

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
715 1/2 NATIONAL CITY BLDG.
MOBILE, ALA.

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