

~~any legal merit and which the
court could lawfully receive.
7th Because the court could not receive
the verdict of the jury in this case~~

Samuel B. Browne
and
Jno. E. Mitchell
Contra

Chas. L. Browning and
Oscar Hall
Attorneys for Plaintiff

Fannie B. Davis } Circuit Court, Baldwin County, Ala
vs } Before Saml B Browne, Special Judge
Edward C. Blake } Fall Term, 1895.

To Hon S B Browne, Spec'l. Judge:
Comes the defendant in the above stated cause and moves
the court to grant him a rehearing under the provisions
of Section #2872 of the Code of Alabama.

Because defendant was prevented from making his defense
on said trial

1. For Surprise
- 2 " Accident
- 3 " Mistake
- 4 " Fraud

Without fault on defendant's part as per affidavit on
file.

Defendant on filing his motion moves the Court to order
any execution which may have issued on said judgment
to be returned and the operation of the same sus-
pended until this motion be disposed of

Feby 19th 1896

John C. Mitchell, Esq
Mobile - Contra

E. C. Blake
By his atty for Motion, Jno R. Tompkins

Filed Feby 20th, 1896

George H. Hoyle, Clerk

Motion refused

Sam B Browne
Spec'l Judge