

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 30<sup>th</sup> 1912*  
*Motion granted and*  
*Case continued*  
*A. E. Garbutt*  
*Judge*