

MARSHALL & BRUCE CO., NASHVILLE, TENN.

1 Knoxville & Nashville
2 Railroad Company & Circuit Court
3 of Baldwin 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 in 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 gement 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 Baldwin 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 &
Duff expts -
W. G. Gump
Jury

G. C. Jenkins
Contra -
J. S. Anderson
for motion
May 20. 1913-