

Circuit
No 22

Steven W. Davis
vs
L. & N. R.R. Co

In this cause the defendant
by atty and moves to have
the judgment set aside on the
ground that the Plaintiff had
a conversation with the jury after they
had left the jury box and were on
their way to the jury room, as is shown
by affidavits.

Ray Rushin

atty for Deft.

To
Hugh C. Sibley, Esq.
atty for Plff.

Stat Case
No 27

The State of Alabama

Circuit Court of Baldwin Co
Fall Term 1892

vs
Mary Cain
The Court to make an order requiring a physical
examination of the person a body of Miss
Mollie Irwin by one or more competent medi-
cal experts in order to determine the fact whether
or not she ever gave birth to a child or was
pregnant with child & made with it by means
of abortion or was a virgin at the time of it
before it is alleged that she was defamed
by the defendant in the indictment in the
above stated cause.

Entered:
B F Elmore ~~clerk~~

Sam'l J. Broadue
Attly for Deft & Motion

Granted
J. Jones
Judge

1892
1000
227
Rushin

Samuel Hillis } Circuit Court Fall Term 1892
 vs. } Nov 30th 1892
 W. H. Gasque }

Now comes the defendant by his attorneys and moves the Court to set aside the verdict rendered against in in the above stated case ~~with~~ following grounds:

1st That the verdict was contrary to the law and the evidence -

2nd Because the verdict was contrary to the charge of the Court -

3rd Because the jury misunderstood the charge of the Court.

J. J. Chambers }
 Contra }

Wm. J. Anderson &
 Saml B. Brown
 for Motion

J. K. Lee
 vs.
 A. C. Stapleton
 et al.

Now comes the plaintiff and moves the court to set aside the verdict in this cause and grant him a new trial for the reasons following:

1st Because the court erred in the rulings upon the evidence.

2^d Because the court erred in its charge to the jury.

3^d Because the court erred in giving the general charge for defendants.

J. M. Pacey &
 J. L. Chambers
 for Plaintiff.

Wm. J. Anderson &
 Saml. B. Brown Esqrs.
 Contra.

Revised
 J. J. Chambers

The State of Alabama { Fall Term 1892.
 Maddy Carpenter }

leaves the defendant by his attorney and moves
 the court to set aside the verdict for
 100 Accident and Surprise. On this, that on the preliminary
 examination of this cause had before Justice W.R. White by
 whom defendant was bound over, there was introduced by
 the prosecution in evidence and filed with the papers in
 this cause & sent up to this Court a certain letter of which
 the following is a copy

" Brewton Dec. 2nd 1891.

Mr R. E. Corry

Dear Sir:

" I reported Cora that was killed between 157 and 158 on
 " on about Sep. on boat First of Oct. was killed shortly
 " after stolen charge of Dec. 20 and I had talk with
 " Mosey Carpenter about this and he said it belonged
 " to one of his aunts and to my best. I can remember
 " I reported to Miss M. H. Carpenter though might have
 " been mistake in reporting this. I don't think I did as
 " you say you never have received report of this. I
 " don't think I did the agent report at Bay Minette
 " will show how I reported this Cora for I never re-
 " ported but one Cora and nothing else outside of
 " this Cora in Carpenters names and I think when
 " you look at Agents report at Bay Minette you will see
 " I am right in the same

+ + + +
 (Signed) C. W. P. Price

That said letter was in C. W. P. Price's original hand
 writing who in his testimony expressly denied that
 defendant or any of his family had made a
 claim for stock through him at any time
 recently prior to December 1891.

That one of defendant's counsel who had attended
 his preliminary examination as aforesaid, and had
 made and kept a copy of such letter and
 had given notice to the Solicitor at least a
 day prior to defendant's trial in this Court
 to produce said original letter, during
 said trial applied to the latter Solicitor
 for said original letter, whereupon there

There the Solicitor by mistake handed him
 a letter of the same date addressed to the
 same party and signed by the said Price
 which was other than the letter asked for
 and by such mistake the wrong letter was intro-
 -duced in evidence and to the great surprise
 of her said Counsel was not discovered until
 reading the argument and too late to justify
 Your Honor to allow said mistake corrected against
 the objections then and there made by the
 Solicitor when asked before the retirement of
 the Jury to allow the same corrected.

That said letter so executed without fault of
 Counsel but by mistake, was greatly prejudicial
 to defendants Cause because it was a direct
 contradiction of said Price witness whose testimony
 defendants could not have been contradicted.

2nd Because the Court erred in refusing to
 two charges numbered ⁺ as of file.

The Solicitor

Counsel

John R. Thompson

for motion

~~At~~ Dec 1st 1892

Overruled

John A Grest } Spring Term 1893
The L & N R R Co }

30 days granted
within which to file
plea of acquittal

Plaintiff moves the court to
grant him a new trial in this case because
there was evidence tending to show that the
wire fence was erected on defendant's right of
way inside its telegraph poles and that it was
followed to get into & remain in a condition
dangerous to animals, and that there was no
evidence that defendant had the power to remove
or repair said fence on its own right of way
or the giving of the general charge under these
circumstances, & evidence was error

Geo. Chas Jones
att'y for defendant
R R Co

J M Pusey & A
R Jones Smith
att'ys for motion

State vs Mary Cain.

Amos the State of Alabama by its Solicitor and moves the court to
reconsider and revoke the order made at the last term of this
court requiring Mollie Cain a more witness for the State, to
submit to a medical examination to determine the true facts
question, whether or not, she ever bore a child, or whether or
not she is a virgin?
1st Because said order entails upon a more witness
for the state an ordeal not required to prove the guilt or
innocence of the accused.
2nd Because said order entails upon a more witness
for the state an ordeal which shocks the humanity &
to young womanhood & ^{wrongfully} ~~violates~~ her personal rights.
3rd Because said order involves the question of the
virginity of a more state witness which has no
connection with ^{any issue} ~~the issue~~ involved in this case.

Granted
by Judge
Gardner

Saml R Brown
Att'ny

R F Gilmore
Att'ny
J M Pusey
for motion

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

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
 Jones & Helmer

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

Attest

W. S. Anderson &
J. 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 affidavits or other testimony at the hearing thereof.
- 3rd because the alleged facts therein stated were not proved by affidavits 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.

Plaintiff excepts to the foregoing ruling
 & prays that said motion & said ruling
 & his said exception be made a part
 of the record of said cause & of this court
 & that he have thirty days to present a
 bill of exceptions & it is so ordered

J. J. Jones
 Judge &c.

J. K. Lee - Plff

vs
 Margaret M. McDonald &
 D. C. Hopple -
 Dftrs.

November Term 1893.

This day comes one of the Defendants herein - Margaret
 M. McDonald & moves the Court to dismiss this
 action & strike same from the Docket because
 the Plaintiff J. K. Lee is a non resident & he has
 failed & refused to give security or to make de-
 posit for costs under a notice served upon his
 Atty - which said notice is made a part hereof.

To
 Joseph J. Clemmons

By ~~subscribing~~
 Atty for Margaret M. McDonald

November 27th - 1893 -

Charles Torrey as Executor of John Brown dec'd.
 Plaintiff

James A. Bishop, defendant

Charles Torrey, as Executor of John Brown dec'd.
 Plaintiff

Juliana, Forbes, defendant.

The plaintiff moves the court to set aside,
 rescind and annul the order of severance
 of the above entitled causes made at the

Spring Term of ~~this~~ Court 1893 because
the action of the defendant, Bishop in mov-
ing for such severance was in violation of
the agreement in writing filed in this
cause and dated March 31, 1892 and
which is referred to as a part of this
motion. Moreover it is agreed between

the parties, that "the disclaimers filed
by the defendants in the above entitled
causes merge with same, and that both
of said causes may be consolidated ~~as~~
~~one cause~~ and tried as one cause,"
and because the court erred in granting
such severance against the exceptions of
the plaintiff,

Nov 27/93

Frederick B. Smiley
att'y for motion

Pillars Toney, Plaintiff
Cousin

Charles Toney is executor of John Brown, deceased
y. Plaintiff.

Eliza Forbes, defendant.

The plaintiff moves
the court to set aside, vacate and annul
the order made at the Spring Term of 1893
of this Court, requiring the plaintiff to
pay the costs in this cause, because the
records show that said cause had been con-
solidated by agreement of counsel with the
plaintiff against Eliza Forbes, and as shown by
agreement dated 31st day of March A.D. 1892 in
file in this cause and said cause could
not be tried at said term by reason of the
death of the ~~plaintiff~~ defendant ^{Forbes} since
the preceding term of this Court

Nov 27/93

Frederick B. Smiley
att'y for motion

Pillars Toney, Plaintiff
Cousin

Charles Torrey as Executor of John Brown's decedent
 is plain iff
 James A. Bishop ~~and Elisha~~ defendant
 Same is plain iff
 Elisha Forbes defendant - 1

Consolidated
Cause

14
 The plain iff moves the court to re-tax the costs in this cause because the Clerk in taxing costs since the order of surmises has charged them wholly against the plain iff in the cause of Charles Torrey as Executor &c. vs James A. Bishop, whereas said costs were equally made in the case of Charles Torrey as Executor &c. versus Elisha Forbes, and said costs should have been prorated between the two causes and not applied wholly to the Cause of Charles Torrey as Executor &c. versus James A. Bishop,

2 - Because, the costs are excessive in charging for ^{defendants} ~~as~~ ^{witnesses} E. Forbes, who is the defendant himself and Stephen Fulford, Arthur Everett, Antida Jackson, George W. Landon Jr., Cecil Styron, James Lipscomb, D. C. Stapleton, W. H. Gargue, John W. Carter in addition to more than two other witnesses to prove the adverse possession of the defendants;

November 27/83,
 William Torrey Mainard
 Contra

Stafford Bromley
 for motion

Motion Denied.

no 46

E. L. Cole } F. J. 1890.
J. L. Gorton }

175
1914

defendant shows that the plaintiff
is the anti a non resident of the state
of Alabama and moves the court that
he be required to give security for costs
in default of which he shall be deemed
to have withdrawn
Nov 28th 1893. J. N. Thompson
Attys
J. C. Sibley
Clerk

No 31

Stephen W. Davis + wife
vs
The Louisville Nashville R.R. Co.
A. Corporation etc Defd
Motion etc

Come the Plaintiffs herein by Counsel & moves the court
to set aside the verdict rendered in this case on the
issue given on Pleas in Abatement etc, & asks for a
New Trial & for a trial on the merits of the case
1st - Said Verdict is not according to the Law & Evidence
2nd - Defendants failed to make any motion or to take
any steps for the proper trial & failed entirely to
have the case consolidated with the present
one & by so doing they waived all objections
to the said suits being brought separately - & Defendants agreed
to try the cases separately - Any libeling
Ray Rushlow
Attys for Plaintiffs

November 28th - 1893 -

Enter in the Minutes this motion &
that it is overruled.

The State

vs

Albert Jackson
 Willard Jackson
 Reuben Moore.

Fall Term 1893

And now comes the defendants jointly and severally
 by Attorneys and move the Court to set aside the
 verdict rendered against them.

- 1 Because the verdict is contrary to the evidence
- 2 Because the verdict is contrary to the law & the
 charge of the Court.
- 3 Because defendants have been unduly tried
 on a day set apart by proclamation as
 Thanksgiving - a legal holiday.
- 4 Because the Court erred in that, the Honorable
 Judge having charged the jury, left the Court House
 before the jury returned their verdict at the Hotel some
 three hundred yards distant where the jury was
 subsequently brought & instead of opening Court at
 the Hotel the Court received the verdict
 of the jury.

Sold for
 the State

Ind R. & C. W. Thompson
 For the Deft

Dec 31st 1893

State of Alabama

John Moore

Comes the defendant, by his
 atty, and moves the court to grant him
 a new trial on the following grounds:-

- 1st The court erred in admitting against
 defendant's objection, the testimony of
 Howard Sims - the same showing a dis-
 tinct and separate offense from that
 shown by the State's other witness Adam Boykin.
- 2nd The court erred in admitting against
 defendant's objection, the testimony of H. de
 Sims as to the pistol testified to by a
 witness, the same being a different pistol
 from that described by the State.

(Motion Overruled)

3rd witness, Adam Baykin.

The court was in refusing to grant defendant's motion to strike out Howard Linn's testimony, as irrelevant and showing an entirely distinct offense from that shown by the other witnesses for the State, Adam Baykin.

Dec. 1, 1893.

Jno. E. Mitchell,
Atty for Dist.

Deloach Mill Mfg. Co

vs

G. W. Yarker

Spring Term 1894

now comes the complainant by its attorney and asks for an order of sale of the personal property described in the sheriff's return in the above entitled cause, upon the ground that it is perishable.

Motion granted

Frank Stone Jr

Atty for Comp

The State

vs

Oliver Jackson

Reuben Moore

Hillard Jackson

Spring Term 1894.

Defendants by their Atty move the Court to hear their motion of file for a change of venue also, to order their cause to be tried in its proper order of priority over other causes ahead of it.

The State

Same term

Oliver Jackson

Same motion as to change of venue

The State

Jno R. Thompson Atty.

Circuit

Apr 30th 1894

Ed. Cole } Spring Term 1894
 vs }
 J. C. Yarker }

Defendant moves to set aside the verdict in this cause

For misdirection on the part of the jury after the cause had been submitted to them in all ways plaintiffs counsel to take part in their deliberations and for the account for which the jury shewed the verdict and in adopting such sum as their verdict.

2. The verdict is contrary to the evidence in that it is excessive and was fixed by the adoption of the jury by & in the presence of plaintiffs attorney who calculated the amount of such verdict on an account which was not in evidence and the items of which were not proven

J. C. Yarker Esq } Geo R. Thompson.
 Counsel } ~~Plays~~ Def'ts atty
 May 2nd 1894

The State } Spring Term 1894
 vs }
 Oliver Jackson } R. B. M.
 & Hubbard Jackson. } May 4th 1894.

Defendants move the Court to set aside the verdict rendered against them & grant them a new trial

- 1 Because the verdict is contrary to the evidence
- 2 Because the verdict was not altered in the evidence
- 3 Because the verdict was contrary to the law as changed by the courts

Geo R. Thompson
 Def'ts atty

Motion overruled

Motion overruled
 Exception by agt-

J. B. Stapleton
et al.
vs
John Lewis.

Feb'y. 4th 1895

Comes J. B. Stapleton one of the plaintiffs in the above styled ^{cause} and for himself and his co-plaintiffs therein, both by himself and counsel, and moves the court for a retaxation of the costs in said cause.

And he alleges that the said bill of costs in said cause and causes, there being two of them, is excessive in charging fees for witnesses who were not examined therein, and also for taxing fees for witnesses more than two of whom were called to prove one particular fact; and for charging by error for witnesses never subpoenaed in said cause or causes; also for taxing items of costs contrary to law.

And moveant alleges that he is entitled to a credit on the bill of costs in this case to the amount of about thirty five dollars, the same being the amount of costs in the prior one of the two said suits, and which was paid by plaintiffs prior to the bringing of the second of said suits and which credit is not allowed on the said present bill of costs.

And plaintiff alleges that he is ready and willing to pay the proper bill and amount of said costs and here brings into court the amount of money necessary so to do.

J. M. Commune
Atty for moveant.

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 to set aside costs

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

Chas. Torrey, as Ex & c. Plaintiff

vs No 5-1/2

Howell W Slaughter, Sarah Forbes et al.

Defendants

Motion to Re-tax costs

The plaintiff moves the Court to re-tax the costs, as taxed by the clerk in said cause, and for cause shows that he objects to the allowance of witness certificates to the witnesses at the Spring Term, 1892, Fall Term, 1892, and Spring Term, 1893, as follows, viz:

To John W Barver, because no subpoena was issued for said witness to appear at the Fall Term, 1892

To each John W Barver, Arthur Everette, Stephen Fullford Matilda Jackson, George W Lanthorn, Sr., James Lipscomb, D.C. Stapleton, Cecil Styron, and W H Lusque, respectively,

1. because said witness was not examined in said cause,
2. because said witness did not apply for said certificate on oath,
3. because said witness did not prove his attendance,
4. because said witness did not prove his attendance within five days after adjournment of Court,
5. because said witness was called to prove the fact of adverse possession by the defendant, to prove which more than two witnesses had been called by the defendant, viz: the other witnesses named and by Clifford Bishop, Dempsey Galloway, Thomas Wallace and Leroy R Kimball.

The plaintiff further objects to the charges for account of the clerk of the Court of thirty cents each for subpoenas and twenty cents each for docketing and return of subpoenas in the cases of each of the witnesses whose certificates are above preceding objected to.

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

Fred K G Bromberg,
Plffs atty.

Filed Nov. 28th, 1894

Geo H Hoyle,

318
636
640
644
648

318-24-10-10-10

Admission Record

W. J. Anderson Judge

State of Alabama
Baldwin County

Circuit Court.
March Term

The Selloach Mill Mfg Co. Motion for final Judgment
vs

G. W. Yarker The plaintiff moves the
court to make the judgment final heretofore obtained
at the Spring term 1894 together with the costs of
this suit.

Frank Storie Jr
atty for plff.

Daniel D. Hall Plff. —
vs

Howell W Slaughter, Shff.
Baldwin County, Ala, and
W D Slaughter & E M Waters
secretaries on his official Bond.
Dfts.

March 25th 1895

above entitled cause, comes the plaintiff in the
him to amend ~~in~~ the first count of his complaint, by
striking out the word hundred and substituting in
in lieu thereof the word thousand, on the eighth
line from the top of said count

Saml B Browne & J N Miller
attys for plff.

James H. Smith
Petts

Leivant Court of Baldwin County
March (or Spring) Term 1895

No. 92

vs

Motion to strike out certain Pleas -

Louisa A. Carney
Defd.

Removes the Plaintiff herein by Counsel & moves the Court to strike out the following Pleas of the Defendant filed herein -
The second Plea because it ~~is irrelevant in this~~ ^{fails to show that} The defendant individually & not the Estate of James A. Carney being liable for the injuries complained of 2nd Defendant in Pleading General Issue waived the Plea in abatement contained in said 2nd Plea.

The 3rd 4th 5th 6th 7th & 8th Pleas because they are irrelevant in this: The duty to put up signs or warnings in dangerous places was incumbent upon defendant whether or not said Petts was an Employee, & whether or not Petts negligently interfered with the machinery of defendant & whether or not Plaintiff knew of the leaking condition of the machinery & whether or not Petts was in an unobstructed condition & whether or not Petts was a trespasser.
This 24th day of March A.D. 1895.

Very respectfully
Atty for Petts

To G. L. & H. T. Smith
Attys for Defd.

This motion is replied as amended
this Oct 29 2/1895 - G. L. & H. T. Smith
We accept service of this motion
G. L. & H. T. Smith

L. S. Hall
vs
Ex. Tinstall

The defendant moves the Court to set aside the verdict in said cause and grant a new trial

1. Because the verdict of the jury was, under the evidence in the cause, against the law of the case as charged by the Court
2. Because the verdict was contrary to the law and evidence in the cause
3. Because the verdict was not justified by the evidence
4. Because the Court erred in sending the jury back with instructions to change their verdict by adding interest thereon, the attorney for defendant being then absent

March 29th 1895
Sam^l B. Browne
J. N. Miller
Contra

Gregory L. S. Smith
for Deft

Apr 4/95 This Motion is granted and plffs attys allowed 60 days to file bill of exceptions
Wm. S. Anderson
Judge

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. Pliffs atty allowed 60 days to file bill of exceptions. Pliffs by their atty excepted to the ruling of the Court.

Mr. J. Andrew Jones

Filed March 27th, 1895 -

George H. Mayler, Clerk

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

Oct 28 1895

23

Blanche S. Broadwood

vs

Arson Moog

Fall Term, 1895.

Comes the plaintiff
and asks leave to amend her complaint
by adding, as a party plaintiff, the
name of "Lauris J. Broadwood".

Oct 28/95. Jno. E. Mitchell,
Atty for Plff.

Pillans, Larry of Hannan,
Contra.

Sarah Le Page

vs

nan Cox

Fall Term 1895-
appeal

Comes the plaintiff

and ~~now~~ alleges that the sureties
upon the appeal bond are worthless
& insufficient and moves the court
to require sufficient sureties upon
said appeal bond

Frank Stone Jr
Atty for Plff

Smith & Gaynor
Contra.

Maria L. Alexander

Eliza J. Bolton

Whereas the Complaint filed in the above case contained the
allegation that the note sued on waived all the exemptions allowed by the
law of Alabama, and whereas the allegation was omitted by mistake from
the judgment which was obtained by the plaintiff at the last term of court,
now comes the plaintiff and moves the court to amend the judgment obtained
at the last term of the court in the above case, by adding thereto the
fact that the note sued on contained a waiver of all the
exemptions allowed by the law of Alabama

Granted ~~Oct 29/95~~ J R Burgess Jr
S H Smith special judge for motion by JRS

Motion Granted - & Dept. Excepted
W. S. Adams Judge

The State
vs.
Harry R. Lawrence

Circuit Court
Fall Term 1890
November 2nd 1890

Comes the defendant by attorney
and moves the court to reduce
the fine of fifty dollars assessed
against him by the jury in this
case because he is poor and has
a family to support; because he
was forced to trial without a sin-
gle one of his witnesses present
although they were not absent with
his consent or by his procurement
because he says he could have
proved his innocence if the said
witnesses had been present.

Stewart Brown Esq
Solicitor
Contra

Oscar Hall
Chas. L. Browning
Atty for deft.

Motion Refused
Nov 2/90 Wm J. Anderson Judge

The State
vs.
Nicholas Brown

Circuit Court
Fall Term 1895
November 2nd 1895

Comes the defendant by attorney
and moves the court to grant him
(30) thirty days time within which
to prepare and present to the Judge
of this Court a bill of exceptions
in his case tried on November 1st
1895 for living in adultery or fornication
in this Court.

Stewart Brown Esq
Solicitor
Contra

Oscar Hall
Chas. L. Browning
Atty for deft.

Motion Granted
Wm J. Anderson Judge

Nov 4th 1895-

Ct

Fall Term 1895-

comes the Plaintiff and asks leave of the court to amend his complaint by adding to said description in said complaint the words: "as follows:

Commencing at the north west corner of the south west quarter Section 17 T. 6. S. R. 2 E. thence South 20 chains to the corner stakes of Sec. 17, 18, 19, 20 T. 6. S. R. 2 E. thence west 9 chains to a stake, thence North 20 chains to a stake thence east 9 chains to the place of beginning containing 18 acres more or less

Frankston
Atty for Plaintiff

Chas. F. Gaudel
Plaintiff
vs.
J. B. Baldwin
defendant

Circuit Court
Fall Term 1895
Date, November 7th 1895

Comes The defendant in above cause and moves the court to set aside the verdict in said cause and grant a new trial.

1st Because the verdict was contrary to the law and evidence in the cause

2nd Because the verdict of the jury was against the evidence in the cause against the law of the case as charged by the court.

3rd Because the verdict was not justified by the evidence.

4th Because the court erred in refusing to charge the jury as requested by the Plaintiff

5th Because the court erred in giving the written charges or some one of them asked for by the defendant.

~~6th Because the jury did not return~~

~~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

Jas. H. Smith -

Plffs

Circuit Court of Goldsboro N.C.
 Spring Term 1896 -

⁰⁵
 Louisa A. Learney -
 Dfndt.

Motion to strike out certain

moves the Plaintiff herein by Counsel & moves the Court to set
 out the following Pleas of the Defendant to wit the ~~the~~
 3rd 4th 5th 6th 7th + 8th Pleas & for grounds of said motion

As to second Pleas -

1st Because ~~it fails to show~~ ~~that~~ the defendant
 individually & not the Estate of James A. Learney is liable
 for the injuries complained of -

2nd Defendant in pleading the General issue ^{thereby} waived
 plea in abatement contained in said second Pleas

And as to the 3rd 4th 5th 6th 7th + 8th Pleas,
 Because they are irrelevant in this: The duty to put
 signs or warnings in dangerous places was incumbent
 upon defendant whether or not said Plaintiff was
 an employee & whether or not Plaintiff negligently
 interfered with the machinery of Defendant &
 whether or not Plaintiff knew of the leaking
 condition of the machinery & whether or not Plaintiff
 was in an intoxicated condition & whether or not
 Plaintiff was a trespasser.

This 23rd day of March 1896.

Very respectfully
 R. Eugene Smith
 Jas. M. Cloud

For Plffs

G. L. & H. F. Smith
 Counsel.

L. L. J. Smith -
 vs
 W. M. James
 Spring Term 1896
 Comes the defendant by Counsel &
 moves the Court to require Plaintiff
 to file or produce for the inspection
 of Defendant a list of the
 items comprising the account sued on -
 This 25th day of March 1896 -
 By L. L. J. Smith
 Counsel for Defendant.

State of Alabama
 Baldwin County

State of Ala
 vs
 Menander
 Grand Larceny

Comes the defendant and moves the
 court to grant him a new trial in
 above case upon the following grounds
 First, Because the verdict was con-
 trary to the evidence.
 Second. Because of serious illness which
 prevented a material witness, from being
 present at said trial
 Third. Because of newly discovered evidence
 discovered after said trial and that the
 want of due diligence was not lacking
 to discover it before said trial.
 Fourth. Because, the verdict was against
 the charge of the court

Feb 28th / 96

Frank Stone Jr
 vs
 Paul B. Brown
 Atty for Deft.

Motion granted
 Wm. J. Anderson
 Judge

Circuit Court Spring Term 1896
 State of Alabama
 vs
 H R Lawrence

Copying Concealed Maps -

Verifies the Defendant by his
 Attorney and moves The Court - to Relax the
 Costs taxed against him - since the
 Fall Term 1895 of This Court - In said Case
 in which he was convicted of carrying Concealed
 Maps and to Eliminate from the Costs re-
 taxed against him the following Items -
 viz. 1st So much of the Cost taxed as
 Witness fees - as taxes against him
 and fees for more than two witnesses
 to prove the same fact or facts -
 2nd The amount of \$4.70 taxed against him
 as witness fees for March Williams
 Also the amount \$4.60 taxed against him
 as witness fees for Sam Young
 Also amount \$7.60 taxed against him
 as witness fees for John Browder Jr
 because each of said witness were summoned
 and attend to proof fact or facts for
 which two other witnesses had been
 summoned and which were proved by
 said two witnesses - and the fees for
 which said two witnesses Defendant
 alleges had been taxed against him in this
 Case also - as costs

Newark Brooks Role
 contro

Oliver Hall
 Attorney for Defendant

Mandate Motion Refused
 Mrs. Lawrence

0
Roupey Clark } Appeal from Justice
no } Slaughter Court
Jim Donald }

The defendant moves
the Court to quash the Complaint
and proceedings thereon in this case
Because 1st The Complaint filed before
the justice of the peace is in excess
and not for unlawful detainer, or
forcible entry.

2nd Because the papers in the case
shows on their face that the ~~subject~~
is subject matter of the suit is
in excess and the justice of
the peace had no jurisdiction
thereof and the proceedings thereon
are void.

L. W. Faith
for Motion

J. E. Whitwell Esq.
Counsel

1896. Motion granted. L. W. Faith.

H. J. Whitwell

Edward Brodbeck et als,
Executors of
Chas. F. Grindle

J. B. Baldwin

Comes defendant, and
moves to amend verdict pro tunc, the
judgment rendered in this cause on
March 26, 1897, by taking the plaintiffs
with the costs, or a portion thereof.

Samuel B. Browne,

Jos. E. Mitchell,

Attys for Def't.

Chas. L. Bromberg, Jr.,

H. T. Smith,

Contra.

Notice accepted March 30th 1897

Chas. L. Bromberg, Jr.

Wm. Galt

vs.

Henry J. Helton

March 31st 1897 Circuit Court, Bal-
dwin Co. Ala.

Comes the defendant in above cause and moves the court
to set aside the verdict in said cause and grant a new
trial.

1st Because the verdict was contrary to the law and evidence
in the cause

2nd Because the verdict of the jury was against the evidence
in the cause against the law of the case as charged by the court.

3rd Because the verdict was not justified by the evidence

4th Because the verdict of the jury was for more than was
sued for in the plaintiff's complaint

5th Because the verdict of the jury failed to assess any valuation
on the value

6th Because there was no evidence in the case that defendant had
in his possession at the time of the bringing of the suit the property
for which the jury returned a verdict.

Jos. E. Mitchell & Frank Stone Jr.

Contra.

Notice accepted April 1, 1897,

J. E. Mitchell, atty for Def't.

Sam'l Browne &
Chas. L. Bromberg Jr.
Attys for def't.

Draft offering to amend that portion of the report
for the charges & the def't accepting & except the same
the motion is refused & deferred until 3rd of 4th

State } Charge Grand Larceny
 vs. } March 31st 1897
 Jim Price }

Cornes the defendant and moves the court to discharge him because at the time the jury brought in the verdict in this cause he was not present but the said verdict was brought in by the jury and the jury thereupon discharged by the court with out his consent while he was in the corner of the corner house and back of the jury some eight or ten feet ~~at the time they returned their verdict and were discharged as aforesaid~~ and he was in the custody of the Sheriff, handcuffed, in said corner of the corner house at said time

Stewart Brooks Esq.
 Solicitor
 Contra

Oscar Hall & Charles Bromberg Esq.
 Attys for Jim Price

State } Charge Grand Larceny
 vs. } April 1st 1897
 Jim Price }

Cornes the defendant and moves the court ~~to grant him a new trial and to set the verdict of the jury in this case aside and to grant him a new trial~~

1st Because the verdict returned by the jury was not the verdict of the jury

2nd Because some of the jury agreed to return the verdict in this cause under the mistaken idea that it was the proper thing to do under the circumstances and did not believe beyond all reasonable doubt that defendant was guilty and so stated their belief at the time they consented to return said verdict

3rd Because the court erred in admitting evidence in this cause.

4th Because the court erred in refusing to charge the jury as requested by the defendant

Stewart Brooks Esq.
 Solicitor Contra

Oscar Hall & Charles Bromberg Esq.
 Attys for Jim Price

Motion refused & apt excepted
 Reported
 April 1/97
 Wm. J. Bromberg
 Judge

Jas C. Yarker
vs. ^{Pltff}
Thos. Freeman
^{Def.}

Circuit Court Baldwin Co.
April 1st 1897

Comes the Plaintiff and moves the court to set aside the verdict in above cause and to grant a new trial

1st Because the verdict was contrary to the law and evidence in the case.

2nd Because the verdict of the jury was under the evidence in the case against the law of the case as charged by the court.

3rd Because the court erred in submitting the question of jurisdiction of the court to the jury

4th Because the court erred in giving charges to the jury as requested by the defendant.

5th Because the plaintiff under the evidence was entitled to have the jury pass upon the question as to whether he was entitled to recover irrespective of the question whether the amount of the plaintiff's claim was within the jurisdiction of the court.

Frank Stone Jr.

Jas E. Mitchell
Counsel

Ed Robinson
Chas. D. Bromberg Jr.
Attys for pltff

Motion refused & jury verdict
W. J. Freeman vs. Jas C. Yarker
April 1897

Blanch S Broadwood et al } Circuit Court
 vs } Baldwin County
 } Alabama
 Aaron Moog

Motion to retax costs

Comes the defendant, Moog and moves a re-taxation of the costs in this cause, and in support of said motion alleges and shows to the Court as follows:

That in said suit the plaintiff claimed damages for the alleged conversion by the defendants of a number of cross-ties claimed to have been owned by the plaintiff; that said suit was brought some time prior to the Fall Term, 1895 of said Circuit Court; that many more than two witnesses were unnecessarily summoned by the plaintiff to prove one state of facts and that twenty eight witnesses were without necessity subpoenaed at the instance of plaintiffs to attend the Fall Term, 1895 of said Court and that twenty nine witnesses were without necessity summoned at the instance of the plaintiff to attend the Spring Term 1896 of said Court, and that at the Fall Term, 1896 of said Court when said case was finally disposed of only three of the said twenty nine witnesses were subpoenaed by the plaintiff; thus showing that plaintiff recognized the uselessness and wrong of having subpoenaed the other twenty six witnesses; That at the Fall Term, 1896 of said Court, the plaintiff caused to be subpoenaed only three of the said original witnesses, and eleven other witnesses who had not been theretofore subpoenaed by the plaintiff, with the exception of a witness named James Bishop who had been at all times subpoenaed by the defendant.

Defendant alleges that these said eleven other witnesses were not necessary to the maintenance of plaintiff's suit and that the said above twenty six witnesses who were not subpoenaed by the plaintiff at the fall term 1896 were not necessary to the maintenance of plaintiff's demand and that plaintiff well knew

this all the time or should have known it. Defendant alleges and shows that the costs of the Cause have been taxed against the defendant and the taxation of said costs is excessive in charging against the defendant the costs of the issuance and execution of said witness subpoenas and in the taxation against the defendant of the certificates of attendance issued by the clerk for said various witnesses. Defendant alleges and shows that by the said unnecessary, unreasonable and unjust creation of costs by the plaintiff in causing said witnesses to be subpoenaed, the plaintiff has created improper, unlawful and unnecessary charges against defendant to the extent of a large sum of money, to wit: the sum of two hundred and twenty dollars. Defendant shows that the witnesses subpoenaed at the instance of the defendant to attend the fall term, 1895 of said Court are as follows:

John Bonner, George Bonner, Willie Bonner, Charlie Wilson, Jim Wilson, Frank Wilson, Robert Wilson, Robert Stafford, Henry Sanders, Jim Brass, Richard Mitchell, Robert Mitchell, Walter Mitchell, Peter Wilson, Henry Hawkins, Stephen Ward, W.T. Hieronymous, Monroe Williams, Louis Brenan, Ed Cook, Sayko Nelson, Jim Miller, Jesse Buttrick, Ed Olier, Percy Schowalter, Dr N M R Schowalter, Dan Allen and Stephen McDonald.

The witnesses subpoenaed by the plaintiff to attend the Spring term 1896, of said Court are the same as those subpoenaed to the Fall term, 1895 of said Court with the addition of one witness, to wit: one John De Silva. That at the Fall term, 1896 of said Court at which term the case was disposed of, plaintiff did not have any of said twenty nine witnesses subpoenaed, except three, to wit: Percy Schowalter, a brother of plaintiff, one John Bonner and Robert Stafford, but that in place of said twenty nine witnesses plaintiff had eleven other witnesses subpoenaed whose names are as follows:

Geo Pierce, John Wallace, Emanuel Wallace, James Bishop, Tom Wallace, John De Silver, George Pierce, Jr, James F Nelson, J M Duffer, John Pierce, Sr, S D Archer.

Defendant alleges and shows that said eleven

other witnesses were unnecessarily and improperly subpoenaed.

Defendant alleges and shows that at the fall term 1895, witness certificates to the amount of thirty eight dollars and forty cents was issued to said plaintiff witnesses. That at the Spring term, 1896, witness certificates to the amount of seventy four dollars and thirty cents were issued to plaintiffs witnesses, and that at the Fall term 1896, witness certificates to the amount of twenty two dollars and forty cents were issued to plaintiffs witnesses. Defendant alleges and shows that said amounts together with the costs of the issuance and execution of all said witness subpoenas have been taxed against the plaintiff and that the same are excessive and contrary to law for the reasons hereinbefore set forth.

In consideration of the premises, defendant moves the Court to retax the costs and tax the said plaintiff in this cause with the costs created by the plaintiff in causing unnecessarily and improperly the said above named witnesses, exclusive of the three specially above named, to be subpoenaed and in causing the issuance and execution of said subpoenas; or at least not to tax defendant with the costs of said extra and unnecessary witnesses as hereinbefore set out.

Geo E Mitchell,
Contra.

Pillans Torrey & Hanaw
Atty for Motion

Filed March, 18th, 1897.

Geo St Hoyle, Clerk.

Apr 1st 98

This Motion is refused & deft costs

Apr 1st 1898

Wm. J. Anderson Judge

Circuit Court of Baldwin County.
Spring Term 1898.

G. L. Lambert
vs
Leonard Milliner } March 31st, 1898 - Feb 4th

Comes the plaintiff and shows to the Court that on the 25th day of July 1897, a writ of attachment in the above cause was issued by Frank Racine, a Justice of the Peace, in and for said County, and was by J. A. Booth, the Sheriff of said County levied upon the following land, to-wit: "A certain piece, parcel or lot of land beginning at a point on the Hubbard Pond Branch and joining lands belonging to Green Richardson and Tucker Murphy, running thence North (267¹/₂) feet to a post, thence East thirty degrees South (840) feet to a post, thence South (267¹/₂) feet to a post, thence West 30 degrees North 840 feet to the place of beginning, containing Five (5) acres, situated in Section 8, Spanish Grant, Township Two South of Range Two East in Baldwin County, Alabama," as the property of Leonard Milliner the defendant in above cause.

Plaintiff further shows to the Court that notice of said attachment was given as required by law by publication in Baldwin Times ^{a newspaper published in said County} for three successive weeks, and of the time and place of hearing of said cause, and that notice of said attachment was also posted by the said Sheriff in a conspicuous place on said land, at the time of said levy.

Plaintiff further shows that said Leonard Milliner is a non-resident of this State and that on the 25th day of September 1897, the day set for hearing said cause

before said justice, judgment was rendered by said justice in favor of the said plaintiff against the said defendant for the sum of Twelve dollars and fifty cents debt and six dollars and eighty five cents costs.

Plaintiff therefore moves the court for an order of sale of the property above described for the satisfaction of said judgment and all costs in this behalf incurred.

Leslie Hall
attorney for
Plaintiff

Leonard Milliners

Contra

1898
apl 1st

Wm Bowman

vs

Hand-Cannon Co.

Comes the defendant, and moves the court to grant him a new trial, on the ground that the court erred in refusing to admit in evidence the office book of defendant, showing the number of logs, and superficial feet therein, delivered by plaintiff to defendant.

Mitchell Lonsimine
for motion

Oscar Hall,
Leslie Hall,
Contra

Doe ex dem. Campbell
 -vs-
 Roe, Thomas Wilson,
 Tenant in Possession

Comes Thomas Wilson,
 and moves the court to set aside the
 judgment rendered against him in
 said cause, on the ground that said
 judgment should have been rendered
 against the casual ejector, and not
 against him.

Mitchell Sansmire,
 For Motion.

F. D. Stone,
 C. L. Bromberg,
 Contra

M. J. Hand, Plaintiff

J. W. Bremer and
 M. E. Bremer, Defs

Comes the defendant M. E. Bremer
 and moves the court to set aside
 and quash the Sheriff's Return on
 the ~~summons~~ and Complaint in
 this cause, on the ground that
 said return shows that service
 of said Complaint was had
 on M. E. Bremer, when, in fact
 no service of said summons
 was had on said M. E. Bremer.
 Said M. E. Bremer appears solely for
 the purpose of this motion and
 for no other purpose.

M. J. Hand
 Contra

Leslie Hall, Atty,
 For Motion

Reginald F Farnell

7

E. E. Weeks

Fall Term 1898.

Oct 26 1898.

Defendant moves the Court for an
order requiring plaintiff - a non-resi-
dent - to give additional security for
the costs on this cause as a
condition precedent for its
further procedure.

Max Villars Torrey & others
Clerks

J. R. Tompkins

Sgt. at Law

E

The State

vs

Jim Cooper

Indictment for Murder

Motion to quash venire

Filed Nov. 3rd, 1898

Saml B Brown

Frank S Stone

Chas W Bromberg,

Atty's for def.

C. F. Clark } Spring Term, 1899
 vs }
 Edward Morrison }
 et als }

Feb 27, 1899.

Now comes the defendants Edward Morrison and River Park Fruit Co., and move the court to require the plaintiff to give security for costs, on the ground that said plaintiff is a non-resident.

Jno. E. Mitchell
 for motion
 R. W. Stoutz
 Contra.

Off Ward }
 vs }
 Pat Lyons }

And now comes the plaintiff and moves the court to relax the cost in said cause so as to strike from said taxation the item inserted as a charge for keeping the goods levied upon because no such charge is provided for by law -
 Gregory L. H. Smith
 Atty. for Plff under
 power contained in
 agreement of settlement

Richard Mettett }
 vs }
 Pat Lyons }

And now comes the plaintiff and moves the court to relax the costs by striking from said taxation the item inserted as a charge for keeping the goods levied upon because no such charge is provided for by law
 Gregory L. H. Smith
 Atty. for Plff under
 power contained in agreement of settlement

3/29 Granted

Richardson

Judge

3/29 Granted

Richardson

Judge

J. B. Cloud
-vs-
J. S. Moore,
Thos Watts

Spring Term, 1899
April 1, 1899.

The plaintiff moved the court to set aside the verdict and judgment in the above entitled cause, and grant a new trial, and assigns the following grounds:

1. Because the court erred in striking out the evidence in the case; said evidence tending to show that one of the defendants killed or injured the boys described in the complaint.

2. Because the court erred in striking out the evidence in the case; said evidence tending to show that one of the defendants was guilty, and the evidence should have been submitted to the jury for their decision.

3. Because the court erred in granting the motion of the defendants to strike out plaintiff's evidence.

4. The court erred in its charge to the jury; such charge invaded the province of the jury.

J. B. Cloud,
Atty for Motion

L. H. Faith,
Contra.

Apr 7, 1899 -
Report of J. B. Cloud on page 1

3/28 Refused & Overruled
percept, Richardson Judge

John Doe, ex dem
Do. State Lumber Co.
-vs-
Richard Roe,
Armenta Cooper & als,
Tenants in Possession

Circuit Court of
Baldwin County,
Spring Term, 1900.
March 28, 1900

leaves the plaintiff, and
instructs the court to appoint a guardian
ad litem in this case to represent ~~it~~
and protect the interests of the two
minor defendants, Armenta A. Cooper
and Henrietta E. Cooper.

Jos. E. Mitchell,
Atty for Plffs.
Oscar Hall,
Chas. L. Bromberg, Jr.,
Defendants.

State vs. A. W. Bryant Jr. } Circuit Court of
Grand Jurors } Baldwin County.

comes the defendant and moves the court
to grant him a new trial upon the following
grounds,

First. Because the verdict was contrary
to the evidence.

Second. Because of the absence of a material
witness who is not absent because of the
procurement or consent of the defendant

Third. Because the verdict was contrary to
the charge of the court.

Fourth. Because the solicitor John W McAlpine,
used in his argument to the jury evidence
which had been ruled out by the court
and which tended ^{have} to great weight in prejudicing
the jury in making up their verdict.

Withdrew after peremptory challenge

Motion to Amend Judgment.

George H. Oers
Plff.
vs
Peter Henderson
Def

2 Circuit Court
of Baldwin County
Ala.
Fall Term 1900-

Comes the Plaintiff in the Above
Entitled Cause by his atty Sam'l B.
Browne, and Moves the Court to be allowed
to amend the Judgment in this Cause by
inserting the words: "for wrongfully,
unlawfully and intentionally killing Plaintiffs
ox by shooting said ox" after the words:
"Twenty five dollars, and before the words:
"the damages assessed" on the 3rd line -
from the bottom in said Judgment entry

Sam'l B. Browne
Atty for Motion

Filed Sept. 18th 1900,
James M. Vatz, Clerk.

~~John Doe, Ex dem
Garrison States Lumber Co.~~

~~- vs -
Richard Roe,
Aracunta Cooper, et al,
Tenants in Possession~~

~~Comes the plaintiff, and
moves the court to appoint a guardian ad-
litem to represent and protect the interest of
the two minor defendants, Aracunta A. Cooper
and Henrietta E. Cooper.~~

~~Oscar Hall
Chas. L. Bromberg,
Contra.~~

~~Jno. E. Mitchell,
Atty for Plff.~~

John M. Sims }
 vs
 John M. Alam }

Now cannot the plain-
 tiff, and move the court
 ask aside the verdict in
 this case, and grant him a
 new trial, on the following
 grounds:

1st The verdict of the jury
 was contrary to the evidence.

2nd The verdict of the jury
 was contrary to the law.

3rd The verdict of the jury
 was contrary to the law and
 the evidence.

4th The verdict of the jury
 was contrary to the charge
 given by the court.

5th The court erred in
 charging the jury that "Even
 if a man is wrong - if he brought
 on the difficulty - he does not
 lose the right to protect himself".

6th The court erred in re-
 fusing to give the general charge
 asked by the plaintiff.

7th The court erred in giving
 the charges asked by the defendant.

Jno. E. Mitchell,
 Atty for Plaintiff.

F. S. Starn,

Contra.

Filed Oct. 26th, 1900
 J. M. Vatz, Clerk.

Continued to next page. Judgment \$3,190.00

This Motion is refused and the Plaintiff excepts. Plaintiff allowed 30 days after adjournment entered. Filed Oct. 26, 1900. J. M. Vatz, Clerk.

Motion Refused
 M. S. Sullivan Judge

state

vs

Wash Wash

In the matter of
 relaxing costs

Now comes the defendant and
 moves the court to relax the costs
 in this case assessed against the
 defendant by striking from said
 cost bill 1st the solicitors fee taxed in the
 county court.

2nd the fine assessed in the
 county court of \$5.

3rd The costs incurred for witness
 fees allowed Ben Franklin, he
 being the prosecutor.

all of said charges being contrary
 to law

Frank Thorne
 atty for deft.

State of Alabama)
 Baldwin County.) Circuit Court

Stephen McDonald Plaintiff,

vs

George B Bryant, Sheriff of Baldwin County, Alabama, *et al*

Aaron Moog, Brodbeck and Zundell Brothers, James A. Bishop, Edward Brodbeck, L T Zundell, and Otto Zundell the sureties on his official bond as sheriff of Baldwin County, Defendant.

Now comes Stephen McDonald by his attorneys and shows that on the *5th* day of *August* 1901, he filed a complaint in the Circuit Court of Baldwin County, Alabama for the recovery of a tract of land in said county; that on the *6th* day of *August* 1901, the summons was duly issued upon said complaint

~~xxx~~ and placed by the clerk of the Circuit Court of said county in the hands of George B Bryant for execution, and return according to law; movant further shows that the said George B. Bryant is now, and was on the said day the sheriff of Baldwin County, Alabama and that it was the duty of said George B Bryant to execute any summons or other meane process which came into his hands from the Circuit Court of Baldwin County.

Movant further shows that Aaron Moog, Brodbeck and Zundell Brothers, James A Bishop, Edward Brodbeck, L T Zundell and Otto Zundell, are the sureties upon official bond of George B Bryant as sheriff of Baldwin County, Alabama; movant further shows that it was the duty of the said George B Bryant sheriff as aforesaid to execute the said summons which came into his hands, on Joseph Reddy; but notwithstanding his said duty the said George B Bryant sheriff as aforesaid utterly failed to execute said summons upon said Joseph Reddy, movant fur-

(over)

-3-

ther avers that the said sheriff could have executed said summons upon said Joseph Reddy had he used due diligence to do so; movant avers that said Joseph Reddy is now and was at the time said summons was placed in the hands of said sheriff a citizen of Baldwin County, Alabama and resident in said county near a place called Fair-Hope.

Plaintiff, Stephen McDonald, moves the Court for a summary judgment against the said George B Bryant sheriff of said county as aforesaid and against Aaron Moog, Brodbeck and Zundell Brothers, James A Bishop, Edward Brodbeck, L T Zundell, and Otto Zundell for the sum of \$500.00 for failure of said George B Bryant to execute said summons.

Bromberg and Hall

Attorneys for the plaintiff.

*Filed Oct. 28th 1901 -
at 6 o'clock P.M.*

*J. M. Walz
Clerk*

*Prothonotary
Baldwin County
Alabama*

State of Alabama)
) Circuit Court.
 Baldwin County.)

James McDonnell Company Plaintiff,

vs

George B Bryant, Sheriff of Baldwin County, Alabama.)

Aaron Moog, Brodbeck and Zundell Brothers, James A. Bishop,
 Edward Brodbeck, L. T. Zundell, and Otto Zundell the sureties
 on his official bond as sheriff of Baldwin County, Defendant.

Now comes James McDonnell Company, a corporation, by its
 attorneys and shows that on the *22nd* day of *June* 1901,
 it filed a complaint in the Circuit Court of Baldwin County,
 Alabama, for the recovery of a *debt due by Jno. C. Nelson,*
 that on the *24th* day of *June* 1901, the summons was duly
 issued upon said complaint and placed by the clerk of the Cir-
 cuit Court of said County in the hands of George B Bryant *Sheriff of said County* for
 execution, and return, according to law; movant further shows
 that the said George B Bryant is now, and was on the said
 day the sheriff of Baldwin County, Alabama and that it was
 the duty of said George B. Bryant to execute any summons or
 other mesne process which came into his hands from the Circuit
 Court of Baldwin County.

Movant further shows that Aaron Moog, Brodbeck and Zun-
 dell Brothers, James A. Bishop, Edward Brodbeck, L. T. Zundell
 and Otto Zundell are the sureties upon official bond of
 George B. Bryant as sheriff of Baldwin County, Alabama; mov-
 ant further shows that it was the duty of the said George B.
 Bryant sheriff as aforesaid to execute the said summons which
 came into his hands, on J. C. Nelson; but notwithstanding his

-2-

said duty the said George B. Bryant sheriff as aforesaid utterly failed to execute said summons upon said J C. Nelson; movant further avers that the said sheriff could have executed said summons upon said J C. Nelson had he used due diligence to do so; movant avers that said J C. Nelson is now and was at the time said summons was placed in the hands of said sheriff a citizen of Baldwin County, Alabama and resident in said county, ~~near a place called Rayhope.~~

a Corporation
Plaintiff, James McDonnell Company, moves the Court for a summary judgment against the said George B. Bryant, sheriff of said county as aforesaid and against Aaron Moog, Brodbeck and Zundell Brothers, James A. Bishop, Edward Brodbeck, L. T. Zundell, and Otto Zundell for the sum of \$500.00 for failure of said George B. Bryant to execute said summons.

Bromberg & Hall

Attorneys for the plaintiff.

*Filed Oct 28th 1901, at
6 o'clock P.M.*

J. M. V. Clerk

Motion is refused.

~~to withdraw their appearance~~
~~of Plaintiff's attorney~~

~~Stacy~~
 Archer W. Langdon &
 Dupre Blaugette
 Danforth -

Plaintiff's Attorney
 As leave of the court to withdraw
 their appearance in this case, and
 also moves the court for leave to
 withdraw the plea filed. Oct. 29,
 1901.

Pranberg & Hall, pro se
 for Motion.

D. P. Roub
 B. F. Nicolson Jr.
 Cutha.

Nov 1, 1901 W. L. Anderson
 Judge

Slaughter,
Archer W. and Dupree Slaughter,)
Plaintiffs.)
VS) Circuit Court, Baldwin County.
Dan Jones,)
Defendant.) Fall Term 1901.

Come the Plaintiffs in the above stated Cause, and move the Court to grant them a new trial in the above stated Cause, on the following grounds:

1st.

The verdict of the Jury was contrary to the evidence.

2nd.

The verdict of the Jury was contrary to the law in this, that the Plaintiffs showed title to a distinct and definitely described piece of land sued for in the complaint, and the verdict of the Jury was in favor of the defendant.

Further in this: that the legal title to the land sued for was shown by uncontradicted evidence to be in the plaintiffs, and the jury, in disregard of the law, and the rights of the plaintiffs, found its verdict in favor of the defendant.

further in this: that the court gave the general affirmative charge in favor of the plaintiffs, and in disregard of this charge, the jury found in favor of the defendant.

3rd

The Court erred in its charges to the Jury in this, that it left to the Jury the question of the sufficiency of the description of the land in the defendant's possession, when the Court should have, as a matter of law, declared the description sufficient.

The court further erred, in that its written charges given at the request of the plaintiffs, were contradicted by its general charge, and by the written charges given at the request of the defendant.

Rose M. Williams
Attys for the Plaintiffs.

Filed November 6th, 1901

This Motion is granted on the condition that Plaintiffs pay all the costs of this Cause -

Nov 8th 1901
Wm. S. Anderson

J. M. Vally
Clerk
With allowed 30 days to file bill of exceptions

State of Alabama:

C F Grice

vs.

Baldwin County.

H C Taylor.

Circuit Court Fall Term 1901.

Comes The Defendant H C Taylor, and moves the court for a new trial

upon the following grounds To-wit:-

1st.

That the Verdict of the jury was contrary to law.

2nd.

That the verdict of the jury was contrary to law.

3rd.

That the verdict of the jury was contrary to the charge of the court

Fourth.

That since the trial of said case the defendant has come into the possession of material evidence in the case, and that such evidence was not in the possession of the defendant at or before the trial although he made diligent inquiry to ascertain all the evidence, and the knowledge of the same was not owing to diligence on the part of the defendant.

Jones & Hoot

Attys. for Defendant.

Filed November 7th, 1901.
J. M. Vandy, Clerk

R. B. Irwin Hildreth /
L. V. N. R. R. Co., Wash

In circuit Court of Baldwin County, Ala

Comes the Defendant and moves the Court to set aside the verdict in this case and to grant them a new trial on the following grounds;

- Because the verdict was contrary to the law, is the case
- 2^d Because the verdict was contrary to the law and the evidence
- 3^d Because the doct^r erred in his general charge when he said: "if the defendant" injurer was guilty of any negligence in running defendant's train or plaintiffs cars, you must find for the plaintiff" thus ignoring (in the case) section 3480 of the code, which expressly states that negligence of ~~injurer~~ is immaterial, when if defendant proves fence at the time and place of injury complained of was fenced in conformity to a notice or order from the railroad commission.

Because one of the jurors, the foreman of the jury, W.P. Hall,
was a kinman of the plaintiff's counsel and when the
court asked if any of the jury was related either by blood
or by marriage to either the parties ^{to the suit}, the said W.P. Hall
did not disclose his relationship and defendant's
counsel did not know at the time that he was a kinman
to plaintiff's counsel.

to plaintiffs' counsel.
Because court in ruling that the defendant in order to get the benefit of
no 2 (which he sustained against plaintiffs' demurrer, must first prove
that the fence was in repair and good condition at the
time and place of the alleged injury.

Because under the ruling of the Court as to maintaining
fence, he should then give the defendant the
affirmative charge, as the defendant proved by the section
fence man and his assistant that the fence was a sub-
stantive fence of 3 barbed wires ^{in good repair} to protect stock against
passing train and fence in other respects by the witness R.P.
Cowell that the fence was built in conformity to R.R. Commis-
sion rules & order.

Because Court erred in admitting evidence of the condition of the fence after 30th day of June 1901, the time alleged that the injury was done to plaintiff's stock by defendant's team.

Became overt way in admitting evidence the conducting defen-
dant's perice prior to and at and in separate time before the 30th day
of June, the time alleged when injury to plaintiff's ears occurred.

Be cause the Court admitted illegal evidence ~~in~~ ~~the~~ ~~case~~.

R. B. DuMont & Co.

Homer Shupe & Co.
def't
United States Fidelity
& Guaranty Co., surety

Fall Term, 1902
Oct. 29.

Comd United States Fidelity & Guaranty Co., surety on the bond of defendants, and move the court for a summary judgment in its favor against said defendants for the amount paid by said surety in satisfaction of the judgment in favor of plaintiffs.

Mitchell & Tansmin,
Atty's for Movant

Boston Gray & Boston,
Contra.

B. H. Mobley

- vs -
J. W. Burns & als

Fall Term, 1902.
Oct. 31.

Comd the plaintiff and move the court to grant a new trial, because
(1) The verdict was contrary to the law.
(2) The verdict was contrary to the evidence.
(3) The court erred in sustaining the objection of def'ts to the question to the witness Bailey, in substance as follows: Did you tell me at the last term of this court in the jury room there, that Mrs. Burns, looked about five crops on that place.

Geo. E. Mitchell
Atty for Plff.

Stevens & Lyons,
Contra

Filed Oct. 31 - 1902
J. M. Wally, Clerk.

(216)

Block Bros. Plaintiffs

vs

John A. Weaver, Defendant
W.C. Hostler, Gornishers
W.B. Moore and J. R. Thompson
Claimants

Fall Term 1902.

Now the plaintiffs in the above entitled cause and move the Court to set aside its rulings in this case and reinstate the said cause on the docket, and assign therefor the following reasons:

- (1) Because the Court erred in sustaining Defendants' demurrers to the plaintiffs' replication "A B C"
- (2) Because the Court erred in refusing to grant plaintiffs' motion to strike Defendants' plea of Bar from the file
- (3) Because the Court erred in granting Defendants' motion to quash plaintiffs' goodrichment ^{and} the cause from the docket.

Rosen & Merriman
Attys for the plaintiffs

(216)

Block Bros. Plaintiffs

vs

John A. Weaver, Deft
W.C. Hostler et al. D.C.
Byron Gornishers
W.B. Moore and Jos. R.
Thompson. Claimants

Fall Term 1902.

Now the plaintiffs in this cause and move the Court to set aside its rulings in said cause and to reinstate same on docket, and plaintiffs assign therefor the following grounds assigned above in case. Block Bros. Plffs vs John A. Weaver, Deft, W.C. Hostler, Gornishers, W.B. Moore and J. R. Thompson. Claimants.

Rosen & Merriman
Attys for Plaintiffs.

Motion Refused May 7/1902.
+ plffs excepts. W.B. Moore, Judge.

State of Alabama }
 vs } Grand Larceny
 John Nobles }

Comes the defendant and
 moves the court to set aside
 the verdict in the above
 entitled case upon the grounds
 set out in the motion on
 file.

Jimmie Calpine
 Counsel

S. B. Perrowe
 F. S. Stonely
 J. W. R. R. R.
 Attys for Dept

State of Alabama }
 vs } Murder
 John Stewart }

Comes the defendant and moves
 the court to set aside the
 verdict in this case because the
 court erred in refusing to give
 the following charges requested
 by the defendant.

The court charges the jury that a
 reasonable doubt of defendant's
 guilt is, not the doubt as a probability
 of his innocence. A reasonable
 doubt of defendant's guilt may
 exist when the evidence fails
 to convince the jury that there
 is a probability of ~~defendant's~~ innocence.

If the jury have a reasonable doubt
 as to whether the killing was done deliberately
 or as to whether it was done
 immediately then they cannot find

the defendant guilty of murder
in the first degree, and if
they have reasonable doubt
as to whether the killing was
done in malice they cannot
find the defendant guilty of
murder in either degree but
only manslaughter at the most,
and if after considering all
the evidence the jury find
a reasonable doubt of the
defendants guilt of manslaughter
arising out of any part of
the evidence they should find
the defendant not guilty of
any offense.

Wm. C. Culp
Counsel

Leslie Hall
Frank Stone
Attorneys

Filed Nov. 8/1902

J. M. Ditz, Clerk

Block Bros. }
vs
Jno. A. Moore }

Ex Parte Geo B. Bryant
 Sheriff Baldwin Co

Now comes the Sheriff of Baldwin County
 George B. Bryant and moves the court
 to allow him ^{to summon} ~~compensation~~ for four
 extra deputies in addition to the three
 allowed him by law, for this term of
 this court.

Dated this
 8th Oct 7th 1902

Geo B. Bryant
 Sheriff Baldwin Co
 by J. H. Brown, Clerk

This Motion is granted - Oct 27. 1902 -
 M. S. Anderson, Judge

John M. Green
 vs
 The Southern States Lumber Company,
 a Corporation.

Circuit Court
 of Baldwin
 County, Ala.

1. The Plaintiff Moves the Court to strike out so much of the answer of the defendant to the 3rd. interrogatory propounded by the plaintiff to the defendant, as reads as follows:—
 "Such agreement, however, was to pay him when money should be received from the purchasers, and was not an agreement to pay him a Commission when the contracts of sale were made."

Because that part of the answer is not responsive to any question asked, and because it is immaterial and irrelevant.

2. The Plaintiff Moves the Court to strike out so much of the answer of the defendant to the 6th. interrogatory propounded by the plaintiff to the defendant, commencing with the words,

"Because it discovered that the plaintiff," and ending with and including the words, "Paid by defendant to plaintiff."

Because that part of the answer is not responsive to any question asked, and because it is — immaterial and irrelevant, and is illegal evidence, and is a statement of the motives of the defendant and of Jones and Foley.

L. H. & C. W. Faith
 Attorneys for Plaintiff.

Filed March 18th, 1903.
 J. M. Voigt, Clerk.

No. 249

Motion Deposed & deposed
Apr 22nd 1903

Black & Sher Company
a Corporation.

- vs -
Edmund T. Bailey

Motion for New trial

Stevens & Lyons
& James H. Webb,
Contra

F. L. Stone, Leslie Hall,
C. J. Dorsey, Edwin & Hall
for Motion.

This motion is granted as the
watches aside this day
April 1903. & deposed

Mr. J. Anderson Judge
The Dep. & deposed
which is deposed

John M. Green

- vs -
Northern States Lumber Co.
a Corporation

Motion for
New trial

E. W. Smith
Contra.

James H. Webb, Frank D. Stone,
Blount & Blount
for Motion

inquired to give a good sufficient bond
in the sum of one hundred and twenty five dollars
to be approved by the Clerk of this Court. ~~the said bond~~
~~the appeal stands dismissed~~ ~~the said bond~~
This 4th of Nov 1903. ~~the said bond~~
Judge

Ex Parte

J. M. Armstrong
Sheriff of Baldwin Co

Now comes the Sheriff of Baldwin
County, J. M. Armstrong, and moves
the Court to allow him to summon
four extra Deputies in addition to
those allowed by law, for this term of
this Court.
Dated this 28th
day of Oct 1903.

J. M. Armstrong Sheriff
Baldwin Co
by Frank H. Lowe
atty

Lucia Howell }
vs
Wesley Quincy }

Now comes the plain-
tiff, & moves the Court to dismiss
the appeal in this cause, unless
the defendant execute a good &
sufficient bond, and for ground
of motion says the security for the
appeal is insufficient.
Triche & Zimmerman
Atty for Plaintiff

Leslie Hall, }
J. S. Stone } Contra.

This motion is continued this 6th day of April 1904. W. J. Anderson

The State of Alabama
vs
James M. Armstrong
Comes

March 28th, 1904.

Leslie H. Hall
vs
James M. Armstrong
United States Fidelity &
Guaranty Company

Motion for a summary
judgment as per
written motion on file.
(E. L. H. J. Smith
for motion)

Dismissed in vacation
on Jan. 1906.
J. M. W. Clerk.

Ex Parte James M. Armstrong
Sheriff of Baldwin County
Ala

Now comes the Sheriff of Baldwin
County and moves the court to allow
him to summon four extra deputies
in addition to those allowed by law
for this term of this court.

Dated this 30th day of March 1904 James M. Armstrong
sheriff Baldwin Co
Alabama
by Frank Stone
Atty

*This Motion is dismissed in vacation
at request of Plaintiff - Dismissed
on Jan. 19th 1906.*
J. M. Volz
Clerk.

Leslie Hall,

No. 1

vs

James M. Armstrong, Sheriff of
Baldwin County, Alabama, and
the United States Fidelity and
Guaranty Company, a corporation,
~~as surety on the official bond of~~
said Armstrong, as Sheriff afore-
said.

In the Circuit Court of Baldwin
County, Alabama.

Now comes Leslie Hall and moves for a summary judgment against the
the defendant for such sum as may be ascertained by a jury of, not less
than \$50.00, nor more than \$500.00, and for cause of said motion alleges
and shows that on to-wit, the 28th day of October, 1903, a complaint was
filed by movant in the Circuit Court of Baldwin County, Alabama, against
one James D. Hand, for the recovery of the debt alleged to be due movant
from said Hand; that said complaint was in a cause wherein said movant
was plaintiff and said James D. Hand was defendant; that a summons was
duly issued on said complaint and was on the day of its issuance, placed
in the hands of said defendant, James M. Armstrong, who was then the
Sheriff of Baldwin County, Alabama, for execution upon said James D. Hand;
that the defendant, the United States Fidelity & Guaranty Company, was at
such time, and now is, the surety on the official bond of said Armstrong
as Sheriff aforesaid; that at the time said summons was placed in the
hands of said Armstrong, as Sheriff aforesaid, the said James D. Hand was
in the jurisdiction of said Circuit Court of Baldwin County, and was, in
truth and in fact, in the Court Room of the Court House of said County;
that the said James D. Hand was pointed out to the said Armstrong, as
Sheriff aforesaid, by one of the attorneys for movant, the plaintiff in
said cause, and the said attorney then urged said Armstrong, as Sheriff
aforesaid, to at once serve said summons; that said summons could have
been executed by said Armstrong, as Sheriff aforesaid, if he had used due
diligence so to do; but the said Armstrong, as Sheriff aforesaid, has
wholly failed to execute said summons.

W. H. L. Smith
Gregory L. H. J. Smith
Attorneys for Leslie Hall.

Filed Oct. 14th 1904.
J. M. Volz, Clerk.

This motion is under

50
Above Motion Dismissed

Order of this motion is Contained in the next term of this Court

*This Motion is dismissed in vacation
at request of Plaintiff, Dismissed
on Jan. 19th 1906. J.M. Volz, Clerk.*

Leslie Hall,

No. 12

VS

James M. Armstrong, Sheriff of
Baldwin County, Alabama, and
United States Fidelity & Guar-
anty Company, as surety on the
official bond of said Armstrong
as Sheriff aforesaid.

In the Circuit Court of Baldwin County
Alabama.

Now comes Leslie Hall and moves for a summary judgment against the defendant for such sum as may be ascertained by a jury of, not less than \$50.00 and not more than \$500.00, and for cause of such motion alleges and shows as follows: that on to-wit, the 27 day of ^{August} ~~September~~ 1904 movant caused, and procured to be issued by the Clerk of the Circuit Court of Baldwin County, Alabama, a writ of attachment in the cause entitled Leslie Hall vs James D. Hand; that said writ of attachment was placed in the hands of the defendant, James M. Armstrong, as Sheriff aforesaid, for execution; that said Armstrong, as Sheriff aforesaid, was instructed to execute said writ of attachment by levying upon 998 shares of the said James D. Hand, of the capital stock of the Hand Land Company, a corporation, notice of such levy being given by said Sheriff to J.M. Armstrong, as Secretary of the Hand Land Company, and also to execute said attachment by summoning the Hand Lumber Company as garnishee; that said attachment could, by due diligence, have been executed by said Armstrong, as Sheriff aforesaid; but said Armstrong, as Sheriff aforesaid, wholly failed to execute said attachment.

Mitchell & Tinsmore

Gregory L. H. T. Smith

Attorneys for Leslie Hall.

Filed Oct. 24th 1904.

J.M. Volz, Clerk

*Stay granted, could
be made 1905
(571)*

Above Motion Dismissed

Ex Parte James Mc Armstrong
Sheriff of Baldwin County.

Comes the sheriff of Baldwin County
and moves the court to allow him to
summon four extra deputies in addition
to those allowed by law for this term
of court.
James Mc Armstrong
Sheriff Baldwin Co. Ala
by Frank Stone
Atty.

P. dated:
Oct 24th 1904

under

vs
Essendrop.

Attachment

comes the defendant
and moves the court to discharge
the levy in this cause.
Oct 24 1904 Alf Essendrop dft.
by Frank Stone
Atty

D D Mc Connell Sr
vs

The Hand Lumber company, a corporation
comes the defendant and moves
the court to tax the costs of this
case upon the plaintiff for that
the amount ~~recovered~~ in this court
is for of the judgment of appellate
court is for less than the judgment
of the justice court.
Oct 28th 1904 Frank Stone
Atty for dft.

This motion is granted for four extra deputies
for four days this 3rd day of Nov 1904
Wm. A. Davidson Judge

Refused Oct 31st 1904
Wm. A. Davidson Judge

68
Motion granted & Plaintiff
exempt - This 18th Oct 1904
W. S. Hudson Judge

Fred McFarlane }
J. F. Gault }

Comes the defendant in
said cause and shows to the court that the
plaintiff therein is a non-resident of the
State of Alabama, and upon that ground
moves the court to require the plaintiff to
give security for the costs of this cause as a
condition required by law -
Oct 25th, 1904 -
Stevens Lyons
Attorneys for Defendant
To Messrs J. & A. Ambrecht,
Attorneys for Plaintiff

His Motion refused & Plaintiff excepts

Filed Dec. 29th, 1904.

Wm. H. Dwyer

Plaintiff allowed 60 days after appointment
in which to file bill of exceptions

W. J. Anderson

Eva Berglin } Circuit
v. Plaintiff } Court
Matilda Larsson } Bald-
Defendant win Co.

Comes the defendant and
moves the court to set aside
the verdict heretofore ren-
dered in this cause, and
grant her a new trial,
and for grounds of such
motion say and show
that:

- 1 The said verdict is con-
trary to the facts in the case
- 2 The said verdict is ap-
posed to the great weight
of the facts in the case.
- 3 The said verdict is con-
trary to the evidence.
- 4 The said verdict is con-
trary to the great weight
of the evidence.
- 5 The said verdict is not
in accordance with
the charge of the court.

Wm. H. Dwyer
Jas. B. Clough
for P.

V

Ex parte James M Armstrong Sheriff
of Baldwin County.

Comes the Sheriff of Baldwin County
and moves the court to allow him to sum-
mon four extra deputies for the remainder
of the Spring Term of the Circuit Court
of Baldwin County in addition to those
allowed by law for this term
March 30th 1905

James M Armstrong
Sheriff Baldwin County
by Frank W. Stone Atty

Noting provided
James M Armstrong
perdy

Eliza J. Lea }

P. J. Cramer }

The defendant moves to
strike the third count of the
complaint, on the following grounds:

- (1) The allegations of said count
are immaterial and irrelevant.
- (2) The plaintiff is not entitled to
recover upon proof of a peaceable
entry by defendant.

Merrell & Sonamir,
for Defendant.

Leslie Hall, et al,
Plaintiffs.

Filed April 1st 1905 J. M. Wally, Clerk.

Come the undersigned, Solicitor of the 13th
 Judicial Circuit of ^{Alabama} and moves the Court to
 discharge the following prisoners from
 the jail of Baldwin County, Alabama, where
 they are now confined, the Grand Jury of
 said County having failed to return indict-
 ments against the same & said Grand Jury
 having been already discharged, to-wit:

1. Will Lucky, charged with Gaming.
2. Lewis Bryshaw, charged with Gaming.
3. Oscar Thomas, charged with Gaming.
4. Sam Lott, charged with Gaming.

This, the 3. day of April, 1905.

James M. Grady
 Sol. 13th Circuit.

Motion granted
 SAMUEL B. BROWN
 Judge

John M. Green
-vs-

April 6th, 1905.

Motion for new trial
as per written motion on file.

Southern States Lumber
Company, a Corporation,

532

L. H. & E. W. Smith

Gregory L. & W. J. Smith

attys for Plaintiff

~~Motion for new trial~~
~~as per written motion on file~~

The State

vs.

Ed Bommer

{

April 7th 1905
Case of Bommer

Comes the defendant and moves the
court to retroact the costs in this case
by striking out therefrom the item
of fifty dollars taxed against
the defendant by the clerk, because
said item is not authorized by law
the same being solicitor's fee when
there was no conviction in the
case but only a dismissed

Jas. N. Granade
Solicitor
Counsel

{ Char. L. Granade
Atty for deft.

Motion granted

Same to Bommer

Judge

Filed April 7 - 1905

528

State of Alabama }
 vs. } Charge of Murder
 Hilary Taylor }

Comes the defendant and moves the court to set aside the verdict of the jury in this case upon separately each of the following grounds, viz:

- 1st Because the verdict is contrary to the law and the evidence in the case, in that the defendant is not guilty of any higher degree of homicide than manslaughter in the first degree.
- 2nd Because the verdict of the jury finding the defendant guilty of murder in the second degree is not justified by the palpable weight of the evidence.
- 3rd Because the verdict is contrary to the instruction of the court given at the request of the defendant and numbered 1.

Jas. W. Granade
 Solicitor

Thos. Roseworth
 Frank Stone
 R. F. McWilliam
 of counsel
 Contra

Chas. L. Cronberg

J. Jenkins

Filed April 8th, 1905.
 J. M. W. Clerk.

motion refused, but
under all the evidence the
court recommends that the
suppression be actual
to the case -

James B. Osborne
Judge

531

Ex parte James M. Armstrong, { Circuit Court
 Sheriff of Baldwin County } Spring Term, 1906.

Comes James M. Armstrong, Sheriff of
 Baldwin County and moves the Court to
 allow him four Extra deputies in ad-
 dition to those allowed by law to
 serve during the present term of Court.

March 26, 1906.

James M. Armstrong
 Sheriff

Frank L. Storer
 Attorney

C. E. Marks
 vs

Hand Lumber Company

shows the defendant and ~~moves~~ the
 court that the plaintiff C. E. Marks
 has ^{become} now resident of the State of Alabama
^{since the last term of this court} and upon that ground moves the
 court to require the plaintiff to give
 security for the costs of this cause
 as required by law

Frank L. Storer
 Atty for def.

Motion granted

538

Henry Frei, Plaintiff,
 etp. 386. vs.

A. W. Thompson - Deft.

Plaintiff moves the Court for judgment
 by default against Defendant, or to attach
 him and cause him to answer fully
 in open court the interrogatories addressed
 to him by plaintiff, because ^{such} in-
 terrogatories were filed August 30th, 1905,
 and a copy served on Defendant on
 September 18th, 1905, and no answer
 thereto has been made -

D. B. Cobb,
 S. C. Jenkins,
 Attys. for Plff.

J. S. Stone,
 Ervin & McAlister,
 Counsel.

No. 331

Shuah S. Mann
 vs
 George H. Hoyle

April 4th, 1906
 Motion for New Trial
 As per written motion
 on file.
 Jore W. Goldsby &
 J. W. Wexler
 Attorneys for Plaintiff

Motion granted
 Sams & Brown
 Judge

April 6th 1906 -
 Defendant's day
 from document
 motion which present
 show file of captions
 Sams & Brown
 Judge

(65)

no 44 State
vs
Sam Smith

April 6th 1906
Motion for new Trial

The Defendant ask move the Court to set aside the verdict rendered against him in the above Entitled Cause on the 5th day of April 1906 on the following grounds -

1st Because the verdict was contrary to law

2nd Because the verdict was contrary to the Evidence

3rd Because the verdict was contrary to the charge of the Court -

The Court Erred in the 3rd Because to the Jury as to the defendant having introduced and was against passed by the defendant.

And because the Court Erred in refusing ~~to give~~ to the jury the following charges notwithstanding as follows Nos 1-2-3- as numbered for convenience

I hereby accept service of the above motion, this the 6th day of April, 1906.

James H. Graue,
Solicitor 13th Circuit.

Hall & Bromberg
Atty's for Defendant

April 6th 1906 -

Motion granted
James H. Graue,
Judge

565

Ex Parte

Joel M Franklin

sheriff Baldwin Co Ala

now comes the sheriff of Baldwin
 county Joel M Franklin and moves
 the court to allow him to summon
 three extra deputies in addition to
 the three allowed him by law for
 this term of court.

Dated Oct 22, 1906

Joel M Franklin

sheriff Baldwin Co Ala

by Hank Stout
 atty

Motion granted

James Bellange
vs.
Richard A. Hall

Now comes the plaintiff and moves
the presiding Judge of this court
to certify in the above cause that
greater damages should have been
awarded than occurred, under the
provisions of § 1326 of the Code
of 1896 and to cause judgment
to be rendered for costs ac-
cordingly.

Hall & Browning
Attys for Pltff.

Motion Refused
Sam'l B. Browne
Judge

Nov. 2nd 1906.William C. Tucker +
Steven Steelevs
Little River Mill Co. +
J. S. Ghant

No. 308

In Circuit Court
of Baldwin Co., Ala.Motion to relax
Costs Created atthe Fall Term 1904, of the Circuit Court of
Baldwin County, in the above entitled Cause.S. C. Jenkins + J. W.
Miller, attys for motion.

Motion Granted

J. M. J. Brown
Judge

ML

Ex Parte
 Thomas A Booth, Sheriff } Special Term, 1907

Comes the said Thomas A Booth
 Sheriff of Baldwin County, Alabama
 and moves the Court to allow him
 five extra deputies for this term
 of Court in addition to those allowed
 him by law

Dated this 22nd day of July, 1907
 Motion granted
 Thos A. Booth, Sheriff
 Camil B. Browne, Judge etc

#7 The State of Alabama, } Special Term 1907.
vs.

Thomas Watts et al.

Comes the State of Alabama by its Solicitor, - and moves the Court to set certain costs in this cause - and to tax the same in case No. 8 of this ^{Trial} Docket, viz: The State vs. Frier Watts;

1. Grand Jury Certificate of J. T. Wilson, Spring Term 1906, \$1⁰⁰

2. all State witness certificates, Fall Term 1907, \$3⁴⁰

It being to the best interest of the State. \$4⁴⁰

Motion heard and granted,
this July 29, 1907.

James H. Grady,
Sol. 13th Circuit

Samuel W. Brown,
Judge

State of Alabama } selling liquor to
 W.D. }
 Clem Ashew } Cause set.

Now comes the defendant and
 moves the Court to retax the cost
 in this cause so as to strike from
 the cost bill the item of \$30 for
 Solicitor's fees and ~~the~~ charge
 in lieu thereof the sum of \$7.50

Jas N. Granger
 Atty. Contra.

Leslie Hall
 Atty. for Defendant.

State of Alabama,

vs.
Monroe Williams.

Charge: Assault & Battery.

July August 1, 1907.

Comes James N. Grause, Solicitor, who prosecutes for the State in the Circuit Court of Baldwin County, Ala., and moves the Court to allow the defendant herein to be held for further investigation before the next Grand Jury for Baldwin County, Ala.

Motion heard and granted,
and defendant ordered held
for further investigation by next
Grand Jury, Aug. 1, 1907.

James N. Grause,
Sol 1st Circuit, Ala.

Samuel B. Browne

Judge.

Attachment ordered for Richard Johnson
summonable next term heard
Samuel B. Browne
Judge

State of Malama
 vs
 Will Prockster

Comes the defendant and moves
 the Court to set aside the verdict
 in this cause and grant him a
 new trial upon each of the fol-
 lowing grounds, to wit:-

- 1st The verdict was contrary to
 the evidence
- 2nd That the verdict was contrary
 to the law and the evidence.
- 3rd The verdict was contrary to
 the charge of the Court.
- 4th The defendant has discovered
 new evidence in this

That said Long stated to several
 persons after the jury had retired
 that "Prockster, the defendant,
 had never sold him any whiskey
 at all and ^{that} said Prockster ought to
 be acquitted."

In Murad,
 John Contra.

Lieslie Hall
 atty for Defendant

Motion granted

Aug 2nd 1907.

Samuel T. Brown
 Judge

Ex Parte

Thos. A. Booth Sheriff
Baldwin County
Ala

now comes Thomas A Booth, Sheriff
of Baldwin County and moves the
court to allow him seven extra
deputies for this term of court in addition
to those allowed him by law.

Oct 28th 1907

Thomas A Booth
Sheriff

by Frank Stewart atty

Motion granted

Samuel B. Browne,
Judge

Ex parte Thos. A. Booth, Sheriff,

Baldwin County, Ala

now comes Thomas A Booth, Sheriff of Baldwin
County and moves the court to allow
him four extra deputies for this
term of court in addition to those
allowed him by law -

March
23rd 1908Thomas A Booth
Sheriff
by J. Jenkins, atty

Granted

Samuel B. Browne,

Judge

State of Ala

No. 23

Will Borker

Motion to Retax Cost.

Selling Liquor to Convict

convicted Nov 6, 1907

Defendant moves the Court to retax the costs in the above cause as to the solicitors fee charged therein in this

1. that the solicitors fee of \$30 is not authorized by law and precedent shows that the fee allowed by law is \$7⁵⁰

Respectfully
for Deft.

J. N. Gaudin, Solicitor
F. S. Stone & Chas. Hall
Canton

Motion granted
~~Dec 1908~~
Jan 4
DANIEL M. Browne
Judge

Ex Parte

Thos. A. Booth, Sheriff
of Baldwin County, Ala.

Now Comes Thomas A. Booth, Sheriff
of Baldwin County, and moves the Court
to allow him seven Extra Deputies for
this term of Court in addition to those
allowed him by law.

Oct. 26th 1908.

T. A. Booth
Sheriff

Granted, Oct 26th 1908
Sam'l W. Browne,
Judge

G. Van Antwerp & Son

- vs -

F. L. Trapp

The plaintiff moves
for an order of sale of the land
described in the sheriff's return,
for the satisfaction of the judgment
in this case.

Oct 29, 1908 Jno. E. Minter
att'y for deft.

Motion granted
Oct 29th 1908 Sam'l W. Browne,
Judge

No 453

Henry Corley
vs -Ward Lumber Company
a corporation

on file

Leslie Wall
Contra

Oct. 30th, 1908.

Motion for New Trial

as per written motion

J. M. Stevens
Stone & Bromberg
attorneys for Defendant.

Henry Corley,
Plaintiff—

vs.

Hand Lumber Company—
a Corporation—Defendant

In the Circuit Court of Baldwin
County Alabama.

Fall Term—1908.

Comes the defendant in said cause and moves the court to
grant a new trial therein upon the following separate grounds—

1. Because the court erred in overruling the defendant's
demurres to the first count of the complaint—
2. Because the court erred in overruling the defendant's
demurres to the second count of the complaint—
3. Because the court erred in overruling the defendant's demurres
to the third count of the complaint.
4. Because the court erred in overruling the defendant's demurres
to the fourth count of the complaint.
5. Because the Court erred in refusing to give the general affirm-
ative charge requested by the defendant in writing—
6. Because the verdict of the jury is contrary to the
evidence.
7. Because the verdict of the jury is contrary to the
charge of the court—
8. Because the damages awarded by the jury's verdict
are excessive.

J. M. Stevens—

Stone & Bromberg—

J. M. Stevens
Stone & Bromberg
Attorneys for Defendant—

Filed Oct. 30th, 1908.

J. M. Veltz, Clerk.

Motion granted & affirmed
Nov 7th 08. Samuel B. Brown
Judge

State of Alabama ex. rel Amelia Lombard,
vs.
James M. Shoem.

Now comes the defendant and moves the Court to set aside the verdict rendered in this cause and grant him a new trial on the following grounds.

1st. The court erred in permitting the complainant, Amelia Lombard to give her reasons for telling Dr. Schowalter that the name of the baby's father was Malcomb Jensen.

2nd The court erred in permitting complainant, Amelia
Lombard, to testify that defendant's grandmother told her to say so.

3rd The court erred in refusing to allow Jim Slay to testify as to the contents of a letter received by him from Anselia Lombard which was shown at that time to be in the State of Mississippi.

4th The court erred in refusing to let the witness Gordon Marshall read from his notes what Amelia Lombard had testified on the hearing before the Justice of the Peace.

5th The court erred in permitting complainant Amelia Lombard to testify that Mrs. Watson told her the night she was at Mrs. Watson's mother's house that Jim Day was, at that time, down at the oyster reefs—

6th Because the verdict was contrary to the weight of the evidence in the case.

7th. Because ~~the matter is not~~ of newly discovered evidence as per affidavits on file.

8th Because the witnesses and complainants who swore that Jim Slay was not in Mobile on February 27th and 28th swore falsely as shown by affidavits filed herewith.

Frank H. Hovee
James H. Hovee
Attorneys for Respondent -

Filed Nov. 5th - 1908

Mr. J. H. Clark
 Mr. J. H. Clark
 Mr. J. H. Clark

State

vs

Percy Taylor

Now comes the defendant and moves the Court to set aside the verdict in this case and grant

him a new trial upon each of the following ^{separate} grounds; separately assigned

1st That the verdict was contrary to the evidence
2nd That the verdict was contrary to the law
and the evidence

3rd That the verdict was contrary to the charge of the Court

4th That the Court misdirected the jurors to say that

case on information and new complaint, when under the recent statute the law states the case must be

true on the original offense it is a complaint

5th That the defendant has discovered new evidence material to the case as per affidavit on file - which was not discovered before the trial owing to no lack of diligence on part of defendant

J. Jennings, atty

for Defendant

Motion granted

Wm. B. Barnes

Judge

Spec'd
p. 190.

Ex Parte. Thos A Booth, Sheriff of Baldwin Co Ala.
 Now comes Thos A Booth, Sheriff of Baldwin County
 Ala and moves the Court to allow him seven
 extra deputies for this term of the Court in
 addition to those allowed him by law.

March 22nd 1909, J A Booth
 Sheriff,

Motion granted
 James B Browne
 Judge

Rudolph Weeks,
 vs
 Marlow Lumber Co. Defendant.
 Bay City Lumber Co, Garnishee

In the Circuit Court of
 Baldwin County, Ala.

Comes the plaintiff and moves the Court to require the
 garnishee in this cause, Bay City Lumber Company, to answer
 orally in the presence of the Court, the garnishment heretofore
 served upon it herein.

Henry Tonsonaire
 Atty for Plaintiff.

Comes the Bay City Lumber Company and moves that
 the above motion be granted the oral answer to be
 made at the next term of this Court.

Mar 26/1909

Pillians Hanaw & Pillians,
 Attorneys for said Garnishee.

Filed Mar 26/1909

J. H. Hall, Clerk

Motion granted, Mar 27th 1909.

James B Browne
 Judge

Baldwin County
 vs.
 Henry H. Cooper and United States
 Fidelity and Guaranty Co. } Circuit Court of
 Baldwin County, Alabama.
 Spring Term, 1908.

Now come the defendants in the above entitled cause and separately and severally move the court to set aside the verdict heretofore rendered in the said cause, and grant unto them and each of them a new trial in said cause, and for grounds of said motion say: -

1. The verdict of the jury is contrary to law.
2. The verdict of the jury is contrary to the evidence introduced on the trial of said cause.
3. The verdict of the jury is contrary to law and evidence.
4. The verdict of the jury is contrary to the instructions to the jury by the court.
5. The verdict of the jury is contrary to the written charges given to the jury by the court at the request of the defendants.
6. The verdict of the jury is contrary to the instructions of law contained in the following written charge given to the jury by the court at the request of the defendants: "The court instructs the jury that if they believe from the evidence in this case that the plaintiff is entitled to recover, the plaintiff cannot recover any of the school taxes collected for the county of Baldwin from October 1st, 1907, to April 25th, 1908."
7. The verdict of the jury is contrary to the instructions of law contained in the following written charge given to the jury by the court at the request of the defendants: - "The court instructs the jury that under the Act of the Legislature of Alabama, entitled, an Act "To provide for the better support of the Public Schools of Baldwin County, and for levying a special tax within the constitutional limits to sustain them," etc., approved February 28th 1901, it is made the duty of the Tax Collector of Baldwin County to pay over to the County Superintendent of Education all school moneys collected by him and on hand for public schools, and the plaintiff cannot recover in this suit any school moneys collected by said defendant Cooper from October 1st, 1907, to April 25th, 1908."
8. The court erred in overruling the defendants'

demurrers to count "A" added by amendment to amended complaint.

9. The court erred in overruling defendants' demurrers to count "B" added by amendment to amended complaint.

10. The court erred in sustaining the plaintiff's demurres to pleas numbered 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 7g, 8h and 9i, separately and severally, as filed in answer to counts "A" and "B" separately and severally.

11. The court erred in sustaining the plaintiff's demurres to plea No. 2, as filed in answer to counts "A" and "B" separately and severally.

12. The court erred in sustaining the plaintiff's demurres to plea No. 3, as filed in answer to counts "A" and "B" separately and severally.

13. The court erred in sustaining the plaintiff's demurres to plea No. 4, as filed in answer to counts "A" and "B" separately and severally.

14. The court erred in sustaining the plaintiff's demurres to plea No. 7, as filed in answer to counts "A" and "B" separately and severally.

15. The court erred in sustaining the plaintiff's demurres to plea No. 8, as filed in answer to counts "A" and "B" separately and severally.

16. The court erred in sustaining plaintiff's demurres to plea No. 9, as filed in answer to counts "A" and "B" separately and severally.

17. The court erred in sustaining plaintiff's demurres to plea No. 11, as filed in answer to counts "A" and "B" separately and severally.

18. The court erred in sustaining the plaintiff's demurres to plea No. 12, as filed in answer to counts "A" and "B" separately and severally.

19. The court erred in sustaining the plaintiff's demurres to plea No. 13, as filed in answer to counts "A" and "B" separately and severally.

20. The court erred in sustaining the plaintiff's demurres to plea No. 7g, as filed in answer to counts "A" and "B" separately and severally.

21. The court erred in sustaining the plaintiff's demurres to plea 8h, as filed in answer to counts "A" and "B" separately and severally.

22. The court erred in sustaining the plaintiff's demurres to plea 9i, as filed in answer to counts

"A" and "B," separately and severally.

23. The court erred in refusing to give to the jury, at the written request of the defendants, the following written charge: "The court charges the jury that the undisputed evidence in this case shows that of the money alleged to have been collected by the said Henry H. Cooper, as tax collector, the sum of \$3301.85 was payable, if payable at all, to the County Superintendent of Education of Baldwin County, and plaintiff is not entitled to recover same in this action."

24. The court erred in refusing to give to the jury, at the written request of the defendants, the following written charge: "The court instructs the jury that under the undisputed evidence in this case that of the sum of money which it is alleged the said Cooper failed to pay over to any officer authorized by law to receive it, there was \$3301.85 payable to the County Superintendent of Education of Baldwin County, and that if they should believe that the plaintiff is entitled to recover, they should deduct from the amount they are reasonably satisfied from the evidence the said defendant Cooper failed to pay over to any officer, said sum of \$3301.85, if they should find that he failed to pay over any money, as alleged in the complaint."

25. The court erred in overruling the defendants' objection to the admission in evidence of a book purporting to be the cash book alleged to have been kept in the office of Henry H. Cooper, Tax Collector.

26. The court erred in overruling the defendants' objection to the introduction in evidence of the book designated as the abstract book furnished the tax collector by the Probate Judge.

27. The court erred in overruling the defendants' objection to the introduction in evidence of the book purporting to be the book of assessments for the year 1907.

28. The court erred in overruling the defendants' motion to exclude from the evidence the book alleged to be the cash book kept in the office of the said Henry H. Cooper, Tax Collector.

29. The court erred in overruling the defendants' motion to exclude from the evidence the book designated as the abstract book furnished the tax collector by the Probate Judge.

30. The court erred in overruling the defendants' motion to exclude from the evidence the book

purporting to be the book of assessments for the year 1907.

31. The court erred in sustaining the plaintiff's objection to the introduction ^{in evidence} of pages to of the minutes of the Commissioners' Court of Baldwin County for the July Term, 1907.

32. The court erred in overruling the defendants' objection to the introduction ^{in evidence} to pages of the minutes of the Commissioners' Court of Baldwin County, containing the proceedings of the June Term, 1907, of said Court of County Commissioners.

Given, the 29th day of March, 1909.

Charles Coleman,
Leslie Hall,

Attys for Defendants

Wm. Oscar Hall,
Erwin D. McAlister

Attys for Plaintiff.

Samuel B. Browne
Judge

Baldwin County

vs

Henry H. Casper
The United States Fidelity & Guaranty
Company

Circuit Court of
Baldwin County, Alabama

Comes the plaintiff and in response to the motion made by defendants for a new trial, hereby ask leave of the Court to remit so much of the verdict in its favor as is for the school fund received by Henry H. Casper as tax collector viz \$3373²⁰.

R. I. Erwin

Oscar Hall

Attorneys for Plaintiff.

Filed April 1st 1909

W. H. Hall, Clerk.

Motion Granted, Apr 1st 09
Samuel B. Browne
Judge

although 90 days to pay
 was allowed as per
 the order of the court, the
 court should have
 allowed the same

J. Bester Robertson, Plaintiff }
 vs } Baldwin Circuit
 Home Telephone Company, Defendant } Court.

Comes defendant and moves the Court to set aside the verdict rendered by the jury in this case and grant a new trial and for ground of such motion says:

1. The verdict is contrary to the evidence
2. The verdict is so opposed to the evidence as to shock the conscience.
3. The verdict is contrary to the facts in this case.
4. The verdict is not supported by the evidence.
5. The verdict is excessive in amount.
6. The verdict is insufficient in form to support a judgment.
7. The jury disregarded defendant's given charge numbered "12".

Filed March 25, 1909. Pillans, Hanaor Pillans
 W. G. Hall, Clerk Apr 2nd 1909

Refused
 Corney & Brown

J. Bester Robertson Plaintiff }
 vs } Baldwin
 Home Telephone Company } County Circuit
 Court

Comes the Plaintiff and in response to the motion made by defendant for a new trial hereby asks leave of the Court to remit one hundred dollars of the verdict of Two Hundred and fifty dollars, rendered in said case March 25th 1909.

April 2nd 1909.

Stoll & Smith
 Attys for def.

Motion granted Apr 2nd 1909
 Corney & Brown
 Judge

Ray Talk, Plaintiff

In the Circuit Court
Baldwin County, Alabama, Spring Term 1912

VS

John R. Smith, Defendant.

John R. Smith Claimant,

Now comes the Claimant in the above stated case and moves the Court to set aside the verdict and grant a new trial, and for grounds of said motion, sets out the following:

1st. Because the verdict was contrary to the evidence.

2nd. Because the verdict was contrary to the law and the evidence.

3rd. Because the Court erred in admitting in evidence against the objection of the claimant, what purported to be the levy by the

~~execution by the~~ Sheriff of an execution on the property claimed by the claimant.

4th. Because the *Venditioni offonas* ~~Pieri~~ ^{before whom the case was tried} ~~Justice of the Peace~~ issued by the Justice of the Peace on March 18th 1912, on which the Sheriff has made return that he levied the same on the ^{personal property} claimed by the claimant in this case, did not authorize the Sheriff to make such levy.

~~Because the original papers were by the Justice of the Peace shown that the property~~

5th. Because ~~the said return by the~~ Sheriff of the levy of said execution, had no existence when this case was tried before Justice George W. Burns on March 30th 1912, when the judgment was rendered by said Justice from ^{Court} whose the appeal was taken in this case.

6th. Because the return of a levy by the Sheriff under an execution issued in the case of *Ray Talk* Plaintiff, VS. John R. Smith, Defendant, on May 18th 1912, was not one of the original papers of the cause, when the Trial of the Right of Property

~~was~~ between the movant in this motion, as Claimant, and *Ray Talk* as plaintiff was tried before said Justice of the Peace, from which the appeal in this case was taken

and it is a fraud upon this claimant for return to be placed in this record as one of the original papers in the cause.

7. *John R. Smith* Claimant.

in each of these Cases
Motion, overruled &
Mortant except, separately
A. E. Gaudin
Judge

*Filed May 30th 1912
W. H. L. Clerk*

7th. Because the plaintiff should not be allowed to recover in a claim suit, as this is, when it is shown to the Court that the original attachment under which the property was taken from the defendant was void.

8th. Because the Claimant was taken by surprise by the offer in evidence by the plaintiff of the return of the Sheriff of the levy of an execution, on the property involved in the suit, when on the trial of The Right of Property before the Justice of the Peace, from whose judgment the appeal was taken, the only levy appearing in the papers or offered in evidence was the levy of the Attachment.

Leslie Hall Esq.,

Contra.

Wm. H. Stouck
.....
Wm. A. Anderson
.....

For Motion.

The same motion is made in the cases of

732 Ray Tuck Plaintiff
" John R. Smith Defendant
J. Lacy Smith Claimant

738 John Tuck, Plaintiff
" John R. Tuck Defendant
Phibbe Smith Claimant

739 John Tuck, Plaintiff
" John R. Smith Defendant
J. Lacy Smith Claimant

736 Dolly Mullins Plaintiff
" John R. Smith Defendant
Phibbe Smith Claimant

737 Dolly Mullins, Plaintiff
" John R. Smith Defendant
J. Lacy Smith Claimant

734 John Mullins, Plaintiff
" John R. Smith Defendant
J. Lacy Smith Claimant

735 John Mullins, Plaintiff
" John R. Smith Defendant
Phibbe Smith Claimant

741 W. J. Allen, Plaintiff
" John R. Smith Defendant
J. Lacy Smith Claimant

740 W. J. Allen, Plaintiff
" John R. Smith Defendant
Phibbe Smith Claimant

in each of these cases
motion, overruled +
necant ex cpts, separately.
A. C. Gable,
Judge -

State of Alabama)

Baldwin County,)

Circuit Court Fall Term 1912.

Ex-Parte -Otis B Richerson- Sheriff of Baldwin County, Alabama,

And now comes Otis B Richerson, Sheriff and moves the Court to allow him 6 extra Deputies for the present Term of Court in addition to those allowed by law, and shows unto the Court that such extra Deputies are necessary to the proper discharge of the duties of the Sheriff's Office, because of the great amount of business before the present Term Court and because the new Jury law places extra service upon the Sheriff, and that the area of Baldwin County is very large and that many cases of importance will come before the Court requiring extra services and speedy action by the Sheriff to carry out the orders of the Court.

The names of the extra Deputies wanted are- C.Y. Hall, G.R. Cain, Cicero Nelson, Byard Roberts, A. Nix and Sam Andrews.

J. S. Col, Chas Minniss.

Judge

Sheriff of Baldwin County.

Circuit Court, Baldwin County,
 Archer Slaughter, Plaintiff
 vs
 John P. Wilson, Defendant.

Bill of Costs.

Issuing Summons and Complaint	1 25
Making Copy thereof	95
Entering Sheriff's Return of Copy	20
Docketing	25
Entering appearance 2	40
Filings, each 2	20
Every trial, without or without jury	75
Entering up judgment or copy thereof	30
Issuing execution	50
Entering return on execution	20
Issuing 69 Subpoenas	20 70
Trial Record, per 10 words, 15-	1 10
3 Continuances	30
Witness Certificates 34 @ 25	8 50
	\$35 60

Sheriff's fees:

Serving Summons or other process & returning same	1 30
Serving 67 Subpoenas	43 55
Empaneling jury in each case	75
Collecting Cost on execution	1 50
Entering & Returning execution	25
	\$47 35

Recapitulation

Clerk's fees	35 60
Sheriff's fees	47 35
Witness fees	177 75
Total fee	\$260.70

Witness fees charged

Fall Term 1907

Plaintiff's witnesses

Thos H. Bayles

Left to Witnesses:

Geo Holmes

W D Hall Jr.

Young Hall

Gus Hall

4 25

4 30

6 50

4 00

23 30

Otis B. Richardson	530
Joe Deane	550
Hunter Hall	290
J.R. Hodgen	580
L.F. Warren	400
John Entwistle	430
Spring Term 1908.	
Plff's Witnesses	
Sarah Hale	450
Clara Leatherwood	450
Def's Witnesses	
Joe Deane	850
Hunter Hall	600
J.R. Hodgen	650
L.F. Warren	700
Will Booth	150
Fall Term 1908	
Plff's witnesses	
Sarah Hale	600
Clara Leatherwood	600
Def's witnesses	
Hunter Hall	600
T.H. Boyles	870
J.R. Hodgen	650
Hettie Singleton	850
Will Booth	150
Spring Term 1909	
Plff's witnesses	
Sarah Hale	150
Clara Leatherwood	150
Def's witnesses	
Will Booth	150
George Holmes	430
T.H. Boyles	400
J.R. Hodgen	360
L.F. Warren	400
Hettie Singleton	400
Will Booth	150
	<u>177.75</u>

Archie W. Slaughter plaintiff } Circuit Court
 vs } Brown County.
 John T. Wilson, Defendant
 Motion to retax Costs.
 Comes the plaintiff and moves the Court to retax

The costs in this cause on the ground that the taxation of the costs is excessive, in that the costs of witnesses a list of which is hereto attached and made a part of this motion are charged, but only two of these witnesses were examined. These witnesses who were not examined but were summoned by the defendant, should not be charged from the cost bill.

Wherefore plaintiff prays the Court to retax the costs as to the witnesses so that only the costs allowed by law may be charged.

Roach & Chamberlain
Attorneys for plaintiff

Filed May 21st 1909

W. J. Steel Clerk

Set for trial 5th Mo 2 o'clock P.M.

Motion continued
until next term of Court
Set 5th Mo 1909 Saml & B. Brown

Motion refused & P.P.H.
4 cts.

Ex Parte Thomas A Booth, Sheriff, of Baldwin County, Ala
 Now comes Thomas A Booth sheriff of Baldwin
 County and moves the Court to allow him three
 extra deputies for this term of Court in
 addition to those allowed by law.

Oct 25/1909

Thos A Booth
 Sheriff

Motion granted
 James B. Browne
 Judge

William Felt
 Plaintiff
 vs
 Emma Canning Company
 Defendant } No 564

Comes plaintiff in the above entitled cause, and moves the
 Court for leave to amend nunc pro tunc, the judgment
 taken against the defendant in said cause at the Spring
 term 1909 of the Circuit Court of Baldwin County, Alabama,
~~so~~ so that said judgment shall show that before the
 said judgment was rendered, proof, independent of
 the return of service, was made, that Henry Hall
 the person served as president of the said Emma
 Canning Company, a Corporation, defendant, was in
 fact president of said defendant at the time of
 the service of the summons upon him in said
 above entitled cause.

Oct 26th 1909

R. H. R. M. Smith
 Atty for plaintiff.

Memo
 Notice of the above ~~jud~~ motion was accepted and
 the giving of the ten day notice, before the hearing of the
 above motion was waived by separate instrument in
 writing which has been filed in this Court.
 R. H. Smith.

Motion granted
 Oct 26th 1909. James B. Browne
 Judge

Ex Parte Thos A. Booth, Sheriff of Baldwin County, Ala.

Now comes Thos A. Booth, Sheriff of Baldwin County, Alabama and moves the Court to allow him ~~four~~ ^{four} extra deputies for this term of the Court in addition to those allowed him by law on account of the large area of the County and the large volume of business of the Sheriff's Office.

March 28 1910

T A Booth

Sheriff

Ex Parte, Thos A. Booth, Sheriff of Baldwin County, Alabama

Now comes Thos A. Booth, Sheriff of Baldwin County, Alabama and moves the Court to allow him four extra deputies for the present term of Court in addition to those allowed by law and shows to the Court that such extra deputies are necessary to the proper discharge of the duties of the Sheriff's Office because of the following reasons:

- 1st The business of the Court is too large for him to attend to properly without such extra deputies.
- 2nd The new jury law places extra ~~deputies~~ ^{services} upon the Sheriff and it is necessary to have such extra deputies to attend to such extra duties.
- 3rd The area of Baldwin County is very large and many cases of importance will come before the Court requiring extra services and speedy action by the Sheriff to carry out the orders and summons of the Court.

March 28-1910

Thos A. Booth,
Sheriff of Baldwin County, Alabama.

Motion granted
DANIEL P. BRADY,
Judge

Ex Parte Thomas a Booth Sheriff.
now comes shos. a Booth Sheriff of Baldwin
county Alabama. and moves the court to
allow him ~~ten~~^{eleven} extra deputies for the
present term of court in addition to those
allowed by law, and shews into the court
that such extra deputies are necessary
to the proper discharge of the duties of the
Sheriffs office because of the following reasons
1st. the business of the court is too large
for him to attend to properly without such
extra deputies.

2nd the new jury law places extra
services upon the Sheriff and it is
necessary to have such extra deputies
to attend to such extra duties.

3rd the area of Baldwin is very
large and many cases of importance
will come before the court requiring
extra services and speedy action by the
Sheriff to carry out the orders of the
court.

~~Samuel B. Brumby~~
Sheriff. Baldwin Co. Ala

Oct 24/10

Motion granted
Samuel B. Brumby
Judge

State of Alabama.
Baldwin County.

comes Frank Stoull
solicitor for the 13th Judicial Circuit
and shows unto ~~you~~ ~~you~~ the court
that he was duly appointed and
qualified as such solicitor on
to - wit October 1st 1910.

That prior to said appointment
he had accepted employment
as counsel for the following
cases pending before the grand
jury and on the docket of this
court to - wit: -

- 1 Anna Williams,
- 2 Tom Crandall,
- 3 Charlie Russell,
- 4 Ben King Jr.,
- 5 Maurice Stapleton,
- 6 Victoria Malloy,
- 7 Lamb Robinson,
- 8 Herb Franklin,
- 9 Heron Leggett,
- 10 Herbert Pierce,
- 11 G. L. Lambert,
- 12 J. C. McLeod,
- 13 J. C. Batson,
- 14 Andrew J. Mathis,
- 15 G. W. Burns,
- 16 Hiram Cooper

for which reasons movant is dis-
qualified from representing the
state and moves the court to
appoint a solicitor pro tem and
Special solicitor in said cases
now pending.

Frank Stoull
Sol. 13th Jud. Circ.

Motion granted
Samuel Boone
Judge

State of Alabama } Circuit Court
Baldwin County } Fall Term 1910.

Nov 27
Comes the State of Alabama, by its Solicitor pro tem and special Solicitor and moves the Court to amend the minutes of the Circuit Court at the present term in so far as it relates to the drawing and empannelling and organizing the Grand and Petit Juries for the present term of this Court by inserting on page 341 on said minutes the following, to-wit: "the 24th day of October 1910 the Judge presiding in open".

And on page 342 of the said minutes the following, to-wit: "presiding Judge of said Court."

Chas Hall
Solicitor Pro Tem and Special
Solicitor

7065 vs
Jos A Carney, Plaintiff
Jiles & Phillips, Defendants

In Circuit Court of
Baldwin County, Alabama
Fall Term 1910

Now comes the defendant in the above entitled
cause and separately and severally moves the
court to set aside the verdict, heretofore
rendered in said cause and grant a new
trial in said cause on the grounds of
said motion says:

1st The verdict of the jury was contrary to the law

2nd The verdict of the jury is contrary to the evidence
introduced on the trial.

3 The verdict of the jury is contrary to the
law and the evidence

4th The court erred in the ruling it made
which required the defendant to produce
the attesting witness Arthur ~~Thomas~~ Pierstall
to prove the execution of the contract be-
tween Jos. A. Carney and Jiles & Phillips,
which contract was set out in defendant's
plea of set off and offer of testimony as to contents.
a maker of said contract and offering to testify as to contents.

5th The court erred in the ruling as to requiring
the production of the attesting witness to the
contract between Taylor, Lowenstein Company and
Jos A Carney. That H Taylor, who executed said
contract for Taylor, Lowenstein & Co with said Jos. A.
Carney, being present as a witness and offer-
ing to testify as to the contents of said contract.

6th The court erred in giving the affirmative charge
for the Plaintiff, there being some evidence
to sustain plea three and four of defendant

7th Defendant asks for a new trial on the ground of
negligently discovered evidence since said verdict
was rendered, which would be material to the issues involved
in a new trial of the case, which was not S. C. Jenkins, atty
for defendant

ground of proving the contents of the contract between them

copy of the original of the contract between them

No 44

State of Alabama } Circuit Court, Fall Term 1910
vs
William Bilbo }

Nov 19 1910

Now comes the defendant and moves the Court to set aside the verdict in this cause and grant him a new trial upon each of the following grounds separately:

- 1st Because the verdict was contrary to the evidence.
- 2nd Because the verdict was contrary to the law.
- 3rd Because the verdict was contrary to the law and evidence.
- 4th Because the verdict was contrary to the charge of the Court.
- 5th Because the Court erred in refusing to give the general affirmative charge at the request of the defendant, which request was in writing.
- 6th Because the Court erred in overruling the objection of the defendant to the testimony of the witness W. F. Morgan as to a conversation which took place between the defendant and his wife.
- 7th Because the Court erred in overruling the defendant's objection to the testimony that Maria Bilbo stated to William Bilbo, in the hearing of the witness W. F. Morgan, in substance, that "You were the cause of it," and the Court erred in not limiting said testimony to the defendant, Maria Bilbo,

Lislie Hall,

Atty for Defendant.

Motion refused
Nov 11 1910
Samuel R. Brown
Judge

State of Ala. }
 vs ^{No 45} } Circuit Court Fall Term 1910.
 Maria Bilbo }

Now comes the defendant and moves the Court to set aside the verdict in this cause and grant her a new trial upon each of the following grounds separately;

- 1st. Because the verdict was contrary to the evidence.
- 2nd. Because the verdict was contrary to the law.
- 3rd. Because the verdict was contrary to the law and evidence.
- 4th. Because the verdict was contrary to the charge of the Court.
- 5th. Because the Court erred in refusing to give the general affirmative charge at the request of the defendant, which request was in writing.
- 6th. Because the Court erred in overruling the objection of the defendant to the testimony of the witness W. F. Morgan as to a conversation which took place between the defendant and his wife.
- 7th. Because the Court erred in overruling the defendant's objection to the testimony that Maria Bilbo stated to William Bilbo, in the hearing of the witness W. F. Morgan, in substance, that "You were the cause of it."

Leslie Hall

Atty for Defendant

Motion refused
 Nov 14th 1910

James H. Brown

The State of Alabama, } Circuit Court,
Baldwin County. } Spring Term, 1911.

Ex-Parte - Otis B. Richardson, Sheriff
of Baldwin County, Alabama. ^{And now comes Otis B. Richardson, Sheriff} and moves
the Court to allow him Five Extra Deputies
for the present term of Court in addition to
those allowed by law, and shows unto the Court that
such Extra Deputies are necessary to the proper
discharge of the duties of the Sheriff's Office, because
of the great amount of business before the present
term of Court, and because the new jury law places
Extra Services upon the Sheriff, and that the area
of Baldwin County is very large, and that many
cases of importance will come before
the Court requiring Extra Services and speedy
action by the Sheriff to carry out the orders
of the Court. The names of the Extra Deputies wanted
are Chas. C. Hand, Howell Hall, R. B. Richardson,
Sam Wilkins and Byard Roberts.

May 22nd 1911.

Otis B. Richardson
Sheriff Baldwin County, Ala.

Granted
Very Respectfully,
May 22nd 1911 Judge

State
vs
Hiram Cooper

May 30th 1911
Motion for New Trial

Comes the defendant and moves the Court
to set aside the verdict rendered against
him in this case and grant him a new
trial upon each

State of Alabama
vs

Hiram Cooper

May 30th 1911

Motion for a New Trial

Comes the defendant and moves the Court
to set aside the verdict rendered ~~him~~
against him in this case and grant
him a new trial upon each of the following
separate grounds, separately assigned:

- 1st The Verdict was contrary to the evidence
- 2nd The Verdict was contrary to the law and the evidence
- 3rd The Verdict was contrary to the charge of the Court
- 4th That the defendant has discovered new
evidence material to the case as per affidavit
upon file, which was not discovered before
the trial, owing to no lack of diligence on
part of defendant

Withdrawn
W. H. H. H. H.
S. C. H. H. H.

W. H. H. H. H.
S. C. H. H. H., atty for Defendant

State of Alabama } Circuit Court
Baldwin County } Fall Term - 1911

Ex-Parte - Otho B. Richardson - Sheriff of Bald

County, Alabama, and now Otho B. Richardson
Sheriff, and moves the Court to allow him
Five Extra Deputies for the present term of Court
in addition to those allowed by law, and shows
unto the Court that such extra Deputies are necessary
to the proper discharge of the duties of the Sheriff's office,
because of the great amount of business before the
present Term of Court and because the new Jury
Law places extra services upon the Sheriff, and
that the area of Baldwin County is very large
and that many cases of importance will come
before the Court requiring extra services and
speedy action by the Sheriff to carry out the
orders of the Court.

The names of the Extra Deputies wanted
are - Charles C. Hand - Byard Roberts - George B. Cain
Sam Watkins, and C. Y. Hall -

Nov 20th 1911

Otho B. Richardson
Sheriff Baldwin County, Ala.

Nov. 20th 1911

Granted
A. E. Gaudin
Judge

A. & D. Slaughter)

vs) In the Circuit Court of Baldwin County.

George Martin.)

Now come the plaintiffs, and move the court to set aside the verdict and judgment rendered in this cause, and to grant them a new trial, on the following grounds:-

- (1) The verdict was contrary to the evidence.
- (2) The verdict was contrary to the law and the evidence.
- (3) The court erred in refusing to give, at the request of the plaintiff, the following written charge :- "The court charges the jury that if they believe the evidence in this case, they should find for the plaintiff."
- (4) The court erred in refusing to give, at the request of the plaintiff, the following written charge :- "The court charges the jury that they can not find for the defendant under the plea of set-off."
- (5) The court erred in giving, at the request of the defendant, the following written charge:- " The court charges the jury defendant can plead set-off for any sum plaintiff may owe the defendant at the time of filing the plea. "

Geo. E. Minter
Attorney for Plaintiffs.

*Nov. 29th 1911. Motion overruled, &
Deft 14 cpts. A. E. Gumble
Judge*

R. J. Smith & J. G. Griffin
 doing business as Loxley Supply Co.
 versus
 Gus Pappas

Circuit Court.

Now comes the plaintiff and shows to the
 Court that on the 24th day of November 1911
 an attachment issued out of the Circuit
 Court of Baldwin County, Alabama against
 Gus Pappas in favor of the above named
 plaintiff, which Attachment was duly exe-
 cuted by levying on the following described
 personal property as the property of the
 defendant, to wit:

one 2 1/2 inch terr. wagon,
 2 sets of double harness,
 2 Black (very dark brown) horse mules,
 1 Brown mare mule,
 1 Buckskin or light brown horse mule with
 striped legs, of which levy defendant was
 given personal notice by the Sheriff of Baldwin
 County, Alabama.

Plaintiff show that the said property is
 perishable, and further that the cost of
 keeping it will be very great; that it is
 of so perishable a nature that it will
 deteriorate greatly in value.

Wherefore plaintiff moves the Court
 for an order that said property be sold
 and the proceeds of the sale retained
 by the Sheriff to await the decision of
 the Court, unless the Court otherwise direct,
 as provided by law.

Essie Hall
 Atty for Pappas

Motion granted,
 A. E. Smith
 Nov. 30th 1911, Justice

Motion Granted
 + Dft held in
 custody to
 await the action
 of next Grand
 Jury. Bail
 fixed at \$150
 Dec. 1st 1911.
 W. G. Smith
 Judge

State of Alabama
 versus
 James Gaines

Circuit Court
 Fall Term 1911.

Now comes the defendant, ^{before sentence} and moves
 the Court to arrest the judgment in this
 case upon the following grounds:-

Because of the illegality of the Grand Jury
 which returned the indictment in this,
 that one Christopher Columbus Rogers was
 a member of the Grand Jury which preferred
 the indictment in this case, to wit, at the
 Fall Term, 1910 of the Circuit Court of Baldwin
 County and said Rogers was not drawn
 by the officer designated or prescribed by law.

2nd Because one, Christopher Columbus Rogers
 was not drawn by any person authorized
 by law as a juror, nor was he drawn
 in pursuance ^{of the order} of any judge or any Court,
 but notwithstanding this said Rogers
 served as a member of the Grand Jury
 which preferred and returned said
 indictment without authority of law.

Wherefore defendant prays that
 the said judgment and sentence upon
 the verdict rendered in this case may
 be arrested, the indictment quashed,
 and the defendant discharged or be to
 answer another indictment as the
 Court may determine, or for such other
 order as may be requisite and proper in
 the premises.
 Nov 30th, 1911.

Leslie Hall
 Atty for Dft

Hon. C. R. Bricker
 Am J S State
 Solicitor
 C. R. Bricker

State of Alabama

Circuit Court
Fall Term 1911

Will Kennedy, alias Kennedy,

Comes the defendant and moves the Court to
 set aside the verdict rendered against him
 in this case and grant him a new trial
 upon each of the following grounds separately:
 1st The verdict was contrary to the evidence
 2nd The verdict was contrary to the law and
 the evidence
 3rd The verdict was contrary to the charge of the
 Court

4th The Court erred in not instructing the jury
 that the defendant was a man-slayer in the second degree
 and in not giving the time of punishment
 as fixed by the statute

5th The defendant has discovered new
 evidence material to the case, as per
 affidavit on file, which was not discovered
 before the trial owing to the lack of
 diligence in part of the defendant

J. B. Jenkins, atty for
 the Defendant

Motion overruled

A. E. Gamble,
 Judge.Dec. 1st 1911.

State of Ala
Baldwin Co

Circuit Court
Spring Term 1912

Et Parte Otis B. Richardson Sheriff of Baldwin
Alabama and now comes Otis B. Richardson
Sheriff and moves the Court to allow
five extra Deputies for the present term
of Court in addition to those
allowed by law and shows unto
the Court that such extra Deputies
are necessary to the proper discharge
of the duties of the sheriff's office
because of the great amount
of business before the present
term of Court and because
the new jury law places extra
services upon the sheriff and that
the area of Baldwin County is
large and that the many cases of
importance will come before the Court
requiring extra service and spe-
cial action by the sheriff to carry out the
order of the Court.

The names of the Extra Deputies
wanted are R. C. Nelson C. J. Har-
byard Roberts Geo. R. Cain Cassie Har-

May 20th 1912

Otis B. Richardson
Sheriff

May 20 1912

Granted

A. E. Gamble Judge

Fred Hobbs and
J. N. Marston Jr. doing busi-
ness under Cobb & Marston

^{versus}
D. F. McKenzie

Comes the defendant and shors to the Court
that the amount sued for in this case
was in the sum of \$8400 and was in
assumpsit; and that the verdict of the jury
awarded the plaintiff fifteen dollars which is
amount is below the jurisdiction of this
Court.

Defendant therefore moves the Court to ^{stand moved} dismiss
the suit as provided by law.

Ewen McAllister
Counsel

Charles Hall
Atty for Deft

Courtly copy
May 31 1917
W. J. Sumner
JMS

Drago Grain Company,
plaintiffs,

vs.

C. F. Grice, defendant.

Circuit Court of Baldwin County,
Alabama.

Come the plaintiffs and move the court to set aside the order of dismissal entered in this cause and show unto the court:-

1. That they have a meritorious case.
2. That their attorney was not present in court when this case was called for trial due to an equivocal message from the Clerk of the Circuit Court, which lead him to believe that on May 22d. this case would be set for trial for some future day, and as a matter of fact this case was dismissed for want of prosecution on said day.
3. That their attorney was prosecuting their case with diligence and as a matter of fact in accordance with his understanding of the message he had received that the case would be set for trial on May 22d. for some future day he did on May 22d. write the Clerk of the Circuit Court to inform him of the day for which this case was set for trial.

William Lowby.
Attorney for plaintiffs.

May 30th 1912
Motion granted and
Case continued
A. E. Garbutt
Judge

State Of Alabama.

vs.

In Circuit Court, Baldwin County.

Drug Taylor

Now comes the defendant before sentence, and moves the court to arrest the judgment in this cause upon the following grounds to-wit:-

1st.

Because of the illegality of the Grand Jury, which preferred and returned the indictment in this:- That one Christopher Columbus Rodgers was a member of the Grand Jury, which preferred and returned the indictment in this cause to-wit:- at the Fall Term 1910 of the circuit court of Baldwin County, and said Rodgers was not drawn by the officer designated or prescribed by law.

2 nd.

Because one Christopher Columbus Rodgers was not drawn by any person authorized by law, as a juror, now was he drawn in pursuance of the order of any judge or any court, but notwithstanding this, said Rodgers served as a member of the Grand Jury which preferred and returned said indictment, without authority of law.

Wherefore defendant prays that the judgment and sentence upon the verdict rendered in this cause may be arrested, the indictment quashed, and the defendant discharged, or held to answer another indictment as the court may determine, or for such further order, as may be requisite and proper in the premises.

W. H. Hawkins

Attorney for Defendant.

Hon. F. S. Stone
Solicitor General
for
State

May 29th 1911
Overruled
at Gauley
Judge

Miss Elsie Leamy / Circuit Court
vs
Mrs Eva Busch / Baldwin County Ga

Resumes the Plaintiff by her Attorney
and respectfully moves that
Honorable Court to strike from
the records the appearance of
Plaintiff's Counsel as Attorney for
Defendant, and also demand that
said appearance be not been filed
within the time prescribed by the
rules for the filing of appearance.

E. H. Thompson
Clerk for Plaintiff

Granted
May 22nd 1917,
W. G. Gamble
Judge

Q1. 10. 10

6/22/1913

Opuntia

Cacti

10/10/1913

Opuntia

State vs.
Dug. Taylor

Circuit Court, Spring Term 1912.

- Now comes the defendant, and moves the Court to set aside the verdict and grant him a new trial upon each of the following grounds separately:
- 1st. Because the verdict was contrary to the evidence.
 - 2nd. Because the verdict was contrary to the law.
 - 3rd. Because ~~was~~ the verdict was contrary to the law and evidence.
 - 4th. Because the verdict was contrary to the charge of the Court.
 - 5th. Because the Court erred in refusing to give Charge no two (2), at the request of defendant which request was in writing.
 - 6th. Because the Court erred in sustaining the motion to strike defendant's amendment to plea in abatement.
 - 7th. Because the Court erred in refusing the defendant's motion in arrest of judgment.

Hon. F. S. Stone W. J. Hawkins
Solicitor General Atty for defendant.
For State —

overruled
May 31st 1912, A. E. Gaubly
Judge

State

to
Clem Astor

Come to defendant and move the
Court to arrest the judgment in this
Cause before sentence upon the
grounds set forth in his written
motion in file.

Solicitor
General

Leslie H. Hall
Attorney at Law

Motion
granted
May 28/12
Respectfully
JMK

George W. Mitchell }
 vs
 P.Y. Albright.) In the Circuit Court of Baldwin County.

Now comes the plaintiff, by his attorney, and shows unto the court that on, to-wit, the 21st day of November, 1912, being a day of the present term of said court, the plaintiff in said cause took a non-suit, with a bill of exceptions, on account of the adverse rulings of the court on the evidence. Plaintiff further avers that said rulings consisted of the refusal of the court to admit in evidence a certain instrument purporting to be the bond sued on. Plaintiff respectfully submits that the court erred in refusing to admit said bond in evidence. Plaintiff further avers that he has a meritorious cause of action and that substantial justice will be done by setting aside said non-suit.

Wherefore, plaintiff moves the court to set aside said non-suit, and to reinstate said cause on the trial docket.

George W. Mitchell
 By *John E. Mitchell*
 Attorney.

State of Alabama
 Baldwin
 Mobile County.

J. W. Richardson, Clerk of the Circuit Court
 Before me, ~~Helen Lyons~~, a notary public in and for the county aforesaid, personally appeared John E. Mitchell, who, being first duly sworn, says that the allegations contained in the foregoing motion are true.

Given under my hand this 24th day of November, 1912.

J. W. Richardson, Clerk Circuit Court
 Notary Public, Mobile County, Alabama.

*Filed Nov 26 1912
 Richardson Clerk*

*I hereby accept notice of the filing of the above motion. Leslie Hall
 Clerk for Plaintiff
 Nov. 27 1912.
 Motion overruled & motion excepts
 O. G. Smith
 Judge*

State Of Alabama.

vs.

In Circuit Court, Baldwin County.

Vannine Lee

Now comes the defendant before sentence, and moves the court to arrest the judgment in this cause upon the following grounds to-wit:-

1st.

Because of the illegality of the Grand Jury, which preferred and returned the indictment in this:- That one Christopher Columbus Rodgers was a member of the Grand Jury, which preferred and returned the indictment in this cause to-wit:- at the Fall Term 1910 of the circuit court of Baldwin County, and said Rodgers was not drawn by the officer designated or prescribed by law.

2nd.

Because one Christopher Columbus Rodgers was not drawn by any person authorized by law, as a juror, nor was he drawn in pursuance of the order of any judge or any court, but notwithstanding this, said Rodgers served as a member of the Grand Jury which preferred and returned said indictment, without authority of law.

Wherefore defendant prays that the judgment and sentence upon the verdict rendered in this cause may be arrested, the indictment quashed, and the defendant discharged, or held to answer another indictment as the court may determine, or for such further order, as may be requisite and proper in the premises.

W. H. Hawkins

Attorney for Defendant.

Nov. 27th - 1912 -

Motion overruled
A. E. Gambler
Judge

James etc
 Frank Fessler, plaintiff,)
 vs.) Circuit Court, Fall Term, 1912.
 D. R. Peteet & S. A. Scott, ()
 defendant.)

Now comes the plaintiff and moves the court to set aside the verdict in the above entitled cause and grant him a new trial upon each of the following separate grounds:

First. The verdict was contrary to the evidence.

Second. The verdict was contrary to the law.

Third. The verdict was contrary to the law and the evidence.

Fourth. The verdict was contrary to the charge of the Court.

Leslie Hall
 Attorney for Plaintiff.

W. S. Anderson *Eng*
 Attorney for defendants.

Nov 27th 1912 -

Motion overruled + Refr w/cpts

A. E. Gamble
Judge

Frank Fesler, for the use of)
 Charles A. Whiteley,)
 vs.)
 D. R. Peteet and S.A.Scott)

In Circuit Court, Baldwin County,
 Alabama.
 Fall Term 1912.

Now comes the defendants and move the Court to tax the plaintiff with the costs in said case and for grounds of said motion, they say,

They were defendants in the Justice's Court, that said Justice rendered a judgment against them for the sum of *Forty* $\frac{00}{100}$ Dollars; that they took an appeal from the judgment so rendered against them by the Justice to this Court, and the Judgment rendered against them in this Court was for "one cent", *and less than the judgment in the Justice Court*

Leslie Hall Esq.,

Contra.

Wm. S. Hudson
 For motion.

Nov 27th 1912 -

Motion overruled

A. E. Gable
Judge

State of Alabama,
Baldwin County.

Circuit Court Fall Term 1912.

Ex-Parte-Otis B Richerson-Sheriff of Baldwin County, Alabama,
And now comes Otis B Richerson, Sheriff, and moves the Court to
allow him seven extra Deputies for the present term of Court in
addition to those allowed by law, and shows unto the Court that
such extra Deputies are necessary to the proper discharge of the
duties of the Sheriff's Office because of the great amount of business
before the present Court and because the new Jury law places extra
service upon the Sheriff, and that the area of Baldwin County is very
large and that many cases of importance have come before the Court
requiring extra services and speedy action by the Sheriff to carry
out the orders of the Court.

The names of the extra Deputies and the number of days
served by each one is as follows; Byard Roberts, 9 Days @ \$2.00--\$18.00
Sim Andrews 8 Days @ \$2.00 --\$16.00 -- George R Cain, 8 Days @ \$2.00
--\$16.00 --- C.Y. Hall, 8 Days @ \$2.00 --\$16.00, A Nix, 8 Days @ \$2.00
--\$16.00 -- J.G. Cox, 8 Days @ \$2.00--\$16.00--Chas. Mims, 3 Days
@ \$2.00 -- \$6.00 -- Total--\$104.00

The names of the Regular Deputies and the number of days
served by each one is as follows; Chas. E Eubanks, 9 Days @ \$2.00
--\$18.00 -- W. R. Stuart, 8 Days @ \$2.00--\$16.00-- Chas. C Hand,
8 Days @ \$2.00--\$16.00 -- Total \$50.00

Motion Granted Nov-27th 1912
E. A. Gandy
Judge.

O. B. Richerson
Sheriff, Baldwin County.

The Honorable A B Gamble, Judge presiding at the Fall Term 1912 of the Circuit Court of Baldwin County, State of Alabama.

The petition of Ira B Thompson would most respectfully show unto the Honorable Court,

1st. That he is a resident citizen of the United States of the State of Alabama, and of the County of Baldwin in said State, and that he is above the age of twenty one years;

2nd. That the petitioner has pursued the study of law as much as eighteen months, or more and that he is of a good moral character;

3rd. That petitioner desires to be admitted to practice as an attorney at law, and solicitor in chancery. Your petitioner therefore makes this application in writing making known such wish and prays Judgment thereon as provided by section 2975 of Vol. 2 of the Code of Alabama of 1907.

Respectfully submitted.

Filed Nov 27th 1912.

J. W. Nicholson
Clerk.

Ira B Thompson

And now on this the 27th day of November 1912, it being Wednesday of the second week of the Fall Term 1912 of the Circuit Court of Baldwin County Alabama, comes Ira B Thompson in open court and presents his application in writing making known to the court his wishes to be admitted to practice as an attorney at law and solicitor in Chancery, and the court having heard the evidence presented by the said applicant in support of his application. It is ordered ~~and~~ adjudged and decreed by the Court that said Ira B Thompson is a resident citizen of the United States the State of Alabama, and of the County of Baldwin in said State, that he is over the age of twenty one years, and that he is of good moral character and that he is possessed of all the necessary qualifications, other than legal learning, to entitle him to be admitted to practice law and solicitor in Chancery. It is further ordered that this order be entered upon the minutes of this court and that a duly certified copy of the same be forwarded by the clerk of this court to the Supreme Court

A. B. Gamble Judge

MARSHALL & BRUCE CO., NASHVILLE, TENN.

1 Knoxville & Nashville
 2 Railroad Company & Circuit Court
 3 Gadsden County Ala.
 4 John P. Brown & Spring Term 1913-

6 Comes the defendant by his attorney
 7 and moves the Court to set aside the
 8 order made by the Court on May 20th 1913
 9 dismissing the appeal in this case,
 10 and on grounds of the motion he says
 11 the Court erred in granting said
 12 motion.

13 Defendant now shows to the Court
 14 that said appeal was taken within
 15 five days after the rendition of the Jud-
 16 gment by the Justice of the Peace in
 17 said case.

18 Defendant also shows to the Court
 19 as a further ground for setting aside
 20 the order dismissing the appeal in the
 21 above stated case, that the ~~Lawrence~~
 22 ~~Knoxville Railroad Company~~ said
 23 appeal was certified to the Fall Term¹⁹¹² of
 24 the Circuit Court of Gadsden County Ala.
 25 that the ~~the~~ plaintiff appeared by ~~the~~ attor-
 26 ney at said Fall Term 1912 and had said
 27 cause continued to the next Term of said
 28 Court; that said plaintiff filed interrogatories
 29 and took the deposition of a witness after the
 30 appeal was taken and thereby waived any objec-
 31 tion to manner of taking the appeal -

May 21st
 1913
 Granted &
 Diff expts -
 W. G. Gump
 Judge

G. C. Jenkins
 Contra -

Am. S. Anderson
 for motion
 May 20. 1913-

Barnette & Hartley, }
James Edwards } Circuit Court.

James the defendant and ~~more~~ there
to the Court that this cause was brought
to this Court by appeal from a judgment
rendered against him in the Justice
Court of Adams County, a Justice of the Peace
and that the judgment for the plaintiff
was for less than the amount of the
judgment rendered by said Justice.
Plaintiff moves the Court to tax the
plaintiff with the costs or with such
proportion thereof as to the Court may
seem proper and just.

Leslie Hays
Atty for Plaintiff

Jno Mitchell Esq
Clerk

May 28th Motion granted and
Each party is taxed with the costs
of the case which accrued at his instance.

A. E. Gault

State of Alabama,)

Baldwin County.)

Circuit Court Spring Term 1913.

Ex- parte- Otis B Richerson- Sheriff of Baldwin County, Alabama,
And now comes Otis B Richerson, Sheriff and moves the Court to allow
him six-~~a~~ deputies for the present term of Court in addition to those
allowed by law, and shows unto the Court that such Deputies are
necessary to the proper discharge of the duties of the Sheriff's
Office because of the great amount of business before the present
Court, and because the new jury ^{law} places extra service upon the Sheriff,
and that the area of Baldwin County is very large and that many cases
of importance have come before the Court requiring extra service
and speedy action by the Sheriff to carry out the orders of the Court.
The names of the extra deputies and the number of days served by each are
one is as follows; Sim T Andrews (4 days 1st, week of this term @ \$2.00
\$8.00) --- A. F. Hix 8 days @ \$2.00 --- 16.00. George R Cain 8 . days @ \$2.
--- @ 16.00 . Cicero Nelson 4 .days @ \$2.00 -- \$8.00
D.P. Slaughter, 4.days @ \$2.00 -- \$8.00- Palmer Mc Gill. 4 days @ \$2.00
--- \$8.00 .

The names of the regular Deputies and the number of days served by each
one is as follows; Chas Pubanks 8 days, @ \$2.00 -- \$16.00

Ramsey Stuart-- 8 days @ \$2.00 --16.00 Byard Roberts 8.days @ \$2.00--
\$16.00 Total \$ 112.00 .

Granted May 28th - 1913

O. B. Richerson
Sheriff of Baldwin County, Ala.

A. E. Gumble
Judge.

NORMAN AIKIN, Plaintiff.)

-VS-

IN CIRCUIT COURT; BALDWIN COUNTY.

B. F. McMillan et al. Defendants.)

Defendants move the court to set aside the verdict and judgment in this cause and grant the defendants a new trial, for the following reasons, each of which is separately and severally assigned:

1-

After the plaintiff and defendants had finished their evidence and the cause had been submitted to the jury and before the rendition of their verdict one of the members of the jury trying the cause went into the record room of Baldwin County, Alabama where the tax records or some of them are kept and examined one of the records showing plaintiffs assessment which was not offered in evidence by either plaintiff or defendant in said cause.

2-

Alleging the same facts set forth above defendants allege that said examination was for the purpose of securing certain information with reference to the pending cause.

3-

Alleging same facts set forth in paragraphs numbered 1 and 2 above, the defendants say that such examination and data secured therefrom influenced one or more of the jurors trying the cause in reaching the verdict they rendered.

4-

Alleging the same facts set forth in paragraph numbered 1, 2 and 3 above, defendants say that the purpose of said examination was to ascertain whether plaintiff had assessed or paid taxes on the land involved in this litigation.

5-

Defendant reiterates the facts alleged in grounds numbered 1, 2, 3 and 4 and adds to each separately the following words. " which was calculated to operate to defendants prejudice in reaching their verdict."

6-

The jury reached their verdict by consideration of evidence which neither party to the cause offered.

7-

The members of the jury trying the cause separated while they had the cause under consideration and before the rendition of their verdict.

8-

The verdict of the jury was against the weight of the evidence.

9-

The jury's assessment of damages was excessive.

Nov-26th Motion overruled + Dkt
Expts — W. G. Amery
Judge

10- The Court erred in admitting in evidence the alledged deed or conveyance from Lewis Baudin to Joshua Kennedy.

11- The Court erred in admitting in evidence the patent to the representatives of Lewis Baudin.

Wm. M. Gregory & Co.
Attys for defendant.

We certify that we sent a copy of this motion to Messrs Gregory L. & H. T. Smith, of counsel for the plaintiff of this 24th day of November 1913.

Wm. M. Gregory & Co.
Attys for Defendant.

Ex H. T. Smith & Baudin & Hall
County.

✓ Nov. 26th motion overruled + Dept
excepts — W. G. Amery
Judge

State of Alabama; {
Baldwin County. }

Circuit Court Fall Term 1913

Ex-Parte- Otis B. Richerson- Sheriff of Baldwin County, Alabama

And Now comes Otis B. Richerson, Sheriff and moves the Court to allow him deputies for the present term of Court in addition to those allowed by law, and shows unto the Court that such Deputies are necessary to the proper discharge of the duties of the Sheriffs Office because of the great amount of business before the present Court and because the new jury law places extra service upon the Sheriff, and that the area of Baldwin County is very large, and that many cases of importance have come before the Court requiring extra service and speedy action by the Sheriff to carry out the orders of the Court.

The names of the extra Deputies and the number of days served by each one is as follows; Byard Roberts 8 days @ \$2.00 \$18⁰⁰
J. E. Richerson, 4 days @ \$2.00 \$8.00; Reuben Stapleton, 4 days @ \$2.00 \$8.00 ; Cisero Nelson; 4 days @ \$2.00 \$8.00

The names of the regular deputies and the number of days served by each one is as follows; Chas. Eubanks, 4 days @ \$2.00 \$18⁰⁰
Chas. C. Hand, 9 days @ \$2.00 \$18⁰⁰ ; J.G. Cox, 5 days @ \$2.00 \$10⁰⁰

Total \$88⁰⁰

Nov 26th 1913.

Granted
A. A. Gannett
Judge.

O. B. Richerson
Sheriff of Baldwin County.

State of Alabama; *

Baldwin County; *

Circuit Court Spring Term 1914.

Ex- Parte - Otis B Richerson- Sheriff of Baldwin County Alabama.

And now comes Otis B. Richerson, Sheriff of Baldwin County, and moves the Court to allow him 2 deputies for the present term of Court in addition to those allowed by law, and shows unto the Court that such Deputies are necessary to the proper discharge of the duties of the Sheriffs Office because of the great amount of business befoe the present Court and because the nes Jurt Law places extra service upon the Sheriff, and that the area of Baldwin County is very large, and that many cases of importance have come before the C Court requiring extra service and speedy action by the Sheriff to carry out the orders of the Court.

The names of the xtra Deputies and the number of days served by each one is as follows; D.P. Slaughter. 4 days @ \$2.00 \$ 8⁰⁰
Byard Roberts 7 days @ \$2.00 \$ 14⁰⁰; Sim T. Andrews, 4 days @ \$2.00 \$ 8⁰⁰;

The names of the regular Deputies and the number of days served by each one is as follows;

Robert Hayles 7 days @ \$2.00 \$ 14⁰⁰;
Chas. Eubanks 7 days @ \$2.00 \$ 14⁰⁰; Chas C. Hand, 7 days @ \$2.00 \$ 14⁰⁰;

Total \$ 72⁰⁰

O. B. Richerson
Sheriff of Baldwin County

Judge.

May 27th Granted,
A. E. Gumbel
Judge

Revs

Revs Chemical Co. a
Corporation, Plaintiffs
vs

In Circuit Court
J. Baldwin Clerk, etc.

A. F. McKenzie & T. A. Mc
Kenzie partners under the
firm name of A. F. McKenzie & Son

Comes the defendants and shows to
court that they have a meritorious
defense to the demand sued on
in this case. They therefore, urge
the Court to set aside the judgment
by default rendered in this case
and to allow them to file their
pleas.

November 25, 1914

J. C. Jenkins,
Att'y for Defendants.

✓ 12/3, motion overruled,

A. E. Gamber
Judge—

Swift & Company, a Corporation
organized under the Laws of

vs

Carl Barnett

*In Circuit Court
of Baldwin County
Fall Term 1914*

in his own proper person

Comes the defendant ~~by his attorney~~ and moves the court to set aside
the judgment by default rendered in this cause on ~~25~~²⁵ day of ~~November~~
1914 and for cause says that he was sick on the day said case was called
and that he has a meritorious defense [&] the action on this cause all of
which he is ready to verify.

Carl Barnett

Sworn to and subscribed before me this the 2 day of *Dec* 1914.

J. W. Richerson

State of Alabama,)
Baldwin County.

Before me, thos. W. Richerson clerk of the Circuit Court of Baldwin
County personally appeared Carl Barnett who on oath deposes and says he
is the defendant in the case of Swift & Co vs Carl Barnett in said cour
t on which judgment by default was taken on the ~~25~~²⁶ day of ~~Nov~~^{Nov} 1914
court; that he was sick on the day said cause came on to be heard and
that he has a good defense and one meritorious in this that he never
received the ~~money~~^{goods} for which ~~the~~^{the} note ~~was~~^{was} given to the
~~people~~^{Farmer Union Induce & Change} and which was transferred to
the plaintiff to the truth of which statement he is ready to make oath
and verify by his sworn plea denying the claim.

Carl Barnett

Sworn to and subscribed before me this 2- day of Decemebr 1914.

J. W. Richerson

Clerk of the Circuit Court of Baldwin County, Ala.

*tion Averred and Defendant Except
A E Gamble Judge
Dec 12/1914*

James W. Johnson } No. 1030.
 vs. } In Circuit Court
 Nick Johnson } of Baldwin County
 et al. } Ala.
 Nov. Term 1914.

James W. Johnson, the plaintiff in this cause, and moves the court to vacate the order of dismissal of said case and to reinstatement the same upon the trial docket of the court, for the reasons following:

1st Because said cause is founded upon merit and justice.

2^d Because it was a new case and had never before ^{been} called, continued or acted upon by the court.

3^d Because there had never been, so far as plaintiff ever knew or had been legally or otherwise informed, any plea or even appearance of the defendant Nick Johnson or either or any of the other said defendants.

4th Because plaintiff's attorney had been instructed to continue said cause for settlement, it being represented to him that plaintiff and defendant Nick Johnson had reached an agreement to that effect, and that plaintiff con-

✓ 12/3, Granted
 W. E. Gumbel
 Judge

PETER BANKSON

vs..

PERDIDO LUMBER COMPANY.

IN THE CIRCUIT COURT OF BALDWIN COUNTY.

Comes the plaintiff in the above styled cause and moves the court to direct a judgment by default to be entered against the defendant on the ground that the answers of the defendant to the interrogatories propounded to it are evasive.

Dec 4, 1914

*F. S. Stone Esq
Contra -*

Boyles & Kohn

Wm. S. Anderson

ATTORNEYS FOR PLAINTIFF.

State of Alabama,
Baldwin County,)

December 3rd, 1914.

Ex. parte, O.B. Richerson, Sheriff, of Baldwin County,

Alabama, .

And now comes Otis B Richerson, Sheriff of Baldwin County, and asks the Court to allow him 7 Deputies for the present term of the Court in addition to those allowed him by law, and shows unto the Court, that such deputies have been necessary, for the proper discharge of the duties of the Sheriff's office because of the great amount of business that has been before the Court, and because of the new jury law, places extra service upon the Sheriff and that the area of Baldwin County is very large, and that many cases of importance have come up before the Court requiring extra service and speedy action of the Sheriff, to carry out the orders of the Court.

The names of the extra deputies and the number of days served by each one is as follows:

*Simon J Andrews 10 days OPM Gill 9 days
Foster Hays 10 days B. Brynes 5 days Dupree Slaughter
G. R. Quinn 10 days A. M. 5 days*

The names of the irregular deputies and the number of days served by each one is as follows:

*Chas. Coulam 10 days C. C. Hand 10 days
Byard Roberts 10 days*

O. B. Richerson

Sheriff of Baldwin County.

*✓ 12/3/14
Granted
A. E. Gamble
Judge*

State of Alabama
Baldwin County.

Circuit Court,
Spring Term 1915.

Mrs. Sarah E. Dobson,
Plaintiff,

vs

Mrs. M. E. Turpin,
Defendant.

The defendant moves the court to grant a new trial in the above stated cause, and assigns the following reasons therefor, upon each one of which she separately insists :

- (1). The court erred in ruling out the letter and envelope offered in evidence by defendant.
- (2). The court erred in refusing the written charge requested by the defendant.
- (3). The court erred in giving to the jury the general affirmative charge to find for plaintiff on the first two counts of the complaint.
- (4). The court erred in ignoring in its general verbal charge the evidence tending to show that the defendant had a right to enter the cottage described in the complaint and put out plaintiff's property.
- (5). The court erred in refusing to charge the jury that if the plaintiff's right to retain possession of the premises had terminated before the defendant's entry, then the jury should find for the defendant.
- (6). The court erred in charging the law to the jury to the effect that the plaintiff was entitled to ten days written notice before the defendant had a right to enter the premises.
- (7). The damages awarded by the jury against the defendant are excessive, more than any phase of the proof sustained.
- (8). The verdict of the jury was contrary to the evidence.

May 26th Motion Granted & Aff
except, + ~~Case~~ ~~Control~~
A. E. Gamble
Judge

in that it was shown that the only actual damages was about \$65.00, and there was no evidence to sustain punitive damages.

(9). The verdict of the jury was contrary to the evidence, in that a tenancy at sufferance was shown, and that the plaintiff's right of possession had terminated, and that the right of the defendant to enter had accrued, and notwithstanding this the jury awarded damages against the defendant.

Roach, Toussaint & McMahon.
Attorneys for Defendant.

May 26th motion Granted + Ref
w/ costs, + ~~Case~~ ~~Costs~~
A E Gamble
Jury

M.H. Miller, Plaintiff,

vs

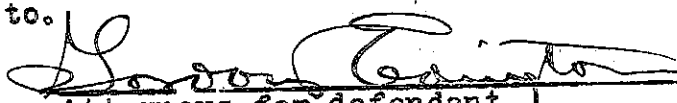
Circuit Court Baldwin CO.

Lucile G. Mechem, Defendant.

Comes the defendant in the above entitled Cause, and moves the court to set aside the judgment obtained therein, and to grant to defendant a new trial on the following grounds:

1st. Because proper service was not had upon defendant as required by law.

2nd. Because the defendant has a meritorious defense to the claim sued upon, which said ground is supported by affidavits attached hereto.


Attorneys for defendant.)

We hereby certify that on the ^{24th} ~~27~~ day of May, 1915 we served a copy of the above motion with the affidavits thereto, upon Hon. John Mithell, attorney for the plaintiff in this cause.


Attorneys for defendant.)

5/25. ~~Granted~~
Could,
At Gumbel
Jully

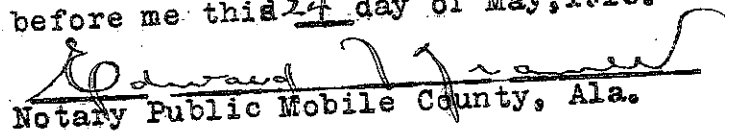
State of Alabama,

Mobile County.

Personally appeared before me Edward Kramer, a notary public in and for said state and county D.H. Edington, who being by me duly sworn says that he is a member of the firm of Gordon & Edington; that sometime in the year 1914 M.H. Miller, the complainant in the cause of Miller vs Mechem filed in the Circuit court of Baldwin County, endeavored to get C.C. Mechem, husband of the defendant, to pay a claim for lumber alleged to have been sold him. Soon thereafter the said C.C. Mechem left state and his wife, the said above defendant. That the said defendant, Lucile Mechem, went for a stay in Atlanta and affiant agreed to look after the case if she were ever sued. Affiant says he has full knowledge of the facts as claimed by C.C. Mechem, and further that the said Lucile Mechem knows nothing of the transaction as to making the order for the lumber; that he makes affidavit that the said Lucile Mechem has a good and meritorious defense to the claim sued on.



Subscribed and sworn to before me this 24 day of May, 1915.


Notary Public Mobile County, Ala.

State of Alabama,
Mobile County.

Personally appeared before me Edward Kramer a notary public in and for said state and county John^L Locke, who being by me duly sworn says that he is the brother-in-law of Lucile Mechem the defendant in the case of Miller vs Mechem. That on or about the 1st day of Sept 1914 the said Lucile Mechem went to Atlanta Georgia for a visit to relatives which said time was soon after her husband C.C. Mechem left her. That he has kept in touch with said defendant, and has never heard her state that she had been served or had knowledge of any suit pending against her.

Subscribed and sworn to before me this 24 day of May, 1915.

Edward Kramer
Notary public Mobile Co. Ala.

Grand Jury 24/215
P. W. B. C. C. C.
C. C. C.

N. G. MCKENZIE,

Appellant,

VS.

CHRISTIAN V. T. JENSEN,

Appellee.

NO. 1068.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

1st. The appellee moves the Court to dismiss the appeal in this cause, for the reason that the record shows that the appellant has no interest in the matter involved said appeal.

2nd. The appellee moves to dismiss the appeal in cause, because the only party in interest in such appeal the State of Alabama, ~~and that appellant is not shown to authority to represent the State in this matter.~~

~~3rd. The appellee moves the Court to require appeal attorneys to show by what authority they claim to represent State of Alabama in this cause.~~

~~4th. The appellee moves the Court for an order of affirmance because the record shows no error in the decree of Probate Court appealed from.~~

William S. Rice, Esq.
Attorneys for Appellee.

May 26th 1915
as amended
Motion, sustained & Granted & the
appellant excepts -

A. H. Gamble
Judge.

NO. 1088

N. G. MCKENZIE

Appellant

VS.

CHRISTIAN V. T. JENSEN

Appellee

IN THE CIRCUIT COURT OF

ALABAMA, YVHUCO COUNTY

Appellant,

CHRISTIAN V. T. JENSEN,

Appellee.

N. G. MCKENZIE,

VS.

CHRISTIAN V. T. JENSEN,

Appellee.

Rickaby & Austill,
Attorneys for Appellee.

MOTION

Filed May 23, 1912
Per Clerk

The appellee moves to dismiss the appeal in this cause, for the reason that the appellant has no interest in the matter involved in said appeal.

And the appellee moves to dismiss the appeal in this cause, because the only party in interest in such appeal is

the State of Alabama, and that appellant is not shown to have

any interest in the matter involved in this appeal.

The appellee moves to dismiss the appeal in this cause, for the reason that the appellant has no interest in the matter involved in said appeal.

And the appellee moves to dismiss the appeal in this cause, because the only party in interest in such appeal is

the State of Alabama, and that appellant is not shown to have

any interest in the matter involved in this appeal.

The appellee moves to dismiss the appeal in this cause, for the reason that the appellant has no interest in the matter involved in said appeal.

And the appellee moves to dismiss the appeal in this cause, because the only party in interest in such appeal is

the State of Alabama, and that appellant is not shown to have

any interest in the matter involved in this appeal.

Attorneys for Appellee

May 23 1912
Per Clerk
W. R. Hendricks
Attorney for Appellee

State of Alabama
Baldwin County

*
**
*

Circuit Court Spring Term ; 1915

Ex. Parte, Chas. E. Eubanks, Sheriff of Baldwin County, Ala.

And now comes Chas. E. Eubanks, Sheriff of Baldwin County, and moves the Court to allow him deputies for the present term of the Court in addition to those allowed him by law, and shows unto the Court, that such Deputies have been necessary, for the proper discharge of the duties of the Sheriffs office, because of the great amount of business that has been before the Court, and because of the new Jury Law places extra service upon the Sheriff and that the area of Baldwin County is very large, and that many cases of importance have come up before the Court requiring extra service and speedy action of the Sheriff to carry out the orders of the Court. The names of the extra Deputies and the number of days served by each one is as follows.

Sim T Andrews, 4 days @ \$2.00 \$8.00

George Phillips, 2 days @ \$2.00 \$4.00 ; John Holman, 2 days @ \$2.00, \$4.00

George R Cain. 5 days @ \$2.00. \$10.00

The names of the Regular Deputies and the number of days served by each is as follows;

B. Richerson, 8 Days @ 2.00 \$16.00; Byard Roberts, 7 days @ 2.00, \$14.00

Her Hayles 8 " " 16.00; Chas Hamd 7 " " 14.00

Total \$86.00

May 26th 1915
Granted
A. E. Gumbel
Judge.

C. E. Eubanks
Sheriff of Baldwin County.

State of Alabama)
vs)
John Du Bose.)

In Circuit Court of Baldwin County,
Fall Term 1915.

Now, comes the defendant before sentence and moves the court to set aside the verdict rendered against him in this cause and grant him a new trial and fee upon each of the following grounds separately:

- 1st. The Verdict was contrary to the evidence
- 2nd. The verdict was contrary to the law and the evidence.
- 3rd. The Verdict was contrary to the charges of the court
- 4th. Because the court erred in refusing to give the charge no 1 at the request of the defendant, which request was in writing.
- 5th Because the court erred in refusing to give the charge no 2 at the request of the defendant, which charge or request was in writing.
- 6th Because the court erred in refusing to give the charge no 3 at the request of the defendant, which request was in writing.
- 7th? Because the defendant has discovered new evidence material to the case as per affidavits on file, which was not discovered before the trial of the case, owing to no fault or lack of diligence on part of the defendant, or his counsel.

J. C. Jenkins
A. C. Baker

Attorneys for the defendant.

12/3, motion overruled, & Dept 14 upb,

A. E. Gumble

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Norman Allen
VA

Benjamin H. Miller Et-Al

motion to set aside verdict

✓

5/24/16,
motion granted
+ PJP accepts,
AEGamble
Judge

12/3/12 -
Verdict
AEGamble
Judge

NORMA AIKIN

VS.

BENJAMIN F. McMILLAN, ET AL.)

CIRCUIT COURT, BALDWIN COUNTY.

Now comes the plaintiff in the above entitled cause and moves the court to set aside the non-suit heretofore entered in said cause on to-wit the 23rd day of November, 1915, and for grounds of said motion shows unto the Court as follows:

1. That several months ago the plaintiff in said cause, Norma Aikin, found among the papers of her mother an original unrecorded deed from Louis Baudin and wife to Joshua Kennedy and Clara A. Aikin, the mother of plaintiff, which said deed was introduced in evidence in the case of Benjamin F. McMILLAN vs. Norma Aikin and John G. Aikin, and which said deed is hereby referred to and by reference made a part of this motion as fully as if incorporated herein; that subsequently the plaintiff mislaid said deed, that she made diligent search for the deed, but that she was unable to find the same until after the above entitled cause was called for trial and until after she had taken a non-suit in said cause, viz:- on the night of November 23rd, 1915, when she found same among a number of papers which she had in her possession.

The plaintiff further shows unto the Court that this deed was of the greatest importance in the trial of this suit for the reason that it formed the connecting link between the title of Louis Baudin, the original patentee from the United States Government, and the title of the plaintiff in said cause, and that the plaintiff took said non-suit because of the fact that she could not find said deed.

Harry J. Smith & Coffey
Leslie Hall
Attorneys for Plaintiff.

STATE OF ALABAMA)

BALDWIN COUNTY)

Personally appeared before me, *John H. [Signature]*

a Notary Public in and for said County in said State, NORMA AIKIN,

who, upon oath, deposes and says that the allegations of the foregoing motion are true.

Norma L. L. L.

Subscribed and sworn to before

me this the 3rd day of

December, 1915.

Chas. H. H.

Notary Public, Baldwin County, Alabama.

HARRY T. SMITH & GAFNEY
ATTORNEYS AT LAW
415 1/2 NATIONAL CITY BLDG.
MOBILE, ALA.

First Rec 2/6/51
J. W. R. R.
C. R. R.

State of Alabama,
Baldwin County.

Circuit Court Fall Term 1915.

Ex--parte C.E. Eubanks Sheriff of Baldwin County.

And now comes C.E. Eubanks Sheriff of Baldwin County, and moves the Court to allow him 2 regular Deputies for the present term of the Court and for Bailiff with jury 3 nights, also One trip to Robertsdale One trip to Porch, One trip to Cushla, One trip to Daphne for witness under attachment, also Door minder 4 days. the amounts to be allowed are itemized as follows:

O.B. Richerson, 11 days Regular Deputy, @ \$2.00 per day	\$22.00
C.C. Hand 11 days "	22.00
Bailif with jury 3 nights @ \$2.00 paid C.E. Eubanks	6.00
One Trip to Porch 36 miles for witness under attachment	5.00
paid C.E. Eubanks	5.00
One trip to Robertsdale for witness under attachment 26 miles	6.00
One trip to Cushla for witness under attachment	5.00
One trip to Daphne for witness under attachment 25 miles	8.00
Door minder 4 days at \$2.00 per day	8.00
	\$ 79.00

C.E. Eubanks

Sheriff of Baldwin County, Ala

Dec 3rd, 1915,

Granted
12/3/15
W.E. Gamble
Judge

County Court Baldwin County, Alabama
Spring Term 1916

L. J. Whitley - Plaintiff

vs

Eddie Hadley, Defendant

Now comes the Plaintiff by his attorney and moves the Court to direct the sale of the following described lands, viz: the $\frac{1}{4}$ interest in the SW $\frac{1}{4}$ of Section 27 in Township 2 South, Range 3 East in Baldwin County, Alabama, as the property of Eddie Hadley, the defendant - being the same lands levied on under an execution issued out of the Court of D. C. Pryme, Justice of the Peace, notice of which levy was given to the defendant on Dec 23rd 1915 -

Wm S. Anderson
Atty for Plaintiff -

~~Settle~~

5/25.

On consideration of the above case it is adjudged by the Court that the proceedings in said case before the Justice Court are regular and establish a judgment in said Court in favor of Plff vs. Ofc for \$39.⁸⁵ damages and \$5.⁸⁵ costs; that execution was issued from said Justice Court and was returned by the Sheriff with his endorsement of "no personal property found" and which execution was levied on the following lands to-wit: - $\frac{1}{4}$ interest in the SW $\frac{1}{4}$ of Sect 27, T. 2 S., R. 3 E., for a want of personal property; that notice of same to Defl. was given for more than 20 days and no sufficient legal objections being made. It is ordered & directed that Clerk of this Court issue an order to the Sheriff of this County directing him to sell said above described real estate for the satisfaction of said judgment with as to damages and costs and that he make due return of same as required by law -

Wm Smith Judge

Cole 1907 4684

Loveman, Joseph & Loeb, :
a corporation, :
Plaintiff, :
-vs- :
Sibley Land Company, Inc., :
a corporation, :
Defendant. :

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA.
SPRING TERM, 1916.

Comes the plaintiff in the above styled cause and shows to the Court that judgment was rendered in its favor in this cause on May 22nd, 1916, for \$2,908.19; that on the trial of this cause, the plaintiff introduced in evidence four promissory notes, which notes are described in the complaint filed in this cause, and copies of which notes are hereto attached, made a part hereof and marked Exhibit "A"; that while the said notes were executed by Sibley Land Company, Inc., the defendant, yet the said notes were endorsed by F. A. Wheelihan, and plaintiff desires to withdraw the said notes from the file in this cause in order that the same may be used in another jurisdiction in a case against F. A. Wheelihan, the endorser.

Wherefore, the premises considered, plaintiff respectfully moves the Court for leave to withdraw the four notes introduced in evidence in the above styled cause, having substituted therefor copies of the said notes as shown by Exhibit "A" hereto attached and made a part hereof.

Stevens M. Corvey & M. Loeb
Attorneys for Plaintiff.

State of Alabama,
Mobile County.

Before me, O.H. Swinson, a Notary Public in and for said State and County, personally appeared Gessner T. McCorvey, who is known to me, and who being first duly sworn deposes and says that he is one of the attorneys for Loveman, Joseph & Loeb, a corporation, the plaintiff in the above styled cause; and that the facts stated in the foregoing motion are true and correct.

Gessner T. McCorvey

Subscribed and sworn to before me this 25th day of May, 1916.

not 5/25/16
E. Gaudin
and

O. H. Swinson
Notary Public, Mobile County, Alabama.

Exhibit "A"..

\$477.46

Chicago, Ill., Feby 15, 1912.

Ninety Days after date, we promise to pay to the order of Edna D. Sibley, Four hundred seventy-seven & 46/100 Dollars. value received

At Birmingham, Ala. At rate of 6% per annum.

The right of exemption is hereby waived, as provided in Constitution and laws of the State of Alabama or any other State in the United States, and it is further agreed that the undersigned shall pay all costs of collection, including a reasonable attorney's fee.

Sibley Land Company Inc. (L.S.)

by F. A. Wheelihan, Pres.(L.S.)

Endorsed on back as follows:

F. A. Wheelihan,
Edna D. Sibley,
Chas. S. Sibley

\$477.47

Chicago, Ill., Feby 15th, 1912.

Six Months after date we promise to pay to the order of Edna D. Sibley, Four hundred seventy-seven & 47/100 Dollars. value received

At Birmingham, Ala. At rate of 6% per annum.

The right of exemption is hereby waived, as provided in Constitution and laws of the State of Alabama or any other State in the United States, and it is further agreed that the undersigned shall pay all costs of collection, including a reasonable attorney's fee.

Sibley Land Company Inc. (L.S.)

by F.A. Wheelihan, Pres. (L.S.)

Endorsed on back as follows:

Protest is hereby waived,
F. A. Wheelihan,
Edna D. Sibley,
Chas. S. Sibley.

\$477.47

Chicago, Ill., Feby 15, 1912.

Nine months after date we promise to pay to the order of Edna D. Sibley, Four hundred seventy-seven & 47/100 Dollars. value received. At Birmingham, Ala. At rate of 6% per annum.

The right of exemption is hereby waived, as provided in Constitution and laws of the State of Alabama or any other State in the United States, and it is further agreed that the undersigned shall pay all costs of collection, including a reasonable attorney's fee.

Sibley Land Company, Inc. (L.S.)

By F. A. Wheelihan, Pres. (L.S.)

Endorsed on back as follows:

F. A. Wheelihan,
Edna D. Sibley,
Chas. S. Sibley.

\$477.47

Chicago, Ill., Feby. 15, 1912.

One year after date we promise to pay to the order of
Edna D. Sibley, Four hundred seventy-seven & 47/100 Dollars.
value received

At Birmingham, Ala., at rate of 6% per annum.

The right of exemption is hereby waived, as provided in
Constitution and laws of the State of Alabama or any other State
in the United States, and it is further agreed that the undersigned
shall pay all costs of collection, including a reasonable attorney's
fee.

Sibley Land Company, Inc. (L.S.)

by F.A. Wheelihan, Pres. (L.S.)

Endorsed on back as follows:

F. A. Wheelihan,
Edna D. Sibley,
Chas. S. Sibley.

10.
Foreman, Joseph Abel

Mr.
Billey Card Co's Inc.

Motion for leave to
withdraw notes introduced
in evidence.

Filed: May 26, 1946.

W. B. Williams
Clerk.

STEVENS, McCORVEY & McLEOD
ATTORNEYS AT LAW
505-7 CITY BANK BUILDING
MOBILE, ALA.

V

State of Alabama } Circuit Court
Baldwin County } Spring Term 1916

I, A. E. Gauble, Judge of the 2nd Judicial Circuit - presiding at said Term of said Court do hereby certify that the following persons were called by the Sheriff to serve as Jurors at said Term of said Court viz:

Lamar Embanks who served as Juror to the Grand Jury for 4 days
C. C. Oland and O. B. Richardson who served as Jurors to the Court while trying cases with juries for 7 days each.

I further certify that said Jurors served as above set forth and that said service of such Jurors was necessary.

This May 31st 1916.

A. E. Gauble
Judge

11/29. motion overruled,

A. E. Gauble

Judge

Bristol China Company,
Plaintiff.

vs.

Bay Minette Furniture Co.
Defendant.

In Circuit Court.

Spring term, 1915

Comes the defendant in the above entitled cause and moves the Court to tax the costs recovered by the defendant in the above entitled cause, to-wit, the sum of 28.50 dollars against the attorney of record for the plaintiff in said cause, W. H. Hawkins, and for grounds of said motion assigns the following:

1. That the said plaintiff, Bristol China Co. is a non-resident corporation of the State of Alabama.
2. That the said W. H. Hawkins filed the suit in said cause and appeared as attorney for the plaintiff, and at the time of the filing of the complaint in said cause endorsed or caused to be endorsed upon the summons and complaint in said cause the following, to-wit: "Costs guaranteed by W. H. Hawkins."
3. That said cause has been finally adjudicated, the judgment therein being for the defendant, and the said W. H. Hawkins, attorney as aforesaid, has failed or refused to pay the costs incurred by the defendant in said cause.

WHEREFORE, the defendant moves the court to tax the costs as above stated against the said W. H. Hawkins, for the use of the officers of the circuit court of Baldwin County, Alabama.

To. W. H. Hawkins:

BAY MINETTE FURNITURE CO.

5/31/16-
Circuit
Judge

W. H. Hawkins Clerk
Sworn and Subscribed to be-
fore me this 28th day of November
1915.
W. H. Hawkins
Notary Public

Adam Frishkorn, Plaintiff.

In Circuit Court of Baldwin County,
Alabama.

vs

W. L. Ogden, Defendant.

Spring Term 1916.

Now, comes the plaintiff in the above entitled cause and separately and severally moves the court to set aside the verdict, heretofore, rendered in said cause and for grounds of said motion says:

1st. The verdict of the jury was contrary to the law.

2nd. The verdict of the jury was contrary to the evidenced introduced on the trial.

3rd. The verdict of the jury was contrary to the law and the evidence.

4th. The court erred in its ruling made when it refused to allow the plaintiff to testify orally to the subject matter of the contract or lease made between plaintiff and defendant on May/July 18th 1914.

5th. Plaintiff erred in its ruling, when it sustained objection of defendant's counsel to the question asked witness Adam Frishkorn, if it had not been agreed or understood between said Frishkorn and Ogden that the crops for the year 1914 were to belong to Adam Frishkorn, the plaintiff.

6th. Court erred in its ruling when it refused to allow witness Adam-Frishkorn on objection of defendant's counsel to testify as to the description of what property was conveyed by the said Adam Frishkorn to the said W. L. Ogden in the lease of July 18th 1914.

7th. The court erred in charging the jury that if the ~~contract~~ mortgage under which certain property was advertised contained no right of the plaintiff to buy at the sale, that the sale of two horses made by the plaintiff was void, if they were bought in by plaintiff himself.

8th. The court erred in its general charge to the jury when it stated that the written contract carried with it the right to the crops for the year 1914 to the defendant and that the oral testimony of the plaintiff could not be admitted to dispute or qualify said written contract.

9th.

*1916 in all records
for the*

*1916 in all records
for the*

~~10th. The court erred in its ruling when it did not permit plaintiff to withdraw, witness ----- who stated in answer to one or two question asked him by plaintiff's attorney that he could not speak english.~~

11th.

plaintiff asks for a new trial on the grounds of newly discovered evidence, as per affidavits on file herewith, since said verdict was rendered, which would be material to the issues involved in a new trial of the case, which was not discovered before the trial, owing to no lack of diligence ~~of~~ part of the plaintiff.

S. C. Jenkins
D. B. Roberts ~~attys for Plaintiff~~

Attys for the Plaintiff.

Chas. Hall & P. T. Evin
Attys for the Defendant.

I hereby accept notice of the filing of the above motion.

Chas Hall &
P. T. Evin
Atty for the defendant.

5/31/14.

Filed 3/31/91
William
Clark

H.M. Cosh, as Specialty Manufacturing Co
Plaintiff

v

R.D. McKenzie, A.F. McKenzie +
W.C. Gibson individually and
as McKenzie + Gibson,
Defendants

Circuit Court
Baldwin County, Alabama

✓ Comes the defendants and shows to the Court
that they have a meritorious defense to the
demand made on them. They therefore move the
Court to set aside the judgment by default
rendered in this case and to allow them
to file their plea —

J.C. Gaudin, atty
for the defendants

November 26, 1914

✓ 12/3 motion overruled

J.C. Gaudin
Jury

H. P. C. Gohlmann
 vs
 John E. Smith

Circuit Court
 Baldwin County

Comes the defendant and
 moves the Court to set aside
 the verdict rendered in this
 cause and grant the defendant
 a new trial, because the
 verdict is contrary to the
 evidence

J. H. Harris

Circuit D. P. Pless

Att'y for Defendant

Contra
 Frank S. Stone

Motion Allowed and Movant Excepto.

A. E. Gamble Judge

Dec 12/914

Herman Schroeder
attor

Kallman Papoy
defendant

Circuit Court
Baldwin County, Ala

now comes the plaintiff and shows
to the Court that on the 10th day of
November 1914, an attachment issued
out of this Court against Kallman
Papoy in favor of the above named Plaintiff
which attachment was duly executed
by levying on the following described
personal property as the
property of the defendant to-wit:
One single wagon, 16 bushels of sweet
potatoes, one cultivator, one plow, one
one horse plow, one harrow, one bay
horse, named John, 8 years old, one set
of wagon harness, one red and white
calf, one cow marked swallow fork and
underbit in one ear, and crop and half
crop in the other ear, one heifer branded
crop in one ear, which levy defendant was given
personal notice by the sheriff of
Baldwin County, Alabama.
Plaintiff shows that the said property
is perishable, and further that the
cost of keeping same will be very
great, that it is of so perishable
a nature that it will deteriorate greatly
in value.
Wherefore plaintiff moves the Court for
an order that said property be sold
by the sheriff to await the decision
of the Court, unless the Court
otherwise direct, as provided by law.

W. H. Hawkins
Atty for Plaintiff

Dec. 3, 1914
Granted
A. G. Gumbly
Judge