PLACED IN TRANSCRIPT.

*Filed Sept 29th 1924,
D. W. Richardson
Register.*

✓

At Court to be presented to transcript of

Richardson vs. Buchmann

Sept 29th 1924

STATE OF ALABAMA,)
BALDWIN COUNTY.)

Baldwin County, a political subdivision of the state
of Alabama, Plaintiff,

-Vs-

Henry H. Cooper and the United States Fidelity and
Guaranty Company, a corporation, defendants.

The Plaintiff claims of the defendants Ten Thousand
Dollars damages with interest for the breach of the condition
of the bond made by defendants on to-wit, November 25th, 1904,
in the sum of Sixteen Thousand Dollars, with condition that if
the said defendant Henry H. Cooper should faithfully discharge
the duties of the office of Tax Collector of Baldwin County,
Alabama, during the time he continues therein, or discharge
any of the duties thereof, then the obligation of said bond
to be void; otherwise to remain in full force and effect.

Plaintiff avers that said Henry H. Cooper was elected
on to-wit, the 8th day of November, 1904, and duly qualified as
Tax Collector of Baldwin County, Alabama, and said bond exe-
cuted as and for his bond as Tax Collector of said county.
And Plaintiff avers that the condition of said bond has been
broken in this-, that the said Henry H. Cooper did as Tax Col-
lector of Baldwin County, Alabama, collect taxes for said coun-
ty during the period from to-wit, October 1st, 1907 to April
25th, 1908 and while said bond was in force to-wit, the sum of
\$37,910.00, and to-wit, that Ten Thousand Dollars of said sum
the said Henry H. Cooper has wholly failed to pay over to the
Treasurer of Baldwin County, as it was his duty to do, though
demand was made upon him by said Treasurer, while said Cooper
was still Tax Collector of said county, and said bond was still
in force.

✓

#2/

To the damage of Plaintiff as aforesaid.

B.

Plaintiff claims of defendants Ten Thousand Dollars damages with interest for the breach of the condition of the bond made by defendants and dated to-wit, November 25th, 1904, in the penal sum of Sixteen Thousand Dollars, with condition that if said Henry H. Cooper should faithfully discharge the duties of the office of Tax Collector of Baldwin County, Alabama during the time he continues therein or discharges any of the duties thereof, then the obligation of said bond to be void; otherwise to remain in full force and effect.

Plaintiff avers that said Henry H. Cooper was elected on to-wit, November 8th, 1904 and duly qualified as Tax Collector of Baldwin County, and said bond was executed as his bond as Tax Collector of said county. The condition of said bond has been broken in this, that there was levied by the court of county Commissioner for said county, a county tax, amounting to-wit, \$45,306.68 for the year 1907.

That the book containing said tax levy was duly delivered to said Cooper as Tax Collector of said county, and that he therefrom entered upon the duty of collecting said tax and collected to-wit, \$37910.00 of said tax, and thereafter to-wit on April 25th, 1908, said Cooper resigned as Tax Collector of said county, while said bond was in force.

That said Cooper has wholly failed to pay over to the Treasurer of Baldwin County as it was his duty to do to-wit, Ten Thousand Dollars of said sum so collected by him, though demand was made upon him while said bond was in force by the Treasurer for the taxes collected by him.

R. T. Ervin.

Oscar Hall,

Atty. for Plaintiffs.

No. 326

Maggie Roberts, Complainant,
vs.
Buckmann Abstract & Investment Co., Defendant.

In Circuit Court of Mobile County

Defendant moves the court to exclude from evidence the document purporting to be an official tax receipt for taxes of the tax year of 1906 on an assessment to Mary James, signed in the name of Cooper, former tax collector of Baldwin County, Alabama, which has been offered in evidence without proof of its signature, and defendant objects to it, upon the ground that the signature thereto of the name of said former tax collector is not his signature at all - is not his sign manual and was not written by him - and is not the signature of said former tax collector made by anyone who was a clerk or agent of said collector authorized to receive and receipt for payment of such taxes.

D. B. Cobbs, J. H. Jenkins,
Solicitors for Defendant.

The State of Ala.
Mobile County.

Before me, Lillie W. Bode, a Notary Public in & for said County & State, came this day H. Van Cooper, who being by me duly sworn, says upon oath, that he has read and fully understands the above motion, that he is years of age, and is a son of H. H. Cooper above named, who was tax collector of Baldwin County, Alabama, when said paper referred to in said motion was signed as or appears to have been - and that the matters of fact as to said signature are true as stated in said motion - that affiant has stated to E. G. Rickaby, Esq., since last Monday, on being shown by him said paper and questioned by him as to said signature, that it is not said

Cooper's signature. Affiant has been thoroughly familiar with the handwriting and signature of said H.H. Cooper long prior to and during the time when he was such tax collector, and knew the handwriting and signatures of every clerk and agent of said former tax collector authorized by him to receive and receipt for tax money, and affiant had the means of so knowing, being at the time familiar therewith and a clerk of said former collector familiar with the business of his office. Affiant further says that he believed said signature is a forgery. He does not know who signed the name to said tax receipt for said taxes due for said year of 1906. H.H. Cooper.

Subscribed & Sworn to this February 8th, 1918, before me - Lillie A. Wood, Ala.
Notary Public, Mobile County.

No. 326

Maggie Roberts

W.

Richman. Attest & Sub. to.

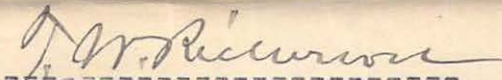
Defendant's objection to and motion to exclude tax receipt.

Filed July 8, 1918
James A. Greene
Register

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

BAY MINETTE, ALA. Dec 31, 1919.

I. T. W. Richerson Clerk Circuit Court Baldwin County, Alabama, do hereby ^{certify} ~~y~~
amended
the foregoing is a true and correct copy of the/Complaint in case
of Baldwin County, a Political Subdivision of the State of Alabama,
Plaintiff vs Henry H Cooper and et al. case No. 544. in the Circuit
Court of Baldwin County, Alabama Filed March 25th, 1909.



Clerk Circuit Court Baldwin County, Alabama.



Maggie Roberts, Complainant,

vs. No. 326 In Circuit Court of Mobile County, Equity.

Buchmann Abstract & Investment Co., Defendant .

Defendant objects to the document offered purporting to be in form of a tax receipt for the taxes of 1906, or other year or years, 1st, because it is incompetent evidence of any payment of taxes on the land here concerned; 2nd, because its execution by a proper official has not been established by competent evidence ; 3rd, because it has not been shown by competent evidence that it is a proper receipt for the taxes on this land here concerned; 4th, because it has not been shown by legal evidence in the cause that the taxes on the land here concerned were paid by anyone for the year 1906 at any time; 5th, because it has not been properly identified as the official tax receipt for the year 1906 taxes on the land concerned in this cause; 6th, because it is immaterial ; 7th, because it is irrelevant ; 8th, because it is but an ex parte paper as to which defendant has not had the chance to cross-examine any official or clerk or agent or other person testifying to the signature and identifying this paper as the tax collector's official receipt for the taxes of 1906 on the land here concerned ; 9th, because the Court does not judicially know that this document is the official tax receipt for the taxes of 1906 on the property here concerned , even if it judicially knew the signature on it to be that of the former tax collector of Baldwin County .

A. B. Cobbs,
L. C. Jenkins,

Solicitors for Defendant .

No. 326 .

Maggie Roberts

vs.

Buchmann Abstract & Investment
Company.

Motions to exclude tax re-
ceipt for taxes of 1906.

Filed, July 8, 1918
James Adams
Register

RECORDED
CITY OF
REGISTER

Handwritten notes:
A. B. A.
B. A.
C. A.

collected for Belmont

Mrs. Maggie Roberts, complainant,

vs. No. 326 in Mobile Circuit Court, in Equity .

Buchmann Abstract and Investment Company, Defendant.

Defendant and cross-complainant excepts to and moves to exclude separately the following parts of the deposition of complainant Maggie Roberts, without waiving its motions to suppress the entire deposition brought to the court's attention before filing or presenting these :- upon the grounds following to each, respectively :-

Her answer "YES," in response to the question whether she or MARY JAMES OR ANYONE ELSE paid the taxes falling due October 1st, 1906, on the lands involved:-(in interrogatory 3rd):-first, because this is hearsay evidence ; 2nd, because this was secondary evidence, and without laying the proper predicate for it; 3rd, because this was and is the opinion of the witness; 4th, because it is the witness' conclusion. 5th, it is inadmissible. Her answer "NO ", in response to the question whether she paid taxes on any other lands in Baldwin County for that tax year:(in 3rd interrogatory):1st, because this is immaterial; 2nd, because it is self-serving and argumentative testimony; 3rd, because it is not competent and admissible ^{for the purpose of showing} ~~to show~~ that she paid the taxes on the land involved.

Her answer " BY MAIL " , in response to the question whether she paid in person or by mail(in 3rd interrogatory): 1st, because this is the witness' opinion; 2nd, because it is her conclusion ; 3rd, it is inadmissible.

Her answer "I do not remember, I CAN ONLY RELY ON MY RECEIPT" in response to the question asking her to state as nearly as she could when she mailed the remittance(of tax money):(in 3rd interrogatory): because this is her opinion; 2nd, because it is her conclusion(as to having mailed it at all in the legal or proper way). 3rd, it is inadmissible.

Her answer " To Mr. Cooper, Tax Collector, Baldwin County, Bay Minette, Alabama ", in response to the question to whom was the latter addressed and remittance payable (in 3rd interrogatory): because, while no objection was interposed to this interrogatory which on its face was in proper form and assumptively would be answered of knowledge and recollection of a fact, it appears from her deposition that this answer is witness' opinion; 2nd, that it is her conclusion. 3 , it is inadmissible.

Her answer " CASH ", in response to the question whether the remittance was made in the form of a check, cash, postal money order, express money order, or in some other form (in 3rd interrogatory):

Ist, because this is her opinion; 2nd, because it is her conclusion .
3rd, because it is inadmissible.

Her answer " YES ", in response to the question in 5th interrogatory, asking her to state whether or not in due course of mail she received a receipt for the money sent in payment of taxes : Ist, because because she was led to this answer by the question, which was objected to as leading ; 2nd, because the answer is her opinion; 3rd, because it is her conclusion; 4th, because it is incompetent and inadmissible testimony; 5th, because it is testimony that is illegal. 6th, it is inadmissible.

Her answer " I have the receipt and it is attached hereto marked exhibit B ", in response to the question asking her if she received a receipt to so attach it(in 5th interrogatory): Ist, because it is her opinion that this is a receipt for the money she claims to have sent; 2nd, because it is her conclusion; 3rd, because said paper attached is not the tax receipt of the tax collector; 4th, because the paper attached is not admissible and competent evidence of payment of the taxes; and respondent objects to and moves to exclude the paper so attached, upon each separate ground of objection to this answer, and upon the further ground that this paper was sent by her to P.J.Cooney, who turned it in to the commissioner taking his deposition to be attached thereto without proper proof of its execution by the tax collector or any authorized person in his name, and this paper was evidently then withdrawn without authority of law, and without respondent's consent, to be used by this present witness as an exhibit to her deposition. and further, because the paper is inadmissible.

A. B. Kobbs, J. C. Jenkins,

Solicitor for Respondent and cross-complainant.

Maggie Roberts
vs.

Bushmann Abstract + Investment Co.,

Defendant moves to exclude the certified copy
of tax assessment for the tax year of 1905
1st because immaterial - 2nd, because irrelevant.

It moves to exclude certified copy of prob-
bate of will of Thos. James, 1st
because it does not show jurisdiction to
probate it - 2nd, immaterial and because it is im-
material 3rd, immaterial as it is irre-
levant 4th, because it does not
appear that Thos. S. James owned
the lands.

It moves to exclude ^{original} Bill and answer to cross bill
as evidence because
not evidence -

It moves to exclude deed from Mrs. Morris to
complainant 1st because made after suit
filed - 2nd, immaterial - 3rd immaterial - 4th
because does not appear Grantor had
title, or, was in possession.

R. B. Cobbs, S. C. Jenkins,

Maggie Roberts,)
Complainant.)
vs)
Buchman Abstract &)
Investment Company)
Respondent .)

In the Circuit Court of Baldwin County.

In equity .

to Exclude

Comes now the respondent and cross-complainant and moves the affidavit from H. D. Moorer offered as documentary evidence by the complainant upon the following grounds : 1st because legal notice was not given by the complainant to the respondent and cross complainant of the introduction of the said affidavit; 2nd because said affidavit was not offered within the time limit fixed by the court in this cause for the offering of testimony 3rd. Because the affidavit itself sets up the fact there was a time limit fixed for the introduction of evidence but of this fact ^{he} ~~it~~ was ignorant or not informed by the complainant, this being no fault of the respondent and cross complainant 4th while it might have been the understanding that the deposition was to be held open for a time, the time required for the stenographer who took down in the evidence in short hand, ^{to copy} and to be submitted to the witnesses for their signature and returned to the commissioner, there was no understanding that the depositions was to be held any longer and the affidavit does not excuse the fact of the Commissioner not filing the same. 5th because it was the duty of the complainant after he had taken his evidence to see to it that it was filed properly in the cause and in accordance with the rule as laid down by the court for the taking of testimony in the cause .

Jesse F. Hargrett
J. C. Jenkins

solicitors for respondent and cross complainant .

The State of Alabama, Mobile County

Maggie Roberts

Complainant

No.

vs.

Circuit Court of Mobile County

Rushman Abbott & Investments Co.

Defendant

IN EQUITY

The

Complainant

requests the oral examination of the following named witness ~~es~~

on *her* behalf, viz.:

E. A. Staffer

W. B. Decker

J. R. Crosby

J. T. Gorman

J. B. Stapleton

said witnesses reside in the County of

Mobile

State of Alabama.

John John

who reside at

Mobile, Ala

is suggested as suitable person to be appointed Commissioner to take the deposition of said

witness ~~es~~ on such oral examination

Richard T. Jones

Solicitor for

Complainant

No. 326

Circuit Court of Mobile County
Mobile, Alabama
IN EQUITY

Weggin Roberts

VS.

Buchanan Abstract
Investment Co.

Demand For Oral Examination

Filed Nov 12, 1919

James A. Crow,

Register

C-11 ROBERTS & SON, PRINTERS, BIRMINGHAM.

corn recd 144

Maggie Roberts, Complainant,
vs. No 326 In Circuit Court, Mobile County, Equity
Buchmann Abstract & Investment Company, Defendant. side.

Defendant severally and separately moves the Court to exclude from the depositions of witnesses McCurdy and Cooney the following parts of each on the several and separate grounds below assigned to each, namely :- the following parts

- From the deposition of Reuben McCurdy:-
- " This was homesteaded by a Mr. Brewton " -- because it is illegal and secondary evidence ; and because it is illegal and hearsay evidence .
 - " Who sold to a Mr. James " -- because this is illegal and secondary evidence ; and because it is illegal and hearsay evidence .
 - " His daughter Mrs. Roberts (Maggie Roberts) has owned the place ever since " -- because this is illegal and secondary evidence ; and because it is illegal and hearsay evidence .
 - " P. J. Cooney has been ... in possession for her for 12 or 15 years, " because this is the witness' conclusion, as also appears from the testimony of Cooney himself, ; and because it is illegal and hearsay testimony.
 - " I have never heard of anyone except Mr. Cooney as Mrs. Roberts' agent... asserting any possession " , because this is illegal and hearsay evidence, as to Cooney's asserting possession.
 - " I know to my certain knowledge that no one has been in possession of the place since Mrs. James' death about 11 years ago, except... her agent " , so far as this attempts to show possession of the agent, , because on cross-examination witness shows this is hearsay as to the agent's possession.
 - " Mr. Cooney is generally known throughout the neighborhood as an agent of the owner of the property " because this is illegal and hearsay evidence.

From the deposition of P. J. Cooney :-

- " When I first knew, it was owned by one Simon Brewton " --
- " who homesteaded it " --
- " He sold it to Thos. S. James " -
- " James willed the property to his wife for her life and after her death to her daughter, Maggie Roberts " ,
- " I have assessed the property " --
- " So I looked the matter up and found that the taxes had been paid for the year they claimed it was sold " --
- because this is illegal and secondary evidence ; and because this is illegal and hearsay evidence .
- " This tax receipt, marked exhibit A ... is for the taxes for the year which the property was sold " because this is illegal and secondary evidence ; and because it is illegal and hearsay evidence .
- " I know to my certain knowledge that no one has been in possession of it other than myself as agent " so far as this attempts to show possession by him , because his own testimony shows that it is, and because it is, his conclusion that h was in possession ; and is illegal testimony .
- " I don't think she was " -- referring to whether Mrs. James was or was not living in 1906, because it appears from his own testimony that this is, and because it is, not within his knowledge, but his opinion or conclusion ; and because it is illegal evidence .
- " This title came to Mary James by will from her husband Thos. S. James " - because this is illegal and secondary evidence ; and because it is illegal and hearsay evidence .

"Thos.S.James got title from Ray Brewton "
" Ray Brewton got title from Simon Brewton ""
because this is illgal and secondary ; and because it is illegal and
hearsay evidence .

A. B. Hobbs
J. E. Jenkins,
Solicitors for Defendant .

No. 218

W. E. H. H. H.

as

W. E. H. H. H.

W. E. H. H. H.

James Brown
John Smith
Robert Taylor

No. 326

Maggie Roberts

vs.

Buchmann Abstract & Investment Co

Defendant's motions to exclude
certain parts of testimonies of
witnesses McCurdy and Cooney.

Filed July 8 1918
Janner Alane
Registrar

RECORDED

Crane
Recorder

s. Maggie Roberts, complainant,

vs. No. 326 in Circuit Court of Mobile County, in equity .

Schwann Abstract & Investment Company, Defendant.

Defendant, having noted in evidence certain of its exceptions or objections and motions which were on file prior to the submission of this cause under the terms of the agreement of counsel dated November 13th, 1919, now objects and moves against the following documentary evidence proposed to be offered in evidence by complainant in her note of evidence under said submission :-

It objects to and moves to exclude from consideration the certified copy of the will of Thomas S. James :- 1st, because it does not appear to have been jurisdictionally probated ; 2nd, said copy is not on file and filed within the time limited by the submission agreement; 3rd/ it is irrelevant; 4th, it is immaterial to the issues in the cause ; 5th, because it does not appear by competent evidence that Thos. S. James owned the land concerned herein covered by said instrument purporting to be his will.

It objects to and moves to exclude the certified copy of patent to Simon Brewton to lands involved in this cause. 1st, because said certified copy was not filed in the time limited by said submission agreement.

It objects to and moves to exclude the certified copy of deed of Simon Brewton and wife to Ray Brewton :- 1st, because said copy was not filed in the time limited by said submission agreement ; 2nd, because the copy fails to show that the deed was executed sufficiently or proved sufficiently in order to be admissible. 3rd, because the copy does not show the deed to have passed title to the lands here concerned to Ray Brewton; 4th, because it is irrelevant; 5th, because it is immaterial.

It objects to and moves to exclude the certified copy of deed of Ray Brewton and wife to Thomas S. James :- 1st, because said copy was not filed in the time limited by said submission agreement ; 2nd, because it fails to show that Ray Brewton owned the land concerned herein; 3rd, because there is no evidence that Ray Brewton was in the possession of the land or any of it ; 4th, because the copy is irrelevant; 5th, be-

use said copy is immaterial.

objects to and moves to exclude the deed on file of Ellen Morris o complainant Maggie Roberts :- 1st, because said deed was made after complainant had filed her bill in this cause and while the suit was pending ; 2nd, because it does not appear that Ellen Morris owned the land or any part of it concerned in this cause ; 3rd, because it does not appear that Ellen Morris was in possession of the land attempted to be conveyed by said deed ; 4th, because it is irrelevant; 5th, because it is immaterial.

It objects to and moves to exclude the " official receipt of taxes for 1909 " : 1st, because it was not filed in the time limited by said submission agreement ; 2nd, because the receipt referred to as being for the taxes for 1909 is not for that year, but pur-¹⁹⁰⁸ports to be a receipt for a different year, and that receipt for that year, and any for 1909, is irrelevant; 3rd, because any receipt for 1909 or other years than 1906 is immaterial .

I-- It objects to and moves to exclude the " official tax receipt book for 1907 for Baldwin County " :- 1st, because it was not on file in the time limited by the submission agreement ; 2nd, because the offer does not designate what if any pages of this book containing something like 100 hundred pages, or what part of the book, is offered, and very much of it is immaterial and irrelevant to the issues in this cause; 3rd, because this book is shown by the evidence, so far as the evidence identifies it at all, to be a part of the records of Baldwin County, which cannot be offered or received in evidence. 4th, because it is irrelevant; 5th, because it is imaterial. 6th, because, if offered to compare handwritings, the proper predicate has not been laid for that purpose ; 7th, because there is nothing in it by which to shed any light upon the question raised as to whether the receipt for the year of 1906 attempted to be offered in evidence is indeed such a receipt.

It objects to and moves to exclude the " Letter of H.H.Cooper,,Tax Collector, to complainant dated May 21,1906 ":- 1st, because this letter was not filed in the time limited by the submission agree-

ment ; 2nd, because it has not been proved ; 3rd, because it does not purport to be signed in the same or a similar handwriting as that on the so-called tax receipt for the year 1906; 4th, because it does not purport to show that the taxes for the tax year of 1906 were paid or a receipt given for them , prior to the sale of the land for non-payment of the taxes for 1906 ; 5th, because this letter, if written by one of the sons and agents of the former tax collector of Baldwin County, was not examined upon or exhibited to any witness on the stand, though his sons were examined who had authority to sign tax receipts, and defendant had no opportunity to cross-examine concerning this letter ; 6th, because being dated May 21st, 1906, it purports to acknowledge promptly receipt of a letter from complainant dated May 19th, 1906, and acknowledges receipt from her of a postoffice money order, without showing how much or what it was for, and saying he had mailed her a receipt on May 17th, 1906, without showing what that was for or how much it was for ; 7th, because, without showing what were the other papers referred to in this letter, but only that " if I neglected to sign the bills kindly notify me and I will issue and mail you duplicates ", this letter does not show or purport to show that it referred to the taxes for the year 1906 ; 8th, because , though by agreement as shown by the commissioner's return, the deposition of H. Van Cooper is not signed (nor those of his brothers), the signature to this letter looks more like that of H. Van ~~Cooper~~ Cooper, as indicated in the depositions, than of any other witness or agent of the tax collector, his positive testimony is that the taxes were not paid for the year 1906, &c.; 9th, because said letter is irrelevant; 10th, because it is immaterial .

It objects to and moves to exclude the "certified copy of complaint in suit of Baldwin County vs. H. H. Cooper, as principal, and United States Fidelity & Guaranty Company, as sureties, in Baldwin Circuit Court " :-
1st, because this was not filed in the time limited by the submission agreement ; 2nd, because this has no probative force sufficient to show that the taxes for 1906 were paid or that the tax collector violated his duty as such concerning those taxes and the sale for non-payment thereof; 3rd, because it is irrelevant; 4th, because it is immaterial .

It objects to and moves to exclude the " certified copy of complaint in suit of State of Alabama vs. H.H. Cooper, as principal, and United States Fidelity & Guaranty Company, as surety, in Circuit Court, Baldwin County " :- Ist, because this was not filed in the time limited by the submission agreement ; 2nd, because this has no probative force sufficient to show that the taxes for 1906 were paid for that year or that the collector violated his duty as such concerning the taxes and the sale for non-payment thereof ; 3rd, because it is irrelevant; 4th, because it is immaterial.

It objects to and moves to exclude the " certified copy of judgment rendered in Circuit Court of Baldwin County in favor of the State of Alabama and against H.H. Cooper and United States Fidelity & Guaranty Company, as surety, upon his official bond as Tax Collector " :- Ist, because this was not filed in the time limited by the submission agreement ; 2nd, because this has no probative force sufficient to show that the taxes for 1906 were paid for that year or that the collector violated his duty as such concerning the taxes and the sale for non-payment thereof ; 3rd, because it is irrelevant; 4th, because it is immaterial"

It objects to and moves to exclude the " Certified copy of judgment rendered in Circuit Court of Baldwin County against H.H. Cooper and United States Fidelity & Guaranty Company, as surety, upon his official bond as Tax Collector " :- Ist, because this was not filed in the time limited by the submission agreement ; 2nd, because it has no probative ^{sufficient} force to show that the taxes for 1906 were paid for that year or that the collector violated his duty as such concerning those taxes or the sale for nonpayment thereof ; 3rd, because it is irrelevant ; 4th, because it is immaterial.

It objects to and moves to exclude the " certified copy of indictment found in Circuit Court of Baldwin County against H.H. Cooper " : Ist, because this was not filed in the time limited by the submission agreement ; 2nd, because it has no probative force sufficient to show that the taxes for the year 1906 were paid for that year or that the collector violated his duty as such concerning those taxes or the sale for the non-payment thereof ; 3rd, because it is irrelevant ; 4th, because it is immaterial; 5th, because it was a merely ex parte proceeding by the grand jury without a hearing of said H.H. Cooper or his witnesses, and is not accompanied by any finding of the circuit court or a petit jury.

jects to and moves to exclude each document for evidence purposes
ed by complainant after the time limited therefor by the submission a-
ement :- A, because this cannot be gotten in evidence properly under
guise of compliance with rule 64 of chancery practice which concerns
e proof at the hearing of exhibits and documentary evidence, : B,
cause when the court set aside its former decree on the merits of this
case, it was expressly ~~made~~ on May 9th, 1918, and allowed the taking
of further testimony with reference to the payment of taxes for the year
1906, that being all that complainant had asked for in her motion there-
for, and the submission agreement of date November 13th, 1919, filed that
day, under which the submission was taken November 15th, 1919, expressly
limited the parties on each side to certain fixed times for getting their
evidence in, besides that which was already in, and these proposed
filings of documentary evidence now offered come too late, being after
the period so limited.

W. B. Lobbs, S. C. Jenkins,

Solicitors for Defendant Company.

MAGGIE ROBERTS,

)

NO. 11,710

VS.

)

IN CHANCERY AT MOBILE.

BUCHMAN ABSTRACT & INVESTMENT CO.)

I hereby acknowledge myself as security for costs
in the above styled cause.

Dated at Foley, Alabama, this the 24th day of
June, 1916.

J. L. Cooney

Maggie Roberts
Complainant

In the Circuit Court of Mobile
County Alabama

VS
Buchman Abstract &
Investment Co
Respondent

IN EQUITY

DEPOSITIONS of Joe Reding. A.B.Steadham & Witnesses for respondent
in above styled cause.

The said witnesses having been by me first duly sworn
upon examination by the Hon S.C Jenkins for respondent , the Hon W.C.Beebe
Attorney for Complainant having waived notice of the time and place of the
examination of said witnesses and the right to cross the same for examination
testified as follows.

Deposition of Joe Reding

My name is Joseph Reding. I live in Robertsdale Baldwin County
Alabama. I have lived here six years. I know Mr Fred J. Buchman of the
Buchman Abstract and investment Co. I know that he owned a track of land
near Summerdale which he bought for taxes from the State and I know that he
had Mr Rodgers who lived near this land in charge of this land as his Agent
of the Company which he represented. I know on one occasion I sold Mr Fred
J Buchman some wire for fencing up some of this land which wire I delivered
to Mr W.F. Rodgers as his Agent I know of no other person having charge of
this land other than Mr Rodgers

Signed

Joe Reding

Sworn and subscribed to before me this first day of october

1917

F. B. Steadham
Commissioner

Deposition of A.B.Steadham.

My name is A.B.Steadham I am thirty eight years old have resided in Robertsdale Alabama for six years I know the land described as ~~the~~ ^{one} $\frac{1}{2}$ of the NE $\frac{1}{2}$ and the E $\frac{1}{2}$ of NW $\frac{1}{4}$ of section twenty Township six South Range four East in Baldwin County Alabama. this land is claimed to be owned by the Buckman Abstract and investment Co. I have been on this land and to the place of W.F.Rodgers adjoining it. Mr Rodgers was there at his place when I was there. he said that he was in charge of this land as Agent he showed me where he had put up a wire of one strand around about six acres of the land some of which had fallen down he did not claim to cultivate it but used it for pasture he got fence posts off it and he had let Charlie Malone have some Cypres off it for telephone poles this was several years ago before any litigation came up. the land was wilde land and uncleared except a small portion on which was planted some pear trees . I have not been on this land since March 1916 when I was there .

I have never heard of any one elce being in possession of this land or claiming to be Agent other than Mr W.F.Rodgers.

Signed

A B Steadham

Sworn and subscribed to before me this first day of october 1917

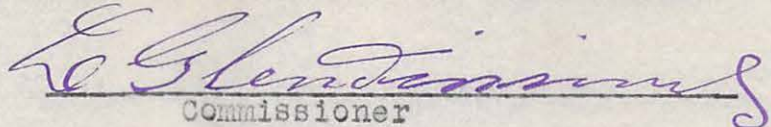
H. G. Steadham
Commissioner

C E R T I F I C A T E

I. L Glendinning. Commissioner named in the cause of Maggie Roberts, Complainant Vs the Buchman Abstract & Investment Co respondent. to take the testimony of A.B.Steadham and Joe Reding as witnesses for respondent . do hereby certify that I caused the witnesses . A.B.Steadham and Joe Reding to come before me on the 1st day of october 1917 at My office in Robertsdale Baldwin County Alabama. and that the said witnesses was duly sworn by me and testified as set down in the foregoing depositions that the testimony was reduced to writing by me, that it was subscribed to by A.B.Steadham and Joe Reding in my presence after having been read over to them and that they are personally known to me

I further certify that I am neither kin or of ~~council~~ council to any of the parties to this suit and that I am not interested in any way in the results or outcome of said suit

Witness my hand this first day of october 1917


Commissioner

The State of Alabama, Mobile County

Circuit Court
IN EQUITY
AT MOBILE, ALA.

Maggie Roberts,

vs.

~~Buchmann Abstract & Investment Co.~~

To L. Glendening,

Robertsdale, Ala.

Esq., Greeting:

KNOW YE, That we in confidence of your prudence and fidelity, have appointed you, and by these presents do give you ~~or either of you~~, full power and authority to take, upon oral examination, the deposition ~~of~~

W. F. Rogers, A. B. Steadham and Joe Redding

as witness ~~on~~ part of defendant

in the above entitled cause, and therefore we command you ~~or either of you~~, that at such time and place, or times and places, as you may appoint, of which you will give two days' notice to all the parties, or their solicitors of record in said cause, viz: to

~~Hall & Beebe, solicitors for complainant;~~

~~S. G. Jenkins, D. B. Cobbe, solicitors for defendant;~~

you do cause the said witnesses to come before you, ~~or either of you~~, and then and there examine ~~them~~ on oath, on the interrogatories and cross-interrogatories, which may be then and there propounded to them by the said party. And that you ~~or either of you~~, do take such examination, and reduce the same into writing and return the same annexed to this Writ, closed up under your seal, ~~or the seal of either of you~~, into our said Circuit Court, with all convenient speed, that the same may be read in evidence on the trial of the cause aforesaid.

WITNESS: JAMES A. CRANE, Register of our said Court, at office
this 11th day of September 1917.

ATTEST:

James A. Crane
Register

TO THE COMMISSIONER :

In executing the within commission, you will please be particular in observing the following rules: Your certificate must show that you caused the witnesses to come before you at some specified time and place, or times and places; that said witnesses are known or have been made known to you, and that they were duly sworn by you; that they testified as it is set down; that the testimony was by you reduced to writing, and that it was subscribed by the witnesses in your presence after having been first read over to them. And further, that you are not of kin nor of council to either party to the suit and that you are not in any manner interested in the result thereof. All the papers returned by you should be attached together, all enclosed in an envelope; this envelope should be sealed up by you, and across the seals of the same you should write your name or names. The title of the case must be endorsed on the outside of the envelope; also the names of the witnesses examined, and whether for the complainant or defendant. On the commission itself must be marked the amount of your fees, and if paid, by whom. The package should then be directed to the Register, Circuit Court Mobile County, Mobile, Ala.

Redding and Steadham's Dep't.

No. 326

Circuit Court Mobile County
IN EQUITY
AT MOBILE, ALA.

Maggie Roberts,

VS. } Commission to take Testimony
on Oral Examination

Buchmann Abstract & Investment
Co.

Witness for defendant.

W. F. Rogers,
A. B. Steadham,
Joe Redding.

Commissioner's Fees \$ 7-50

Paid by

Oct. 11

LAW OFFICES
RICKARBY, BEEBE & COLEY
903-4-5 VAN ANTWERP BUILDING
MOBILE, ALA.

E. G. RICKARBY
W. C. BEEBE
D. R. COLEY, JR.
H. M. HALL

April 7, 1927.

Received from the file of Maggie Roberts vs. Buchmann Abstract Company the following papers:

U. S. patent #12363 to Simon Brewton.
Deed of Simon Brewton to Ray Brewton.
Deed of Ray Brewton and wife to Thomas S. James.
Certified copy of will of Thomas S. James,
Deed of Ellen Morris to Maggie Roberts,
Receipt for taxes of 1904.
Receipt for taxes of 1908.
Certified copy of Tract Book entry.
Certified copy of report of delinquent taxes and decree of sale.
Certified copy of assessment for year 1905.
Certified copy of assessment for 1906.
Certified copy of record of tax sales.

RICKARBY, BEEBE & COLEY,

By *Rickarby*
Attorneys for Plaintiff.

MAGGIE ROBERTS,
Complainant,

vs.

BUCHMANN ABSTRACT &

NO. 326
IN EQUITY

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA.

The Complainant presents the following
Note of Evidence in the above entitled cause:

- (1) Deposition of Maggie Roberts, Complainant.
- (2) Deposition of P. J. Cooney.
- (3) Deposition of Reuben McCurdy.
- (4) Certified copy of the will of Thomas James.
- (5) Certified copy of patent to Simon Brewton to lands involved in this cause.
- (6) Certified copy of deed of Simon Brewton and wife to Ray Brewton.
- (7) Certified copy of deed of Ray Brewton and wife to Thomas S. James.
- (8) Deed of Ellen Morris to Maggie Roberts.
- (9) Official receipt of taxes for 1909.
- (10) Official Tax Receipt Book for 1907 for Baldwin County.
- (11) Letter of H. H. Cooper, Tax collector, to Complainant dated May 21, 1906.
- (12) Objections to recross interrogatories filed by Respondent to Complainant on October 14, 1918 and motion to suppress testimony there listed.
- (13) Objections to admissibility of tax deed.
- (14) Objections to testimony of Respondent's witness, Buchmann.
- (15) Complainant's motion to overrule Respondent's objections to witnesses, Cooney and McCurdy.
- (16) Certified copy of complaint in suit of Baldwin County vs. H. H. Cooper, as principal, and United States Fidelity & Guaranty Company, as sureties, in Baldwin Circuit Court.
- (17) Certified copy of complaint in suit of State of Alabama vs. H. H. Cooper, as principal and United States Fidelity & Guaranty Company, as surety, in Circuit Court, Baldwin County.
- (18) Certified copy of judgment rendered in Circuit Court of Baldwin County in favor of the State of Alabama and against H. H. Cooper and United States Fidelity & Guaranty Company, as surety, upon his official bond as Tax Collector.

- (19) Certified copy of judgment rendered in Circuit court of Baldwin County against H. H. Cooper and United States Fidelity & Guaranty Company, as surety, upon his official bond as Tax Collector.

- (20) Certified copy of indictment found in Circuit court of Baldwin County against H. H. Cooper.

Alvinby Brown & Beebe

Solicitors for Complainant.

NO. 326.

MAGGIE ROBERTS,

VS.

BUCHMANN ABSTRACT &
INVESTMENT COMPANY.

Complainant's Note of
Evidence.

Filed Jan 9, 1930

vs. complain
Buchmann Abstract & Investm Company, Defendant and cross-complainant.
No. 326. In Circuit Court of Mobile County, in equity.

Note of Evidence offered by Defendant company
under submission of November
15th, 1919.

the hearing of this cause the following note of evidence was taken
for respondent company:-

- Agreed Statement of Facts filed December 13th, 1917.
- Tax deed from probate judge of Baldwin County to respondent dated July 9th, 1909.
- Depositions of H. Van Cooper, Wilton A. Cooper, E.A. Cooper, F.J. Buchmann, W.F. Rogers, A.B. Stedham, Joe Redig, or Reding, and Elijah Ard.
- Defendant's objections to examining of Mrs. Maggie Roberts as a witness in the cause, and defendant's motions on file to suppress her entire deposition.
- Defendant's exceptions to and motions to exclude certain portions of the deposition of Mrs. Maggie Roberts, said exceptions and motions having been filed formerly.
- Defendant's exceptions to and motions, on file, to exclude certain portions of the depositions of P.J. Cooney and Reuben McCurdy.
- Defendant's objections to and motions to exclude the certified copy of the will of Thos. S. James, on file.
- Defendant's objections to and motions to exclude the certified copy of the patent to Simon Brewton, on file.
- Defendant's objections to and motions to exclude the certified copy of the deed of Simon Brewton and wife to ~~0000000000~~ ~~00000000~~ Ray Brewton, on file.
- Defendant's objections to and motions to exclude the certified copy of deed from Ray Brewton and wife to Thomas S. James, on file.
- Defendant's objections to and motions to exclude the deed of Ellen Morris to Maggie Roberts, on file.

Defendant's objections to and motions to exclude official receipt of taxes for 1909, on file .

Defendant's objections to and motions to exclude the official tax receipt book for 1907 of Baldwin County, on file.

Defendant's objections to and motions to exclude letter of H.H.Cooper, Tax Collector, to complainant dated May 21, 1906, on file.

Defendant's objections to and motions to exclude certified copy of complaint in suit of Baldwin County vs. H.H.Cooper, as principal, and United States Fidelity & Guaranty Company, as sureties, in Baldwin Circuit Court, on file .

Defendant's objections to and motions to exclude certified copy of complaint in suit of State of Alabama vs. H.H.Cooper, as principal, and United States Fidelity & Guaranty Company, as surety in Circuit Court, Baldwin County, on file .

Defendant's objections to and motions to exclude certified copy of judgment rendered in Circuit Court of Baldwin County in favor of the State of Alabama and against H.H.Cooper and United States Fidelity & Guaranty Company, as surety, upon his official bond as Tax Collector, on file .

Defendant's objections to and motions to exclude certified copy of judgment rendered in Circuit Court of Baldwin County against H.H. Cooper and United States Fidelity & Guaranty Company, as surety, upon his official bond as Tax Collector, on file .

Defendant's objections to and motions to exclude certified copy of indictment found in Circuit Court of Baldwin County against H.H. Cooper.

X Defendant's motion to strike from the files complainant's " objections to affidavit of H.Van Cooper . "

Attest :-

Register..

Copy of above note of evidence furnished us this January 1920.

Sol'rs for Complainant .

NOTE OF EVIDENCE.

No. 326

Mrs. Maggie Roberts,
vs.
Buchman Abstract &
Investment Company,
Defendants

Extra note for Deph.

At the hearing of this cause the following note of evidence was taken, to-wit:

~~FOR COMPLAINANT~~

FOR RESPONDENT

The objections and motions to strike and to disregard the documents filed by Complainant on January 9th, 1920.

Attest:

Register.