

The State of Alabama } In the Circuit Court
Baldwin County }

Chas Torrey, as Exr of John
Bowen, deceased - Plaintiff

vs. No 5-

James A Bishop, defendant

Motion to set aside costs.

1st The plaintiff moves the court to set aside the costs as taxed by the clerk in said cause, and for causes shows that he objects to the allowances of witness certificates to the witnesses at the Fall Term, 1893 as follows, viz:

To John W Carver and Cecil Styron respectively,

1. Because said witness was not served with subpoena by the sheriff to appear at said term.

2. Because said witness was not examined in said cause.

3. Because said witness did not apply for said certificate upon oath.

4. Because said witness did not prove his attendance

5. Because said witness did not prove his attendance within five days after adjournment of Court.

6. Because said witness was called to prove the fact of adverse possession by the defendants, to which more than two other witnesses had been called by the defendant, viz: the other witnesses named and by Clifford Bishop Dempsey Galloway, Thomas Wallace and Le Roy R Kimball.

2nd. To Stephen Fulford Matilda Jackson and D C Stapleton for the same causes assigned as objections to the certificate of John W Carver and Cecil Styron, as set forth in numbered 2, 3, 4, 5 and 6, respectively.

The plaintiff further objects to the charge for the account of the clerk of the court for 30 cts each for subpoenas and the twenty cents each for docketing and return on subpoenas in the cases of each of the witnesses, whose certificates are above preceding objected to.

The plaintiff further objects to the charge for account of the sheriff of Baldwin County of fifty five cents each for serving subpoenas upon each of the witnesses whose certificates are above preceding objected to.

Filed Nov. 28th 1894

Geo W Hayle, Clerk

Frederick E Brunsberg
Plffs. Attys.

324 words x 3

Motion Withdrawn