

J. R. Pressley, ^{Plff.}
 vs.
 Louisville & Nashville
 Railroad Company
 Deft.

Spring Term, 1893.

Now comes the defendant and moves the court to set off a judgment in favor of the defendant against the plaintiff in the sum of Thirty One & 7/100 Dollars rendered at the Spring Term, 1893, of the Circuit Court of Baldwin County, to-wit: the 3rd day of May, 1893, against the judgment rendered in the above stated cause at the present term of the court in the sum of Twenty five Dollars and costs.

Guy C. Sibley, Esq.
 Counsel

Chas. P. Jones &
 Benj. Helmer
 For Motion

Granted
 J. H. Jones
 J. H. Jones

Samuel L. Willey

Spring term 1893

or
 W. H. Gasque

Now comes the plaintiff Samuel H. Willey and moves the court to grant him a new trial in this cause on

the ground that the court erred in its charge to the jury in that the court in substance instructed the jury that if it was shown to the Judge of Probate W. H. Gasque that plaintiff consented to the marriage of his daughter under eighteen years of age, by proof that was reasonably satisfactory to him when he issued the marriage license, there could be no recovery in this case even though the jury ~~might~~ might believe from the evidence that plaintiff did not in fact consent to said marriage and that defendant issued the license without requiring the consent of the parents or guardian to the marriage of

of plaintiff's daughter ^{to be given} in writing or personally, and without being misled as to the age of said daughter by her personal appearance, and without any affidavit being made before him by said minor or other credible person claiming to know the fact that such minor was of the age required by law.

20 On the ground that the unconflicting proof was that defendant issued the marriage license after being told by ~~said daughter of plaintiff~~ ^{that plaintiff said daughter} ~~that she was under fifteen years old~~ ^{that she was under fifteen} years old, she required ~~no~~ ^{to her marriage} issued the license without requiring her parents or guardians consent, either personally or in writing & without requiring any affidavit that she was of the age required by law, and because the showing of the ^{guardians} consent mentioned in ~~§ 2317~~ the first line of § 2319 of the Code of Alabama refers to a showing in this court on the trial of the cause & not to a showing to the Judge of Probate to his reasonable satisfaction.

May 10th 1893

Wm. A. Anderson &

Saml R. Brown

For J. Clements

R. D. Smith

for motion

The foregoing Motion is refused and overruled,

1st because the same is not sworn to or verified by affidavit.

2nd because the same was not supported by affidavit or other testimony at the hearing thereof.

3rd because the alleged facts therein stated were not proved by affidavit or otherwise at the hearing thereof.

4th because the Charge of the Court is not correctly set out in the Motion.

5th Because the verdict of the Jury was in accordance with the Evidence and the instructions of the Court.

J. T. Jones

Judge &c.