

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 + Ref
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