

Mary Johnson et al
vs
Wm G Knowles

Circuit Court
of Baldwin County

The defendant moves the Court to set aside the verdict of the jury and grant him a new trial 1st. Because the Court erred in sustaining the demurrer to the 9th. which plea numbered 16 in words as follows: viz: "Plaintiff demurs to that portion of defendants 9th plea which alleges that plaintiffs were not in possession of the lands at the time the trees were cut because it is immaterial to this action whether or not plaintiffs were in such possession"

2nd. Because the Court erred in sustaining the 15th demurrer of plaintiff which was as follows:

Plaintiff demurs to that ^{portion} of defendants seventh plea which alleges that plaintiffs were not in possession of the lands from which the trees were cut, but that defendants were in possession because it is immaterial whether or not plaintiff was in such possession

3rd. Because the Court erred in refusing the 7th charge of xth to the jury which was in words as follows: "The Court charges the jury that unless plaintiff has proven by the evidence in this cause that the defendant cut or removed the timber himself knowing that he did not own the lands and willfully or that he directed his agents or employees to cut or remove timber from the lands described in the complaint, and that plaintiff owned the said lands they must find for defendant"

4th. Because the Court erred in refusing the 1st. charge of the defendant in words as follows: "If the jury believe from the evidence that W. G. Knowles was in possession of the lands from which the trees were cut or removed at the time of such cutting claiming under a deed they must bring in a verdict in favor of the defendant"

5th. Because the Court erred in refusing the 3rd. charge of defendant in words as follows: "3. If the jury believe from the evidence that the defendant at the time of the cutting or removing was in possession of the lands claiming to own them under a deed they must find for the defendant"

6th Because the verdict of the jury was contrary to the law and the evidence in the case.

7th Because the verdict was contrary to the charge of the Court

8th Because there was no evidence to support the verdict

Thos St Smith, Attorney for Defendant

Apr 4/95 - This motion is granted. ^{per the atty excepted to the ruling of the Court} ^{attys atty allowed 60 days to file bill of exceptions}
Filed March 27th, 1895 -
George H. Mayler, Clerk
Mr. J. Andrew, Judge

Mary Johnson et al
plaintiffs

vs

William G Knowles
DftCircuit Court
Baldwin County

comes the defendant and
moves the court to amend the
minutes entry in this cause of March 26th, 1895
nunc pro tunc, striking out the word "dollars"
in the following words of aforesaid minute entry:
"We the jury, find for the plaintiff and assess the
damages at one thousand and seventy dollars"
Because the word dollars does not appear in the
original verdict written by the jury on the back of
the complaint

Thos H Smith
Atty for Defendant

Amended by consent. April 4th/95

Mary Johnson et al

vs.

William G. Knowles

Fall Term, 1895

Comes the plaintiff &
ask leave of the court to withdraw
their demursers numbered "15", and
"16" to portions of the defendant's
"7th" and "9th" pleas respectively; and
to file in lieu thereof their motion to
strike out said portions of defendant's
said pleas, as per their motion this
day filed with the clerk.

Oct. 28, 1895

Jos. E. Mitchell
Atty for Pffs.

Thos. H. Smith
Contra.

Oct 29/95

Motion granted
Wm. J. Anderson
Judge