

Shipp

vs.

Burbie.

Circuit Court Fall Term 1916

comes the defendant Norton
Burbie and moves the court
to set aside judgment by default
against him and to re instate
said case upon the docket upon
the following grounds
That said case was first triable
at the Spring Term of Circuit Court
and pleas were filed at that term
to the complaint.

That on the day set for trial
defendant started for say Summit
at an early hour, having ample
time to reach the court house
before court commenced, defendant
lives at Little River 39 miles dis-
tant and in order to reach the
court on time procured an
auto to bring himself and witnesses
to court, but that said auto
or plow, to wit a Ford car broke
down 22 miles from the court
house and was so broken down
for 3 or 4 hours, thereby delayed
of plaintiff and thereby delayed
time and he did not reach court
until a few minutes before default
was had against him. He has a
defendant alleges that he has a
just full and complete defence
in this case.

Nov 22/16

Frank H. Bee
att'y for def't.

11/29/16, Grant

W. E. Gamble
Judge

EXHIBIT "A".

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, Henry D. Moorer, a Notary Public in and for the County and State aforesaid, personally appeared S. J. Whitley who being by me first duly sworn, deposes and says that he is a bona fide resident of the said State, residing in Bay Minette, Alabama, in said County and as such resident is entitled to and hereby selects, claims and sets apart the following described real estate as exempt to him as a homestead from levy and sale under execution or other process instituted for the collection of debts, to-wit:

Lots numbered One (1) and Four (4) in Block numbered Seventy-eight (78) in Hand Land Company's Addition to the town of Bay Minette, upon which he has now been residing, situated, lying and being in the County of Baldwin and State of Alabama. Affiant avers that said property is not worth over Two Thousand (\$2000.00) and contains less than 160 acres.

Affiant especially claims the above described property as exempt to him as a homestead in the case of John M. Green vs Affiant in the Circuit Court of Baldwin County, Alabama, and that the said debt upon which this suit was brought was contracted after the year 1907.

Dated March 17, 1917.

S. J. Whitley

Sworn and subscribed to before me this 17th day of March, 1917.

Henry D. Moorer
Notary Public Baldwin Co. Ala.

Filed for record March 19th, 1917 at 11 A. M.

Recorded March 21st, 1917.

Jas. M. Voltz, Judge of Probate.

State of Alabama,)
Baldwin County.)

Before me W. H. Hawkins a

Notary Public, in and for said
County and State, personally appeared Henry D. Moorer, who being by
me first duly and legally sworn doth depose and say:

That I prepared the claim of exemptions of S. J. Whitley, a copy
of which said claim of exemptions is hereto attached, marked Exhibit
"A" and made a part of this affidavit as though fully set out herein.
I filed the original of the said claim of exemptions with Mr. C. E.
Eubanks, as Sheriff of Baldwin County, Alabama, on or about the 21st day
of March, 1917; that the said claim of exemptions were filed with the
said Sheriff of Baldwin County, Alabama, prior to the date the property
set out and described in the said claim of exemptions was sold by the
Sheriff of Baldwin County, Alabama under an execution in the cause of
John M. Green vs. S. J. Whitley, and after the levy of the said execution.
The said property being specifically claimed as exempt from the levy and s
sale under the said execution. That affiant was the agent of the said S. J.
Whitley to file the said claim of exemptions with the said Sheriff.

Subscribed and sworn to before me, this the 21st day of May, 1917.

W. H. Hawkins
Notary Public

State of Alabama.

Baldwin County.

Shipp vs Buzbe

Before me Frank S Stone a Notary Public n and for said County and State personally appeared Houston Busbee who ater being by me duly sworn doth depose and say under oath that he is defelant in the case of Shipp vs.

Busbee and that said case was first triale at the Spring term of the Circuit Court, that he has at said term fied pleas denying the allegations of complaint and also a plea of Not uilty. that he lives at Little River in the extreme northern part of thCounty about 39 miles from Bay Minette, that on Tuesday the 21st. Nov it being the day set for the trial of said case he started from home early in the morning in a F Ford Automobile, or alleged Automobile, withis witnesses , to get to Court, but about 22 miles from Bay Minett said Auto or Flivver broke down and he was unavoidbly delayed for about three hours or more in repairing said machine and consequently did ncarrive in Bay Minette until shortly after One O Clock and found that a f minutes before his arrival a judgment by default had been rendered agast him,

Further deposing he alleges under oa that he has a good and llegal defence against said action and prays e court to set aside said judgment by default and reinstate the case up the docket of this Court

Houston Busbee
Defendant.

SWORN TO AND SUBSCRIBED BEFORE

ME THIS Nov. 23rd. 1916

Frank S Stone

Notary Public Baldwin County. Alabama.

State of Alabama.

Baldwin County. Ship vs Busbee

Before me Frank S Stone a Notary Public in and for said County and Stat
personally appeared W J Ferrell who after being by me duly sworn do/ d
pose and say under oath that he was the Chauffer who drove the Flier
which Houston Busbee employed to bring himself and witnesses to Ba
Minette on the morning of Nov. 21st. 1916, that they left Little River
which is about 39miles from Bay Minette very early that morning on their
way to Bay Minette and that about 22 miles from Bay Minette said Flier
broke down and was delayed for repairs for about Three or four hours and
did not get into Bay Minette until about 1 O'clock that day.

W J Ferrell

Sworn to and subscribed before me this

Nov. 22nd. 1916.

Frank S Stone

Notary Public Baldwin County Alabama.

State of Alabama.

Baldwin County..

VBefore me Frank S Stone a Notary Public and for said County and State personally appeared Chas Williams who after being by me first duly sworn doth depose and say under oath that he was in the car on the 21st. of Nov 1916 which Houston Busbee hired to bring him and witnesses to Bay Minette and that about 22 miles from Bay Minette, said car broke down and was delayed for about three hours and did not arrive in Bay Minette until about One O clock that day.

Chas Williams

Subscribed and sworn to this

Nov 22st. 1916

Frank S Stone

Notary Public Baldwin County, Alabama.

Received of Chas Williams \$10.00
for the above described car
Nov 22nd 1916
Houston Busbee

State of Alabama.

Baldwin County.

Before me Frank S Stone a Notary Public living for said County and State personally appeared Chas Will James who after being by me first duly sworn both depose and say under oath that he was in the car on the State of Nov 1916 which Houston Busbee hired to bring him and witnesses to Bay Minette and that about 22 miles from Bay Minette said car broke down and was delayed for about three hours and did not arrive in Bay Minette until about one o'clock that day.

[Signature]

Subscribed and sworn to this

Nov 22nd 1916

[Signature]

Notary Public Baldwin County, Alabama.

Grand
11/23/16
W. H. Stone
Deputy