

Maggie Roberts, Complainant,

No. 326

vs.

Circuit Court, Mobile County,

Buchmann Abstract & Invt. Co., Defendant. In Equity.

Defendants objects to the following parts of the re-direct ques-
tions to complainant in the re-direct interrogatory to her, viz.:

To that part reading "and for what purpose did you part
with it?" because this calls for her mental status, motive or
purpose, uncommunicated.

To that part reading "What were your directions with
reference to it?" because this calls for secondary evidence; 2nd,
because such directions do not bind defendant.

To that part reading "Was such paper or not in your cus-
tody from the time received from the tax collector of Baldwin
County, Alabama, until you sent it to your agent or attorney for
the purpose of this suit, 1st, because it is a leading question;
2nd, because it calls for a conclusion of the witness; 3rd, because
it calls for her mental status, motive or purpose; 4th, because it
calls for secondary evidence; 5th, because it calls for matter not
binding on defendant; 6th, because it does not call for matter that
is ^{inter} res, alios acta.

H. A. Cobbs, S. C. Jenkins

Solicitors for Defendant.

Maggie Roberts, Complainant,

Circuit Court, Mobile County,

No. 323

vs.
Buchmann Abstract & Inv. Co., Defendant.

No. 326.

Maggie Roberts,

vs.

Buchmann Abstract & Inv. Co.

Objections to re-direct in-
terrogatories.

Filed October 14, 1918.

James A. Crowe,
Register.

Solicitors for defendant.

J. J. [Signature]
J. J. [Signature]

Maggie Roberts, complainant,

vs. No.

In Circuit Court of Mobile County/ in equity.

Buchmann Abstract & Investment Co., Defendant .

Now comes defendant and moves the Court to strike from the files the motion filed May 1st, 1918, by complainant asking to set aside the submission and the final decree in this cause :-

1. Because said motion of May 1st is not timely ;
2. Because said motion is not verified as required by rule
3. Because said motion presents no proper showing why it should be granted;
4. Because said motion makes no proper appeal to the Court's judicial discretion.

W. B. Bobbs, S. C. Jenkins,
solicitors for Defendant .

And in the above cause in case the Court refuses defendant's above motion, defendant further moves the Court as follows :

To require that any statements from complainant's counsel to the Court on the hearing of her said motion of May 1st, that is, anything in the way of evidence to remind or to show the Court the facts on which she bases her said motion, shall be presented in the form of sworn evidence and not mere statements of course;

To require that whatever evidence complainant may offer on the hearing of her said motion be given in such form and manner that defendant may have and be afforded the opportunity for cross-examination, and that defendant be allowed to cross-examine, in order that it may appear of record by testimony whether the facts that occurred on the hearing of the cause Febry. 8th last, were sufficient to mislead complainant's counsel into any failure to offer evidence, and whether complainant had any right to be misled by any statements of the trial judge into failing to offer evidence.

W. B. Bobbs, S. C. Jenkins,
Solicitors for Defendant .

Service of these motions accepted - This May 8/18 - Dickson & Anthony

No. 526

Maggie Roberts,
vs.
Buchman Abstract & Invest-
ment Co.

Motion to strike from file
motion filed May 1, 1918,
to set aside submission and
final decree.

Filed May 8th., 1918.

James A. Crane,
Register.

RECORDED
Crane
REGISTER

*Wm. H. Crane
Register*

*Wm. H. Crane
Register*

3160000
P. O. *James A. Crane*

MAGGIE ROBERTS,
COMPLAINANT,

VS

BUCHMANN ABSTRACT &
INVESTMENT COMPANY,
RESPONDENT.

NO. 251.

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

MOTION TO SUPPRESS DEPOSITION OF GEORGE T. ROSSON.

Comes now the respondent and cross complainant and moves to suppress the deposition of George T. Rosson, a witness of the complainant, upon the following separate and several grounds:

1st; Said deposition was not taken within the time limited by the order of submission filed in this cause upon, to wit, the 25th day of May, 1921.

2nd Because legal notice was not given of the offering of same in evidence or in compliance with testimony as required by law.

J. C. Gumpers

Joseph F. Hagan

Solicitors for Respondent.

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

No 251

In the Circuit Court of Baldwin County
In Equity.

Now comes the respondent and cross complainant and moves to exclude the paper purporting to be the Will of Thos S James, dated October 31st, 1902 upon the following grounds 1st the paper on its face purporst to be a certified copy and the loss of the original or its absence is ^{not} in way shown or accounted for 2nd the will on its face shows it was signed by mark only and there is no subscribing or accompany witness testifying or showing to be such witness as the law requires to make a legal signature 3rd the parties P. J. Cooney and J. C. Lumphier who signed as attesting witnesses to the will do not state they signed as such in the " presence of the testator and in the presence of each other " as the law requires 4th that said attestting witnesses do not state the testator signed the will as his will in the presence of both of them and the presence of each other; ^{5th because} they in fact state only ^{that} the testator subscribed the will, whereas if the will was signed by mark, it could not have been subscribed by the testator, the word to subscribe meaning to write. 6th it is not shown that the testator Thos. S. James had title to the lands described in said will. 7th because said paper is illegal, irrelevant and immaterial .8th because it is now shown that Maggie Roberts, the complainant, is the same person as Margaret Roberts ^{the} person mentioned in said will 9th because there is no deed or chain of title to Maggie Roberts shown from Mary Duell one of the devisees ~~or~~ ^{and} persons mentioned in said will and to whom the E $\frac{1}{2}$ of N.W $\frac{1}{4}$ of N.E. $\frac{1}{4}$ of section 21 tp 6 S R. 4 was willed or bequeathed loth because it is not shown what connection if any Ellen Morris one of the devisees in said will is to the complainant nor is it shown that the said Ellen Morris is the same Ellen Morris, the grantor mentioned in deed of date Aug 6 th or 6th of November, 1916 and that it is the same land she received by will of testator nor is there any evidence offered showing this connection.

Because legal notice was not given to the Respondent of the substance in evidence in B. He intended to offer the same.

*Jesse F. Hogan
J. C. Jenkins*

Solicitors for respondent & Cross complainant

The State of Alabama, }
MOBILE COUNTY.

CIRCUIT COURT OF MOBILE COUNTY
IN EQUITY

To D. B. Cobbs

Greeting :

You will please take notice, that in a certain cause pending in the Circuit Court of Mobile County at Mobile, Alabama, Equity side, wherein

Maggie Roberts Complainant, and

Bushman Abstract & Investment Company

Defendant, ~~a motion has been made by the~~ the motion to set aside submission and modify ~~of decree,~~ a copy of which has already been served upon you,

~~copy of~~ will be heard with ~~copy of~~ you; and that said motion will be heard by the Hon. Claude A. Grayson, a Judge of said Court on the 9th. day of May A. D., 1918, at 9.30 o'clock, A. M.

WITNESS, JAMES A. CRANE, Register of said Circuit Court, at office, this 7th. day of May A. D. 1918.

James A. Crane
Register

Sheriff's Return

Received this the 7 day of May 1918, and on the 7 day of May 1918, I served a copy of the within notice of hearing motion, and also a copy of the _____ as furnished me by the Register, on W. B. Cotts

W. B. Cotts Sheriff of Mobile County,
By W. B. Cotts D. S.

(12)

No. 326

CIRCUIT COURT OF MOBILE COUNTY.
IN EQUITY.

Maggie Roberts,

vs. Notice of Hearing
Motion

Buchman Abstract & Inv. Co.

Issued 7 day of May 1918.

RECORDED

Maggie Roberts, Complainant,

No. 326

vs.

Circuit Court, Mobile County.

Buchmann Abstract & Invt. Co., Defendant, In Equity.

Re-Cross Intys. to Complainant.

Re-cross Inty. I. What did Mr. P. J. Cooney ever have to do, if anything, with the paper asked about in the re-direct interrogatory to you? Was it not in his hands? When? When Mr. Cooney was being examined as a witness for you in this case before a commissioner, was not that same paper turned over into the hands of the commissioner to be attached as an exhibit to Mr. Cooney's deposition? The commissioner's papers returned into court indicate that it was, and what do you know about it of your knowledge? When was the last time, or about when, as near as you can come to it, that you received that paper back from your attorney in this case? Just answer the questions, without more.

Re-Cross Inty. 2. Have you answered each of the direct interrogatories put to you in this case, that is, each of the questions in it? You are expected to do so, whether the court afterwards holds it proper or not, just as they were asked you. Have you read this and the first re-cross inty., or have they been read to you?

N. D. Cobbs, S. C. Jenkins,

solicitors for Defendant.

Unnumbered for reference.

Handwritten signature or name, possibly "M. J. ..."

No. 326

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No. 326

Re-cross interrogatories

Filed October 14, 1918.

James A. Crane

Register.

[Faint mirrored text from reverse side]

Re-cross Interrogatories to Defendant.

Unnumbered for reference, in which.

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No. 326

MAGGIE ROBERT, COMPLAINANT,
VS.
BUCHMAN ABSTRACT & INVEST-
MENT COMPANY, DEFENDANT.

IN CIRCUIT COURT OF MOBILE
COUNTY, ALABAMA.
IN EQUITY.

INTERROGATORIES PROPOUNDED TO MAGGIE ROBERTS, 8920 EXCHANGE AVENUE,
SOUTH CHICAGO, ILLINOIS, WITNESS FOR COMPLAINANT, BY COMPLAINANT'S
ATTORNEYS.

FIRST:

Q: State your name.

A: Maggie Roberts,

Q: How old are you?

A: Forty Nine Years, (49).

Q: Where do you live?

A: At 8920 Exchange Avenue, South Chicago, Illinois.

SECOND:

Q: State whether or not you are the complainant in the suit
above named.

A: I am.

Q: State whether or not you claim the ownership of lands described
as follows:

The West Half of the Northeast Quarter and the East
Half of the Northwest Quarter of Section Twenty-one, Town-
ship Six South of Range Four East, Baldwin, County, Alabama.

A: I do.

THIRD:

Q: Did you or Mary James, or anyone else, pay the taxes on
these lands falling due October 1st, 1906?

A: Yes.

Q: State whether or not you paid taxes on any other lands in
Baldwin County for that year?

A: No.

Q: State whether or not you paid the taxes in person or by
mail.

A: By mail.

Q: State as nearly as you can when you mailed remittance.

A: I do not remember, I can only rely on my receipt.

Q: To whom was the letter addressed and remittance payable?

A: To Mr. Cooper, Tax Collector, Baldwin County, Bay Minnette, Alabama.

Q: Was the remittance made in a form of check, cash, postal money order or express money order, or some other form?

A: Cash.

FIFTH:

Q: State whether or not in due course of mail you received a receipt for the money sent in payment of taxes.

A: Yes.

Q: 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".

A: I have the receipt and it is attached hereto marked "Exhibit B".

Mrs. Maggie Roberts, Complainant,

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

Buchman 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.

Q: When was it you left Alabama, first and last?

A: Latter part of November, 1905.

Q: 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?

A: I have not been back in Alabama at all.

Q: Were you in Alabama at any time during the year 1906?

A: No.

Q: Were you in Alabama at any time during the year 1907?

A: No.

Q: Name each place in Alabama that you were in at any time after you first left the State.

A: I was never back.

Cross-Inty. 2nd.

Q: 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?

A: I received it about April 30, 1918.

Q: About when was it that you last received this paper from your solicitors or some of them, was it not in the present year?

A: I received it about September 10, 1918.

Q: In what month was it that they sent it to you to be attached to your deposition as an exhibit?

A: In September, 1918.

Cross-Inty. 3rd.

Q: 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 Minnette, or anywhere else and saw him sign his name to anything?

A: No.

Q: 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?

A: No.

Q: What paper did you ever see him sign his name to at any time?

A: None.

Q: Have you any such papers?

A: None.

Q: Have you attached any such papers to your deposition?

A: No.

Q: If not, why not?

A: I have none.

Cross-Inty 4th.

Q: 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 year 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 were they at the time?

A: I did not know any of them; and as far as I know, I never saw any of them, and I was never in his office.

Cross-Inty. 5th.

Q: What if any other papers besides those you are asked in the direct interrogatories to attach to your deposition, have you on hand or in custody, or under your control, purporting to be signed by said tax collector, or in his name by anyone else, or in his name?

A: I have none and do not know of any.

Q: Attach such others to your deposition, have you done so?

A: I have none.

Q: Where did you get them from, and when did you so get them, and where did you get them from?

A: I have none and know of none.

Cross-Inty. 6th.

Q: 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.

A: No.

Q: When did you see such son do such writing on such a receipt or paper purporting to be such receipt?

A: Never.

Q: Where was he when you saw him do it?

A: I did not see him.

Q: What was his name?

A: I do not know.

Q: Do you know personally of your own knowledge his handwriting,

A: No.

Cross-Inty. 8th.

Q: 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?

A: Yes.

Q: Have you answered any of said questions from what has been told you by anyone else by word of mouth, or from hearsay?

A: No.

Q: Whenever or 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?

A: Yes.

Q: 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?

A: Yes.

MAGGIE ROBERTS, COMPLAINANT,
VS.
BUCHMAN ABSTRACT & INVESTMENT
COMPANY, DEFENDANT.

NO. 328.
IN EQUITY.
IN THE CIRCUIT COURT
OF MOBILE COUNTY, ALABAMA.

RE-DIRECT INTERROGATORIES.

Q: If you state in your answer to cross-interrogatories that you recently received the paper attached as an exhibit from your solicitors in Alabama, state whether or not it was ever in your possession before?

A: Yes.

Q: State when you parted with it?

A: The first part of the year, 1918.

Q: To whom did you send it?

A: P. J. Cooney, Summerdale, Alabama.

Q: For what purpose did you part with it?

A: To find out the condition of the title and the taxes.

Q: What were your directions with reference to it?

A: To find out the condition of the property and taxes.

Q: Was such paper not in your custody from the time received from tax collector of Baldwin County, Alabama, until you sent it to your agent or attorney for the purpose of this suit?

A: Yes.

MAGGIE ROBERTS, COMPLAINANT,)
VS.)
BUCHMAN ABSTRACT & INVEST-)
MENT COMPANY, DEFENDANT.)

NO. 326

CIRCUIT COURT, MOBILE COUNTY,
IN EQUITY.

RE-CROSS INTYS. TO COMPLAINANT.

Re-cross Inty. 1.

Q: What did Mr. P. J. Cooney ever have to do, if anything, with the paper asked about in the re-direct interrogatory to you.

A: I mailed the paper to him as my agent.

Q: Was it not in his hands?

A: Yes.

Q: When?

A: From the first part of the year 1918, until he turned it over to Mr. Beebe.

Q: When Mr. Cooney was being examined as a witness for you in this case before a commissioner, was not that same paper turned over into the hands of the commissioner to be attached as an exhibit to Mr. Cooney's deposition?

A: I do not know.

Q: The commissioner's papers returned into court indicate that it was, and what do you know about it of your knowledge?

A: Nothing.

Q: When was the last time, or about when, as near as you can come to it, that you received that paper back from your attorney in this case?

A: By September 10, 1918.

Re-cross Inty. 2.

Q: Have you answered each of the direct interrogatories put to you in this case, that is, each of the questions in it?

A: Yes.

Q: You are expected to do so, whether the court afterwards holds it proper or not, just as they were asked you. Have you read this and the first re-cross inty., or have they been read to you?

A: They have been read to me.

Maggie Roberts

Subscribed and sworn to before me
the 15th day of January 1919
Gerrit L. Bunker
Commissioner.

committee
I, Squire S. Burke, the Commissioner named in the foregoing commission, issued out of the Circuit Court ^{of Baldwin} at Mobile, Alabama, in a cause therein pending wherein Maggie Roberts is Complainant and the Buchmann Abstract & Investment Company is Defendant, do hereby certify that under and by virtue of the power conferred upon me by said commission, I caused the said Maggie Roberts to come before at my office #9233 Commercial Avenue, Chicago, Illinois, on ^{January} 15th, 1919, she being the witness named in the said commission, and who, being first duly sworn, testified in response thereto as it is hereinabove written; that her testimony was by me reduced to writing as given by her and as near as might be in the identical language of said witness, and that after her testimony had been reduced to writing, it was by me read over to the said witness who assented to and signed the same in my presence.

I further certify that I am not of counsel or of kin to any of the parties to the cause and am not in anywise interested in the result thereof.

WITNESS my hand and seal as Commissioner this the 15th day of ^{January} 1919.

Squire S. Burke (SEAL)
Commissioner.

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

In Equity .
In Circuit Court of Baldwin County,
Alabama.

Comes now the respondent and cross-complainant and moves to strike the Complainant's objections filed Aug. 13th, 1921 to defendant's Interrogatories propounded to F. J. Buchman, witness for Defendant upon the following grounds, 1st because not filed as part of complainant's evidence in the time limits fixed by the court for introducing evidence in the cause. 2nd Because legal notice by copy or otherwise was ^{not} given to respondent and cross complainant of the filing of said objections 3rd Because it includes objections to evidence not hereto made by the complainant at the time of the filing of the interrogatories or the time at which said deposition of said witness was taken. 4th Because no notice was given by complainant to respondent and cross complainant of her purpose to offer said objections in evidence in its notice filed Aug. 8th and Aug. 13th of certain evidence it would offer at the hearing of this cause. 5th because it comes too late under the rule of the court hereto fixed regulating the procedure of taking testimony and offering evidence and objections to evidence in the cause. 6th Because the time in which complainant had to make objections & offer evidence expired August 8th 1921.

Jesse F. H. Jones
D. C. Jenkins

Solicitors for Respondent and Cross Complainant .

MAGGIE ROBERTS,)	
COMPLAINANT)	
)	No. 251.
vs)	IN THE CIRCUIT COURT OF BALDWIN
)	COUNTY
)	
BUCHMANN ABSTRACT & INVESTMENT CO.,)	In Equity.
RESPONDENT & CROSS-COM-)	
PLAINANT)	

Supplemental Note of Evidence

The Respondent and cross-complainant submits said cause upon the following and additional testimony and proceedings viz:

1st. Objections to deed from Simon Brewton and wife to Ray Brewton, dated January 12, 1900, and recorded in deed Book 2 N. S. pages 416-417, Probate records, Baldwin County, Ala., and motion to exclude said deed.

2nd. Objections to deed from Ray Brewton and Ellen Brewton, to Thomas S. James, dated the 26th day of December, 1900, and motion to exclude said deed.

3rd. Objections to deed from Ellen Morris to Maggie Roberts, dated the 6th day of November, 1916, and motion to exclude said deed.

4th. Objections to deed from Mary Duell and John P. Duell to Maggie Roberts, dated 27th day of June, 1921, and motion to exclude said deed.

5th. Agreement of Counsel, dated Dec? 8th, 1917.

6 Affidavit of S. Jenkins

T. W. Riccison
Register.

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

No 251

In The Circuit Court of Baldwin County.

In Equity.

Now comes the respondent and moves to exclude that certain deed from - Simon Brewton and Alimeda Brewton to Ray Brewton of date, January 12th, 1900, recorded in deed Book 22 N. S. pages 416 and 417 in Probate records of Baldwin County; and also that certain deed from Ray Brewton and Ellen Brewton to Thos. S James of date Dec. 26th, 1900 recorded in Deed Book

3 N. S. page 327 of probate records of Baldwin County; also the certain deed of Aug. 6th or November 6th, 1916 from Mrs. Ellen Morris to Maggie Roberts, recorded in deed book 27 N. S page 60 upon the following grounds as to the first two deeds; 1st because the absence of the originals have not been shown, proved or accounted for and because legal notice was not given in respect of this objection in evidence of the same
2nd because they are illegal, irrelevant and immaterial.

3rd. because the grantors named therein have not been shown by any evidence to have title to the lands described therein and as to the last named deed from Mrs Ellen Morris to Maggie Roberts on the following grounds : 1st the deed on its face appears of two different dates and the Acknowledgement is not in the Alabama form 2nd because it purports to be signed by Mrs Ellen Morris and it does not show she is a widow and if a married woman it does not show that her husband joined in the conveyance or gave his consent in writing as the Alabama law requires for married women to convey real property 4th because it does not show that the grantor had any title to the lands described therein 5th because it is illegal, irrelevant and immaterial

6th because it does not describe the lands mentioned in complainant's Bill of complaint, covering only 20 acres, the E 1/2 of S.W. 1/4 of N.E. 1/4 of sec. 21 in tp 6 S. R. 4. E., of it.

Because legal notice was not given to respondent of the introduction of same in evidence

Jesse T. Bryan
J. C. Jenkins
Solicitors for respondent & Cross complainant.

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

No 251

In The Circuit Court of Baldwin County
In Equity .

Now comes the respondent and cross- complainant and moves to exclude the affidavit of E. G. Rickarby as to the deposition of Mrs Roberts and its time of filing etc upon the following grounds 1st

1st. Because legal notice of the introduction of the same was not given to the respondent and cross complainant 2nd because the time has now expired in which evidence can be offered in this cause under the time limits as made by the court itself in this cause. 3rd. Because the affidavit itself is not sufficient excuse for the Complainant in not filing his evidence in time and in legal form and shape as the court has directed heretofore in this cause 4th because it is illegal, irrelevant and immaterial.

Asset Hogan
J. C. Jenkins

Solicitor for respondent & Cross Com-
plainant .

The State of Alabama, Mobile County

Maggie Roberts,

Complainant

No. 326

vs.

Buehmann Abstract & Investment
Company,

Defendant

Circuit
~~Law and Equity~~ Court
of Mobile County.
IN EQUITY

The Defendant

requests the oral examination of the following named witness *es*
on *its* behalf, viz:

W. Z. Rogers
A. B. Steadham
Joe Redding

said witnesses reside in the County of
State of Alabama.

Baldwin,

L. Glendening

who reside at or near Robertsdale, in Baldwin Co., Ala.,

is suggested as a suitable person to be appointed Commissioner to take the deposition of
said witness *es* on such oral examination

S. C. Jenkins,
D. B. Cobbs,
Solicitor for Defendant.

and Commission
Commissioner to give
the law a subject of complete
Sales and debts sales

No. 326

**Law and Equity Court
of Mobile**
Mobile, Alabama.
IN EQUITY.

Maggie Roberts

vs.

Buchmann Abstract
of Investment Co.

Demand For Oral Examination

Filed Sept 11th 1917

James Abrahams

Register in Chancery 7th District of the
Southwestern Chancery Division of Ala-
bama, and Ex Officio Register of the
Law and Equity Court of Mobile.

RECORDED
Court rec'd 10/15/17

Handwritten notes on the left flap, including "Sept 11 1917" and other illegible cursive text.

Vertical handwritten notes on the left flap, including "Maggie Roberts" and "Buchmann Abstract of Investment Co."

Vertical handwritten note on the left flap: "Buchmann"

Vertical handwritten notes on the right flap, including "Sept 11 1917" and other illegible cursive text.

IN EQUITY
of Mobile
Trustee

The State of Alabama, Mobile County

MAGGIE ROBERTS,
Complainant,
-vs-
BUCHMANN ABSTRACT and INVEST-
MENT COMPANY,
Respondent.

IN EQUITY.
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

On joint motion of counsel to this cause, and it appearing to the Court that the question of the authenticity of a certain tax receipt is one of the issues in this cause, which is now on appeal, it is hereby ordered that the Register in preparing transcript shall include as part of the transcript under the provision of Supreme Court Rules 24 and 47 the testimony of complainant, Maggie Roberts, including tax receipt for State and County taxes due Baldwin County for the year 1906, and letter of H. H. Cooper also attached to said deposition, also book marked "Receipts for taxes of 1907, Baldwin County" offered in evidence by complainant for the purpose of furnishing signatures of H. H. Cooper for comparison.

Done at Brewton this 26th day of September,
1924.

John D. Leigh
Judge.

MAGGIE ROBERTS,
Complainant,

-vs-

BUCHMANN ABSTRACT and INVEST-
MENT COMPANY,
Respondent.

ORDER REQUIRING REGISTER TO
INCLUDE CERTAIN ORIGINAL PA-
PERS IN TRANSCRIPT.

*Filed Sept 29th, 1924.
T. W. Rice
Register.*

RECORDED
INDEXED
MAGGIE ROBERTS, COMPLAINANT
BUCHMANN ABSTRACT AND INVESTMENT COMPANY, RESPONDENT
IN THE CIRCUIT COURT OF
THE STATE OF MISSISSIPPI
IN EQUITY

326

Maggie Roberts

13

Buchman Abstract
Co

Deportation of
Maggie Roberts

Filed January 23 1919
James A. Crane
Registrar

Published by Order
Court Feb. 6, 1919.
James A. Crane,
Registrar

James A. Crane, Registrar
Sovereign Court of Mobile County,
Mobile, Ala.

9233 Commercial Ave.,
So. Chicago, Ill.

Return
Requester

RETURN RECEIPT PROTECTED



12274

Maggie Roberts,)

NO 251

Complainant.)

In The Circuit Court of Baldwin County.

vs

Buchman Anstract &)
Investment Company,)

In Equity.

Respondent .)

Comes now the respondent and cross complainant and moves the court to strike the following ,books, papers and instruments set out in complainant's note of testimony, towit, The Official Tax receipt Book for Baldwin County, depositions of Maggie Roberts and affidavit of E. G. Rickarby and affidavit of H. D. Moorer, upon the following grounds;- 1st because not filed within the time limits fixed by the court for plaintiff to take his evidence 2nd because legal notice was not given to respondent and - cross- complainant by the complainant of the filing of same or their introduction in evidence in this cause .

Jess F. Hogan
J C Jenkins

Solicitors for Respondent and cross-complainant

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

no 251

In The Circuit Court of Baldwin County
In Equity .

Respondent

Now comes the respondent and cross-complainant and moves to exclude the letter of H. H. Cooper, Tax Collector to Complainant May 21st, 1906. attached to Mrs. Roberts, deposition upon the following grounds:
1st Because legal notice of the introduction of the same was not given to the respondent and cross complainant, 2nd because the time has now expired in which evidence can be offered by the complainant in this cause under the rule made by the court for the introduction of evidence.
3rd. Because the letter on its face was in reference to taxes for a previous year and does not show that it was for the taxes of 1906 which for that year were not due until October 1st, 1906. 4th because it is not offered as a standard for the purpose of comparison of signatures and as original evidence it is incompetent, illegal and immaterial 5th because if it is offered for the purpose of comparison of signatures, the evidence nowhere shows this fact and besides it is extraneous matter or writings, not heretofore in evidence in this cause 6th because the person who wrote the letter has not identified the letter sufficiently for it to be offered either as original evidence or as a standard for the comparison of signature 7th because no witness has testified as to the genuineness of the signature to the letter nor has any expert witness, properly qualified as such testified that the signature was that of H. H. Cooper or any other particular person. 8th because it is irrelevant, illegal and immaterial.

Jesse F. Bryan
A. Jenkins

Solicitor for Respondent and Cross-Complainant.

Maggie Roberts
Complainant
vs
Buchman Abstract &
Investment Company
Respondent

No 251

In the Circuit Court of Baldwin County.
In Equity.

Now comes the respondent and cross complainant and moves to exclude the the book " called Tax receipt book for 1907 as one of the items of documentary evidence offered by complainant upon the following grounds 1st. It is not offered in evidence in the time fixed by the court in this cause for the complainant to offer his evidence. 2nd it is not shown to be such a book kept by law in any office, being merely a memoranda book kept formerly by a tax collector in the year 1907. 3rd because it has not been identified by any officer or by any evidence whatever that it is - such a book as may be offered or the certificate from a proper officer in whose custody the same may have been kept that it is a record in his office; 4th because all the writings in the book appear to be a carbon of some original entries made and the original entries therefor are absent and their loss or absence is not accounted for by any evidence; 5th because it is irrelevant, illegal and immaterial 6th because legal notice of the introduction of the book as evidence was not given to respondent and cross complainant 7th Because the only time said book was hereto offered in evidence was for the purpose, as complainant stated at the time, was for the comparison of handwritings and not as evidence 8th because at the time it was introduced in evidence for comparison with a certain tax receipt for the year 1906, said tax receipt was not itself in evidence in the case and thus could not be used as a standard for comparison for the comparison of handwriting, being extraneous matter or writings. 9th because it is extraneous matter or writings which have not hereto been introduced in evidence and for that reason is not competent to be offered now as original evidence or as a standard for the comparison of handwritings 10th because the signatures or signature of no one person H. H. Cooper or any other person has not been identified sufficiently as a standard for comparison, which are to be found in said book of receipts. 11th because said book purports on its face to be in regard to taxes for the year 1907 and the suit in this cause is concerning the payment of taxes for the year 1906 and as original evidence is incompetent and immaterial.

Jesse F. Hogan
J. Cooper

Solicitor for Respondent and Cross Complainant

MAGGIE ROBERTS, COMPLAINANT
AND CROSS-RESPONDENT;

VS.

BUCHMAN ABSTRACT & INVESTMENT COMPANY,
RESPONDENT AND CROSS*COMPLAINANT.

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NO. 11,710.

IN CHANCERY AT MOBILE.

Comes Maggie Roberts and for answer to the cross-bill in this cause, shows as follows:

1st. She denies the averments contained in paragraph second of the answer and cross-bill.

2nd. To Paragraph 3rd of said Cross-bill, she reaffirms the allegations of the third paragraph of the Bill of Complaint.

3rd. To the Fourth Paragraph, and Paragraph "Z" as amended, of the Cross-Bill, she avers that the alleged tax sale and tax deed, under which cross-complainant claims, was invalid in that the taxes for the year 1906, for the alleged default in which a sale was claimed to have been made, were paid within the time required by law by the said Mary James or her heirs or legal representatives. She further denies deed attached as "Exhibit A" to the Cross Bill as a valid and legal deed, and further denies the adverse possession of Cross Complainant, as set out in said Paragraph.

WHEREFORE, Cross Respondent prays that said Cross Bill be dismissed and that she be granted the relief prayed for in the original Bill.

Richard Austell
Solicitors for Cross-Respondent.

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326 09
NO. (11,710.)

IN CHANCERY AT MOBILE.

MAGGIE ROBERTS
VS
BUCHMAN ABSTRACT & INVESTMENT CO

ANSWER TO CROSS-BILL.

FILED Dec. 4, 1916

Carroll Jones
REGISTER
POPLOE

Rickarby & Austill,
Solicitors for Complainant.

Recorded
*Filed in Circuit Court of
Baldwin Co. Ala
July 20th 1920*
W. H. Harrison Register

MAGGIE ROBERTS,
Complainant.

NO. 251

vs

BUCHMANN ABSTRACT &
INVESTMENT COMPANY,
Respondents.

IN EQUITY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

COMPLAINANT'S OBJECTIONS TO DEFENDANT'S INTERROGATORIES
PROPOUNDED TO F. J. BUCHMANN, WITNESS FOR DEFENDANT.

Complainant here insists upon her objections to questions propounded to Respondent's witness, F. J. Buchmann, and asks to rule out the answers to such questions upon the grounds seasonably made at the time of filing interrogatories, and for the sake of convenience here sets out the questions objected to and the grounds of objection:

To each of the following questions in the last part of interrogatory two:

"What, if any, arrangement was made, and by whom and with whom, for looking out for it, and for whom, and if in writing attach the writing to your deposition - have you done so? Who signed it, if any one? If not in writing, state whether or not at any other time any agreement was made, and by and between whom, and for whom, about this land, and when this was, and who signed it, and attach it to your deposition - have you done so?"

Because said questions call for,

- (a) Self serving testimony.
- (b) Matters not shown to have taken place in the presence of the Complainant.
- (c) Transactions to which Complainant was not a party.
- (d) Hearsay testimony.
- (e) Testimony sought is irrelevant, immaterial, illegal and incompetent.
- (f) Written instruments called for are incompetent testimony.

To the first question in interrogatory three because the evidence sought is irrelevant, immaterial, illegal and incompetent.

To the remaining questions in interrogatory three upon the grounds:

(a) That the evidence sought is irrelevant, immaterial, illegal and incompetent.

(b) Because the questions call for testimony of which the witness has no personal knowledge.

(c) Because it calls for hearsay testimony.

(d) Because it calls for transactions that took place between the witness and third parties when the Complainant was not present.

(e) Because it calls for statements of actions of which the witness has no personal knowledge.

Rice, Carby & Beebe,
Solicitors for Complainant.

#26

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NO. 251
EQUITY
CIRCUIT COURT
BALDWIN COUNTY.

MAGGIE ROBERTS,
Complainant.

vs

BUCHMANN A. & I. Co.,
Respondents.

COMPLAINANT'S OBJECTIONS TO
BUCHMANN'S EVIDENCE.

Filed Aug 13th 1921.

*D. W. Whinnon
Register.*

Rubarby & Beebe

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

no 251

In The Circuit Court of Baldwin County
In Equity.

Now comes the respondent and cross-complainant and moves to exclude the deed alledged to be dated June 27th, 1921 from Mary Duell and John P Duell upon the following grounds 1st because it is illegal, irrelevant and immaterial 2nd because no copy of of said alledged deed has been offered to

respondent and cross complainant for inspection and because said deed is not in evidence and because legal notice of the introduction was given to

Respondent's cross-complainant

legal notice of the introduction was given to
Jesse F. Hog
J. C. Jenkins

Solicitors for respondent & Cross complainant .

1 DIV.
Buchmann Abstract & Investment
Company, Appellant.
vs
Maggie Roberts, Appellee.

IN SUPREME COURT.

Deposition of Maggie Roberts
and Exhibits ordered included
as a part of the transcript
under Supreme Court rules 24 & 47
the order being dated Sept 26th
1924.

FILED
SUPREME COURT OF ALABAMA

FEB 6 1925

ROBT. F. LIGON
CLERK.

RETURN AFTER FIVE DAYS TO
T. W. RICHESON
CLERK OF THE CIRCUIT COURT AND
REGISTER IN CHANCERY
BAY MINETTE, ALA.

State of Alabama, }
Baldwin County .)

Before me, T. W. Richerson, Clerk of the Circuit Court
in and for said county and state, personally appeared S. C. Jenkins, Esq.
who being by me first duly sworn according to law, doth depose and say; that
he is of counsel for the respondent and Cross Complainant in the cause of
Maggie Roberts vs Buchman Abstract & Investment Company pending in the Cir-
cuit court of Baldwin County; that the original notice of date Aug. 13th,
1921 and notice of Aug. 8th, 1921, which was given respondent of Complainant's
offer of introduction of documentary evidence at the hearing of said-
cause contained the words "certified copy" where the word "original" now
appears on said notices as to the patent deed of Simon Brewton and wife to
Ray Brewton and of Ray Brewton and wife to Thos S. James and patent to Simon
Brewton from United States concerning the lands involved in this cause; that
the changes of these words "certified Copy" to "original" was made by the
Complainant's counsel on said notices and in the note of testimony filed by
Complainant of date Aug. 13th, 1921 without any new filings noted on said instru-
ments and without any written notices given to respondent of same being in-
troduced in evidence. That when affiant signed agreement that said instru-
ments be substituted for certified copies, (notice of which had been given),
he expressly stated in said agreement that all exceptions and motions here to
made by respondent and cross complainant were to be deemed as made to the
originals and expressly requested verbally of complainant's counsel that he
file at once in the cause the original copies in question with the exact -
date of filing of same noted by the Register.

S. C. Jenkins

Subscribed and sworn to be fore me this 18 day of August, 1921

T. W. Richerson

Clerk of Circuit Court, Baldwin County.

Affidavit of Attorney S. C.

Jenkins as to agreement as
to certain notices and as to
certain changes made in same
by complainant, s counsel.

Maggie Roberts

vs

Maggie Roberts Abstract Co

Filed Aug 18th 1921

J. W. Kieyerson

Register

Maggie Roberts

vs

Bushman Abstract Co

CV

~~CV~~

STATE OF ALABAMA,)
BALDWIN COUNTY,)

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

MAGGIE ROBERTS,)
COMPLAINANT,)

VS

BUCHMANN ABSTRACT &)
INVESTMENT COMPANY,)
A CORPORATION,)
RESPONDENT.)

IN EQUITY -

By virtue of the Commission hereto annexed, issued from the office of the Clerk of the Circuit Court of Baldwin County, State of Alabama, I, the Commissioner therein named, have called and caused to come before me the said J. R. Crosby and Joseph D. Beroujon, two of the witnesses named in said Commission, on this 20th day of May, 1921, at my office located at 311 Masonic Temple, Mobile, Alabama; and having duly cautioned and sworn the said witnesses to speak the truth, the whole truth, and nothing but the truth, the said witnesses, deposed and said as follows: That is to say,

v

MR. J. R. CROSBY, on being first duly sworn,
on behalf of the Complainant as follows:

DIRECT EXAMINATION
By Mr. Rickarby.

- Q Mr. Crosby, what is your present position?
- A General utility man at the Bank.
- Q That is, for what Bank?
- A The First National Bank.
- Q Prior to come to the First National Bank, with what banks did you work?
- A I had worked with the Union Commercial Bank and the Peoples Bank. I was with the Peoples Bank for about ninety days, but I have been with the First National Bank longer than any other one Bank.
- Q How long have you been in the banking business?
- A Twelve years.
- Q And in that time, except for a short time when you went with the Union Commercial Bank, and afterwards with the Peoples Bank, you were with the First National Bank?
- A With the First National Bank and the City Bank & Trust Company.
- Q What offices have you filled in the course of your work in connection with the Bank?
- A Discount Window, Paying Teller, Bookkeeper, and Assistant Cashier down at the Union Commercial Bank.
- Q Mr. Crosby, in your banking experience do you have occasion to examine signatures and handwritings?
- A Yes, sir.
- ✓

Q What part of your bank work requires that to be done?

A Paying Teller,- about six years.

Q Are you then familiar with the comparison and study of handwritings?

A Reasonably so, yes.

Q Is, or is not, that a necessity of the job for paying teller?

x A It is very essential.

Q Mr. Crosby, will you look at this book, which, for purposes of identification, is a book of receipts for the year 1908 of Baldwin County, and which bears on its outer cover the filing mark of Mr. James A. Crane, as Register, and also look at this receipt, which is stained a pinkish cast, and has printed at the top, in bold letters, the words "TAXES FOR 1906", and appears to be a tax collector's tax bill addressed to Mrs. Mary James,- will you note the signature at the bottom of that, and state whether, in your opinion, that was made by one and the same man whose duplicate receipts are shown in the tax book?

BY MR. COBBS:

The Defendant objects to the question,- first, because proper predicate has not been laid to enable the witness to qualify to make the comparison asked; second, because proper predicate has not been laid with reference to the signatures on the book with which it is proposed to compare the signature on the receipt; and, third, because the signature or handwriting with which the signature on the receipt is proposed to be compared has not been sufficiently identified in order to establish same.

A Well, in my opinion, the same party who wrote this signature

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here on the receipt (indicating) is the same handwriting that is found in this book, (indicating) especially this No. 4975, (indicating); that is, the same handwriting that signed this receipt (indicating) is the same handwriting that signed the receipts in this book, and more especially like this No. 4975, (indicating).

BY MR. COBBS:

The Defendant objects to the witness' answer upon, respectively, the same grounds as above suggested to the question to him, and further objects to the answer upon the ground that sufficient basis has not been established for the witness to express an opinion; and, further, upon the ground that all of the signatures in the book have not been pointed out either by the Solicitor or by the witness, and not one of them has been identified as the signature of any particular person; and, further, because it is not shown whose are the signatures in the book, and has not been shown who signed any particular place in the book.

CROSS EXAMINATION

By Mr. D.B.Cobbs.

- Q Mr. Crosby, do you know the signature of Mr. Cooper, who was formerly the Tax Collector of Baldwin County?
- A No, sir.
- Q During what years was it that you were Paying Teller?
- A Well, I was paying teller from about 1909 to 1918.
- Q About nine years?
- A No, from about 1911 to 1918.
- Q About seven years?
- A Yes. ✓

Q During that time did you ever have occasion to see and know the signature of Mr. Cooper, who was formerly the Tax Collector of Baldwin County?

A I might have had occasion to see it, but I do not think I ever had an occasion to know his signature.

Q You may possibly have seen it, but you never had occasion to know his signature?

A I may have seen it in the passing of checks through the window, but I do not think Mr. Cooper ever had an account in the Bank when I was paying teller, that is, not to my knowledge I do not remember any.

Q You do not know then whether, as a matter of fact, you ever saw his signature, or not?

A I do not think I ever saw his signature.

Q Do you know the signature of any one of Mr. Cooper's sons who was in the tax collector's office under him?

A No,- I have seen their signatures, but I never had occasion to familiarize myself with them.

Q Did you know Mr. Cooper, the Tax Collector, in person?

A Yes, sir,- in passing.

Q Can you remember about how long ago was the last time you saw him?

A I saw him just before he died here in town,- I saw him on the street, but I do not exactly remember when that was. I remember when he died, and I remember I had seen him a very short time before his death.

Q Do you remember about what time it was he died?

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A It must have been about 1909.

Q Did you know him in the year 1906?

A I knew him, yes.

Q What sort of a man was he, so far as health was concerned, in 1906?

A I do not know.

Q I believe that you spoke particularly of the signature upon what was called No. 4975, I think it was,-- isn't that your number?

A Yes, sir.

Q In the book that you were questioned about,- you do not know whose signature that is in the book, do you?

A I do not.

Q I believe you said, I will ask you again to be sure, you do not know whose signature it is upon any of those duplicate receipts in the book?

A No, sir.

Q All of the signatures that you spoke of as being in the book purport to be upon receipts which are marked "duplicate", aren't they?

A Yes, they are.

Q Now, Mr. Crosby, look, please, sir, at that same No. 4975 in the book, and the original tax receipt, so-called, that is in your hand,- do you notice any difference between the two signatures?

A There is a difference in the forming of the "C".

Q Now, look at the one that is in the book,- does it appear to be

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in a firm handwriting, or in a shaky handwriting?

A The one in the book is a smoother handwriting than the one ^X on the paper.

Q The one in the book looks firm, doesn't it?

A Yes, sir.

Q And the one on the so-called receipt looks shaky, doesn't it,-- Look at the formation of the "Hs'".

A It does look shaky. It is not as smooth, but one was written with a pen and one with a pencil. .

Q Well, in the formation of the letters, doesn't the one upon the receipt look more shaky than the one upon the book?

A It does look more shaky than the one upon the book, yes.

Q Further, in the formation of the capital "Hs'" and the capital "C", isn't that true?

A Yes, sir.

Q Mr. Crosby, suppose that three of the sons of Mr. Cooper, who used to be the Tax Collector, had been examined as witnesses in this case in the Baldwin Circuit Court, since it went into the Baldwin Circuit Court, and had looked at the signature purporting to be the signature of their father upon this receipt, what purports to be the original receipt; and suppose that all three of those sons have testified that that signature of the name "H. H. Cooper" upon that original receipt is not the signature of anyone who was his agent authorized to receive tax monies; and suppose that two of those witnesses to testifying were agents of his, one of whom stayed in the office as Chief Clerk, or Principal Clerk, and the other of whom was in there at times, but who was mostly needed outside collecting, suppose

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that they have testified that they were familiar with the signature of their father, and that this that purporst to be his signature upon this original tax receipt was not his signature, and was not the signature of any one of his agents,-- if you knew that they had so testified after such an examination by them, would that shake your confidence in your opinion that the two signatures that you have undertaken to compare are the same?

A I do not know whether it would, or not.

Q I will ask you further, then; suppose that the two sons of Mr. Cooper, who were in the office with him or under him, and were his agents authorized to collect taxes, had testified to the signatures in the book that you have been examined about, and suppose they had said in their testimony that all the signatures in this book were the signatures either of the one or the other of them, and that the signature to Duplicate Rēceipt 4975 in the book was the signature of one of them, designating which one, and that both of them had testified that this signature upon the receipt was not the signature of either one of them, and was not the signature of their father, would that shake your confidence in your opinion that those two signatures that you have compared were made by the same party,-- if the signature in the book on duplicate receipt^x 4975 has been identified by those two son~~w~~ who were agents of his, and it has been testified by one of them or both of them that that signature on duplicate receipt 4975 is the signature of one of those young men, and if there is no question in their testimony as to whose signature that is on the book, and if both of them, and indeed all three of the sons who have been examined,

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testified that the signature on that receipt is not the signature of old man Cooper, and is not the signature of either one of those sons of his, would that shake your confidence in your opinion that those two signatures on the receipt and on that book was made by the same man, especially that the one on 4975 and the one on the original receipt were made by the same man, -- would it shake your confidence to know that that was a fact?

A If I was to hear them make this statement, I would think that one of the Cooper brothers, whose signature purports to be in that book, signed this questionable receipt either in a drunken condition, or when he was in a great hurry, and did not remember signing the receipt, because I do not believe either one of those boys would knowingly swear to a lie, but I know those boys used to drink a lot around Bay Minette, that is I heard they did, and I have seen them drunk myself several times, and I understand that office was run in a very slipshod kind of a way.

Q You notice a difference then, do you not?

A There is a slight difference.

Q And you think that the difference might be accounted for by a man being drunk?

A I do. I have seen signatures of men that sign their check when they were drunk that wrote very cramped hands, but wrote a very nice smooth hand when sober.

Q You do not know though anything at all, I suppose, about whether whoever signed the signature on that purported original receipt was drunk at the time in 1906 when it was purported to

be signed?

A No.

Q Did you notice the date of that purported receipt, February, 1906? Look at it again, please, sir, and see if you notice the date at the bottom of it?

A It was Feb. 1906.

Q Do you notice anything peculiar about the receipt itself?

A It does not correspond with those duplicates in that book, does it?

Q I do not know.

A I think it is a larger receipt,- the receipts in the book are much smaller.

Q Do the duplicate receipts in the book and this purported receipt appear to correspond in form?

A They do not,- one is two inches larger than the other.

BY MR. RICKARBY:

Complainant objects to the question upon the ground that the books are the best evidence and speak for themselves.

Q And this purported receipt purports to be dated in February, 1906?

A Yes, sir.

Q Do you notice any other peculiarity about this receipt? For instance, that it appears to have been cut or torn, one or the other, more possibly appearing to be torn; at all events, that it appears to have been pasted back together on some basis or foundation in about four parts? Will you please examine that and see whether, or not, that appears to you to have been passed on another piece of paper?

A Yes, it does. ✓

- Q Now, doesn't it appear to have been pasted back on that other piece of paper in about four different parts?
- A No, it is in three different parts.
- Q It appears to me to be in four different parts, examine it again and see if it is not torn in four parts?
- A No, it is in three parts,- that is a hole there, and is not torn entirely off; that corner is not torn off there; that has not been torn from here down to the corner, that is, I do not see that it has; that is holding from there (indicating) to the corner. I do not know whether that is torn clear across, or not, (indicating).
- Q It does appear to have been pasted together, doesn't it, on the foundation sheet?
- A Yes.
- Q Mr. Crosby, on the face of the receipt it appears to itemize county items of taxes as well as State items of taxes,- look at that, please, sir, and see if that is a fact, (handing the receipt to the witness)?
- BY MR. RICKARBY:
Complainant objects to the question because the tax receipt itself is the best evidence.
- A Yes.
- Q It does appear to itemize each?
- A Yes.
- Q Now, Mr. Crosby, if the County Commissioners who fixed the amount, or if the County Commissioners that fixed the amount, or did at that time fix the amount of the taxes to be levied for county purposes, did not fix them until in June, say, of

1906, would it be possible for the tax collector to know in February, 1906, what would be the whole bill, including the State items and the county items both?

BY MR. RICKARBY:

The Complainant objects to the question on the ground that it is irrelevant, incompetent and immaterial.

-- It does not seem to me that it would.

Q You do not claim to be a handwriting expert, do you?

A No, sir.

RE DIRECT EXAMINATION
By Mr. Rickarby.

cut
Q Mr. Crosby, would the fact that a receipt obviously impossible to have been even printed in February 1906, but which had been signed in the early part of 1907, but with the year as 1906, would, or would not, in your opinion, the fact that the wrong year was put on be not only a natural mistake for people to make in the beginning of the year, but would also strengthen your theory that this signature was possibly written by someone intoxicated or under the influence of liquor?

BY MR. COBBS:

The Defendant objects to the question as calling for the opinion of the witness, which is not authorized by the statute relating to comparison of handwritings; and that it calls for the witness to state his conclusion outside of the comparison. Also it is a leading question.

A It would.

BY MR. COBBS:

Defendant objects to the answer of the witness upon the same grounds, separately and severally, as assigned to the question.

Q Mr. Crosby, in what part of Alabama were you born or raised?

A Stockton, Baldwin County.

Q How far is that from Bay Minette?

A Twelve miles to my home.

Q Did you know Van and Wilton Cooper in 1906 and 1907?

A Yes, sir.

Q What were their habits as to sobriety and steadiness?

BY MR. COBBS:

Defendant objects to the question upon the ground that it is absolutely incompetent.

A They had the reputation of being pretty dissipated.

BY MR. COBBS:

Defendant objects to the answer upon the same ground as to the question, and further upon the ground that it is irresponsive, and, third, upon the ground that the witness' conclusion is stated in it.

Q Would, or would not, your knowledge of their reputation and habits at that time tend to confirm your belief that one or the other of them signed this receipt possibly without any honest recollection of so doing?

BY MR. COBBS:

Defendant objects to the question upon the ground, first, that it is leading; second, it is not competent,-- and now I want to ask Mr. Crosby another question in re-cross examination.

BY MR. RICKARBY:

Complainant objects and protests against any further examination, as no new matter can be brought out.

RE CROSS EXAMINATION

By Mr. Cobbs.

Q Mr. Crosby, you know both of those Cooper boys that you have