

In 1905, 1906, 1907 and 1908, he was a physically strong man. He signed his name simply one way all the time, and did not sign it in a shaky hand-writing, as if he was weak or sick. He never in his life signed his signature like that signature on that receipt.

I am thirty-nine years of age, and my father was 65 years of age at the time of his death. I do not know who wrote that signature "H.H.Cooper" on that tax receipt. It is not my hand-writing. It is not in the hand-writing of my brother Wilton. I do not know in whose hand-writing that name was signed on that receipt. I do not know the hand-writing. I know that it is not my brother, Wilton's. It is not the hand-writing of any of my brothers.

We did not collect the taxes for the year 1908. We went out of office when we collected the 1907 taxes. We did not collect any more after that. We quit the office about July, 1907.

Q. Now up to the time you quit, and for the years,- take from 1901 to 1907 inclusive, I want to get you to tell me the names of every person in that office who was authorized to be there to act as an agent or deputy of your father, the Tax Collector, and authorized to receive tax monies?

Complainant objected to all testimony, other than as to the years 1906 and 1907, as being irrelevant and immaterial.

Q.Cont'd. Answer the question the best way you can,- taking each year.

Ans. No one was authorized to receive taxes, except my brother and myself, and a great many times, Kesser in the Court House, would go in when I would go out, and receipt a bill and turn the money over to me when I came back.

Witness Continued:-

There was never anybody turned into that office, or to me, or to my brother or my father, tax money for the year 1906 on this assessment to Mary James; had there been, they would have had a stub receipt for it. The taxes for the year

1906 on the assessment to Mrs. Mary James were not paid. If they had been paid, it would not have been sold for taxes.

As to whether I notice any peculiar things about this receipt attached to Mrs. Roberts' deposition,-- it seems to be torn across here, but that does not amount to anything, and also the "February, 1906". He could not have paid the taxes for 1906 in February, 1906. He could have paid 1905 taxes in 1906, or some previous year. He could not have paid his 1906 taxes in February, 1906. 1906 taxes could have been paid in 1907. If the 1906 taxes had been paid, they would have been paid in 1907. Those taxes were not due until October. 1906 taxes were not due until October, 1906.

In February of any year, there was no way whatever for the Tax Collector, or others, to know what would be the amount of taxes for the State, or the amount of taxes for the County for that year. The amount of County taxes would not have been levied for the year 1906 in February, 1906, and there was no way whatever for anybody to know in February of any year what would be the taxes for that year.

That tax receipt is not signed in the hand-writing of anyone authorized to collect tax money.

CROSS EXAMINATION,  
By Mr. Rickarby,

I have, in the first six weeks of a year, in writing the date, written the date of the previous year,-- I have done such things. It may be a very common trick with everybody. That bill there was not made out until after the first of January, and this bill shows it was sent out after the first of January for the taxes of 1905. Whoever dated that receipt 1906, ante-dated it. As to whether it was a natural thing for them to put the 1906 there, all I

have to say about it is that whoever forged that name there, saw "1906" up here, and dated that from the year the taxes were due. They were not on the job, that is all.

My father's term of office, in which the year 1906 was included, ran out July 1st, 1907. He served from 1900 to 1907,-- you know one year, he resigned. He left in July, 1907, but he served from 1900 to 1907. His term was not out when he resigned.

That office was pretty well run by myself and my brother, Wilton Cooper. My father would be there in the office, but nearly all the clerical work was done by myself. The receipt books that correspond with the stubs for the regular bills were not destroyed. They were not when we left there. We kept them in the vault for future reference. We kept those things five years.

In the regular course, when an assessment was made, a receipt was written in a regular stub book, and a carbon copy of that was kept, and from that carbon copy, we entered to our cash book, and made a report every month.

It is not possible that this money might have been sent in by Mrs. Roberts, and the bill receipted and mailed right back to save time, and that this money got into the cash and I failed to give the proper credit for it.

I do not remember whether Mrs. Maggie Roberts paid the taxes for 1905 for Mrs. James. I have got no papers showing whether, or not, she did. The property was not sold to pay the 1905 taxes, but I do not know whether those taxes were paid, because I have got no records to show that.

This is a correct bill for the 1906 taxes, but was not the correct bill for the 1905 taxes. I do not know whether Mrs. Maggie Roberts paid subsequent taxes after that year, of my own personal knowledge. I remember something about a double assessment on some of her property. I believe it was assessed to her and also assessed to Mrs. James, and we marked it an error, but I don't remember just

how that was. I remember there was a mix-up.

Q. I don't want to bring this up, but as a matter of fact, didn't the bondsmen of the Tax Collector pay up part of the taxes for him during the term of office?

Respondent objected to the question on the ground that it was incompetent and upon the ground that it was immaterial.

Ans. I don't know a thing about whether he paid up any, or not.

Q. Did your father account during his term of office to the State and County in full for all taxes collected by him?

Respondent objected to the question as being incompetent and immaterial.

Ans. He should have.

Q. Did he do that?

Ans. Certainly he did; until the robbery came up,- if you are referring to that.

Q. Yes. Ans. Yes; he did until that robbery came up.

Q. Didn't his bondsmen have to make good for the amount of money that was taken in that robbery?

Respondent objected to the question on the same grounds assigned in last preceding objection.

Ans. I never heard a word about that, if they did.

Respondent also objected to the answer and moved to exclude same on the same grounds.

Q. You never knew anything about any such proceedings?

Ans. I never knew anything about it.

Witness Continued:-

I have looked at duplicate receipt No. 4906 for the taxes of 1907, and that is in my own hand-writing, and I receipted for that myself.. Duplicate stubs Numbered 4909, 4910, 4971, 4973 and 4974 and 4976 and 4979 are in my hand-writing. No. 4977 is in W. A. Cooper's. All the signatures in this book are either mine or Mr. Wilton Cooper's.

RE-DIRECT EXAMINATION,  
By Mr. Cobbs.

Q. This book that Mr. Rickarby has examined you about the signatures in it, containing carbon copies of certain tax receipts for the tax year of 1907,- was that like the book for 1906,- that is to say,- it was a book made up of tax receipts in the form of bills receipted and having ones due in it, as shown now in certain instances when such receipt marked "original", and the other underneath it marked "duplicate",-- was that a County book,- was that book furnished to your office by the County?

Ans. It was furnished by the County.

Witness Continued: That book became County property, and was part of the County records. That book, which is labeled on the outside "Tax Receipts 1907, Baldwin County, Manufactured by Roberts and Son, Birmingham, Alabama,"--- that is the book for the year 1907, or one of the books for 1907. We had similar books of original and duplicate receipts for the year 1906 furnished by the County, and they also became County books and records. I do not know what became of that book for 1906.

Some of the receipts in this book upon which I was examined this morning, for the tax year 1907, are dated as late as February 28th, 1906; they would become delinquent on the first of January, 1908,-- the 1907 taxes would.

When I would make out a bill, I would write on the original with a carbon sheet inserted between that and the duplicate, and at the same time I would make out the original, the duplicate would be made.

The purpose of that was not to send the original to the tax payer, because we had some separate bills for that. We had those bills like this attached to that deposition as a statement, and when they remitted the money, we would go to this book, and tear the original receipt out.

Q. Your custom was then to take the bill book and make out

the bill from that, and send it to the tax payer, and then when they remitted, or sent or paid the money for the taxes, you would go to this receipt book and sign up the tax receipt just as is shown by this book here this morning?

Complainant objected to the question, and to prolonging the examination along this line for the reason, first, that the matter inquired about has been fully covered in direct examination, second, because it is not in rebuttal, not having been touched on in cross-examination.

Q.Continued: Signing the original with a carbon sheet between the original and duplicate, so that when you signed the original the carbon would show the signature?

Ans. Yes sir.

Witness Continued:- That was the invariable way in which the thing was done. Of course, those books were made up before October 1st, - before the taxes were due, and the bills were sent out after January 1st, after the taxes became delinquent. These tax receipt books were never made up after October first. We made them up during the month of September. That is the tax receipt book. I put the items ready to have the receipts signed in this book, - the tax receipt book, and that was in September, before the taxes became due.

We never sent out a tax bill such as this attached to Mrs. Maggie Roberts' deposition until the taxes became delinquent on January 1st, because they had until January 1st to pay them without a collector's fee. It was not the custom nor the habit, to sign receipts except in the duplicate receipt book.

As to what use we made of the original and duplicate receipts, - one was for the tax payer and one for our records. Every month I would go to this book and take this amount and enter it on the cash book, - that "page 52" represented the page on the cash book. That cash book would be composed of cash entries of monies collected, and at the same time, we would take our assessment book, and mark it paid.

As to what is written in the memorandum on the paper

attached to Mrs. Roberts' deposition in this case, - "Assessor's Book of 1906, page 302", - the "302", being in pencil, referred to the page. Whenever the taxes were paid, we gave them a receipt on this stub, and at the end of every month we would go over each stub, and mark it paid, and the tax payments would not be entered on the assessment book until the end of the month. If the taxes for 1906 were paid, that would have appeared on the 1906 tax book. I would have made those entries, and I kept those entries.

When I speak of the stubs, I am referring to the duplicate in this receipt book about which I have been examined this morning.

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WILTON A. COOPER, a witness called on behalf of the Respondent, after having been first duly sworn, testified as follows:-

DIRECT EXAMINATION,  
By Mr. Cobbs,

MY name is Wilton A. Cooper, and I am a son of Mr. H. H. Cooper, former Tax Collector of Baldwin County, Alabama. Off and on, I was in his office as one of his deputies during the time he was Tax Collector of Baldwin County from about 1901 to 1908. I was not in the office all the time; I was in and out. I was outside collecting delinquent taxes. I did not stay in the office as much as my brother Van Cooper

Q. Here is a book, called "Tax Receipts, 1907, Baldwin County, Manufactured by Roberts & Son, Birmingham, Alabama;" upon which Mr. Rickarby this morning has examined your brother Van, concerning signatures in it,-- I wish you would glance through that book and see if your signature is signed on any of the originals and duplicates for the year 1907?

Ans. (witness pointing out signature on book) That is mine. That is No. 4925.

Witness Continued:- The following numbers are also mine: 4927, 4928, 4929, 4930, 4931, 4933, 4934, 4935, 4936, 4937, 4939, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4947, 4948, 4949, 4952, 4953, 4954, 4959, 4960, 4961, 4962, 4966, 4967, 4970, 4977, 4979, 4981, 4982, 4983, 4984, 4985, 4987, 4988, 4990, 4991, 4998.

I was familiar with my father's signature and his name, I have often seen him write it. I was one of his deputies, and Van, my brother, was his other deputy. My father did not have any other deputies in 1906, but he had had them. I had a brother-in-law in 1901 or 1902, but not up to that time. My brother-in-law's name was L. E. Stapleton. My father, so far as I know, did not have any other deputies besides myself and brother, Van, in 1907. Van and myself



were the persons, his deputies, who stayed in the Collector's Office at Bay Minette during 1906 and 1907, but Van would be there most of the time. He was the office man.

Whenever Van was not there and I was there and had occasion to go out, I never did authorize anybody else to receive tax monies. So far as I know, there was nobody else besides myself and my brother Van, who had authority from my father to collect tax monies at Bay Minette, or anywhere else in the County. He did not have any deputies down in different precincts to receive money and give an official receipt. Lots of people might have received money, but they could not give an official receipt for it, unless it was signed by him or his deputies in the office.

I have examined the paper, marked Exhibit "B" to the deposition of Mrs. Maggie Roberts in this case, purporting to be a receipted tax bill for the taxes for the year 1906, and the bill, except the signature, appears to have been made out by H. V. Cooper; that is my brother, and also the description of the land, but this signature is not his signature, nor is it my father's. It is not my signature either. I do not know who wrote that signature "H. H. Cooper" on that paper. I have looked at the date "February, 1906", and I cannot tell in whose hand-writing that was in, but that looks to have been done by the one that signed the name. It is not Van's hand-writing, and is not my father's. My father did not write a shaky hand; he wrote a firm, heavy hand. In those years he was not a sick man,- he was a healthy man.

As to whether I had anything to do with the making up of the lists of lands for advertisement for sale,- I would call off from the books the names of delinquents to my brother, Van, and he would put them down on the list. He and I would write up the lists. We always checked the list over before letting it be advertised. We made up that list to be turned over to the Judge of Probate before he would ever order tax sales.

My brother Van, and I always checked over this list before I turned them over to the Judge of Probate, or to the newspaper to be advertised. We would get our information, by which to make up the lists, from our stub books. That book there is the receipt book,— the Tax Book of 1907. We would take that and check up the cash book, and then make our lists from that.

There was no way for us to know in February, 1906, what would be the amounts of money to be paid by the tax payer for that year 1906. There was no way to know in February, 1907, what amount of money would have to be paid by a tax payer for the year 1907. The County Commissioners generally met sometime during the summer of each year. They usually met promptly, and always met sometime in the summer and made the appropriation, and levied the County taxes, and up to that time,— the time they met and levied the taxes,—we would not know what the taxes would be.

I never did know of an instance in which taxes were paid in advance,— before they were due.

As to whether I notice anything peculiar about this paper which is attached to Mrs. Roberts' deposition as Exhibit "B",— I notice that it has been torn there, and put together. I do not understand that. However, I don't know anything about that.

As a usual thing, Van, my brother, got the mail from the Post Office, and attended to the mail. I never received tax monies for 1906 from Mrs. Mary James or Mrs. Maggie Roberts or anyone else for them, that I know of. I do not remember that I did.

If there was a tax receipt for 1906 or if there were a tax bill signed in my father's name in my hand-writing, I would recognize it. Those tax receipt books were stored away in the vault there when we were done with them. That is the last I knew of them. I suppose when we got through with

them, they would be in the custody of the man that succeeded my father in office. I do not know about that. Those were books furnished by the County.

When the tax payment was made, we never receipted the tax bill that was sent out to show the tax money due, but we had a page in the tax receipt book, and we would go to the tax receipt book, and get the receipt, and throw this bill in the waste basket, and sign the receipt in the book. We always signed these receipts in duplicate; so that when we signed the original, the duplicate would also be there to show the signature.

It certainly was not the custom to sign bills like the one which is attached to the deposition of Mrs. Roberts, and I never did it. That signature of my father's name on that exhibit attached to Mrs. Roberts' deposition is not my father's signature, nor is it mine. It is not my brother, Van's, either. It is not the signature of anybody that I know. So far as I know, I have not got any paper with my father's signature on it, but I would know his signature wherever I would see it.

Q. If Mr. Rickarby will show you the tax papers which he has with the name of H. H. Cooper signed on them, will you say whether it is the signature of your father, or not?

Ans. I will, yes sir.

Q. And will you ask Mr. Rickarby to furnish you any such paper as he has here now?

Ans. Yes sir.

Defendant's Counsel asked Mr. Rickarby, Counsel for Complainant, if he will furnish witness with such papers.

Complainant's Counsel, Mr. Rickarby, objected to the request of Defendant's Counsel, as being improper and immaterial, and also irrelevant, and Complainant's Counsel declined to reply.

The Solicitor for Defendant here asked the Commissioner to note that the Solicitor for Defendant here asked Mr. Rickarby to furnish any such papers as he may have in order to show them to the witness on the stand, in order that he may be able to testify concerning the signatures on them, as he has stated he is familiar with his father's signature, and that Mr. Rickarby did not furnish the papers.

Solicitor for Defendant also stated that the purpose of this was to have the witness compare the signatures on those papers with the signature on the Exhibit attached to the deposition of Mrs. Maggie Roberts.

Q. Your brother, Van, in his testimony, said----

Complainant here interposed objection to the Defendant's solicitor telling the present witness, who has been put and kept under the rule, the substance of what a previous witness has testified to.

Q. Continued: --- something about a robbery,--- was the Tax Collector's office robbed?

Ans. Yes sir.

Witness Continued:- I do not remember about when it occurred I cannot even recollect exactly what month, but I know it was robbed. It was either in 1906 or 1907,-- I believe 1906 or 1907. It is too hard for me to recollect, although I was there at the time. None of us ever did find out or know anything about who did the robbery. I never knew, and nobody that I knew of. I do not remember now just how much money was stolen, but it was several thousand. I don't remember exactly what it was, but it was up in the thousands.

I do not remember whether it was at a time when collections had been made in large amounts or small amounts and kept over, or whether it was at a time when collections had been made in large amounts. I do not remember how that was.

We were accustomed to depositing money in the bank. I do not know how often we made our deposits. My brother Van attended to that. He would come to Mobile with the money. I had nothing to do with it after it got to the office. There was a bank at Bay Minette at that time. I think the robbery occurred between one deposit and another; in fact, I am sure it was. I do not know how often we made deposits; my brother, Van, attended to that.

CROSS EXAMINATION,  
By Mr. Rickarby,

We were depositing in a bank in Mobile, although there was a bank in Bay Minette at that time,-- I am pretty sure of that. As a result of that robbery, my father resigned shortly after it. He was not able to make his accountings, and his bondsmen had to make it good. Mr. Van Cooper knew about that at that time,-- I suppose he did. Both of us boys werethere at the time, and both of us were there at the time my father resigned. Van knew about the robbery, and he knew that somebody had to make that good. He also knew that my father did not have it to make it good with,-- that is, I guess so,-- and he knew that the bondsmen had to make it good,-- I guess he did,-- that is the supposition. My brother Van was right there in the office the whole time. When the robbery was done, the safe was drilled, and the burglar was a very able one, and like most all robberies, there were some strange features about it. It was a mysterious robbery all right. The safe was drilled, and all I remember is seeing that the vault was broken open. I could not swear whether the lock was drilled from the inside of the door rather than from the outside, or not.

I have looked at the receipt here in that book,-- stub No. 4915 in the tax receipt book for 1907, and that is Van's signature on it. The signatures on the following

19.

stubs are also Van's signatures: Nos. 4906, 4909, 4910, 4971, 4973, 4974, 4976. The signatures on stubs numbered 4979 and 4977 are mine.

RE-DIRECT EXAMINATION,  
By Mr. Cobbs,

I do not remember right now whether the safe indicated that dynamite was used, or not, or any other explosive; it has been so long ago. It was a large vault built into the inside of the building. It was put there by the County, and was a large one.

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H. VAN COOPER, was thereupon recalled as a witness by the Respondent, and testified further as follows:-

DIRECT EXAMINATION,  
By Mr. Cobbs,

I do not remember in which year the robbery occurred, but I believe it occurred in 1906. I remember that the robbery occurred in the Fall of the year; it occurred after October 1st, when the tax monies began to roll in, and it occurred between times of depositing in the bank. At that time I was making the deposits myself, and my father kept the accounts in the Peoples Bank of Mobile, and had been doing so for years,- that is,-- not altogether, but he had been keeping it there for a good while,- the majority of it, and he kept some in the Baldwin County bank.

This robbery which has been spoken of was done by the vault being drilled into and the door opened in that way. We could not tell whether any dynamite or other explosive had been used. We learned of the robbery the next morning when we went over there. It occurred at night, and we found out about it the next morning. We were never able to find out or know anything about who did it. I do not remember about how much money was lost in that robbery, but the Examiner checked us up on it. I do not remember the amount. Whenever we would get a little too much money on hand, we would make a trip to Mobile and deposit it. We made our runs and tried to get everything checked up in November, and we would then have a good deal of money on hand, and as soon as he would get it checked up, we would make a trip to Mobile and deposit it. That was about the latter part of November, and that was our custom. I don't remember about how long we had been depositing in the Peoples Bank. I guess about four years. I do not now remember about the date of the robbery. I am not certain about the year but I think it was in 1906. It must have been the latter part of 1906.

In the Fall of 1906, but I am not sure of that. My best recollection is that it was in the month of November. I know it was after October 1st. I never failed to make a deposit for as long a period as from February to October, and we were making settlement of tax monies all the time,- every month.

CROSS EXAMINATION,  
By Mr. Rickarby,

I do not remember how much the robbers got out of that robbery. I never did see a statement of it. That robbery practically crippled my father financially. He was in the turpentine business, and also had a shingle mill business, and he lost all of that; he had to sell it. I was Chief Clerk and general office manager for him up to the time he resigned. He resigned not long after that robbery. The robbery crippled him so that he could not come across with his settlements, and his bondsmen had to make it up. I do not know how much they had to make up. I don't know anything about that. I helped the examiner check up the books. The examiner was a fellow with the Fidelity Company, and Mr. Gorman, I think, was with him. The Fidelity Company was on my father's bond. Nobody asked for my father's resignation; he just resigned.

RE-DIRECT EXAMINATION,  
By Mr. Cobbs,

I do not remember about when he resigned,-- immediately after they got the books checked up. We finished that year 1907 taxes, and Oscar Hall taken charge in 1908. He was appointed. My father was in office from 1900 to 1908. He got out of office in July, 1908. The robbery was checked up by the Examiners in December, immediately after it occurred.



E. A. COOPER, a witness called on behalf of Respondent, after having been duly sworn, testified as follows:-

DIRECT EXAMINATION,  
By Mr. Cobbs,

My name is E. A. Cooper. I am a son of Mr. H. H. Cooper. I knew his signature of his name, and I have seen him write it many times.

I am 34 years old. I have examined the paper, marked Exhibit "B", attached to the deposition of Mrs. Maggie Roberts in this case, purporting to be a receipted bill for the taxes for the year 1906, and I have examined the signature on it. That is not my father's signature. I do not know in whose handwriting that signature is. It is not the hand-writing of my brother, Van Cooper,-- it is not the way I have ever seen him write it. It is not the signature of my brother, Wilton. It is not my signature. I never made out a tax receipt in my life.

I won't say whether it is the signature of any of my brothers. I know it is not Van's or Wilton's handwriting,-- neither is it my father's and it is not mine, but the others have never had any occasion to sign any receipts or anything like that, but I am not so familiar with the others' hand-writing as those I am so closely connected with. None of the others stayed in the office,-- they did not live there. I did not stay in the office, and had nothing to do with it whatever. In 1906 I was here in Mobile going to school. In 1907, I was in Mobile, attending the Medical College, and I certainly do not know in whose handwriting that signature is.

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# CERTIFICATE

I, Bernard A. Carlin, one of the commissioners named in the foregoing commission which issued out of the Honorable the

Circuit Court of Mobile County, Alabama,

do hereby certify that in a certain cause pending in said court, wherein

Mrs. Maggie Roberts, is Complainant

and Buchmann Abstract and Invt. Company is

Defendant under and by virtue of the power conferred upon me by said commission, I caused the said

H. Van Cooper, Wilton Cooper and E. A. Cooper

who were made known to me and who were made known to me to be the identical witness named in the commission

to come before me at the times and places hereinafter named, that is to say I caused the said

H. Van Cooper, Wilton Cooper and E. A. Cooper to come

before me at office of Carlin & Carlin, 203 Pollock Bldg at Mobile, Alabama, about on the

19 day of March, A. D. 1919; and the said

at

on the day of A. D. 19; and the said

at

on the day of A. D. 19; that said

witness w first duly sworn by me as stated; that w then

examined

and testified in response thereto as it is herein above written; that their testi-

mony was by me reduced to writing as given by them and as near as might be in

the identical language of the said witness as and that after ~~their~~ testimony had been

~~so reduced to writing, it was by me read over to the said witness, who assented to and signed the same in my presence, and in the presence of the Solicitors of the parties.~~  
~~It was agreed between the Solicitors in this cause that the depositions of said witnesses be returned without the signatures of the said witnesses thereto.~~

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 this the 16 day of

June A. D. 1919

Bernard A. Carlin  
Commissioner.

The State of Alabama, Mobile County

Circuit Court  
IN EQUITY  
AT MOBILE, ALA.

Mrs. Maggie Roberts,

vs.

Buchmann Abstract & Invt. Co.,

To G. H. Kruempel, B. A. Carlin

Stephen Carlin

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

Angus Cooper, H. Van Cooper, Wilton Cooper, Arthur Cooper, and

Walter Cooper.

as witnesses 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 one days' notice to all the

parties, or their solicitors of record in said cause, viz: to D. B. Cobbs, S. C. Jenkins,  
*Ansell & Beebe*  
Solicitors for Defendant, and Rickarby & Frazier, Solicitors for  
Complainant

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 parties. And that you or either of you, do each examination, and reduce the same into writing and return the same annexed to this Writ, closed 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 12 day of March 1919

ATTEST:

*James A. Crane*  
Register

*OK, as to signatures -  
D.B. Cobbs, Solr.*

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.

No. 326

**Circuit Court Mobile County**  
**IN EQUITY**  
**AT MOBILE, ALA.**

Maggie Roberts,

vs. } Commission to take Testimony  
on Oral Examination

Buchmann Abstract & Invt. Co.,

Witnesses for Defendant

Commissioner's Fees

20.00  
Respondent

Paid by

MAGGIE ROBERTS,  
Complainant.

NO.

VS.

IN EQUITY

BUCHMANN ABSTRACT &  
INVESTMENT COMPANY,  
Respondent.

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

TO Mr. S. C. Jenkins, Solicitor for Respondent.

Please take notice that upon the submission of this cause the Complainant will offer documentary evidence, including that already introduced, as follows:

1. Certified copy of will of Thomas James.
2. ~~Certified copy~~ <sup>Originals</sup> of patent to Simon Brewton to lands involved in this cause.
3. ~~Certified copy~~ <sup>Original</sup> of deed of Simon Brewton and wife to Ray Brewton.
4. ~~Certified copy~~ <sup>Original</sup> of deed from Ray Brewton to Thomas S. James.
5. Deed of Ellen Morris to Maggie Roberts.
6. Deed of Mary Duell and John P. Duell to Maggie Roberts.
7. Certified copy of Tract Book entry, United States to Simon Brewton.
8. Official receipt for taxes for year 1904.
9. Official receipt for taxes for year 1908.
10. Certified copy of assessment of Mary James for years 1905 and 1906.
11. Official Tax Receipt Book for 1907 for Baldwin County.
12. Letter of H. H. Cooper, Tax Collector, to Complainant, dated May 21, 1906, and attached to Mrs. Roberts' deposition.
13. Certified copy of Tax Collector's report to the Probate Court made May, 1907, as to taxes for tax year of 1906, and decree of Probate Court on said report.
14. Original Delinquent Decree Docket No. 5 pertaining to report of Tax Collector and decree of Court for 1906 taxes.
15. Certified copy of complaint in suit of Baldwin County vs H. H. Cooper, as principal, and United States Fidelity & Guaranty Company, as sureties, in the Baldwin County Circuit Court.
16. 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 the Circuit Court, Baldwin County.
17. Certified copy of judgment rendered in the 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.

18. Certified copy of judgment rendered in the Circuit Court of Baldwin County against H. H. Cooper and United States Fidelity & Guaranty Company, as surety, upon his official bond as Tax Collector.

19. Certified copy of indictment found in the Circuit Court of Baldwin County against H. H. Cooper.

20. Affidavit of Henry D. Moorer as to filing deposition of Cooney and Wolf.

21. Affidavit of E. G. Rickarby as to deposition of Mrs. Roberts.

~~22. Affidavit of Maggie Roberts as to Patent to Simon Brewster as to seal from Simon Brewster to Ray Brewster as to seal from Ray Brewster to those parties.~~  
~~23. Agreement of counsel for respondent as to affidavit of Maggie Roberts.~~

*E. G. Rickarby & Beebe,*

Solicitors for Complainant.

We hereby acknowledge receipt of a copy of the foregoing notice this the thirteenth day of August 1921.

*S. Jenkins*

Of Counsel for Respondent.

No.

I N E Q U I T Y .

CIRCUIT COURT OF BALDWIN COUNTY.

MAGGIE ROBERTS,  
Complainant.

vs

BUCHMANN ABSTRACT & INVESTMENT  
COMPANY,  
Respondent.

COMPLAINANT'S  
NOTICE OF PROPOSED DOCUMENTARY  
EVIDENCE.

*Filed Aug 13<sup>th</sup> 1921*  
*J. M. McArthur*  
*Register*

RICKARBY & BEEBE,  
Solicitors for Complainant

Maggie Roberts,  
Complainant

VS

Buckmann Abstract & Investment  
Company, Defendant

Circuit Court, Baldwin County,

Alabama. In Equity

To Mess S. C. Jenkins and Hogan:

Notice is hereby given that Complainant and Cross-Respon-  
dent, Maggie Roberts, in the above styled cause will offer <sup>in evidence</sup> /at the  
hearing of said cause the following documentary evidence:

~~original copy of~~  
~~certified copy of~~ Patent U.S. to Simon Brewton, dated August 10th, 1894;  
~~certified copy of deed from Simon Brewton to Ray Brewton dated~~  
January 12, 1900; ~~certified copy of deed from Ray Brewton to Thomas~~ *S.*  
James, dated Dec 26th, 1900, certified copy of Will of Thomas  
James dated Oct 3, 1902, duly admitted to probate June 6, 1904;  
Deed from Ellen Morris to Maggie Roberts, dated Sept 6, 1916;  
official receipt for taxes 1909 of Maggie Roberts, No. 3008; official  
tax receipts of Maggie Roberts for 1904 ~~and 1905~~, numbered 2425  
and 2728; certified copy of true bill against H.H. Cooper, filed Oct  
30, 1908; certified copy of true bill against H.H. Cooper, filed Oct  
30, 1908; certified copy of complaint of Baldwin County, versus  
Henry H. Cooper and the United States Fidelity and Guaranty Company;  
certified copy of Judgement against Henry H. Cooper and United  
States Fidelity and Guaranty Company, rendered in Circuit Court  
of Baldwin County, March 25, 1909; certified copy of Tract Book  
Entry of United States to Simon Brewton, for lands described in  
the bill of complaint; certified copy of Assessments of Mary James  
for years 1905 and 1906; deed from Mary Duell and John P. Duell,  
dated June 27th, 1921; receipt for taxes assessed to Mary James  
for year 1906; certified copy of that part of Delinquent and decree  
Docket No. 5, pertaining to Mary James Property, page 122; Delinquent  
and decree Docket no 5, identified in deposition of James M. Valtz.

*Rickard & Beebe*  
for Complainant

Received copy of foregoing, this August 8th, 1921.

*S. C. Jenkins*  
Solicitor for Respondent



MAGGIE ROBERTS, COMPLAINANT,

VS

BUCHMAN ABSTRACT & INVESTMENT  
COMPANY, RESPONDENTS AND CROSS-  
COMPLAINANTS.

NO. 326.  
IN EQUITY.

IN THE CIRCUIT COURT  
OF MOBILE COUNTY, ALA.

Comes the Complainant and moves the Court to re-open the cause and modify the final paragraph of the decree of April tenth, Nineteen Hundred and Eighteen, adjudging the Cross-Complainant as the owner of the land, upon the following grounds:

FIRST: Because at the hearing of the cause, Complainant was prevented from offering in evidence her tax receipt showing the taxes were paid for the year in which the lands were sold, by the statement of the Court from the bench to the effect that the one issue was one of possession and that should said receipt seem to be material, Complainant would be allowed to reopen said cause, and make proper proof of the authenticity of said receipt, which Complainant was ready and willing to do.

SECOND: Because from the finding of the Court as expressed in the opinion, the possession of both parties to the cause was a scrambling possession, which would not sustain the cross-bill any more than the original bill.

THIRD: Because evidence of Respondents' alleged possession was dependent upon the admission of its tax deed which was not admissible under Chancery Rule 64.

*W. B. Cobbo, S. C. Jenkins*  
Solicitors for Complainant.

We acknowledge receipt of a copy of the foregoing motion this the 18th day of April 1918.

*W. B. Cobbo, S. C. Jenkins*  
Solicitors for Respondent and Cross-complainant.

No. 326. G

Maggie Roberts,

vs.

Buchman Abstract & Investment  
company.

Motion to modify decree  
of April 10, 1918.

Filed April 19th., 1918.

*James A. Crowl,*  
Register.



Maggie Roberts, complainant,  
vs.

Buchmann Abstract & Investments Co., Deft.

This cause is continued, on complainant's motion, for submission, and the Court fixes terms as follows:

Complainant to get in her evidence in 30 days.

Defendant may have 30 days thereafter to get in its evidence.

Complainant may have 15 days more to rebut defendant's.

Each side to have 10 days to get in its notes of evidence.

Register shall publish all testimony coming in, and forward the whole evidence and papers to the judge for decree in vacation after all evidence is in as heretofore.

John D. Leigh Judge

cc R + B.

~~Geo. Baldwin~~

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

No 251  
In The Circuit Court of Baldwin County  
In Equity .

Comes now the respondent and cross-complainant and moves to exclude the papers numbered 326, No (21) 326 and which were purporting to be certified copies of Indictments from the Circuit Court of Baldwin County against H. H. Cooper upon the following grounds 1st because said indictments show on their face to have been for alleged acts and doing of H.H. Cooper in regard to the taxes for the year 1907 and for failing to pay over the taxes which had come into his hands for the month of October, 1907 and the month of November 1907 2nd because they are illegal, irrelevant and immaterial 3rd. Because they are absolutely foreign to all the issues in this cause and are evidently offered for the purpose of prejudicing the court 4th because the introduction of such foreign matters can only serve to multiply the issues in the case and muddy the stream of justice 5th because there is no evidence offered in connection with said indictments there was any conviction under either of them

*4th Below legal notice was not given to the jury from the introduction of evidence by the party from Jesse F. Hogan  
J. C. Jenkins*

Solicitors for Respondent & Cross Complainant.

Maggie Roberts  
vs  
Buchanan Abstract &  
Investment Co.

NO 326  
In Equity.  
In the Circuit Court of  
Mobile County.

Complainant objects to the admission of  
the tax deed offered by Respondent upon  
the following grounds:

Respondent has failed to show a compliance  
with all necessary requirements of law leading  
up to a valid decree of sale by the Probate Court  
of the lands described in the deed and among other  
that he has not shown:

a. That said Probate Court had jurisdiction to  
order said sale.

b. That Tax Collector had made a search for  
personal property before praying for a sale  
of the realty.

c. That Tax Collector had reported that he  
was unable to collect taxes assessed against  
said land without a sale of such land.

d. That notice was given to the party against  
whom the land was assessed of such pro-  
posed sale under Code Section 2271.

e. That any of the provisions of Code sections  
2269 or 2270, 2272, 2273, 2277, 2282 had  
been complied with.

That said deed even if valid is not now ad-  
missible because notice of its intended proforma-  
ing was not given complainant as provided  
by Chapter Rule 64, relating to exhibits to be  
offered in evidence or hearing of equity causes

Respectfully,  
Solicitors for Complainant.



Copy for Mr. S. C. Jenkins; May 8th., 1916.

326  
1710

CERY COURT  
District Southwestern Division  
BILE COUNTY, ALA.

*Staque Roberts*

VS.

*Schmaw Abstract  
Investment Company*

Original Bill

Filed April - 17th - 1916

*Charles Johnson*  
Register

*Hall Wake-*  
Solicitor  
Filed in Circuit Court  
Washington Co. Ala  
J. W. Wake

RECORDED



MAGGIE ROBERTS, COMPLAINANT,

VS

BUCHMANN ABSTRACT & INVESTMENT  
COMPANY, RESPONDENT.

NO. 11,710.

IN CHANCERY AT MOBILE.

Comes the Complainant and moves to amend Paragraph  
3rd of the Bill of Complaint, heretofore filed in this cause, to  
read as follows:

"3rd. That no suit is now pending to enforce,  
test or determine the validity of the claim, interest, title or  
encumbrance of the respondent or the title of the complainant."

*Rickard, Austin & Beane*  
Solicitors for Complainant.

I herewith accept service of a copy of the foregoing  
motion and waive further notice of its filing.

*July 22/16 -*

*W. B. Cobbs*  
*S. E. Jenkins*  
Solicitor for Respondent.

2 1/2

No. <sup>326</sup>(11,710)

In Chancery at Mobile, Alabama.

Maggie Roberts,

vs.

Buchman Abstract & Investment Co.

AMENDMENT TO BILL,  
AND WAIVER OF SERVICE OF NOTICE.

~~from~~ July 22, 1916,

*Caroline Gibson*  
REGISTER

Filed in Circuit Court  
Of Baldwin Co. Ala  
July 20<sup>th</sup> 1920  
W. H. Gibson  
Register

Recorded

✓ ✓

Assessment Book No. 1 Page 88

No. 7699 Beat 5/101 1924

Received of J. M. Richardson

the sum of 51 Dollars, <sup>100</sup>  
in full amount of Taxes due the State of Alabama and County of Baldwin, 1923.

Total Value of Real Estate, \$ 248.5 Total Value of Personal Property, \$ 455  
Tax Due October 1, 1923 Tax Rate, \$1.80 per \$100 Valuation Delinquent Jan. 1, 1924

Total State and County Tax 52.92

Special District School Tax 6.48

District No. 30 24 57

Fees.....

**Total State and County Tax** 59.94

Interest..... 1.57

Printer..... Judge..... Notice.....

Aggregate Amount 61.51

ORIGINAL

MAGGIE ROBERTS,  
COMPLAINANT,  
VS  
BUCHMANN ABSTRACT &  
INVESTMENT COMPANY,  
RESPONDENT.

NO. \_\_\_\_\_  
IN THE CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

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DEPOSITIONS OF WITNESSES FOR RESPONDENT TAKEN  
IN THE ABOVE ENTITLED CAUSE UNDER THE COMMISSION  
HERETOFORE ISSUED OUT OF THE CIRCUIT COURT IN  
SAID CAUSE. SAID DEPOSITIONS BEING TAKEN AT THE  
OFFICE OF JESSE F. HOGAN, VAN ANTWERP BUILDING,  
MOBILE, ALABAMA, ON THE 13th DAY OF JULY, 1921.

RICHARBY & BEEBE, of counsel for Complainant,  
SAMUEL C. JENKINS AND JESSE F. HOGAN, of counsel  
for Respondent.

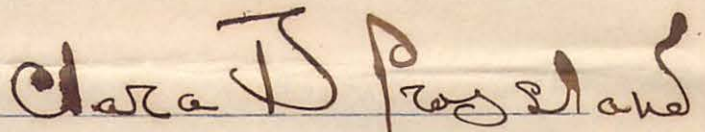
CLARA B. CROSSLAND, Commissioner.

C E R T I F I C A T E .

I, Clara B. Crossland, Commissioner under the commission heretofore issued out of the Circuit Court in said cause, do hereby certify that under the power conferred upon me by said commission I caused the said J. Rogers Burgett and W. W. Boyles, witnesses for the respondent, who were made known to me, and who were made known to me to be the identical witnesses named in said depositions, to come before me at the office of Jesse F. Hogan, Van Antwerp Building, Mobile, Alabama, on the 13th day of July, 1921; that said witnesses were first duly sworn by me as stated; that they were then examined by Elliot G. Richarby, Esq., and Jesse F. Hogan, Esq., solitors for complainant and respondent, and testified in response thereto as it is herein above written; that their testimony was by me reduced to writing as given by them, and as near as might be in the identical language of said witnesses, and that the signatures of the said witnesses to their depositions and the reading of the testimony to the respective witnesses, were waived by counsel for the respective parties to the suit.

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

Witness my hand this the 1<sup>st</sup> day of August, A. D. 1921.



Commissioner.

MAGGIE ROBERTS,  
COMPLAINANT?  
VS  
BUCHMANN ABSTRACT &  
INVESTMENT COMPANY,  
RESPONDENT.

NO. \_\_\_\_\_  
IN THE CIRCUIT COURT OF BALDWIN COUNTY.  
IN EQUITY.

AGREEMENT OF COUNSEL.

Now come Rickarby & Bebe, Esqs., solicitors for complainant, and Samuel C. Jenkins, Esq., and Jesse F. Hogan, Esq., solicitors for respondent, and agree that the depositions of Mr. J. Rogers Burgett and the deposition of Mr. W. W. Boyles, witnesses for respondent, may be filed in said cause without having been read over by the commissioner to said witnesses and without being signed by said witnesses respectively; and the solicitors for the complainant expressly waive any objections to each of said depositions because of the failure of the commissioner to read over said depositions to the respective witnesses and because said witnesses have not signed their respective depositions.

*Rickarby & Bebe*

Solicitors for Complainant.

*S. C. Jenkins*

*Jesse F. Hogan*

Solicitors for Respondent.

DEPOSITION OF MR. J. ROGERS BURGETT.

My name is J. Rogers Burgett. My present position is assistant cashier at the Peoples Bank of Mobile. I have held that position for three years. Prior to that I was paying teller at the Peoples Bank for about six years. Prior to that I was exchange and note teller at the Peoples Bank. During this period of time I have had experience of examining signatures of various people. During this period I have had a great deal to do with identifying signatures. The work of paying teller has almost entirely to do with the recognition and identification of signatures.

Q. Mr. Burgett I hand you a paper marked "tax receipt for 1906" addressed to Mary Jones which purports to be signed by H. H. Cooper, Tax Collector of Baldwin County, dated February 1906. Will you please examine that signature of H. H. Cooper?

Witness took said paper handed him and examined it.

Ans. That is not the signature of Mr. H. H. Cooper, as I remember it being on file at the Peoples Bank. I know Mr. H. H. Cooper's signature.

Q. Mr. Burgett, I am handing you now what purports to be a duplicate tax receipt book for Baldwin County, #336, Maggie Roberts vs Buchmann Abstract Investment Company, filed January 9, 1920, and signed by J. A. Crane, Register. I call your attention especially to the duplicate receipt #4979, which purports to be signed by H. H. Cooper. Will you please examine that signature?

Witness took said paper handed him and examined it.

Ans. That is not Mr. Cooper's signature as I remember it being on file at the Peoples Bank.

Q. Mr. Burgett, will you please compare the signature on the tax bill which I have previously shown you with the signature on duplicate receipt #4979, and state whether in your opinion the signatures on the tax bill for 1906 was written by the man who made the signature on the tax receipt #4979.

Ans. In my opinion it is not.

Q. Will you please state your reasons for thinking that the two signatures are not made by the same man?

Ans. Naturally I do not think they are the same.

The forming of the handwriting is not the same. In my opinion the writing is altogether different.

Q. State whether or not, assuming that the signature shown on the tax receipt #4979 is a standard signature, the signature attached to the tax receipt for 1906 is such that if it were presented at the bank it would be accepted as a genuine signature.

Ans. Not with me at the paying teller window.

W. W. BOYLES, a witness called on behalf of the respondent, after being first duly sworn, testified as follows:

DIRECT EXAMINATION BY JESSE F. HOGAN. ESQ.

My name is William Walter Boyles. I am assistant cashier for the Peoples Bank of Mobile. I have held this position for about three years. Before that I was auditor of the Peoples Bank of Mobile. I held this position for about fourteen months. Prior to that I was bookkeeper for two years. Prior to that I was individual bookkeeper for about seven years.

Q. Mr. Boyles, I am handing you what purports to be a tax bill for 1906, Baldwin County, which purports to be signed by H. H. Cooper and dated February 1906. Will you please examine that signature?

Witness took said paper handed him and examined it.

Q. I am now handing you a duplicate tax receipt #4975 in what purports to be a book of tax receipts for 1907, Baldwin County. Will you please examine the signature on the tax receipt #4979, and compare that signature with the signature to the tax bill which I have just handed to you? State whether in your opinion they were made by the same person.

Complainant objects to the evidence of the witness upon the ground that it has not been shown that he is an expert; and to each of and every answer to all questions as calling for the opinion of an handwriting expert.

Ans. I think they were made by different persons. State what difference.

Ans. I can see no comparison in the forming of any of the letters. The corresponding letters in the two signatures seem to be formed in a different way.

State whether, in your opinion, the difference between the two signatures could be explained by assuming that they were made by the same person;



and that when he made the signature to the tax bill he was drunk, sick, or suffering from some nervous disorder or mental agitation.

Ans. I do not think it could be, unless it was premeditated to show the irregularity.

Q. Mr. Boyles, will you please examine duplicate tax receipts #4903, #4904, #4925, and compare these signatures with the signature upon the tax bill for 1906; and then please state whether or not, in your opinion, the signature on the tax bill was written by the same person.

Ans. I do not think they were.

CROSS EXAMINATION BY ELLIOT G. RICKARBY, ESQ.

Q. Mr. Boyles, are you familiar with the divergence from the normal in signatures of men who are drunk?

Ans. I have seen them very often. I have never been called to act upon one.

Q. You have never been teller, have you?

Ans. I have not. My work was after they have passed the teller. I passed upon the signatures and endorsements in the bank clearings. That is my daily duty.

Q. Referring to the question of a drunken signature are you positive that the signature on the tax receipt was not written by a man under the influence of some intoxicant, or strong excitement, who signed the name of H. H. Cooper to tax receipts #4966 or #4979.

Ans. I can not see that these signatures were written by the same party.

Q. Could it be possible that they are written by the same party on the theory that the signature on the tax receipt was an attempted disguise?

Ans. It might be premeditated, but no letters compare.

Q. Do you find any resemblance in the loop of the "C" in Cooper? Is there no point of resemblance in the elevation of the "oo"?

Ans. The second "o" in the questioned signature looks like an "a." X The letters in #4966 are very distinct.

Q. Would you say the "p" in Cooper is similar or dissimilar?

Ans. I would say it were dissimilar.

Q. When you state that the signatures were written by different men do you state it as a positive fact or your opinion?

Ans. It is only my opinion.

Q. Are you prepared to say they were not written by the same person?

Ans. No, but my opinion is that they were written by different persons.

Q. Are you personally acquainted with Mr. Joseph

*Compared there*

D. Beroujohn of the First National Bank?

Ans. I know him, but not intimately.

Q. Do you know anything of his standing as a judge of signatures?

Ans. I do not.

Q. Do you know whether or not he has been long in the employ of that bank?

Ans. I have heard of him for years, but just how long he has been connected with the bank I can not say.

Q. Is your familiarity with handwriting based upon a study of chirography as a science or is it practical experience at the Peoples Bank?

Ans. Practical experience.

Q. Do you know anything of the qualifications of Mr. George T. Rossen?

Ans. I know nothing of Mr. Rossen's ability in making comparisons of signatures. I only know him by his reputation as an auditor. As to his expert knowledge of handwriting I know nothing.

Q. Is his standing high?

Respondent objects to the question upon the following separate and several grounds: It is irrelevant, illegal, and immaterial; and calls for hearsay; it calls for the opinion of the witness.

Ans. It is.

Respondent moves to exclude the answer upon the grounds assigned by way of objection to the question.

Q. In your opinion is the disputed signature written by a man that was sober, or in good health, or by one who was intoxicated or under some strong excitement?

Ans. I see no indication of any nervousness whatsoever.

REDIRECT EXAMINATION BY JESSE F. HOGAN, ESQ.

Q. Mr. Boyles, is the expression of opinion as to whether or not the signature such as the one written on the tax bill for 1906, written by a man intoxicated, sick or nervous, highly speculative?

Complainant objects to the question upon the ground that the witness has not qualified as a metaphysician. The opinion called for is in that line, rather than on expert handwriting.

Ans. No.

Q. Is an opinion about whether or not a signature such as the one in question by a man while sick, intoxicated or highly nervous certain or uncertain?

Ans. As a rule you can find some similarity in signatures between a drunken or sick person and their normal signature.

THE STATE OF ALABAMA,

CIRCUIT COURT, IN EQUITY.

Baldwin County. )

To Clara B Crossland,

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commissioners, and by these presents do authorize you, ~~or any one or more of you,~~ at such time and place as you may appoint, to call before you and examine Roger W Burgett, Walter W-Boyles, --- Wildeman, --- Screven, --- Duff, Wilton Cooper, H. Van Cooper, Angus Cooper.

as witnesses in behalf of Respondent, in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

Maggie Roberts,

is Complainant

and Buchman Abstract and Investment Company,

is Respondent,

on oath to be by you administered, upon ~~interrogatories~~ Oral examination to take and certify the deposition of the witness ~~es~~ and return the same to our Court, with all convenient speed, under your hand.

Witness 12th, day of July, 19 21

*T. W. Peterson*

Register.



**DIRECTIONS FOR EXAMINATION OF WITNESSES UPON INTERROGATORIES.**

1. If the time and place of executing the Commission are named therein, or in a notice appended thereto, the testimony must be taken at the time and place designated; if no time and place are designated, the Commissioners will call the witness before them at such time and place as they may appoint, and administer to him an oath to speak the truth, the whole truth, and nothing but the truth, in answer to the interrogatories to be propounded to him. The time and place of examining witnesses should be stated in the caption of the deposition.

2. The caption and deposition should be as follows:

THE STATE OF ALABAMA, }  
 .....County. }

Deposition of Richard Howe, a witness sworn (or affirmed, as the case may be) on the.....day of.....19....., at.....in said State and County, under and by virtue of a commission issued out of the.....

Court of.....in a certain cause therein pending between James Jones, the plaintiff (or complainant), and Samuel Young, defendant (or respondent). The said Richard Howe, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, doth depose and say as follows:

To the first interrogatory he saith: (Here write the answer of the witness as nearly as may be in the language of the witness, using the first person where he uses it).

To the second direct interrogatory he saith: (Write the answer to this interrogatory, and all others, as directed above).

If there are cross or rebutting interrogatories, go through with them in the same manner, thus:

To the first cross interrogatory he saith, etc.

To the second cross interrogatory he saith, etc.

To the first rebutting interrogatory he saith, etc.

Neither party should be permitted to put to the witness, during his examination, any verbal question or suggestion; and if anything of the kind is done by either party, the Commissioner should write it down in the deposition just as it occurred.

The testimony may be written down by any one or more of the Commissioners, by the witness himself, or by any disinterested third party in the presence of the Commissioners, and be read over to the witness if he desire it, and must be subscribed by him.

3. The Commissioners must then add their certificate, as follows:

We, (or I, if only one acts), the undersigned, Commissioners in said commission named, hereby certify that we are not of counsel or of kin to any of the parties to this cause, nor in any manner interested in the result thereof; that we are personally acquainted with said witness, J——K——, and know him to be the identical person named in said commission (or have had proof made before us of the personal identity of the witness, and that he is the identical person named in said commission); that he was sworn and examined as above stated; and that his evidence was taken down, as near as might be, in his own language, and was subscribed by him in our presence on the.....day of.....19....., at the place above stated.

[L. S.]

[L. S.]

E. F.

G. H.

Commissioners.

If the Commissioners are not personally acquainted with the witness, they must have proof made before them that he is the identical person named in the commission, and so certify.

If the witness claims for his attendance, the Commissioners should state in their certificate the number of miles traveled, the number of days the witness attended, ferriage paid, if any, etc.

4. If any exhibits, writings, or papers are produced and used as evidence by the witness, they shall be annexed to the deposition to which they relate, and shall be identified by suitable letters or marks.

If the testimony cannot be taken in one day, the Commissioners, noting the same, may continue from day to day until completed.

5. The Commissioners will fold the depositions, commission, interrogatories, and exhibits, in a packet sealed with three seals. They will write their name or names across each seal, and direct thus:

A B  
 vs.  
 C D

Depositions of J K and L M

Mailed the.....day of.....19.....

E. F.

G. H.

To (give name and style of Clerk, Register, or Judge of Probate, as the case may be),

.....County, Alabama.

If sent by private conveyance, should be endorsed: "Forwarded by R A, the.....day of.....19..... The package must be delivered to the officer to whom it is directed. The person bringing the deposition will be required to take an oath that it has not been opened or altered since he received it.

The Commissioner must return the commission.

*Commissioner's Fee \$7.50 Unpaid*

*Clara B Crossland Commissioner*

No. 18

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

Maggie Roberts,

Complainant

vs.

Buchanan Abstract and

Investment Co.,

Defendant

COMMISSION TO TAKE DEPOSITION ON INTERROGATORIES.

COMMISSIONERS:

Clara B Crossland

WITNESSES: Walter W. Douglas, - - - - -  
 - - - - -  
 - - - - -  
 Wilson Cooper, H. Van Co - - -  
 Angus Cooper.