STATE OF ALABAMA)
VS
Ira Underwood.) CIRCUIT COURT OF BALDWIN COUNTY.

Come the Defendant and moves the Court to retax the cost in this case and disallow the cost of the removal of the defendant from the County jail of BALDWIN COUNTY to the County jail of JEFFERSON or MONTGOMERY COUNTY and his return therefrom to Bay Minette upin the ground that it was unauthorized, and is not a proper charge against him.

W. B. Comalpine Hobson
ATTORNEYS FOR DEFENDANT.

STATE OF ALABAMA

VS ~~MANSLAUGHTER~~
Conspiracy

IRA UNDERWOOD.

MOTION TO RETAX COST.

Filed 7/21/1919
W. Rickerson
Clerk

STATE OF ALABAMA)
vs
Robert Underwood. CIRCUIT COURT OF BALDWIN COUNTY.

Come the defendant and moves the Court to retax the cost in this case and disallow the cost of the removal of the defendant from the County jail of BALDWIN COUNTY to the County jail of JEFFERSON or MONTGOMERY COUNTY and hi retur therefrom to Bay Minette upin the ground that it was un-uthorized, and is not a proper charge against him.

W. W. Chapman & Son
ATTORNEYS FOR DEFENDANT.

MOTION TO RETAX COSTS.

FILED DECEMBER 1 1922

MADAM TO ESCAPE

STATE OF ALABAMA

VS Conspiracy

ROBERT UNDERWOOD.

MOTION TO RETAX COST.

Filed 7/21-1919
T. W. Simmons
Clerk.

STATE OF ALABAMA)
VS)
Louis Bishop.

CIRCUIT COURT OF BALDWIN COUNTY.

CIR

Comes the defendant and moves the Court to retax the cost in this case and disallow the cost of the removal of the defendant from the County jail of BALDWIN COUNTY to the County jail of JEFFERSON or MONTGOMERY COUNTY, and his return therefrom to Bay Minette upon the ground that it was unauthorized and is not a proper charge against him. Defendant also gives notice of appeal.

Mott McCorvey & Mott
ATTORNEYS FOR DEFENDANT.

STATE OF ALABAMA

VS MURDER

LOUIS BISHOP.

MOTION TO RETAX COST.

Filed 7/21-1919
T. W. Reisman
Clerk

STATE OF ALABAMA)
VS)
Sim Andrews.

CIRCUIT COURT OF BALDWIN COUNTY.

SIR

Comes the defendant and moves the Court to retax the cost in this case and disallow the cost of the removal of the defendant from the County jail of BALDWIN COUNTY to the County jail of JEFFERSON or MONTGOMERY COUNTY, and his return therefrom to Bay Minette upon the ground that it was unauthorized, and is not a proper charge against him. Defendant also gives notice of appeal.

Mott McAlpine & Mott

ATTORNEYS FOR DEFENDANT

FILED
APR 5 1907
CLERK

ENTERED ON FILE
APR 5 1907
CLERK

STATE OF ALABAMA

VS MANSLAUGHTER

SIM ANDREWS.

MOTION TO RETAX COST.

STATE OF ALABAMA)
VS)
Joe Underwood.

CIRCUIT COURT BALDWIN COUNTY.

Comes the defendant and moves the Court to retax the cost in this case and disallow the cost of the removal of the defendant from the County Jail of BALDWIN COUNTY to the County Jail of JEFFERSON or MONTGOMERY COUNTY, and his return therefrom to Bay Minette upon the ground that it was unauthorized, and is not a proper charge against him.

Robert Calpin Thorn
ATTORNEYS FOR DEFENDANT

Filed
10-1-15
Geo. G. Gaston
Clerk

Stop of action
for municipality
for underwood

---

motion to
strike cost

Filed 7/21-1919.
F. W. Richmond
Clerk

STATE OF ALABAMA)
VS
John Johnson.) CIRCUIT COURT OF BALDWIN COUNTY.

Come the defendant and moves the Court to retax the cost in this case and disallow the cost of the removal of the defendant from the County jail of BALDWIN COUNTY to the County jail of JEFFERSON or MONTGOMERY COUNTY and his retur therefrom to Bay Minette upin the ground that it was unauthorized, and is not a proper charge against him.

McCall & Johnston
ATTORNEYS FOR DEFENDANT.

STATE OF ALABAMA

VS MANSLAUGHTER.

JOHN JOHNSON.

MOTION TO RETAX COST.

Filed 7/21-1919
F M Rainwater
Clerk.

STATE OF ALABAMA)
VS)
Harvey Underwood.

CIRCUIT COURT BALDWIN COUNTY.

Comes the defendant and moves the Court to retax the cost in this case and disallow the cost of the removal of the defendant from the County Jail of BALDWIN COUNTY to the County jail of JEFFERSON or MONTGOMERY COUNTY, and his return therefrom to Bay Minette upon the ground that it was unauthorized, and is not a proper charge against him.

Marm Caffman Hyer
ATTORNEYS FOR DEFENDANT

FILED IN OFFICE
SEPTEMBER 27 1937
H. WARD GOODGAME
CLERK CIRCUIT COURT.

STATE OF ALABAMA

VS MANSLAUGHTER

HARVEY UNDERWOOD.

MOTION TO RETAX COST.

Filed 7/21-1919
T. W. Richmond
Clerk.

STATE OF ALABAMA)
VS)
Albert lipscomb

CIRCUIT COURT OF BALDWIN COUNTY.

CIR

Comes the defendant and moves the Court to retax the cost in this case and disallow the cost of the removal of the defendant from the County jail of BALDWIN COUNTY to the County jail of JEFFERSON or MONTGOMERY COUNTY, and his return therefrom to Bay Minette upon yhe ground that it was unauthorized, and is not a proper charge against him.

ATTORNEYS FOR DEFENDANT.

FILED IN OFFICE
This 3 day of April 1950
Clerk of Circuit Court
By [illegible]

STATE OF ALABAMA

VS MANSLAUGHTER

ALBERT LIPSCOMB

MOTION TO RETAX COST.

Filed 7/21-1919.
T. M. Brierson
Clerk

STATE OF ALABAMA) CIRCUIT COURT BALDWIN COUNTY.
VS)
Deveraux Nelson

Comes the defendant and moves the Court to retax the cost in this case and disallow the cost of the removal of the defendant from the County jail of BALDWIN COUNTY to the County jail of JEFFERSON or MONTGOMERY COUNTY, and his return therefrom to Bay Minette upon the ground that it was unauthorized, and is not a proper charge against him.

ATTORNEYS FOR DEFENDANT

STATE OF ALABAMA

VS MANSLOUGHER

DEVREAUX

MOTION TO RETAX COST

IN CIRCUIT COURT BALDWIN COUNTY.

Devereux Meason moves the Court to retax the costs in this case and disallow the costs of the removal of the defendant from the County jail of BALDWIN COUNTY to the County jail of JEFFERSON or MONTGOMERY COUNTY, and his return therefrom to Bay Minette upon the ground that it was unauthorized, and is not a proper charge against him.

ATTORNEYS FOR DEFENDANT

STATE OF ALABAMA) CIRCUIT COURT BALDWIN COUNTY.

vs

Harry Williams.)

Comes the defendant and moves the Court to retax the cost in this case and disallow the cost of the removal of the defendant from the County Jail of BALDWIN COUNTY to the County jail of JEFFERSON or MONTGOMERY COUNTY, and his return therefrom to Bay Minette upon the ground that it was unauthorized, and is not a proper charge against him.

ATTORNEYS FOR DEFENDANT

FILED IN MY OFFICE
THIS 1st DAY OF MAY 1922.
[illegible]
CLERK

STATE OF ALABAMA
BALDWIN COUNTY
IN THE CIRCUIT COURT
HARRY WILLIAMS.

MOTION TO RETAX COSTS.

STATE OF ALABAMA

VS MANSLAUGHTER

HARRY WILLIAMS.

MOTION TO RETAX COST.

Filed 7/2, -1919,
T. W. Simmons
Clerk

STATE OF ALABAMA)
VS
Sam Williams.) CIRCUIT COURT OF BALDWIN COUNTY.

Come the defendant and moves the Court to retax the cost in this case and disallow the cost of the removal of the defendant from the County jail of BALDWIN COUNTY to the County jail of JEFFERSON or MONTGOMERY COUNTY and his retur therefrom to Bay Minette upin the ground that it was unauthorized, and is not a proper charge against him.

Watson & Hamilton
ATTORNEYS FOR DEFENDANT.

STATE OF MONTANA)
Vs
Sam WILLIams.) CIRCUIT COURT OF BALDWIN COUNTY.

Come the defendant and moves the Court to retax the cost in this case and disallow the cost of the removal of the defendant from the County jail of BALDWIN COUNTY to the County jail of JEFFERSON or MONTGOMERY COUNTY and in reason therefrom do DEMURRER upon the ground that it was unauthorized, and is not a proper charge against him.

STATE OF MONTANA
vs
SAM WILLIAMS.

MOTION TO RETAX COST.

Filed 1/2/19
W. Bierman Clerk.

ATTORNEYS FOR DEFENDANT

PEOPLES FERTILIZER COMPANY PLAINTIFF; VS. MARTIN KICHLER, SR. DEFENDANT, MARTIN KICHLER, JR. CLAIMANT.	:	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

Comes the Claimant in the above style cause and moves the court to set aside a judgement by default rendered on the 20th of May, and proceedings subsequent thereto and ask for a new trial, and in support ~~thereof shown~~ on the following grounds: That the Claimant was unavoidable prevented from being present when such case was called, and that he has a meritorious defense to the said suit.

Richarly Frazer Beebe
Attorney for Defendant.

STATE OF ALABAMA :
BALDWIN COUNTY :

Before me, Cornelia Hall, Notary Public, in and for said State and County, personally appeared W.O.Beebe, who being by me first duly sworn, deposes and says that he is attorney for Martin Kichler Jr., in the case of Peoples Fertilizer Company against Martin Kichler Sr., in which case the property attached has been properly claimed by Martin Kichler Jr., that the said Martin Kichler Jr., has made a full disclosure of the fact upon which he relates to maintain his claimed suit, and that from such fact he believes that the said Martin Kichler Jr., has a meritorious defense.

W C Beebe

Sworn to and subscribed before me this the 28 day of May, 1919.

Cornelia Hall
Notary Public, Baldwin County, Alabama.

May 28th Contd Gamble Judge

7/21-1919 Continued

Motions withdrawn by
Apts. Gruber
Judge

State vs

Laetherwood.

Comes the defendant and moves the Court to grant him a new trial in the above stated caase upon the following grounds.

Ist.

That the verdict is contrary to thelaw and the evidence.

2nd.

That the verdict was contrary to law.

3rd.

That the verdict was contrary to the evidence.

4th.

That defendant was convicted upon the second count of said indictment in this court.
and had heretofore been tried on said second count in the County Court in the same subject matter, in a court of competent jurisdiction and acquitted on said second count

4th.

That defendant was convicted in the county court of Baldwin County on the First count of the indictment, in a court of competent jurisdiction and that thereafter said conviction appealed to the Circuit Court, and the jury in the Circuit Court acquitted defendant of said first Count.

S. C. Jenkins
Stone & Stone

Attys for defendant

Motion overruled & Deft excepts

A. G. Gaither
Judge

State of Alabama
vs
Andy Leatherwood

In Circuit Court of Baldwin County
Fall Term 1919

Comes the defendant, by his attorneys in this cause and moves the court in arrest of judgment and before sentence that the verdict in this case be set aside and the defendant be discharged and for grounds says the record in this cause shows that this was an appeal case from the County Court and that the defendant was tried on the identical complaint on which he was tried in the County Court of Baldwin County and the record in this case shows that the defendant was acquitted of the offense charged in the second count of the complaint and of which the jury rendered a verdict of guilty in the court.

Wherefore, defendant prays that the judgment may be arrested and the defendant be discharged as the court may determine or such other order as may be regular and proper in the premises.

J C Jenkins & F. S. Stone
Attys of Defendant

186

State
v
Andy Leatherwood

Circuit

State vs Sam Joseph.

Come the Defendant and moves the court to grant him a new trial to set aside the verdict herein Sam Joseph, upon the following grounds:

1— That the verdict was contrary to the law and evidence

2. That the verdict was contrary to law.

3. That the verdict was contrary to the evidence.

4— That the jury before rendering their verdict asked the Court if they could find him guilty of a lesser offense and upon being answered in the neg. ative, the foreman of the jury turned and asked a member of the jury if they should go back to the jury room

and the juror replied by shaking his in the negative and thereupon the foreman handed in the verdict without having retired to the jury room.

Steven Stein
Atty for Deft

Filed..

Nov 26-1915

D W Richmond

Clerk.

Motion overruled
& Defs. except —
Gaumer
Judge

Amel Calloway
vs.
J. W. Lovenzel Lumber Co

Circuit Court
Baldwin County
Ala.: Spring Term
1920.

Comes ~~Chas.~~ A. Boller and Wilson Fell and moves the court to amend the judgment entered in this cause November 26, 1916 Nunc Protunc so that said judgment ~~may~~ ~~and~~ shall be a judgment only against the defendant J. W. Lovenzel Lumber Co. only and assigns the following separate grounds for said motion:

1.

The Clerk of the Court erroneously entered a judgment against these movants when the bench notes show only a judgment was rendered against the defendant.

2.

The judgment could not have been rendered against these ~~movants~~ movants for a sum in excess of $53.24.

3.

The judgment was entered by the

clerk of this court by mistake and not by direction of the Court. May 24, 1920.

Respondents

Vs

Atty for Motion

Stone & Stone

Caveat

May 25th 1920. Granted motion. W. E. Gamble judge

W. D. Stapleton, as Mayor of the Town of Bay Minette

vs.

Andrew J. Hamilton, Mamie Bess Hamilton, Amanda Louise Hamilton, John Thomas Hamilton, Marie Mary Hamilton,

Circuit Court of Baldwin Co. Ala.

Comes the Plaintiff and moves the Court to amend the judgment entered in this cause by the Clerk Nunc Protunc, which judgment was entered on the May 20, 1918, by striking from said judgment the following: "Including a reasonable attorney fee for defending the same" and assigns the following separate grounds for said motion:

1. Said part of said judgment is unauthorized by law.
2. There is no law authorizing this plaintiff to pay such attorneys fees.

3. Said part of said judgment would take from this plaintiff his day in Court.

4. Said part of said judgment was entered by the clerk without authority of the Court.

5. The Court in rendering judgment in this cause did not enter up any such judgment but same is the act of the clerk without authority of law.

6. The Plaintiff is not liable to Defendants for attorneys fees.

7. This proceeding was begun under Article 29 of Chapter 32 of the Code of Alabama and said judgment entry follows sections 3883 of the Code of Alabama which is unauthorized by law.

8. Said part of said judgment is wholly void.

11/24/20.

To Andrew J. Hamilton, et al Plaintiffs or Chas. Hall Esq. their Atty Cullman.

Page Moore Atty for Motion

Nov. 24, 1920

Motion in above entitled cause granted. John D. Leigh Judge of 21st Judicial Circuit

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, T. W. Richerson, clerk of the Circuit Court of Baldwin County, Alabama, this day personally appeared W. A. Stoddard, who is known to me and who being by me duly sworn, deposes and says; that on to-wit, December 15th, 1916, he was agent for the Southern Plantation Development Company, a corporation, and that as such agent and with full power and authority he negotiated with W. D. Owens, Jr. and sold to him for turpentine purposes the growing pine timber on a large tract of land in Baldwin County, Alabama, belonging to or held under option of purpose from Southern States Lumber Company by the said Southern Plantation Development Company, including the lands described in the complaint of Stanton A. Scott against W. D. Owens, case number 1600, pending in the Circuit Court of Baldwin County, Alabama; that the said W. D. Owens and W. D. Owens Jr. is one and the same person; that the said Southern Plantation Development Company prepared and delivered to W. D. Owensmplat showing the lands described in said complaint to be covered by said lease; that through error the lands described in said complaint were omitted from the description of the written conveyance, evidencing the trade; that it was the intent that said lands be included in said conveyance; that immediately upon execution of said conveyance W. D. Owens was placed in actual possession of said lands by the said Southern Plantation Development Company.

W. A. Stoddard

Swron to and subscribed before me this the 23 day of Nov, 1920.

T W Richerson
CLERK OF THE CIRCUIT COURT.

James B. Lindsey
Plaintiff
vs.
Fred L. Gorm
Defendant

Circuit Court
Tallapoosa County
Alabama

Comes the Plaintiff and moves the court to set aside the verdict rendered by the jury in this cause and grant plaintiff a new trial and as grounds therefor says:

First: That said verdict is contrary to the law and the evidence.

Second: That said verdict is contrary to the law.

Third: That said verdict is contrary to the evidence.

Fourth: That said verdict is contrary to the evidence in that there was no evidence adduced at the trial to support defendant's plea two to plaintiff's second count.

Fifth: There was no evidence adduced at the trial that plaintiff undertook to procure said

conveying to defendant the Wyatt lands free from adverse claim as alleged in defendants plea to plaintiff's second count.

Sixth: That there was no evidence adduced at the trial that there was a valid adverse claim to the Wyatt lands as alleged in said plea two to plaintiff's second count.

Seventh: That there was no evidence adduced at the trial to support defendants plea of set off number 2.

Eighth: That there was no evidence adduced at the trial that plaintiff agreed with defendant that if he would procure the sale of the Wyatt lands to plaintiff for $600.00 that he would sell said lands for $700.00 and divide the profit thereon with defendant as alleged in defendants plea of set off number 2.

Ninth: That there was no evidence adduced at the trial that defendant ever proved

a bona fide purchaser for the Defendant ready able and willing to purchase said property at $200.00 as set out in defendants pleas of set off number 5

Richard T. Burke
for Plaintiff

Transcribe

JAMES W. LUTHER, PLAINTIFF	)	
VS	)	CIRCUIT COURT , BALDWIN COUNTY,
FRED L. BROWN, DEFENDANT.	)	ALABAMA.

To Hon. W. S. ANDERSON, attorney for defendant:

You are hereby notified that Plaintiff has this day filed a motion in the above styled cause to set aside the verdict rendered by the jury in said cause and for a new trail of the cause.

Reckarby & Beebe
For Plaintiff

Received copy of foregoing notice and waive further notice this the 31 day of May, 1923.

W. S. Anderson
For Defendant.

State of Alabama)
)
Baldwin County.)

Before me T. W. Richerson, Clerk of the Circuit Court of Baldwin County, Alabama, personally appeared, Mark White, who is known to me, who after being by me first duly sworn deposes and says:

That he was a witness for the defendant in the case of James W. Luther vs. Fred L. Brown, tried at this Spring Term of the Circuit Court of Baldwin County, Alabama; That his testimony at such trial was true; that he went with N. E. Hall at the request of Fred L.Brown to the office of said James W. Luther, for the purpose of purchasing the Dyson place; I told said N. E. Hall that I understood that the Dyson place could be purchased from Luther for $1000.00 or $1200.00; Said N. E. Hall said he would buy the place for $1200.00, if he could not get it any cheaper, said Hall told me he had the money to pay for the place. Said Hall went with me to Luther's office for the express purpose of trying to buy the Dyson place; When we went into the office I said to Mr Luther I had brought a man to buy the Dyson place. This was said in said Hall's presence. I then asked Luther if he would take $1000.00, Luther said, No. I then said He will pay you $1200.00. Mr. Luther then said he had concluded to keep the place, and did not care to sell. N. E. Hall was present and heard all that was said. As we were going out of the office said N. E. Hall said to Luther, then you will not sell the place for $1200.00, Luther said no, I will not sell for $1200.00. Before going to Luther's office said N. E. Hall told me he had the money to pay $1200.00 for the Dyson place.

Subscribed and sworn to before me) M B White
)
this 7th day of June 1923.)

T. W. Richerson, Clerk. Circuit Court

State of Alabama
Baldwin County.

Before me E. M. Pickersgill, Clerk of the Circuit Court of Baldwin County, Alabama, personally appeared, Mark White, who is known to me, who after being by me first duly sworn depposes and says:

That he was a witness for the defendant in the case of James M. Luther vs. Fred H. Brown, tried at this Spring Term of the Circuit Court of Baldwin County, Alabama; that his testimony at such trial was true; that he went with H. E. Hall at the request of Fred H. Brown to the office of said James E. Luther, for the purpose of purchasing the Dyson place; that said H. E. Hall told me that the Dyson place could be purchased from Luther for $1000.00 or $1500.00; that H. E. Hall said he would buy the place for $1500.00, if he could get it any cheaper; that Hall told me he had the money to pay for the place. Said Hall went with me to Luther's office for the express purpose of trying to buy the Dyson place; when we went into the office I said to Mr Luther I had brought a man to buy the Dyson place. This was said in said Hall's presence. I then asked Luther if he would take $1000.00, Luther said, No. I then said he will pay you $1500.00. Mr. Luther then said he had concluded to keep the place, and did not come to sell. H. E. Hall was present and heard all that was said. As we were going out of the office said H. E. Hall said to Luther, then you will not sell the place for $1500.00, Luther said no, I will not sell for $1500.00. Before going to Luther's office said H. E. Hall told me he had the money to pay $1500.00 for the Dyson place.

Subscribed and sworn to before me this 23 day of June 1923.

Mark White

Fred H. Brown

E. M. Pickersgill, Clerk

State of Alabama) In Circuit Court, Baldwin County, Alabama.
)
Baldwin County.) Spring Term 1923.

Before me T. W. Richerson, Clerk of the Circuit Court of Baldwin County, Alabama, personally appeared Fred L. Brown, who is known to me and who is the Defendant in the case of James W. Luther vs. Fred L. Brown in the Circuit Court of Baldwin County, Alabama, who after being by me first duly sworn deposes and says; that thd statement contained in the motion of said James W. Luther in said cause that he, (Fred L. Brown) knew that the ~~statement~~ testimony of Mark White, a witness for the defendant in said case, "that he in the presence of and on behalf of one N. E. Hall offered plaintiff the sum of $1200.00 for the Dyson place, as alleged in defendant's plea of set-off numbered 5, was false", is untrue, on the contrary this deponent says, that to the best of his knowledge said testimony of said White, was true; that he had gotten said White to take said N. E. Hall to the plaintiff Luther for the purpose of making the offer and purchasing said Dyson place.

This deponenttfurther says, that the statement in the affidavit of said N. E. Hall, sworn to on June 5th.1923, "that about two weeks before Court Mr Fred L. Brown came to me and wanted me to testify that I would have bought the Dyson place from Mr Luther, but I told him I couldnt do that because I din not have the money and did not make any offer for the place, he argued with me that I could testify that I made the offer whether I had the money or not, but I told him I did not have the money and did not make the offer", is entirely false and untrue; affiant summoned him as a witness, because he had gotten White to take Said Hall to Luther to make the offer for the Dyson place; that he was informed by said White that when they went to Luther's office, he (White) had made the offer to Luther for Hall and in Hall's presence, and Luther had declined to sell; Affiant further says that the statement by said Hall in his affidavit that he told affiant that he did not have the money, is untrue, on the contrary affiant says, that said Hall told him he ~~had~~ did have the money and that White made the offer to Luther for him and in his presence, but that Luther declined to sell.

Fred L. Brown

Subscribed and sworn to before me)
)
this 7th day of June 1923.)

T W Richerson, Clerk.
Circuit Court

Fred L Brun 1

Filed June 6th 1923.
N. W. Richmond
Clerk.

State of Alabama)
)
Baldwin County.)

Before me T. W. Richerson, Clerk of the Circuit Court of Baldwin County, Alabama, personally appeared, Fred L. Brown, the defendant in the case of James W. Luther vs. Fred L. Brown in the said Circuit Court now pending on a motion for a new trial, who after being by me first duly sworn deposes and says that, the said N. E. Hall was summoned as a witness for ~~him~~ the defendant in said cause, and for some reason he did not appear; affiant further says that said suit has been pending in said Court for some time, since the 8th day of May 1922, that at the Fall Term ~~of this~~ 1922 of this Court, the case was called for trial and the trial was entered into both sides announcing ready; that said N. E. Hall had been subpoenaed as a witness for the defendant at said Fall Term 1922 but for some reason unknown to affiant said Hall was not present when the trial was entered into at that time, and defendant went to trial without said witness, Hall. Affiant states as a fact that the plaintiff was present when said trial was entered into and saw the witnesses who were sworn for defendant at that time, and plaintiff knew that defendant went into the trial of said cause without said Witness, Hall, at the Fall Term 1922 of this Court. Said witness Hall was subpoenaed as a witness for defendant at both terms of said Court, the Fall Term 1922 and the Spring Term 1923, and plaintiff knew that defendant had answered ready for trial at said Fall Term 1922, and had gone into the trial of said case without said witness, Hall. Affiant says that said trial so entered into at the Fall Term 1922, was not completed, owing to some arrangement the Court had made about trying another case.

Affiant further says that said witness, Hall lives about three miles from Robertsdale, ~~and the plaintiff Luther lives~~ and has been living there for some two or three years; the plaintiff, Luther lives at Robertsdale, and has known the place of residence of said Hall ever since this suit has been pending.

Fred L Brown

Subscribed and sworn to before me)
this 7th day of June 1923.)
T. W. Richerson)
Clerk Circuit Court.)

State of Alabama
Baldwin County.

Before me E. T. Blackerson, Clerk of the Circuit Court of Baldwin County, Alabama, personally appeared, Fred L. Brown, the defendant in the case of Jesse K. Luther vs. Fred L. Brown in the said Circuit Court now pending on a motion for a new trial, who after being by me first duly sworn deposes and says that, the said K. L. Hall was summoned as a witness for ~~him~~ the defendant in said cause, and for some reason he did not appear; affiant further says that said suit has been pending in said Court for some time, since the 6th day of May 1922. that at the Fall Term ~~[illegible]~~ 1922 of this Court, the case was called for trial and the trial was entered into both sides announcing ready; that said K. L. Hall had been subpoenaed as a witness for the defendant at said Fall Term 1922 but for some reason unknown to affiant said Hall was not present when the trial was entered into at that time, and defendant went to trial without said witness, Hall. Affiant states as a fact that the plaintiff was present when said trial was entered into and saw the witnesses who were sworn for defendant at that time, and plaintiff knew that defendant went into the trial of said cause without said witness, Hall, at the Fall Term 1922 of this Court. Said witness Hall was subpoenaed as a witness for defendant at both terms of said Court, the Fall Term and the Spring Term 1923, and plaintiff knew that defendant had subpoenaed Hall for the Fall Term 1922, and had gone into the trial of said case without said witness, Hall. Affiant says that said trial as entered into at the Fall Term 1922 was not completed, owing to some arrangement the Court had made about trying another case.

Affiant further says that said witness, Hall lives about three miles from Robertsdale, ~~[illegible]~~ and has been living there for some two or three years; the plaintiff, Luther lives at Robertsdale, and has known the place of residence of said Hall ever since this suit has been pending.

Subscribed and sworn to before me this 7th day of June 1923.

Clerk Circuit Court.

Filed June 7th 1923.
E. T. Blackerson
Clerk.

Fred L. Brown
Vol 2

James W. Luther, Plaintiff)
vs.) CIRCUIT COURT, BALDWIN COUNTY, ALABAMA.
Fred L. Brown, Defendant.)

Comes the Plaintiff and moves the Court to set aside the verdict rendered by the jury in this caous and grant plaintiff a new trial, and as grounds therefor says:

First. That said verdict is contrary to the law and the evidence.

Second. That said verdict is contrary to the law.

Third. That said verdict is contrary to the evidence.

Fourth. That said verdict is contrary to the evidence in that there was no evidence adduced at the trial to support defendants plea two to plaintiffs several counts.

Fifth. There was no evidence adduced at the trial that plaintiff undertook to procure a deed conveying to defendant the Wyatt lands free from adverse claims as alleged in defendant's plea to the plaintiff's second Count.

Sixth. That there was no evidence adduced at the trial that there was a valid adverse claim to the Wyatt lands as alleged in said plea two to plaintiff's second Count.

Seventh. That there was no evidence adduced at the trial to support defendant's plea of set off numbered 5.

Eighth. That there was no evidence adduced at the trial that plaintiff agreed with defendant that if he would procure the sale of the Dyson land to plaintiff for $800.00 he would sell said land for $1200.00 and divide the profits thereon with defendant as alleged in defendant's plea of set-off numbered 5.

Ninth. That there was no evidence adduced at the trial that defendant ever procured a bona fide purchaser for the Dyson place, ready able and willing to purchase said property at $1200.00 as set out in defendant's plea of set off, numbered 5.

Rickarby & Beebe
for plaintiff.

Filed in Court May 31st.1923.

Notice of Motion served on W. S. Anderson Attornet for defendant, May 31st.1923.

JAMES W. LUTHER
PLAINTIFF

VS

FRED L. BROWN,
DEFENDANT.

CIRCUIT COURT, BALDWIN COUNTY, ALABAMA.

Come the plaintiff in said cause and as further and additional grounds for his motion to set aside the verdict of the jury in said cause rendered and for a new trail says:

a. That said verdict was rendered on the testimony of one Mark White, a witness for defendant, that he in the presence of and for and on behalf of one N.E.Hall offered plaintiff the sum of $1200.00 for the Dyson place, as alleged in defendant's plea of set-off numbered 5; that the said testimony of said witness White was faulse and a prejury and that the defendant, Fred L. Brown, knew before he placed the said witness on the stand that his testimony was false; that the said defendant thereby practiced a fraud on this Court to the hurt of the plaintiff, all of which is shown by the affidavit of N.E.Hall herewith filed and made a part of this motion.

b. That since the trial of said cause plaintiff has discovered new evidence which if he is permitted to present to the court will be a complete defense to defendants plea of set-off numbered 5, to-wit: one N.E.Hall, who will testify that he never made plaintiff any offer of $1200.00 or any other offer for the Dyson place and that he did not have the money to pay for the same, as alleged by defendant in said plea, which said evidence was unknown to plaintiff until after the trial of said cause; that he had used due diligence to procure the same and was prevented from doing so by the acts of the defendant, all of which is shown by the affidavits of said N.E. Hall and plaintiff, James W.Luther, herewith filed and made a part of this motion.

Rickarby & Beebe
Attorneys for plaintiff

Refused -
June 8/1923
John D. Leigh
Judge

W E H

State of Alabama
Baldwin County }

Before me R G Pearson a Notary Public Baldwin County Alabama, this day personally appeared N. E. Hall who is known to me and who being by me first duly sworn depose and say that he is the Hall named in the plea of setoff number 5 filed by Fred L. Brown in the case of James W. Luther vs Fred L. Brown left the circuit court of said County and the Hall named in the testimony of Mark White a witness for defendant in said suit, that in October, 1920, I went with Mark White to Mr. Jas. W. Luther to buy a small cheap place I did not go to him to buy the Dyson place or any other specific place but White had told me Mr. Luther had a cheap place, and I had told him I wanted a place to cost not over $500.00 that I $260.00 to play cash

LANDS
IMPROVED
UNIMPROVED
SALES AND EXCHANGES

JAMES W. LUTHER
REAL ESTATE
ROBERTSDALE, ALA.
"THE HIGHLANDS OF THE SOUTH"
SOUTH BALDWIN COUNTY

FARM LOANS
IMPROVED FARMS
REASONABLE TERMS
FIRE INSURANCE

N E 4

and White told me Mr Luther had such a place but did not specify any particular place. I went to Mr Luther and White asked Mr Luther if he would sell the Dyson place and said here is a fellow that will buy it. Mr. Luther replied that he did not want to sell the place but would for a long money that he bought the place for himself. Neither White nor I made any offer for the place nor was there anything said about or any offer made of $1000.00 or $1200.00. I did not have more than $260.00 and could not have paid so much for the place and White knew it did not have so much money but did know for I had told him I could not pay over $500.00. I had not sold any place for $1600.00 or any other sum. About

LANDS
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SOUTH BALDWIN COUNTY

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FIRE INSURANCE

3 N E H

a year before my mother had sold a place for this amount; Mr. White knew that this place did not belong to me, but did belong to my mother; that about two weeks before Court Mr. Fred L Brown came to me and wanted me to testify that I would have bought the Dyson place from Mr. Luther but I told him I couldn't do that because I did not have the money and did not make any offer for the place. he argued with me that I could testify that I made the offer whether I had the money or not, but I told him I did not have the money and did not make the offer.

That during last week I was sick, I was taken sick on Friday May 26, and was sick all

UNIMPROVED
SALES AND EXCHANGES

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FARM LOANS
IMPROVED FARMS
REASONABLE TERMS
FIRE INSURANCE

N E K

The following work. This office
4 shutts, number 1, 2, 3 & 4 and initialed by me.

N E Kell

Sworn to and subscribed before me
this June 5, 1923

R L Pierce

Notary Public Baldwin
County Ala

NOTARY PUBLIC, BALDWIN COUNTY, ALA.
My Commission Expires Feb. 9, 1927

State of Alabama
Baldwin County

Before me, W. C. Beebe, a Notary Public in and for said County and State, ~~hereby certify~~ this day personally appeared James W. Luther plaintiff in the case of Jas W. Luther vs Fred L Brown, in Circuit Court Baldwin County Alabama, who is known to me and who being by me duly sworn deposes and says, that N. E. Hall was subpoaned as a witness for defendant in said cause that he did not know what the said N. E. Hall would testify in said cause, but from the fact that he was subpoaned for the defendant he assumed that he was a hostile witness, and relied on the subpoena of defendant to have him in court, that through the sickness of said N. E. Hall he was not at the trial of said cause and plaintiff was not then in position to ~~ask~~ a continuance of the case; that he

LANDS
IMPROVED
UNIMPROVED
SALES AND EXCHANGES

JAMES W. LUTHER
REAL ESTATE
ROBERTSDALE, ALA.
"THE HIGHLANDS OF THE SOUTH"
SOUTH BALDWIN COUNTY

FARM LOANS
IMPROVED FARMS
REASONABLE TERMS
FIRE INSURANCE

(A)

was thereby prevented from losing the benefit of said Hall's testimony, and that the said Hall will testify that he never made any offer for the Dyson place and was not financially able to pay therefor the sum of $1200.00 as alleged in said plea 5.

James W. Luther

Sworn to and subscribed before me this June 5, 1923

W C Bailey
N. D. Baldwin Co
Ala.

Filed June 6/1923
T. W. Williams
Clerk

STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

Before me, T.W.Richerson, Clerk of the Circuit Court of Baldwin County,Alabama, this day personally appeared before me W.D.Owens, who is known to me and who being by me first duly sworn deposes and says that he is defendant in the case of Stanton A. Scott against W.D.Owens, pending in the Circuit Court of this County, numbered 1600; that on to-wit, December 15th,1916, the Southern Plantation Development Company, a corporation, then owining the lands described in the Complain in said cause or holding said lands under an option of Purchase from Southern States Lumber Company, a corporation, with the right to convey did convey to defendant for a valuable consideration, which said consideration was paid, by an instrument in writing, the growing pine trees on a large tract of land in Baldwin County,Alabama,with the right to work the said growing pine trees on said lands which said right was in force at the time defendant entered on the lands described in the complaint and cupped said trees; that the said Southern Plantation development Company at the same time furnished defendant with a blue print plat of the land so conveyed including the lands described in the complaint and put defendant in possession thereof, including the lands described in said complaint; that subsequently it was discovered that the said conveyance byerror omitted the lands described in said complaint, of which defendant was already in possession under said conveyance in accordance with the intent of said conveyance and the plat as furnsihed by said Southern Plantation Development Company; that the growing pine trees on the lands decsribed in the complaint were sold to defendant on December 15th,1916, that defendant was immediately put in possession thereof and has remained continuously in possession thereof to this suit; that subsequent to December 15,1916, to-wit: March 5th,1919, the Southern Plantaion Development Company attempted to convey the lands described in said Complaint to the said Plaintiff, Stanton A.Scott; and that under said conveyance of December 15,1916,as properly drawn in accordance with the intent of the parties defendant has a right to the growing pine trees on the lands described in the complaint and that said conveyence when properly amended to show the true intent of the parties conveyeda title to said trees to defendant paramount to that of ~~xxxxxx~~ plaintiff.

W D Owens.

Sworn to and subscribed before me this the 23 day of November, 1920.

T W Richerson
Clerk Circuit Court, Baldwin Co.Ala.

Stanton & Scott.

vs.

W. D. Owens

Motion and affidavits for transfer of case to Equity side.

Pickarby & Becker
Attys.

Bevel

Alex. Dry Goods Company, a Corporation.

vs.

J. A. Havard.

Comes the plaintiff and moves the Court ~~xx~~ for an order of sale ~~xxxxxxxxxx~~ of the personal property levied on under attachment on the grounds that the cost of keeping said property is very great, as they are now in a rented storehouse, and it will cost too much to pay rent for the housing of said property for the next six months until Court convenes in November next, and also because said property will deteriorate very much in value before the next term of Court.

The property levied on under said attachment is the same as described in said annexed description.

W. H. Hawkins

Attorney for Plaintiff, the movant.

6/2/21

Granted June 2/1921

John D. Leigh

Judge

st of property levied on in the case of Alex. Bloch Dry Goods Co.
. J. A. Havard.

pair tennis, shoes; 26 pair of men's shoes; 21 pr. women's shoes;
pair children's shoes; 34 pair children hose; 6 pr. men's hose; 6
ildren sweaters; 10 pair children's union suits; 8 mens undershirts;
1 ladies vests; 7 mens B. V. D. undershirts; 3 pr. mens overalls; 6
ys caps; 2 ladies' shirt waists; 27 pocket books; 1 ladies hat; 5
ombs and brushes in boxes; 4 mens blue shirts; 2 boys hats; 4 boxes
f shoe polish; 1 box safety pins; 11 baby caps ; 6 spools of ribbon;
6 card boards of lace; 5 belts; 4 boxes of handekerchiefs; 3 neckties;
box of buttons; 4 show cases; 2 doz. half gallon fruit jars; 3 doz.
qt. fruit jars; 2 buggy whips; 2 doll carts; 2 toy autoplanes; ½ case
f laundry soap; 5 granite boilers; 2 coffee pots; 2 glass water sets;
7 plates; 1 vase; 6 small glass lamps; 14 cob pipes; 2 rolls of oil
cloth.

C. R. Baldwin, Plaintiff, x
: Circuit Court.
vs. :
: Spring Term, 1921.
O. W. Devore, Defendant. x

Now comes the plaintiff in the above styled cause and moves the court to grant unto him a new trial therein, upon the grounds,

First:

Said verdict is contrary to the law and the evidence in the case.

Second:

Said verdict is contrary to the great weight and preponderance of the evidence in said case.

STONE AND STONE
PAGE AND MOORER
ATTYS FOR PLAINTIFF.

To O. W. Devore, or
Judge Wm. S. Anderson,
His Attorney of Record.

Motion Refused June 3 1921
John D. Leigh
Judge

H. H. MONTGOMERY, SUPT. OF BANKS	:	IN THE CIRCUIT COURT
LIQUIDATING THE AFFAIRS OF	:	OF BALDWIN COUNTY,
THE BANK OF BAY MINETTE.	:	ALABAMA.
PLAINTIFF,	:	
VS.	:	
JOHN LANGHAM, et al.	:	
Defendants.	:	

Come the defendants and each of them and move the court to amend nunc pro tunc the judgment heretofore rendered in this cause by striking therefrom the provision and adjudication that the defendants, and each of them, waived their right of exemption as to personal property against the payment of said judgment, and for grounds for such motion the defendants assign the following:

1. The evidence does not support a finding that the defendants waived their exemption as to personal property.

2. The evidence showed that the defendants did not waive their exemption as to personal property.

3. The notes sued on contained no waiver of exemption by these defendants.

Motion continued for thirty days and then to be submitted for final decree
This June 3 1921
John D. Leigh
Judge

Stone & Stone,
Webb, McAlpine & Grove,
Leon G. Brooks.
Attorneys for Defendants.

Notice to:

Gordon & Edington,
Charles Hall.
Attorneys for Plaintiff.

Filed
June 3/78
T W Reeuwon
Clerk

H. H. MONTGOMERY, SUPT. OF BANKS LIQUIDATING THE AFFAIRS OF THE BANK OF BAY MINETTE, PLAINTIFF.	:	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
VS.	:	
JOHN LANGHAM, et al. DEFENDANTS.	:	

Comes each defendant for himself and moves the court to set aside the judgment heretofore rendered in this cause and to grant a new trial and sets forth and assigns the following grounds therefor:

1. The verdict of the jury was contrary to law.

2. The verdict of the jury was contrary to the evidence.

3. The judgment is contrary to law.

4. The judgment is contrary to the evidence.

5. The court erred in sustaining the plaintiff's demurrers to defendants' pleas 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14.

6. The court erred in sustaining the plaintiff's demurrers to defendants' plea 4.

7. The court erred in sustaining the plaintiff's demurrers to defendants' plea 5.

8. The court erred in sustaining the plaintiff's demurrers to defendants' plea 6.

9. The court erred in sustaining the plaintiff's demurrers to defenfants' plea 8.

10. The court erred in sustaining the plaintiff's demurrers to defendants' plea 12.

Motion Continued for 30 day in order to allow time for file briefs - at which time motion is to be submitted for final decree. This June 3, 1921.
John D. Leigh
Judge

Stone & Stone,

Webb, McAlpine & Grove,

Leon G. Brooks,
Attorneys for Defendants.

Notice to:
Gordon & Edington,

Charles Hall,
Attorneys for Plaintiff.

Filed June 3rd/921
W W Meiwwon
Clerk

Comes the defendant and moves the court to set aside the verdict of conviction in this case and grant him a new trial for grounds of said motion assigns the following

1

That the verdict was contrary to the law and the evidence in the case

2

That the verdict is contrary to the law in the case

3

That the verdict is contrary to the evidence in the case

4

That the court erred in not sustaining the objection of the defendant to the question propounded by the state to witness Guy Hall asking of witness if the defendant at the time alleged had been in his room prior to the time which the sheriff purchased said stock.

5

That after the jury had retired the jury requested that the court recall the jury to give defendant

6

That after the jury retired for consideration of their verdict and after being brought in just about 2 hours and being brought in again it is suggested that they stated that they had been unable to agree on a verdict and the court then asked the jury if some one of the jury wished to make some inquiry and the court declared he would instruct them on any matter they desired

7

That the verdict was not the unanimous verdict of the jury.

A. C. Jenkins, Atty for defendant

Keiffer Bros. Co.
Pltff
vs
E. P. Webber
Deft

Circuit Court
Baldwin County

Comes the plaintiff and moves the Court to set aside the Verdict and grant it a new trial, on the following grounds, to-wit:—

1st

The Court erred in overruling demurrer to plea five as amended—

2nd—

The Court erred in allowing the introduction of illegal evidence

3rd—

The Court erred in ruling that the indorsement by W. T. Hawkins attorney of record for plaintiff of the Check for $100.80 constituted acceptance of said sum, as full payment—

This Dec 5, 1922—

W. T. Hawkins
Atty for Plaintiff & Movant—

Contra
S. C. Jenkins
J. H. Hogan
for Deft—

12/7/22 Continued till next term Court,

Refused June 8/923 John D. Leigh Judge

E. M. Johnston
Special Judge

Brown Shoe Co.
Plaintiff
vs
E. P. Webber, Deft.

Circuit Court, Baldwin Co.
Alabama

Comes the plaintiff and moves the Court to set aside the Verdict and grant it a new trial on the following grounds to Wit:—

1st

The Court erred in overruling demurrers to Plea five—

2nd—

The Court erred in the allowance of the introduction of illegal evidence—

3rd—

The Court erred in ruling that the indorsement by W. T. Hawkins attorney of record for Plaintiff of the check for $41.45 constituted acceptance of said sum as full payment—

This Dec. 5, 1922.

Jag 1922-1928 114

W. T. Hawkins
Atty for Plaintiff & Movant

Rickarby & Beebe
Attys for Defendant
Contra

12/7/22 — Continued till next term Court

Refused
June 8/1923
John D. Leigh Judge

F. W. Johnston
Junior Judge

Frank Sharp, Plaintiff.

vs.

Sam Dubose, Defendant.

In Circuit Court, Baldwin County, Ala.

Comes the plaintiff in the above entitled cause and shows to the Court that on to-wit:- Nov. 21st., 1922, an attachment issued out of this Court against Sam Dubose and in favor of Frank Sharp, and which said attachment was duly executed by levying on the following described personal property as the property of the defendant, to-wit:-

One Bay Mare Mule about five years old, weight about 700 pounds; One Bay Mare Mule about ten years old, weight about 900 pounds; One Blue Cow unmarked, weight about 400 pounds, white in face; One dark blue heifer, one small red bull marked SW fork and underbit in right ear and SW fork in left ear; One pale red steer marked SW fork and underbit in right ear and SW fork in left ear; one red jersey hog(barrow) weigh about 140 pounds; Two red pigs marked SW fork and underbit in right ear and SW fork in left, and two red pigs unmarked. Said above described property being attached by W. R. Stuart, Sheriff on to-wit:- Nov. 23, 1922, and taken into his possession.

Plaintiff shows to the Court that before the next term of this Court, this property levied on will greatly deteriorate in value, and the costs of keeping and feeding same will be great, and by the next term of the Court the costs will be more than the amount sued for.

Wherefore, plaintiff moves the court for an order that said property be sold by the sheriff, to await the decision of the suit, unless the Court otherwise directs as provided by law.

W. D. Hawkins

Attorney for Plaintiff.

12/5/22

~~12/6/22~~ 12/6/22 - Motion granted and personal property ordered to be sold according to law - B. M. Johnston, Special Judge.

Frank Sharp, Plaintiff.

vs. In Circuit Court, Baldwin County, Ala.

Sam Dubose, Defendant.

Comes the plaintiff in the above entitled cause and shows to the Court that on to-wit:- Nov. 21st., 1922, an attachment issued out of this Court against Sam Dubose and in favor of Frank Sharp, and which said attachment was duly executed by levying on the following described personal property as the property of the defendant, to-wit:-

One Bay Mare Mule about five years old, weight about 700 pounds; One Bay Mare Mule about ten years old, weight about 900 pounds; One Blue Cow unmarked, weight about 400 pounds, white in face; One dark blue heifer, one small red bull marked SW fork and underbit in right ear and SW fork in left ear; One pale red steer marked SW fork and underbit in right ear and SW fork in left ear; one red jersey hog(barrow) weigh about 140 pounds; Two red pigs marked SW fork and underbit in right ear and SW fork in left, and two red pigs unmarked. Said above described property being attached by W. R. Stuart, Sheriff on to-wit:- Nov. 23, 1922, and taken into his possession.

Plaintiff shows to the Court that before the next term of this Court, this property levied on will greatly deteriorate in value, and the costs of keeping and feeding same will be great, and by the next term of the Court the costs will be more than the amount sued for.

Wherefore, plaintiff moves the court for an order that said property be sold by the sheriff, to await the decision of the suit, unless the Court otherwise directs as provided by law.

12/5/22 W. T. Hawkins

Attorney for Plaintiff.

~~12/6/22~~ 12/6/22 - Motion granted and personal property ordered to be sold according to law - E. M. Johnston, Special Judge.

STATE)
)
vs)
)
GEORGE PHILLIPS)

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

FALL TERM 1923.

Comes the Plaintiff in the above styles cause by H. M. Hall, Deputy Solicitor for Baldwin County, Alabama, and moves the Court to set aside the ruling of the Court in sustaining the motion to quash the affidavit and warrant of arrest in the above case, on the following grounds:

FIRST: It is contrary to law.

~~Dec 4th 1923.~~

H M Hall
Deputy Solicitor, Baldwin Co., Ala.

Filed Dec 4th 1923
T W Reinmer
Clerk

The above styled Motion is hereby Continued until Monday the 4th day of February 1924.

Done this the 2nd day of January 1924.

John D. Leigh.
Judge of 21st Judicial Circuit of Alabama

Copy Received
in Re Alone
Dec 27th 1923
W. R. Stuart
Sheriff

Motion in arrest of judgment

State of Alabama
vs
Lola Anderson

In Circuit Court of Baldwin County
Fall Term 1925

Comes the defendant, by her attorney, in this cause and moves the Court to arrest the judgment in this cause and set aside the verdict heretofore rendered in this cause and that the defendant be discharged and for grounds, says, 1st that the indictment shows that there was only one count in the indictment and that was for forgery, and at the trial of this cause no evidence was offered by the State showing that the Bank, upon which bank the alleged check, which was alleged to have been altered, forged or counterfeited, was incorporated, which fact is necessary to have been proved to constitute forgery in the 1st degree under section 6901 of the criminal code.

2nd Because the Court erred in refusing defendant's affirmative charge" of the jury, since the evidence in this case, they must find the defendant not guilty, which was that in writing by the defendant in this cause and which was used

3rd Because the Court erred in his general charge to the jury, wherein he instructed the jury that if they believed from the evidence that the defendant did alter, forge or counterfeit the check, which was alleged to have been altered, forged or counterfeit, in the manner and form charged in the indictment, then they should find the defendant guilty of forgery in the 1st degree.

4th Because the Court erred in his general charge in giving the law, when instructed the jury as follows:

(see next page as taken from stenographic notes)

[illegible]

[illegible] Attorney for [illegible]

State of Alabama
vs
Lola Anderson

In Circuit Court of Baldwin
County, Alabama
Spring Term 1923

Comes the defendant in the above cause and moves the Court to set aside the verdict rendered in said cause and grant her a new trial in said cause and for grounds say

1st The Court erred in admitting in evidence over the objections of the defendant the check alledged to have been forged, altered or counterfeited, the same being a variance in the proof of the check as described and set out in the indictment. 2nd The Court erred in not giving the affirmative charge as requested by the defendant.

J C Jenkins, atty for
defendant

Verdict set aside and
Motion for new trial
granted —
June 8/921
John H. Leigh
Judge

State of Alabama
vs
Adolph Seitz

And now comes the defendant and moves the court to set aside the verdict of the jury rendered in the above cause, and to grant him a new trial and as grounds for said motion the defendant shows to the court the following

I.

The verdict is contrary to the law in the case

II.

The verdict is contrary to the weight of the evidence in the case

III.

The verdict is contrary to the law and the evidence in the case

IV

The court erred in not granting the general charge in favor of the defendant at the close of the evidence offered on behalf of the state

V

The court erred in refusing to give to the jury charges "A" and "B" requested by the defendant

VI

The court erred in not ~~and~~ charging the jury that there was no evidence that ~~under the state~~ ~~had proven~~ ~~that~~ the still charged to be the property of the defendant was in his possession at the time of his arrest and incarceration

VII

The court erred in not charging the jury that there was no evidence

[illegible]

that it was the [illegible]

State of Alabama
vs
Lola Anderson

In Circuit Court of Baldwin
County, Alabama
Spring Term 1923

Comes the defendant in the above cause and moves the court to set aside the verdict rendered in said cause and grant her a new trial in said cause and for grounds say

1st The Court erred in admitting in evidence over the objections of the defendant the check alleged to have been forged, altered or counterfeited, the same being variance in the proof of the check as described and set out in the indictment. 2nd The Court erred in not giving the affirmative charge as requested by the defendant.

J C Jenkins, atty for
defendant

Verdict set aside and
Motion for new trial
granted —
June 8/921
John D. Leigh
Judge

State of Alabama
vs
Adolph Seitz

And now comes the defendant and moves the court to set aside the verdict of the jury rendered in the above cause, and to grant him a new trial and as grounds for said motion the defendant shows to the court the following

I

The verdict is contrary to the law in the case

II

The verdict is contrary to the weight of the evidence in the case

III

The verdict is contrary to the law and the evidence in the case

IV

The court erred in not granting the general charge in favor of the defendant at the close of the evidence offered on behalf of the State

V

The court erred in refusing to give to the jury charges "A" and "E" requested by the defendant

VI

The court erred in ~~not~~ charging the jury that there was no evidence that ~~under the state~~ ~~had proven~~ ~~that~~ the still charged to be the property of the defendant was in his possession at the time of his arrest and incarceration

VII

The court erred in not charging the jury that there was no evidence that it was the barn of the defendant that the officer searched and found the stills designated

VIII

The court erred in not protecting the defendant against the prejudiced remarks made by the solicitor in the closing argument reducing defendant because he had not acquired perfect control of our American language

Adolph Zeitz
Defendant

~~Supp 209 for motion in arrest of Judgment~~

State of Alabama
vs
Lula Anderson

In Circuit Court, Baldwin County
Fall Term 1929

Comes the defendant, by her attorney, in the cause and moves the Court to set aside the verdict and judgment in this cause and grant her a new trial in said cause and for grounds assigns:

1st That the record shows that there was no evidence introduced in the indictment for forgery and uttering a forged check, which is an offense under the laws of Alabama.

2nd That the Code section upon which the charge was predicated, is not an incorporated bank or banking company, which is not mentioned in the Code section 6009 ?

3rd Because the Court charged the jury in the Code section 6009 ? the defendant guilty of forgery in its general charge as follows: "And if the jury believe from the evidence in this case, beyond a reasonable doubt that the defendant did utter, publish and pass the check offered in evidence knowing it to be forged, with intent to defraud, they should find the defendant guilty of forgery in the 1st degree."

4th Because the Court charged the jury in its general charge as follows: "The mere fact that the defendant signed the name of Mrs. Lula Anderson to the check in question, and presented it for payment, is sufficient to raise a presumption of her guilt of forgery in the 1st degree."

5th Because the Court charged the jury in its general charge as follows: "The mere fact that the defendant signed the name of Mrs. Lula Anderson to the check in question, and presented it for payment, is sufficient to raise a presumption of her guilt of forgery in the 1st degree." (This is in conflict with the charge in the indictment, which charges uttering forged and counterfeit with forgery in the 1st degree.)

4. The trial court erred in its failure to instruct the jury properly as to what constitutes forgery in the 2nd degree and under the indictment and proof offered by the State the defendant if guilty at all was guilty of forgery in the 2nd degree a copy of said indictment is herein attached marked Exhibit "A" and made a part of this answer and charge is that another term which is "B" and a copy of the verdict rendered by the jury in said case is herein attached and marked Exhibit "C".

5. Because of newly discovered evidence since the trial of this cause, which evidence is not merely affecting herein attached and marked ~~Exhibit~~ Exhibits "D" + "E" - same - further said evidence was brought affirmatively to the attention of the court during not have arisen to the negligence on the part of either the defendant or her counsel or by any fault of either.

6. Because the court erred in refusing defendant her request in writing for the affirmative charge.

7. Because the court erred in the admission of the testimony of the witness in evidence on the objection of the defendant - the governor's warrant was the defendant - the governor's warrant was from over the state in disobedience of the indictment.

8. Because the verdict was contrary to the law and to the evidence in said cause and was not in the subject matter of the charge for which the defendant was not guilty of the same charge for which

S. Champion, Attorney for
Defendant

JACOB H. REICHERT,
Plaintiff,

-vs-

JEROME H. SHEIP, Inc., and
FANNIE I. BECKER,
Defendants.

CIRCUIT COURT OF
BALDWIN COUNTY.
AT LAW.

Now comes the plaintiff in the above entitled cause and moves the Court to set-aside the verdict in said cause and to grant him a new trial, and for grounds of said motion assigns separately and severally, the following:

1. Because said verdict is contrary to the evidence in the case.

2. Because said verdict is contrary to the great weight of the evidence in the case.

3. Because said verdict is contrary to the great preponderance of the evidence in said case.

4. Because said verdict is contrary to law.

5. Because said verdict is contrary to the law and the evidence in said case.

6. Because the Court erred in refusing to give the general affirmative charge requested in writing by the plaintiff.

7. Because the verdict is contrary to the undisputed evidence in the case.

Claude Hamilton
Harry J. Smith + Caffey
Attorneys for Plaintiff.

June 6, 1924.

The above motion having been considered and understood by the Court, the Court is of the opinion that same is not well taken and should be overruled.

It is therefor ordered and adjudged by the Court that said Motion be and same hereby is overruled and denied.
Done in term time at Bay Minette, Ala. this the 6th day of June 1924.

John D. Leigh
Judge of 26th Judicial Circuit of Alabama

Solomon Bros., Plaintiffs.

vs.

Perdido Grocery Company,
a Corporation, Defendant.

Circuit Court, Baldwin County.

Come the plaintiffs, by their attorney, and shows to the Court, that on March 13th, 1924, plaintiffs had filed in this Court a bill for discovery of assets under acts of Legislature of Alabama 1915 at pages 927 Et. Seq and on the same day a notice was issied by the Clerk of the Circuit Court of Baldwin County, Alabama to be served on the defendant, the Perdido Grocery Company, a Corporation, and that the return of the Sheriff shows service on the defendant on to-wit:- April 9th., 1924.

That the said defendant has not filed in this Court within thirty days nor to this day, the statement as required by law.

Now, therefore, the plaintiffs move the Court, to require the defendant to appear on the first day of the next term of the Circuit Court of Baldwin County, Alabama, and then and there show cause why it should not be adjudged in comtempt of this Court for failing to file said statemen in ~~xxxxxx~~ this Court.

This the 6th day of June 1924.

W. D. Hawkins

Attorney for Plaintiffs.

The motion in the above case having been duly considered by the Court, the Court is of the opinion same is well taken and should be granted.

It is therefore ordered and adjudge by the by the Court that said Motion be and same hereby is granted.

~~This~~ Done in term time at Bay Minette, Ala. this the 6th day of June 1924.

John D. Leigh
Judge

Solomon Bros., Plaintiffs.

vs.

Perdido Grocery Co., a
Corporation, Defendant.

In this cause, plaintiffs files a motion to require the defendant to show cause why it should not be adjudged in comtempt of this ~~xxxxx~~ Court, for failure to file statement in this Court as required by law, and it appearing to the Court by proper proof that the defendant, Perdido Grocery Company, a Corpoeation was served with notice to answer said notice for the discovery of assets, on to-wit:- April 9, 1924, as shown by the sheriff's return, and it further appears to the Court that the said Perdido Grocery Company, a Corporation has not complied with the order of this Court to answer said notice issued to it by said Court, but it has wholly failed to do so.

Now, therefore, it is ordered and adjudged by the Court, that the Perdido Grocery Company, a Corporation, be required to appear at the next term of the Circuit Court, on the first day of said term, and then and there show cause why it should not be adjudged in contempt of this Court for failing to file an answer to the notice served on it by the Sheriff, within the time required by law.

John D. Leigh
Judge of 21st. Judicial Circuit.

MAGGIE ROBERTS, Plaintiff, -vs- FRED J. BUCHMANN, Defendant.	)	IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA. AT LAW. NO._____

The defendant says that the plaintiff in the foregoing cause is a non-resident, and moves the Court to require the plaintiff to give security for costs.

A. A. Griffith

H C Jenkins

Hogan Mitchell

Attorneys for Defendant.

Original

Maggie Roberts
= vs =
Fred J Buchmann

Filed June 10th 1924
T. W. Rickman
Register.

Filed Apr 10th 1921
T. P. Meiburn
Clerk

Filed Apr 10th 1921
T. P. Meiman
Clerk

THE STATE OF ALABAMA,

vs

WALTER BRITT.

CIRCUIT COURT,

BALDWIN COUNTY, ALABAMA,

On appeal from County Court of said County, Spring Term, 1927.

TO THE HONORABLE THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

AND TO THE HONORABLE JOHN D. LEIGH, JUDGE OF SAID COURT:

Comes the defendant in the above entitled cause, after the rendition of the verdict of guilty by the jury in said cause and before sentence was pronounced upon said cerdict, and moves the court to arrest the judgment in said cause, and for ground of said motion assigns the following:

1. Because the complaint upon which the defendant was tried and convicted charges no offense.

2. Because said complaint fails to charge any offense against the laws of the State of Alabama.

3. Because the said complaint upon which the said defendant was tried and convicted charges the defendant with having in possession prohibitive liquor or beverages, contrary to law.

4. Because said complaint under which the defendant was tried and convicted charges the defendant with having prohibitive liquor or beverages in his possession, contrary to law, and it is no offense under the laws of Alabama to have prohibitive liquor or beverages in possession.

5. Because said complaint upon which the defendant was tried and convicted charges the defendant as follows: That Walter Britt did possess or have in his possession prohibitive liquor or beverages contrary to law.

THEREFORE, Petitioner prays that the judgment in the above styled cause be arrested.

Walter Britt

Denny Thomas

Attorney for Walter Britt.

Subscribed and sworn to before me this 22nd day of April, 1927.

Gladys Bush

Notary Public, Baldwin County, Alabama,

To,
Hon. L. S. Biggs, Solicitor,
21st., Judicial Circuit.

The motion in the Case of The State of Alabama vs Walter Britt having been duly considered by the Court is Denied

John D. Leigh Judge of Circuit Court

THE STATE OF ALABAMA,

-vs-

WALTER BRITT.

CIRCUIT COURT,

BALDWIN COUNTY, ALABAMA.

On appeal from County Court of
said County, Spring Term, 1927.

TO THE HONORABLE THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

AND TO THE HONORABLE JOHN D. LEIGH, JUDGE OF SAID COURT:

Comes the defendant in the above entitled cause, after the rendition of the verdict of guilty by the jury in said cause and before sentence was pronounced upon said verdict, moves the court to arrest the judgment in said cause, and for grounds of said motion assigns the following:

1. Because the complaint upon which the defendant was tried and convicted charges no offense.

2. Because said complaint fails to charge any offense against the laws of the State of Alabama.

3. Because the said complaint upon which the said defendant was tried and convicted charges the defendant with having in possession prohibitive liquor or beverages, contrary to law.

4. Because said complaint under which the defendant was tried and convicted charges the defendant with having prohibitive liquor or beverages in his possession, contrary to law, and it is no offense under the laws of Alabama to have prohibitive liquor or beverages in possession.

5. Because said complaint upon which the defendant was tried and convicted charges the defendant as follows: that Walter Britt did possess or have in his possession prohibitive liquor or beverages contrary to law.

WHEREFORE, petitioner prays that the judgment in the above styled cause be arrested.

Walter Britt

Attorney for Walter Britt.

Subscribed and sworn to before me this [illegible] of April, 1927.

Notary Public, Baldwin County, Alabama.

To,
Hon. W. S. Biggs, Solicitor,
21st. Judicial Circuit.

Filed
Apr 23 1927
[illegible]
Clerk

The motion in the case of The State of Alabama vs Walter Britt [illegible]

THE STATE OF ALABAMA.

-vs-

DAVID STEPHENSON

IN THE CIRCUIT COURT

STATE OF ALABAMA

BALDWIN COUNTY.

Comes the defendant in the above styled cause and moves the court to set aside the verdict rendered in this cause and grant to this defendant a new trial and for grounds of this motion assigns the following:-

1. That the verdict is not sustained by the great preponderance of the evidence.

2. That the verdict is contrary to law.

3. That the verdict is contrary to the great weight of the evidence and to the law in the case.

4. That the defendant has newly discovered evidence, material for him, which he could not, with reasonable diligence, have discovered and produced at the trial.

Wherefore the defendant prays that said verdict be set aside and a new trial granted him in said case.

Norborne Stone

Atty for Defendant

The motion in the Case of The State vs David Stephenson having been duly Considered by the Court, the Court is of the opinion that the evidence offered by the State was not sufficient to sustain a verdict, when considered along with evidence of the defendant.

It is therefore, ordered, adjudged and decree that said motion be and the same is hereby granted

This the 23 day of April 1927

John D. Leigh

Judge of the 1st Judicial Circuit of Alabama

Filed
2-2-97
Michael
Clerk

J. C. PHILLIPS, ET AL.,	:	CIRCUIT COURT,
Vs.	:	BALDWIN COUNTY, ALABAMA.
J. W. CREAMER.	:	

TO THE HONORABLE ~~J.M.F.~~ ACTING HOGAN, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Comes the defendant in the above entitled cause after the rendition of the verdict by the jury in said cause, and moves the Court for a new trial in said cause, and shows to your Honor that Mr. S.C.Jenkins, Attorney, did not and would not get in said J.W.Creamers evidence.

1st. For he refused to show that Sylvester Price and Fritz L. Brown came on my land and beat me down with axes and took possession of my land; that they have all went on my land since they forced me out.

2nd. ~~Was~~ That the verdict of the Jury be set aside because they did not have the facts and law before them?

3rd. Because my lawyer refused to put six of my main witnesses on the stand.

4th. Because my lawyers refused to read the law to the Court.

5th. Because two jurors were taken off and two others put on.

6th. Because Alabama is not included in the Act of 1850, the Swamp & Over-Flow Act.

7th. Because Mr.Yonges dates is wrong. I have talked with four old settlers, say they worked for Southern States Lumber Company forty years ago.

8th. Because Mr. S.C.Jenkins was in the Legislature of the State and tried to have confirmed the illegal proceedings of the State when Lindsay was Governor of Alabama.

J.W. Creamer

Motion Refused
12/15/97.
Jno F Hogan
Special Judge

Filed Dec 10/927
T W Reiman
Clerk

State of Alabama
vs
Burt Waters

In the Circuit Court of Baldwin County, State of Alabama

Comes the defendant in the above styled cause and moves the Court to set aside the verdict in this cause, heretofore rendered, and to grant to this defendant a new trial, and for grounds of this motion assigns as follows

1. That the verdict is not sustained by the great preponderance of the evidence
2. That the verdict is contrary to law
3. That the verdict is contrary to the great weight of the evidence (and to the law in the case,
4. That the defendant has newly discovered evidence material for him which he could not with reasonable diligence, have discovered and produced at the trial, and which newly discovered evidence is herewith shown by affidavits herewith filed, and made a part of this motion — and material, which H. T. Bishop, and Mrs. Bishop, excuse defendant from giving. Wherefore defendant prays that said verdict be set aside, and a new trial granted him in this cause.

J. C. Jenkins
Atty for Defendant

December 10/1927.

The motion in the above cause having been heard and understood by the Court and after due consideration thereof, the Court is of the opinion that same is not well taken.

It is therefore ordered, and decreed by the Court that said motion be and the same hereby is overruled.

Dated at Bay Minette, Ala this December 10, 1927

John D. Leigh
Judge of 21st Judicial Circuit of Alabama

STATE OF ALABAMA	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY,
DUNK FIELD	)	ALABAMA.

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Now comes DUNK FIELD, by his attorneys of record, and moves the court to retax the costs in the case of the State of Alabama versus Dunk Field, which was tried in this Honorable Court and upon which a verdict of guilty was returned, and as a basis for this motion the said Defendant shows unto your Honor as follows:

That the witnesses named below were summoned or examined by the State of Alabama in the above said cause and costs have been taxed against this Defendant for the witnesses so summoned or examined in the amounts set opposite their respective names, as follows:

	~~Lon Comstock~~	~~[illegible]~~	~~amount~~ ~~$ 7.00~~
×	Mrs Dock Dolive	"	" 7.00
×	Mrs D.V. Anderson	"	" 7.00
×	James Irwin	"	" 7.00
	~~J. S. Morris~~	"	" ~~4.00~~
×	A. P. Riggin	"	" 6.00
×	George Nenn	"	" 7.70
	~~A. P. Cosey~~	"	" ~~7.00~~
×	E. L. Chapman	"	" 7.00
	~~Jno J. H. Dunn~~	"	" ~~[illegible]~~
×	Mrs Annie Stallnc	"	" 6.10
×	R. J. Ellison	"	" 7.00

And the Defendant further shows that the above said witnesses were all summoned or examined to prove the same fact, and were not summoned or examined to assail or defend a witness for veracity or the character of the Defendant.

Wherefore, the Defendant moves the court to retax said costs and that only two of the above witnesses, to be named by the court, be allowed against this Defendant and that only the cost or fees allowed such witnesses be taxes against the Defendant.

April 21, 1928. The motion in this cause after due consideration by the Court was hereby granted.
John D. Leigh
Judge

Respectfully submitted,
Gordon, Edington & Leigh

W. T. RAWLEIGH & COMPANY a corporation Plaintiff vs E. V. McLEOD, Defendant	)	CIRCUIT COURT BALDWIN COUNTY? ALABAMA. AT LAW

Comes the Defendant in the above styled cause and moves the Court to set aside the judgement rendered in this cause February 5, 1929 and to grant a new trial and as grounds therefor, says:

1st. The judgement is contrary to the law and the evidence.

2nd. The judgement is contrary to the law

3rd. The judgement is contrary to the evidence.

Burke & Stall
Attorneys for Defendant

2/6/29: Submitted & continued for consideration - To be ruled on in 30 days
G. W. Hare
Judge

2/28/29.
Motion granted. It is the order and judgment of the Court that judgment heretofore rendered against the defendant be, and same hereby is, set aside and held for nought, and a new trial of the cause ordered.
G. W. Hare
Judge

Filed Dec 6/929
J C Williams
Clerk

BEEBE & HALL
LAWYETS
BAY MINETTE, ALABAMA

LENA DURDEN, Complainant and Cross-Respondent,	(	IN THE CIRCUIT COURT OF
	)	
vs	(	BALDWIN COUNTY, ALABAMA.
	)	
	(	IN EQUITY.
ANNA POOS, FRANK ECKMAN, and WILLIAM ECKMAN, Respondents and Cross-Complainants.	)	
	(	

Comes the Defendants and Cross-Complainants in the above styled cause and move that the final decree heretofore entered in this cause on to-wit, the 15th day of February, 1929, a certified copy of which is recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 46 Mp, page 350, be amended so that the same will specifically describe said lands owned by the said Defendants; the lands owned by said Anna Poos and described in her cross bill being as follows:

Beginning at Northeast corner of Section thirty-one, Township five South of Range four East, run ten chains West and sixteen and 66/100 chains South for a starting point, thence South three chains and 34/100, thence West five chains, thence South 11 and 7/100 chains, thence West 11 and 23/100 chains, thence North 14 and 41/100 chains, thence East 16 and 23/100 chains to the starting point in Northeast quarter of Section thirty-one, Township five South of Range four East, containing 17 and 93/100 acres more or less, in Baldwin County, Alabama.

The lands owned by Frank Eckman and described in his cross bill being as follows:

Beginning at the Northeast corner of Section thirty-one, Township five South of Range four East and thence running West ten chains to starting point, thence South ten and 51/100 chains, thence West 16 and 23/100 chains, thence North ten and 51/100 chains, thence East 16 and 23/100 chains to place of beginning, said land being in the Northeast quarter of Section thirty-one, Township five ~~South of Range four East and containing 17~~ acres, more or less, in Baldwin County, Alabama.

The lands belonging to William Eckman and described in his cross bill being as follows:

Beginning at the Northeast corner of Section thirty-one, Township five South of Range four East, running ten chains West and ten and 50/100 chains South for a starting point, thence South six and 16/100 chains, thence West sixteen and 23/100 chains, thence North six and 16/100 chains, thence East sixteen and 23/100 chains to starting point, allin Northeast quarter of Section thirty-one, Township five South, Range four East of St. Stephen's Meridian in Alabama, containing ten acres.

Beebe & Hall
Solicitors for Respondents.

Copy of this motion forwarded to Messrs. Gordon, Edington & Leigh, of Mobile, Attorneys for Complainant and Cross-Respondent, this the 27th day of February, 1929.

Burke & Hall
Solicitors for Respondents.

Filed and Entered
This the 28 day
of November 1900

BEEBE & HALL
LAWYERS
BAY MINETTE, ALABAMA

P. A. Narrow et als
Plaintiffs

vs

Mrs Bessie Howard et al
Defendants

At Law
Circuit Court
Baldwin County
Alabama.

Come the plaintiff in the above cause & move the court to set aside the judgement rendered in said cause on April 9. 1929, and to grant a new trial and as grounds thereof says

(1) That the judgement is contrary to the law & the evidence

(2) That the judgement is contrary to the law

(3) That the judgement is contrary to the evidence

[illegible]
Attorney for Plaintiffs

4/17/29 Ordered, adjudged and decreed that this motion be continued until the next jury session of this court.
F. W. Hare
Judge

9/26/29 - Motion overruled & denied - F. W. Hare, Judge

Filed April 10/29
T O Reference
Vault

Fall

Circuit Court. } Spring Term -
Baldwin County } April 8, 1929.

It appearing that it is necessary for the proper conduct of the Court that Jury bailiff be appointed by the Sheriff, Carthus Irwin Sheriff of Baldwin County, be and he is hereby ordered and directed to appoint Jury bailiff for their attendance and service for and during this term of Court and until the same shall recess.

This April 8, 1929.

J. N. Hare

Judge.

State of Alabama
vs
William Purdy

In the Circuit Court of Baldwin County
In Law

Now comes the defendant, William Purdy, and moves the court to retax the costs as now taxed by the Clerk of the Court against the defendant and issue an order, and direct the Clerk to retax the same, and to have stricken from the cost as improper items of cost as now taxed by the Court, the following items of cost,

First, Witness fees of State witnesses as follows:

6	1. a.	B. A. Williams,	Witness fee for	Spring	term of the Circuit Court	1927	6.20
	1. b.	B. A. Williams,	" " "	Fall	" " " Circuit Court	"	6.20
0	1. c	" "	" " "	Spring	" " " "	1928	5.00
	1. d.	" "	" " "	Fall	" " " "	"	7.60
	1. e.	" "	" " "	Spring	" " " "	1929	6.60
	2. a.	Lee Willis	witness fee for	Spring	term of the Circuit Court	1927	6.20
0	2. b.	" "	" " "	Fall	" " " " "	"	6.30
	2. c.	" "	" " "	Spring	" " " " "	1928	6.30
	2. d.	" "	" " "	Fall	" " " " "	"	7.35
	2. e	" "	" " "	Spring	" " " " "	1929	5.20
	3. A.	A. E. Carver	Witness fee for	Spring	Term of Circuit Court	1927	5.00
7	3. B	" " "	" " "	Fall	" " " "	"	6.30
	3 C	" " "	" " "	Spring	" " " "	1928	5.00
	3 D	" " "	" " "	Fall	" " " "	"	7.20
	3 E	" " "	" " "	Spring	" " " "	1929	5.00
0	4 A	Harry Duggar	Witness fee for	Spring	Term of Circuit Court	1927	5.00
	4 B	" "	" " "	Fall	" " " "	"	5.00
	4 C	" "	" " "	Spring	" " " "	1928	5.20
	4 D	" "	" " "	Fall	" " " "	1928	7.00
	4 E	" "	" " "	Spring	" " " "	1929	5.00
0	5 a	E a Shaemaker	Witness fee for	Spring	Term of Circuit Court	1927	5.00
	5 B	" " "	" " "	Fall	" " " "	"	6.00
	5 C	" " "	" " "	Spring	" " " "	1928	5.00
	5 D	" " "	" " "	Fall	" " " "	"	7.00
	5 E	" " "	" " "	Spring	" " " "	1929	5.00
0	6 a.	Byrd Roberts	Witness fee for	Spring	Term of Circuit Court	1927	5.00
	6 B	" "	" " "	Fall	" " " "	1927	6.20
	6 C	" "	" " "	Spring	" " " "	1928	5.50
	6 D	" "	" " "	Fall	" " " "	"	7.50
	6 E	" "	" " "	Spring	" " " "	1929	5.50
0	7 a	C. Rice	Witness fee for	Spring	Term of Circuit Court	1927	5.00
	7 B	" "	" " "	Fall	" " " "	1927	6.20
	7 C	" "	" " "	Spring	" " " "	1928	5.50
	7 D	" "	" " "	Fall	" " " "	"	7.50
	7 E	" "	" " "	Spring	" " " "	1929	5.50
0	8 A	Morton Crosby	Witness fee for	Spring	Term of Circuit Court	1927	5.00
	8 B	" "	" " "	Fall	" " " "	"	6.00
	9 a	E E Gulledge	Witness fee for	Spring	Term of Circuit Court	1927	4.30
	9 B	" " "	" " "	"	" " " "	1928	4.30
	9 C	" " "	" " "	"	" " " "	1929	4.30

(Motion-continued other side of page)

— Motion to retax continued

10 a – F. M. Ard. witness fee for Spring Term of Circuit Court. 1927 — $6.50 ✓
10 b " " " " Fall " " " " 6.50 ✓
10 c " " " " Spring " " " 1928 6.60 ✓
10 d " " " " Fall " " " " 7.00 ✓
10 E " " " " Spring " " " 1929 — 5.00 ✓
o 11 a, Paul T. Benson, Witness fee for Spring Term of Circuit Ct. 1928 — 6.20 ✓
11 b " " " " " " " 1929 — 6.20 ✓
o 12 a Frank Barchard witness fee for Spring Term of Circuit Ct. 1929 — 6.00 ✓
~~13a Dr. Wm Holmes " " " Fall " " " 1927 — 6.00~~
~~13b " " " " Spring " " " 1928~~

Second: That the Court strike from the cost bill as now taxed the fees of the Clerk for issuing the subpoenas for the following State witnesses for the Spring and Fall term of 1927, Spring and Fall term, 1928 and Spring Term 1929 as now taxed at 30¢ per each subpoena issued;

a	witness Dr. William Holmes	$1.60
b	" B. A. Williams	1.60
c	" Lee Willis	1.60
d	" A. C. Croner	1.50
e	" Harry Duggar	1.50
f	E. A. Shoemaker	1.60
g	Baby Roberts	1.60
h	C. Rice	1.60
i	Martin Crosby	1.60
j	E. E. Gulledge	1.60
k	F. M. Ard	1.60
m	~~F. M. A.~~ Frank Barchard	1.60
l	Paul T. Brunson	1.60
n	J. W. Fleming	.60

Third: That the Court strike from the cost bill as now taxed the items of cost for the service by the Sheriff of the subpoenas for the State witnesses for the Spring term 1927, Fall term 1927, Spring Term, 1928, Fall term 1928 and Spring term, 1929 as follows:

Dr. William Holmes	3.25
B. A. Williams	3.25
Lee Willis	3.25
A. E. Croner	3.25
Harry Duggar	3.25
E. E. Shoemaker	3.25
C. Rice	3.25
Martin Crosby	3.25
E. E. Gulledge	3.25
F. M. Ard	3.2
Paul T. Brunson	2.6
Frank Barchard	1.3
J. W. Fleming	1.3

Motion Continued on Next page —

— Motion to retax continued

0 10 a	F. M. Ard, witness fee for Spring Term of Circuit Court	"	1927 —	$6.60 ✓
10 b	" " " " " Fall " " "	"		6.60 ✓
10 c	" " " " " Spring " " "	"	1928	6.60 ✓
10 d	" " " " " Fall " " "	"		7.00 ✓
10 E	" " " " " Spring " " "	"	1929 —	5.00 ✓
0 11 a	Paul T. Benson, witness fee for Spring Term of Circuit Ct		1928 —	6.20 ✓
11 b	" " " " " " " " "		1929 —	6.20 ✓
0 12 a	~~Frank Barchorf witness fee for Spring Term of Circuit Ct~~		1929 —	6.00 ✓
	~~" " " " Fall " " "~~		~~1927~~	~~6.00~~
~~13 a~~	~~Dr. Wm Holmes " " " Spring " " "~~		~~1928~~	~~6.00~~
13 b	~~" " " " "~~			

Second: That the Court strike from the cost bill as now taxed the fees of the Clerk for issuing the subpoenas for the following state witnesses for the Spring and Fall Term of 1927, Spring and Fall term 1928 and Spring Term 1929 as now taxed at 30¢ for each subpoena issued:

a	witness Dr. William Holmes	$1.50
b	" B. A. Williams	1.60
c	" Lee Willis	1.60
d	" A. C. Croner	1.50
e	" Harry Duggar	1.50
f	E. A. Shoemaker	1.60
g	Bay [illegible] Roberts	1.60
h	C. Rice	1.60
i	Martin Crosby	1.60
j	E. E. Gulledge	1.60
k	F. M. Ard	1.60
m	~~Frank F. M. Ard~~ Frank Barchorf	1.60
l	Paul T. Brunson	1.60
n	J. W. Fleming	.60

Third: That the Court strike from the cost bill as now taxed the items of cost for the service by the Sheriff of the subpoenas for the State witnesses for the Spring term 1927, Fall term, 1927, Spring Term, 1928, Fall term 1928 and Spring term, 1929 as follows:

Dr. William Holmes	3.25
B. A. Williams	3.25
Lee Willis	3.25
A. E. Croner	3.25
Harry Duggar	3.25
E. E. Shoemaker	3.25
C. Rice	3.25
Martin Crosby	3.25
E. E. Gulledge	3.25
F. M. Ard	3.25
Paul T. Brunson	2.60
Frank Barchorf	1.30
J. W. Fleming	1.30

— Motion Continued on next page —

Now comes the defendant, William Purdy, and moves the Court to relax the costs as now taxed by the Clerk of the Court against the defendant and issues an order, and direct the Clerk to relax the same, and to have stricken from the cost as improper items of cost as now taxed by the Court, the following items of cost:

First, witness fees of State witnesses as follows:

0	1.a. B.A. Williams,	witness fee for	Spring	term of the Circuit Court	1927	6.20
	1.b. B.A. Williams,	" "	Fall	" " Circuit Court	"	6.20
0	1.c " "	" "	Spring	" " "	1928	6.20
	1.d " "	" "	Fall	" " " "	"	7.60
	1.e. " "	" "	Spring	" " " "	1929	6.60
	2.a, Lee Willis	witness fee for	Spring	term of the Circuit Court	1927	6.20
0	2.b, " "	" "	Fall	" " " " "	"	6.30
	2.c, " "	" "	Spring	" " " " "	1928	6.30
	2.d, " "	" "	Fall	" " " " "	"	7.35
	2.e " "	" "	Spring	" " " " "	1929	5.20
7	3.A. A.E. Carver	Witness fee for	Spring	term of Circuit Court	1927	5.00
	3.B " " "	" "	Fall	" " " "	"	6.30
	3.C " " "	" "	Spring	" " " "	1928	5.00
	3.D " " "	" "	Fall	" " " "	"	7.20
	3.E " " "	" "	Spring	" " " "	1929	5.00
0	4.A Harry Duggar	Witness fee for	Spring	term of Circuit Court	1927	5.00
	4.B " "	" "	Fall	" " " "	"	5.00
	4.C " "	" "	Spring	" " " "	1928	5.20
	4.D " "	" "	Fall	" " " "	1928	7.00
	4.E " "	" "	Spring	" " " "	1929	5.00
0	5.a E.a Shoemaker	Witness fee for	Spring	term of Circuit Court	1927	5.00
	5.B " " "	" "	Fall	" " " "	"	6.00
	5.C " " "	" "	Spring	" " " "	1928	5.00
	5.D " " "	" "	Fall	" " " "	"	7.00
	5.E " " "	" "	Spring	" " " "	1929	5.00
0	6.a Byrd Roberts	Witness fee for	Spring	term of Circuit Court	1927	5.00
	6.B " "	" "	Fall	" " " "	1927	6.20
	6.C " "	" "	Spring	" " " "	1928	5.50
	6.D " "	" "	Fall	" " " "	"	7.50
	6.E " "	" "	Spring	" " " "	1929	5.50
0	7.a C. Rice	Witness fee for	Spring	term of Circuit Court	1927	5.00
	7.B " "	" "	Fall	" " " "	1927	6.20
	7.C " "	" "	Spring	" " " "	1928	5.50
	7.D " "	" "	Fall	" " " "	"	7.50
	7.E " "	" "	Spring	" " " "	1929	5.50
0	8.A Mat Crosby	Witness fee for	Spring	term of Circuit Court	1927	5.00

Defendant comes now into the Court, and so alleges that neither of the witnesses whose names appear above, were examined as a witness for the state in the trial of the cause, all of said witnesses being present in Court and sworn as a witness in behalf of the state in said cause with the exception of the witnesses, Dr. Wm Holmes, Martin Bosby, and Frank Barchard.

Defendant alleges, and charges that the items of cost herein above set out are not proper items of cost to be be taxed, and charged against this defendant, and should not be in said Bill of cost and the defendant, therefore moves the Court that the cost in this case be retaxed and that the items of costs herein ~~after~~ above mentioned be stricken from the cost for which this defendant is liable, and that the Clerk of this Court be ordered, and directed to retax said cost, and in making up the cost for which defendant is liable he omit as items of cost against this defendant the items hereinabove mentioned.

This 24th day of April, 1929

S. Jenkins
C. E. Hamilton
Attys for Deft

To Hon. L. S. Biggs,
Solicitor,
Conda

This motion coming on to be heard is continued for hearing till Monday, August 5th, 1929. Issuance of Execution suspended — 4/26/29.

F. W. Hare
Judge

This motion coming on to be heard, and the Court having taken evidence touching same, and being of the opinion that same should be granted, it is ordered adjudged & decreed that said motion be, and same hereby is granted and allowed & the items of costs specified in said motion are stricken from the cost bill — This Aug. 5th 1929.

F. W. Hare
Judge

J. E. PATERSON, doing business as J. E. Paterson Lumber Co., Plaintiff,	IN THE CIRCUIT COURT-LAW SIDE
-vs-	STATE OF ALABAMA.
H. J. CHAMPION & SON, a co-partnership composed of H. J. Champion Sr. and H. J. Champion Jr. and H. J. CHAMPION SR. and H. J. CHAMPION JR. individually, Defendants.	BALDWIN COUNTY.

Come the Defendants in the above stated cause and move the court to set aside the verdict and judgment rendered in said cause at the present term of the said court and grant a new trial in the said cause upon the following separate and several grounds, each of which is separately assigned as a separate ground, viz:-

1. For that said verdict is contrary to the law in the case.

2. For that the verdict is contrary to the evidence in the case.

3. For that said verdict is contrary to the law and evidence in the case.

4. For that the court erred in refusing to give the general charge for the Defendant as requested in writing by the Defendants.

5. For that the court erred in sustaining Plaintiff's objections to the introduction of the Lease Agreement between H. J. Champion & Son and the Bigbee Lumber Company, dated the ___ day of _____, 1928.

Norborne Stone
Attorney for Defendants.

This motion coming on to be heard, it is ordered that same be continued to May 2, 1929
This April 27th 1929.

F. W. Hare
Judge

Filed
Apr. 27/929
[illegible]
Clerk

MICHAEL J. VICKERS

COMPLAINANT

vs

That certain lot of land lying and being at Point Clear, Baldwin County, Alabama, the said Lot having a front of 105 feet, more or less, on Mobile Bay and extending back northwardly to a certain creek known as Point Clear Creek, and bounded as follows: on the North by Point Clear Creek, on the South by Mobile Bay; on the East by property of Mrs. M. F. Kirkbride, formerly of Christopher Burke and on the West by property of J. U. Blackshere, formerly of Mrs. Anna M. Hall and being the East half of Lot 19 of the Point Clear Tract; said lot of land being in Section 26, township 6 south, Range 1 East, and the unknown heirs, next of kin and devisees of William Phelps, Thomas Williams, Eli Reeves, Audley H. Gazzam, A. H. Gazzam, Henry Myers, George M. Hillard, Henry Meyer, Henry C. Brewer and Henry Goldthwaite and all persons, firms or corporations claiming any title to, interest in, lien or encumbrence on the said lands or any part thereof.

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes the Complainant in the above styled cause and requests the oral examination of Michael J. Vickers, a witness for the complainant who resides in the City of Mobile, State of Alabama and suggests Pearl Donivan of the City of Mobile as a suitable person to act as Commissioner to take the deposition of the said witness.

Witness our hands this 10th day of March, 1929.

Burke & Hall

Attorneys for Complainant

Copy for over-rule
M. J. Vickers
vs
Phelps, et al

Motion for oral examination

Filed March 10, 1929
Register

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

IN EQUITY

MIDEAN J. VICKERS

COMPLAINANT

vs

That certain lot of land lying and being at Point Clear, Baldwin County, Alabama, the said lot bearing a front of 105 feet, more or less, on Mobile Bay and extending back northwardly to a certain fresh known as Point Clear Creek, bound as follows: on the North Point Clear Creek, on the South Mobile Bay, on the East by property of [illegible] bridge, formerly of Christopher Steele and on the West by property of [illegible] Blackburn, formerly [illegible] Hall and being the [illegible] lot 19 of the Point Clear [illegible] said lot of land being in Section [illegible] township 2 south, Range 1 East and the [illegible] being, most of [illegible] William Thomas, Thomas Williams, Will Reeves, Judge [illegible] Henry Byrne, George [illegible] Henry Hayes, Henry [illegible] Hayes and Henry Goldthwaite and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof.

Come the Complainant in the above styled cause and requests the oral examination of Michael J. Vickers, a witness for the complainant to reside in the City of Mobile, State of Alabama and suggests Pearl Dorthen of the City of Mobile as a suitable person to act as Commissioner to take the deposition of the said witness.

Witness our hands this 10th day of March, 1929.

Attorneys for Complainant

MICHAEL J. VICKERS Complainant vs That certain lot of land lying and being at Point Clear, Baldwin County, Alabama, the said lot having a front of 100 feet, more or less, on Mobile Bay and extending back northwardly to a certain creek known as Point Clear Creek and bounded as follows: on the North by Point Clear Creek; on the South by Mobile Bay; on the East by property of Mrs. M. F. Kirkbride, formerly of Christopher Brown; and on the West by property of J. M. Blackmere, formerly Mrs. Anna K. Hall, and being the West half of Lot 19 of the Point Clear Tract, said lot of land being in Section 36, township 8 South, Range 1 East and the unknown heirs, next of kin and devisees of William Phelps, Thomas Williams, Eli Reeves, Audley H. Gazzam, A. M. Gazzam, Henry Myers, George H. Hillard, Henry Meyer, Henry O. Brewer and Henry Goldthwaite and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

To the unknown heirs, next of kin and devisees of William Phelps, Thomas Williams, Eli Reeves, Audley H. Gazzam, A. M. Gazzam Henry Myers, George H. Hillard, Henry Meyer, Henry O. Brewer and Henry Goldthwaite and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the hereinabove described lands:

Notice is heregy given that the Complainant in the above styled cause has this day made application for the oral examination of Michael J. Vickers, a witness for the complainant in the above stuled cause and has suggested Pearl Donivan of the City of Mobile as a suitable person to act as Commissioner in the taking of the deposition of said witness.

Witness this 15th day of March, 1939.

Clerk Circuit Court Baldwin Co Ala.

Attorneys for Complainant

Copy for order book

M. J. Vickers
vs
Phelps. et al

Notice to Defendants
of
Motion for examination

Filed March 10, 1929
indexed in
order book of Register
March 10, 1929

Register

Copy for order Book

M J Vickers
vs
Phelps, et al

Order granting Motion for oral Examination and appointment of Commissioner

Filed March 21, 1979
Register

Entered on order book of Register March 20, 1979,

Register

Copy for order Book

M J Vickers

vs

Phelps et al

Order granting Motion for oral Examination and appointment of Commissioner

Filed March 21, 1979

Register

Entered on order book of Register March 20, 1979,

Register

MICHAEL J. VICKERS

Complainant

vs

That certain tract of land lying and being at Point Clear, Baldwin Co., Alabama, the said tract having a depth of 105 feet more or less, on Mobile Bay and extending northward to a certain road from to Point Clear Creek, and bounded as follows: the North by Point Clear Creek; the South by Robert Hall on the East by property of R. H. C. Kimbrough, formerly of Christopher Burke, and on the West by property of J. A. Blackshear, formerly of Mrs. Ann H. Hall, and being the East half of Lot 19 of Point Clear Tract, said Lot of land being in Section 4 township 6 south, Range 1 East; and the unknown heirs, next of kin and devisees of William Phelps, Thomas Williams, Eli Reeves, Ashley M. Gazzam, L. M. Gazzam, Henry Byers, George T. Hilley, Henry Meyer, Henry C. Brewer and Ney Goldthwaite and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

The attorneys for the Complainant in the above styled cause hereby give notice to the above named persons, firms or corporations that the deposition of Michael J. Vickers, a witness for the Complainant, will be taken before Pearl Donovan, Commissioner, heretofore named by this Honorable Court, on the 21st day of March, 1929 at the office of Messrs. Lyons, Chamberlain & Courtney in the City of Mobile, in the First National Bank Building on the 25th day of March, 1929.

Witness this 21st day of March, 1929.

Beebe & Hall

Attorneys for Complainant

Copy for order Book

M J Viebero

vs

Phelps, et al

Notice of Time and Place of Taking of oral examination

Filed March 21, 1929

Register

Been by entry on order book of Register March 21, 1929

Entered in order book of Register March 21, 1929

Register

STATE OF ALABAMA,

-vs-

SIMON HADLEY,

IN THE CIRCUIT COURT,

BALDWIN COUNTY,

ALABAMA.

Comes the defendant in the above styled cause after the rendition of the verdict of guilty by the jury in said cause and before the sentence was pronounced upon said verdict and moves the court to set aside the verdict rendered in said cause and grant to this defendant a new trial and for ground to this motion assigns the following:-

1st., That the verdict is contrary to law.

2nd., That the verdict is contrary to the evidence in the cause.

3rd., That the verdict is contrary to the law and the evidence in the cause.

4th., That the Court erred in giving its oral charge to said jury.

5th., That the court erred in refusing the following written charges numbered as follows:- Charge #1; Charge #2; Charge #6; Charge #7; Charge #8; Charge #9; Charge #10; Charge #11; Charge #12; Charge #13; Charge #14; Charge #15; Charge #16; and Charge #17, all of said charges being requested by the defendant.

WHEREFORE the defendant prays that the said verdict be set aside and a new trial granted him in said cause.

Witness:
[illegible]
[illegible]

Subscribed and sworn to before me this 24 day of April, 1929.

[illegible]
Notary Public, Bal. Co., Ala.

his
Simon x Hadley
mark

C. E. Hamilton, Sr., &
~~Henry S. Mooney,~~
as Attorneys for Defendant.

Fund open
1929
Commission
Open

HENRY D. MOORER
Attorney At Law
Bay Minette, Alabama

TO THE HONORABLE F. W. HARE,

JUDGE OF THE CIRCUIT COURT,

BALDWIN COUNTY, ALABAMA.

Now comes J. P. Cooper and respectfully shows unto your Honor as follows:

That your petitioner had a suit pending in the Circuit Court of Baldwin County for One Hundred and One ($101.00) Dollars, wherein and whereby he was plaintiff and H. J. Burns was defendant; that in said cause the defendant had subpoenaed twelve witnesses and when said cause was tried at this term, defendant only introduced three witnesses, besides himself to wit:

J. J. Calvert
Mrs. Burns, wife of defendant
Mrs. Burns, daughter of defendant
and himself;

that he had subpoenaed the following witnesses and which have been taxed against this plaintiff in amount as set next to the name:

Geroge Lacoste	$16.80
Richard Hourgerm	16.40
Wesley Hinote	12.60
Herbert Hinote	12.60
Charlie Hinote	12.60
Guy Burns	14.70
Ruby Burns	9.80
~~Miss~~ Dubosc	5.20
F. L. Brown	8.60
	108.30

Petitioner further shows unto your Honor that there has been taxed against this petitioner thirty cents ($.30) for each of said witnesses as their fee for issuing subpoenas and that they were subpoenaed two and three times, and there has also been taxed a sheriff's fee for ~~issuing~~ serving subpoenas for sixty-five cents ($.65) each.

There was only one issue involved in said cause and that was a contract between the defendant and the plaintiff, and the law provides for only two witnesses to one issue and the defendant did not introduce the above named witnesses at all, nor did he attempt to in-

troduce them nor did he show that they knew anything about the issue involved.

Whereas your petitioner prays the court to re-tax the cost of the above named witnesses, together with the clerk's fee for issuing and the sheriff's fee for subpoenaing same that same may be made a charge against the defendant who wrongfully had said witnesses subpoenaed and whose legal duty it is to pay the same,

J. P. Carpenter
PETITIONER

Subscribed and sworn to before me on this 26 day of November, 1929.

T. W. Rhenson
~~NOTARY PUBLIC,~~
Clerk Circuit Court.

Gordon Edmondson Sharp
ATTORNEYS FOR PETITIONER

Filed Nov 25/1929
T. W. Rhenson
Clerk

11/28/29: This ~~the~~ motion coming on to be heard and being considered by the Court, it is ordered and adjudged that same be granted -

F. W. Hare
Judge

Peoples Fertilizer Co.

Plaintiff.

Vs.

Herman Schroeder, Claimant.

Comes the claimant and moves the court to set aside the verdict and give him a new trial on the following grounds to-wit:-

First.

Because the verdict was contrary to the evidence.

Second.

Because the court erred in giving the affirmative charge for the plaintiff Peoples Fertilizer Company.

Third.

The court erred in its ruling on the evidence.

Dated-Nov. 26, 1929.

Norborne Stone, Contra.

W. T. Hawkins
Chas. Crovatt

Attorneys for Claimant.

Filed Nov 26/929
T. W. Rimmer
Clerk

11/29/29: It is ordered that this motion be continued until the 3rd day of Feb. 1930.

F. W. Hare Judge

2/3/30: Continued to Feb. 27th, 1930.

F. W. Hare

2/27/30: This motion coming on to be heard and being considered by the court, it is ordered & adjudged that same be granted. A new trial is ordered.

F. W. Hare
Judge

Circuit Court
Baldwin County

Fall Term
Nov. 1929

It appearing that it is necessary for the proper Conduct of this Court, that four bailiff be appointed by the Sheriff, Carthus Irwin be, and he is hereby ordered and directed to appoint said 4 bailiffs for their attendance and service for and during this term of Court and until the same shall recess.

This Nov. 1929

F. W. Hare
Judge

Bailiffs:-

W. M. Yuille,	9 days	@ $3.00	— $27.00
N. A. Miller,	13 days	@ $3.00	— $39.00
C. C. McWilliams	4 days	@ $3.00	— 12.00
Pipkins	11 days	@ $3.00	— 33.00

F. W. Hare
Judge

Circuit Court } Feb. 3rd Term 1930
Baldwin Co. Ala. }

It appearing that it is necessary for the proper conduct of this Court that one Bailiff be appointed by the Sheriff, Carthus Irwin, be and he hereby is ordered and directed to appoint said Bailiff - And now it having been made known to the Court that the said Sheriff has ~~on~~ appointed O.B. Richerson such Bailiff & that said Richerson has served as such for four (4) days, It is ordered that he be paid

This Feb. 8th 1930

F. W. Hare
Judge

FINANCE SERVICE COMPANY,
A Corp oration,

Plaintiff,

vs.

JOE KELLY,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.

Comes the Plaintiff in the above styled cause and moves the Court to set aside nunc pro tunc the non-suit entered therein and as grounds therefor, sets down and assigns the following separate and several grounds, to-wit:

1. That the non-suit entered therein was entered on the motion of Plaintiff's attorney, that said motion was made while said attorney was laboring under the erroneous belief that the aforesaid cause had been settled and adjusted.

Boyer & Gray
ATTORNEYS FOR PLAINTIFF

Original Execution

Finance Corporation
vs
Joe Kelley

Filed Dec 7th 1929
T M Reimer
Clerk

Same copy on
Joe Kelley

Executed Jan 8th 1930
by serving a Copy
of the within Notice
on the within named
Joe Kelley

Owen
Sheriff

FINANCE SERVICE COMPANY,
A Corporation,

Plaintiff,

vs.

WAYNE McGOWAN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.

Comes the Plaintiff in the above styled cause and moves the Court to set aside nunc pro tunc the non-suit enteredtherein and as grounds therefor, sets down and assigns the following separate and several grounds, to-wit:

1. That the non-suit entered therein was entered on the motion of Plaintiff's attorney, that said motion was made while said attorney was laboring under the erroneous belief that the aforesaid cause had been settled and adjusted.

Dozier & Gray
ATTORNEYS FOR PLAINTIFF

Executed by
serving Copy of
the within notice
on the within named
Wayne McGowan
this 7th of Dec 1979

[illegible]
Sheriff

Original

Finance Corporation
vs
Wayne McGowan

Filed Dec 7th 1979
[illegible]

Same copy on
Wayne McGowan

STATE OF ALABAMA.

-vs-

HENRY HOLLAND,
Defendant.

IN THE CIRCUIT COURT
STATE OF ALABAMA
BALDWIN COUNTY

MOTION TO DISMISS CAUSE FROM DOCKET.

Comes the Defendant, in his own proper person, and moves the court to dismiss this cause from the docket of this court and for grounds of said motion assigns, separately and severally, the following:-

1. For that said cause has been nolle prossed.

2. For that on heretofore to-wit; Nov 13, 1929, at a regular term of this court the State of Alabama, through L. S. Biggs as Solicitor of and for the 21st Judicial Circuit, took a nolle prosse for murder in the first degree, the offense with which this defendant stands charged.

3. For that the indictment under which this defendant stood charged contained only one count and that for murder in the first degree which charge and offense has been heretofore nolle prossed.

WHEREFORE the defendant moves the court to dismiess said cause from the Docket of this court and discharge the defendant.

his
Henry X Holland
mark
Defendant.

Sworn to and subscribed before me this February 7th, 1930.

T W Richmond
Clerk Circuit Court.

Filed Feb 7th 1930
T W Richmond
Clerk Circuit Court

2/7/30; The above motion coming on to be heard it is ordered that same be, and hereby is, overruled and denied - Deft. Excepts -
L. W. Stone
Judge

STATE OF ALABAMA,)
)
COUNTY OF BALDWIN.)

IN THE CIRCUIT COURT

A. E. SHENK,
Plaintiff,

VS

LAW SIDE

E. M. TILTON
and
W. E. WILKES,
Defendants.)

Comes now the plaintiff, through and by his attorney, and moves the Court to set aside and hold for naught the verdict rendered by the court on the 3rd day of February, 1930, wherein judgment for the defendant in the above entitled cause of action was given, for the following reasons, to wit:

First: That the verdict, or decision, is not sustained by the great preponderance of evidence.

Second: That the decision is contrary to law.

Third: That the verdict, or decision, is contrary to both the law and the evidence.

Fourth: That the court erred in permitting incompetent, irrelevant and immaterial testimony in said cause.

Wherefore, plaintiff prays that this motion be set down on the trial docket to be heard, and that at that hearing, a new trial be ordered in said cause.

Filed Feb 10th 1930
J O Rigsby
Clerk

F. F. Nelson
Attorney for Plaintiff.

2/27/30, Set for hearing Wed. 17th of April 1930
F. W. Hare
Judge

x

F. F. NELSON
ATTORNEY-AT-LAW
ROBERTSDALE, ALABAMA

February 8, 1930

Mr. T. W. Richerson, Clerk
Circuit Court
Bay Minette, Alabama

Dear Tom:

I herewith enclose motion for a new trial in the case of A. E. Shenk, plaintiff VS E. M. Tilton and W. U. Wilkes, defendants. I intended to give you these yesterday, byt was in such a hurry to get away, and overlooked the fact.

Please file these at once and have the Judge make a notation on his docket when you will hear said motion.

I am sending a copy to Mr. Stone. Please notify me the date set for hearing.

Yours very truly,

F. F. Nelson

F. F. Nelson
Attorney-at-Law

FFN:VG

Circuit Court
Baldwin County.

Feb 27th Term 1930

It appearing that it is necessary for the proper conduct of this Court, that one Bailiff be appointed by the Sheriff and he is hereby ordered and directed to appoint one Bailiff for his attendance and service for and during this Term of Court and until the same shall recess.

Feb 27th 1930

Judge

It is ordered that O B Richerson, shall receive pay as Bailiff for the following days.

Feb 27th ~~1930~~ Feb 28th 1930 - 2 days @ 3.00 = 6.00

Dated Feb 28th 1930.

Judge

Circuit Court February 27 & 28th Term 1930.

It appearing that it is necessary for the proper Conduct of this Court that One Bailiff be appointed by the Sheriff & Drewin of Baldwin County, Alabama, be & he is hereby ordered and directed to appoint One Bailiff for his attendance and service for and during this term of Court. and until the same shall recess.

This Feb 27th 1930

Judge

STATE OF ALABAMA,)
COUNTY OF BALDWIN)

CIRCUIT COURT, AT LAW

C. A. HENRY AND
MARGUERITE HENRY,

Plaintiffs,

-vs-

L. M. BOYD,
Defendant

Come the Plaintiffs and move the Court to retax the costs in this case because the taxation of the costs is excessive in the following particulars, upon each one of which separately, these Plaintiffs insist, to-wit:-

FIRST: Because the costs of, to-wit:- the following named witnesses subpoenaed by defendant, who were not examined, are taxed against these Plaintiffs, to-wit:

C. W. Green } condition of sewer
A. N. Hayselden }
Dr. John Stark
Marion Dumas damages
Mrs. V. Christensen "
David Gaar "
C A Boller "
G H Bulay, cows
Selden Drietzler
A. H. Mueller : sanitary condition
Irvin Knopp cows
Mrs. Ben Williams

SECOND: Plaintiffs are taxed with the issuance and the service of subpoenas to the above named witnesses who were not examined in the case.

THIRD: Plaintiffs are taxed with stenographer's fees, contrary to law.

The Clerk has erred in one or more of the foregoing particulars in the taxation of the costs in this case against these Plaintiffs.

Wherefore, this motion by Plaintiffs for retaxation of costs.

R. O. Cook
ATTORNEY FOR PLAINTIFFS.

Filed Dec 7/929
Tom Thompson
Clerk

(over)

Executed this Dec. 7, 1929
by serving a Copy of
Within notice on W. C
Behee.

C Drum
Sheriff

Original

Ca Henry
vs
Lee Boyd

Motion to Relax Costs

Filed Dec 7th/1929.
R M Bierman
Clerk

Served copy on
W. C. Behee
One of the
Atty's for Deft

The within motion coming on to be heard, and being argued to, understood and considered by the Court, it is ordered and adjudged by the Court that said motion be granted, although cause to be stricken as to the minors C.H. Wheeler, O.W. Green and Rev. Hampton, the said minors not being joined against the defendant, it is ordered and adjudged that said motion be, and same hereby is, overruled in all other respects.

This Feb. 22, 1930.

F. M. Hall
Judge

I charge you, gentlemen of the jury that if you are reasonably satisfied from the evidence in this case that Defendant employed plaintiff to find for defendant a purchaser for defendant's general merchandise stock and agreed to pay plaintiff five hundred dollars therefor, and further that plaintiff did find a purchaser for that stock accepted by defendant, then you should find for plaintiff.

Given

F. M. Hare

Judge

Pontiac
vs
Deming

Filed 2/6 18 Jan
J M Rieman
Clerk

PHONE 9104 Eh. A. Pest ~~Dist~~. P. Pitt
M. Farrell

HOTEL BALDWIN

REASONABLE RATES, HOT AND COLD BATHS

BAY MINETTE, ALA., 7/2 1929

Mr. Dewey,
Dear Sir-
As I never see You, rite to know if you will send me a Check that you acknowledge is due me, and should have been paid when I made the sale. A Real Estate firm may never have made the sale, and if they did, would have cost considerable more than $500.00 I consider a man of your standing, when he gives you his word, it is his Bond. I could not + if I could, would not try to force you to pay a cent.

PHONE 9104

HOTEL BALDWIN

REASONABLE RATES, HOT AND COLD BATHS

2

BAY MINETTE, ALA., _____ 192___

I need the money, & if you send check by return mail, will appreciate same. With regards to you and Mrs. Dewey I am,

Yours truly

L H Bostwick

Chickasaw

Ala

L. H. BOSTWICK,
Plaintiff,

- vs -

M. B. DEWEY,
Defendant.

STATE OF ALABAMA,
BALDWIN COUNTY,
CIRCUIT COURT,
AT LAW

Comes the Plaintiff and moves the Court to grant him a new trial in the above stated case and for grounds of this motion assigns the following, upon each ground of which separately, the Plaintiff insists:

FIRST:-

The verdict of the jury was contrary to the great weight of the evidence in the case.

SECOND:-

The Court erred in permitting the Defendant to prove that Plaintiff did not take part in completing the details of the trade between Mr. Canaan and the Defendant.

THIRD:-

The Court erred in permitting the Defendant to prove that Plaintiff did not go to Loxley and show the stock of general merchandise to Mr. Canaan, the purchaser.

FOURTH:-

The Court erred in permitting the Defendant to to prove that Plaintiff was not present and took no part in the making of the preliminary contract between the purchaser of the stock and the Defendant.

FIFTH:-

The Court erred in refusing to permit the Plaintiff to prove the contents of the letter Plaintiff testified that he received from Defendant as to Defendant's visit to Plaintiff at Chickasaw.

SIXTH:-

The Court erred in refusing to give to the jury at the request of Plaintiff the written Charge No.1, as follows:

> I charge you gentlemen of the jury that a verbal contract employing a person to find a purchaser of a stock of merchandise is legal and valid.

SEVENTH:-

The Court erred in refusing to give to the jury at the request of Plaintiff the written charge No.3, as follows:

> I charge you gentlemen of the jury that if the Defendant M. B. Dewey employed the Plaintiff, L.H.Bostwick to find a purchaser for his, the said Dewey's stock and agreed to pay Plaintiff five hundred dollars for that service if Plaintiff did find such purchaser then you should find for Plaintiff.

EIGHTH:-

The Court erred in refusing to give to the jury at the request of Plaintiff the written Charge No.5, as follows:

> I charge you gentlemen of the jury that the date Dec.1, 1927 is substantially sustained, if the evidence shows it was near that date either before or after that date.

NINTH:-

The Court erred in giving to the jury at the request of Defendant the written charge No.1, a copy of which is hereto attached and made a part of this motion.

TENTH:-

The Court erred in giving to the jury at the request of Defendant the written charge No.2, a copy of which is hereto attached and made a part of this motion.

ELEVENTH:-

The Court erred in giving to the jury at the request of Defendant the written charge No. 3, a copy of which is hereto attached and made a part of this motion.

R. P. Roesler
ATTORNEY FOR PLAINTIFF.

Defendant hereby accepts service within motion this 4/16/30 B B Nelson Thomas Atty for Defendant

Continued to Sept. 25 - 1930
F. W. Hare
Judge

11

L.H.BOSTWICK,
Plaintiff,

vs

M.B.DEWEY
Defendant.

Filed Apr 16/1930
[illegible]
C. [illegible]

R.PERCY ROACH
LAWYER
MOBILE ALA.

APRIL 16, 1930

Mr. T. W. Richerson,
Bay Minette, Ala.

Re: Bostwick vs Dewey

Dear Mr. Richerson:

I am sending you the motion for new trial in the case of Bostwick vs. Dewey.

I did not have with me the written charges given to the jury at the request of the Defendant.

Please attach copies of these written charges to my motion as a part thereof.

Kindly file the motion and have the Judge to set it specially for hearing at a time that will meet the Court's convenience.

Thanking you kindly, I am,

Your friend,

R.P. Roach

RPR/t
enc

S T A T E vs. RAYMOND RESMONDA.	)	IN THE CIRCUIT COURT-LAW SIDE. STATE OF ALABAMA. BALDWIN COUNTY.

MOTION BY DEFENDANT TO RE-TAX COSTS.

Comes the Defendant, Raymond Resmonda, by Norborne Stone, as his Attorney of record, and shows unto the Court that this Defendant, who was convicted of Assault and Battery in this cause, stands charged with and there is taxed against him as a part of the costs of this cause Witness fees for the following witnesses summoned by and on behalf of the State as follows, viz.:

I. F. Lurwig,	$28.00
Annie Lurwig,	28.00
Alice Lurwig,	26.00
A. P. Prentiss,	$5.00
Neal Fell,	$28.00
Charlie Hammock,	$28.00
Russell Fell,	$27.50
J. P. Casey,	$21.00
Earl Diffin,	$19.50
M. F. Villar,	$26.00

in $82.00

out - 180.00

That of the above witnesses only I. F. Lurwig, Annie Lurwig, Alice Lurwig and M. F. Villar were examined in the trial of said cause; that of the witnesses examined M. F. Villar and Alice Lurwig testified to facts already testified to by I. F. Lurwig and Annie Lurwig.

WHEREFORE, the Defendant respectfully moves the Court to re-tax the costs in this cause by striking or deducting therefrom the witness fees charged for all of said witnesses other than I. F. Lurwig and Annie Lurwig, and as grounds for said motion assigns, separately and severally, the following:

First: For that all of the facts testified to were included in and covered by the testimony of the witnesses, I. F. Lurwig and Annie Lurwig.

Second: For that of the above witnesses only I. F. Lurwig, Annie Lurwig, Alice Lurwig and M. F. Villar were examined.

Third: For that of the above witnesses, I. F. Lurwig, Annie Lurwig, Alice Lurwig, A. P. Prentiss, Neal Fell, Charlie Hammock, Russell Fell, J. P. Casey, Earl Diffin and M. F. Villar, none were examined other than I. F. Lurwig, Annie Lurwig, Alice Lurwig and M. F. Villar.

Woborn Fowler
Attorney for Defendant.

5/2/30; This motion coming on to be heard it is ordered by the Court that said motion be sustained and the costs ordered retaxed as prayed except as to the first three witnesses named in the motion.

F. W. Hare
Judge

MOTION BY DEFENDANT TO
RE-TAX COSTS.

S T A T E

VS.

RAYMOND RESMONDA.

IN THE CIRCUIT COURT-LAW SIDE
STATE OF ALABAMA.
BALDWIN COUNTY.

Filed Jany
1 - 1930
T J Thiemann
Clerk

LAW OFFICES
NORBORNE STONE
BAY MINETTE, ALABAMA

LONDON, YANCEY & BROWER
ATTORNEYS
BIRMINGHAM, ALABAMA

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

AT LAW.

FIRST NATIONAL BANK OF MOBILE,
a corporation, as Administrator of
the Estate of Joseph Roy Campbell,
deceased, Plaintiff,

V.

MRS. MARY M. THACH, Defendant.

MOTION TO QUASH SERVICE.

The defendant, Mrs. Mary M. Thach, in the above entitled cause appears specially and for the purpose only as hereinafter stated:

The defendant says that a purported service of the complaint in the above entitled cause was made on her by the Sheriff of Jefferson County, Alabama; that at the time of the alleged service of the complaint no summons was attached thereto or accompanied same, nor was any summons attached to or accompanied the original complaint that was in the hands of the Sheriff at the time of the service of the alleged copy, and that no summons of any kind or character whatsoever in the above entitled cause has been served or attempted to be served upon this defendant; hence she prays that the alleged service of the complaint on her be quashed, and that she be allowed to go hence with her reasonable costs in this behalf expended.

London, Yancey and Brower, of
Birmingham, Alabama, attorneys
for the defendant appearing
specially for the purpose of
this Motion only.

In the CIRCUIT Court

FIRST NATIONAL BANK OF MOBILE,
a corporation, as Administrator
of the Estate of Joseph Roy Campbell,
~~deceased,~~

VS.

MRS. MARY M. THACH,

MOTION TO QUASH SERVICE.

LONDON, YANCEY & BROWER
ATTORNEYS
529-536 FIRST NATIONAL BANK
BIRMINGHAM, ALA.

2794.

FIRST NATIONAL BANK OF MOBILE.

vs.

MRS. MARY M. THACH,

No.

RECEIVED OF London, Yancey & Brower, Attorneys, the following papers in the above entitled cause.

Motion to Quash Service

This the ____ *day of* July, 1930. 192__

Clerk Circuit Court Baldwin County.

LONDON, YANCEY & BROWER
ATTORNEYS
BIRMINGHAM, ALABAMA

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

AT LAW.

FIRST NATIONAL BANK OF MOBILE,
a corporation, as Administrator
of the Estate of Joseph Roy Campbell,
deceased, Plaintiff,

V.

MRS. MARY M. THACH, Defendant.

MOTION TO QUASH SERVICE.

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The defendant says that a purported service of the complaint in the above entitled cause was made on her by the Sheriff of Jefferson County, Alabama; that at the time of the alleged service of the complaint no summons was attached thereto or accompanied same, nor was any summons attached to or accompanied the original complaint that was in the hands of the Sheriff at the time of the service of the alleged copy, and that no summons of any kind or character whatsoever in the above entitled cause has been served or attempted to be served upon this defendant; hence she prays that the alleged service of the complaint on her be quashed, and that she be allowed to go hence with her reasonable costs in this behalf expended.

London, Yancey and Brower, of
Birmingham, Alabama, attorneys
for the defendant appearing
specially for the purpose of
this Motion only.

In the CIRCUIT Court
OF BALDWIN COUNTY, ALABAMA. AT LAW.

FIRST NATIONAL BANK OF MOBILE, a corporation, as Administrator of the estate of Joseph Roy Campbell, deceased,

VS.

MRS. MARY M. THACH,

MOTION TO QUASH SERVICE.

Filed July 14th/930
T. W. Rennison
Clerk.

LONDON, YANCEY & BROWER
ATTORNEYS
529-536 FIRST NATIONAL BANK
BIRMINGHAM, ALA.

HENRY J. LUTTER,
COMPLAINANT,

VS

F. N. JEFFCOTT,
DEFENDANT.

IN THE CIRCUIT COURT,
BALDWIN COUNTY,
ALABAMA.
IN EQUITY.

Comes the Defendant F. N. Jeffcott, and moves the Court to require said Henry J. Lutter, the Complainant, to give security for costs required of non-residents before proceeding further in the matter.

Dated this 23rd day of July, 1930.

Thos. D. Somerville

Attorney for Defendant.

Letter
as
Legal

No 903

Filed July 23/1930
T. W. Richmond
Register

HENRY D. MOORER
Attorney At Law
Bay Minette, Alabama

MOTION FOR ORDER TO CLERK TO PLACE CERTAIN MONEY IN HIS HANDS ON TIME DEPOSIT.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

Comes Ida M. Butts by her attorney, J. B. Blackburn, and shows unto the Court and your Honor as follows: That she was at one time a defendant in three suits in the Circuit Court of Baldwin County Alabama, and while she was such defendant plaintiffs in the said suits ran garnishments in each of the three suits against Nils Anderson as garnishee, and on, to-wit, the first day of May, 1929, the said garnishee answered that he was indebted to the said Ida M. Butts and paid into Court the sum of Five Hundred Dollars ($500.00) as the property of Ida M. Butts; that the said plaintiffs later amended their complaints by striking the name of Ida M. Butts as a party defendant and suggested her name as a claimant to the said Five Hundred Dollars ($500.00); that three claim suits are now pending in the said Court that cannot be tried before the April term in 1931.

WHEREFORE, the said movant moves the Honorable Court to order the said Five Hundred Dollars ($500.00) now in the hands of the Clerk of the Circuit Court of Baldwin County, Alabama, paid to him by Nils Anderson, be placed on time deposit until the settlement of the litigation relative thereto now pending in the Circuit Court of Baldwin County, Alabama.

J. B. Blackburn

Attorney for Claimant.

11/13/30;
Petition granted & Clerk authorized to make the time deposit prayed for.
F. W. Hare
Judge

STATE OF ALABAMA,)
)
COUNTY OF BALDWIN.)

MOTION PICTURE ADVERTISING SERVICE COMPANY, INC., Plaintiff,	MOTION
vs.	IN THE CIRCUIT COURT
J. A. REMINGTON, doing business as ALABAMA HOTEL AND RESTAURANT, Defendant.	

Comes now the defendant, through and by his attorney, and moves the court to suppress the depositions taken in St. Petersburg, Pinellas County, State of Florida, before Erle B. Askew, appointed commissioner by the Circuit Court of Baldwin County, Alabama, to take the deposition of one V. S. HURLBERT on the 14th day of May, 1930.

First, That the purported certificate filed by the commissioner appointed in said cause is not a certificate such as required by the law of the State of Alabama made and provided for the taking of depositions.

Second, That said purported deposition is not certified to and that only an affidavit is made by the said Erle B. Askew; that said questions and answers were had before him, and that said affidavit is not sufficient in law or in equity to permit said testimony to be entered in said cause.

Third, That in said purported testimony the said V.S. HURLBERT attempted to testify as to his agency and does not establish said agency by any other act, writing or contract between the Motion Picture Advertising Service Company, Inc., and himself, which agency cannot be proven by the agent alone.

Wherefore, premises considered, defendant asks that the purported deposition of the one V. S. HURLBERG be suppressed and held for naught, and the case be dismissed at plaintiff's cost.

Dated this, the 22nd day of January, 1931.

F. F. Nelson
Attorney for Defendant.

Filed Jan 22/931
T. W. Richmond
Clerk

x

EDMUND BAILEY AND CAROLINE BAILEY,	)	IN THE CIRCUIT COURT
	)	
VS	)	OF
	)	
ASSETS REALIZATION COMPANY, INCORPORATED, a corporation,	)	BALDWIN COUNTY,
	)	ALABAMA,
	)	
	)	AT LAW.

APPEALED FROM JUSTICE OF PEACE COURT OF
H. M. SLAUGHTER, JR.,

Comes the Appellee, Assets Realization Company, Incorporated, a corporation, in the above styled cause, and moves the Court that the bond for the Appellant in said case is insufficient because of insufficient securities, and respectfully moves the Court to require a new bond or new additional securities within such time as the Court may prescribe, or if said additional securities are not given to render judgment for the Appellee.

M. G. Trohlich
Atty for Appellee

Motion

Filed Jan 27/1931
T. M. Richmond
Clerk

Copy of motion
mailed Hon Frank R Geiger
Jan 27/1931

State
vs
Ernest - Winnyhe -

now comes the defendant & moves for a new trial in the above said cause & assigns the following grounds in support - If there reasons is follows -

1st That - the verdict of the jury was contrary to Law

2nd That - said verdict is not supported by the legal evidence in the case

3rd That said verdict is contrary to the evidence in the case

A. G. Hoover
atty for defendant -

Filed
L. S. Biggs
Sclk

The foregoing motion is ordered overruled and denied & deft. Excepts -
This May 1, 1931.

F. W. Hare
Judge

State ex rel Leonard S Biggs
Solicitor.

vs.

E. B. Higbee.

Comes the State and moves the court to set aside the verdict in this case and grant the State a new trial on the following grounds.

1st. That the verdict is contrary to the evidence in the case.

2nd. That the verdict of the jury is contrary to the evidence and law in said case.

3rd. That the court erred in refusing the general charge, No 1. requested in writing by the State before the jury retired.

L. S. Biggs. Solicitor
for the State.

To Messrs. Stevens, McCorvey, McLeod & Gorde & Simms and S. C. Jenkins, attorneys of record for defendant.

Filed this the 27th day of april 1931.
J. W. Reisman
Clerk

THE STATE	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA.
CHARLIE GRISSETT	)	SPRING TERM. 1931.

And now comes the Defendant in the above entitled cause, by his attorneys, Rickarby & Cobb, and moves the Court to set aside the ~~judgment~~ Verdict in this cause and grant the Defendant a new trial, and for grounds in support of said motion says:

1. The verdict of the Jury was contrary to the evidence.

2. The verdict of the Jury was contrary to the law.

3. The verdict of the Jury was contrary to the law and the evidence.

4. The Court erred in refusing to give to the Jury written charges number requested by the Defendant.

5. The Court erred in over ruling Defendant's motion to transfer this cause to the Juvenile Court of Baldwin County, Alabama.

6. The Court erred in refusing to grant the Defendant a continuance of this trial.

7. The Court erred in over ruling Defendant's motion to quash the venire in this cause.

8. The Court erred in refusing to permit Defendant to file plea of misnomer in this cause.

9. The Defendant's counsel was serving in this case by appointment of court and did not have reasonable time within which to properly prepare the defense.

10. The Defendant has newly discovered evidence which is material and which he could not with reasonable diligence have discovered and produced at the trial of this cause.

The above and foregoing motion for a new trial is overruled and denied - Motion overruled before sentence - deft. Excepts
This May 11, 1931 - F.W. Hare
Judge

Rickarby & Cobb
Attys for Defendant

The State
vs
Charlie Grissett

Motion for New Trial.

Filed May 1/931
D M Meyers
Clerk

STATE OF ALABAMA, Ex Rel. Leonard S. Biggs,	}	
vs.	}	IN THE CIRCUIT COURT.
E. B. HIGBEE.	}	SPRING TERM, 1931.

Comes the state and moves the court to set aside the verdict of the jury rendered in the above styled cause on the 27th day of April, 1931, and enter an order or judgment, in accordance with the prayer of the petition, excluding the said E. B. Higbee from treating or offering to treat diseases of human beings in Baldwin County, Alabama, until he shall have secured a certificate of qualification from the State Board of Medical Examiners of Alabama, as required by law, and as grounds of said motion, the state assigns the following separately and severally:

1. That there was no disputed question of fact presented to the jury for determination.

2. On the undisputed evidence in the case there was no jury question presented.

3. On the undisputed evidence in the case, only a question of law was involved, and the state was entitled to the relief prayed for in the original petition.

4. That on the undisputed evidence in the case the court should have given Charge No. 1, requested in writing by the state, and directed the verdict of the jury, and rendered the decree prayed for in the original petition in this case.

5. That on defendant's plea of general issue alone, the court should have rendered a judgment or order excluding defendant and prohibiting defendant from treating or offering to treat diseases of human beings in Baldwin County, in the future, as prayed for in the petition in this case.

L. S. Biggs, Solicitor for the State.

To Messrs. Stevens, McCorvey, McLeod, Goode & Turner, and S. C. Jenkins.

Filed Apr 29th/931
J. E. Richmond
Clerk.

Petitioner
By Rel. Leonard S. Bing
Solicitor

-vs-

E. B. Hughes

In Circuit Court
Spring Term
March 1st. 1931.

Comes the State and gives notice of appeal to the Supreme Court of Alabama from a judgment this day rendered in the above styled cause.

L. S. Bing Solicitor
for the State.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

The foregoing motion for a new trial coming on to be heard is ordered overruled and denied. To the State excepts. This April 30, 1931

F. W. Hare
Judge

State of Ala. — Circuit Court
vs. Baldwin Co. Ala
Henry Resmondo —

Now comes the defendant before sentence & moves the court to set aside the verdict rendered against him in this cause and grant him a new trial upon each of the following grounds —

1st That the verdict is contrary to the evidence
2nd That the verdict is contrary to the law and the evidence —
3rd Because the defendant has discovered new evidence material to the case as per affidavits on file marked Exhibit A & Exhibit B, which evidence was not discovered before trial of the case through no fault of or lack of diligence on the part of the defendant or his counsel —

S. C. Jenkins
H. W. Gilmer
attys for Defendant

The above motion coming on to be heard, is ordered overruled and denied — Def. excepts. Done before imposition of sentence.
This May 1, 1921 — A. M. Kare
Judge

State of Alabama Exhibit A

Baldwin County

Before me, Thomas H Richerson, Clerk of the Circuit Court of Baldwin County, personally appeared Julia Resmondo who being by me first duly sworn does depose and say - Sheriff Gladden Byrne of Escambia County, Alabama, being witness to the general character of Tom Lloyd for being a bloodthirsty violent and turbulent man and of prominent at another trial of the case of the State vs Henry Resmondo for murder will testify and will testify that his character for being a violent, turbulent and bloodthirsty man was bad. That this witness was present while the trial was had in the circuit court at the jail of Baldwin County and valuable and affiant the above information the failure to have this party as a witness for the trial of the case vs Henry Resmondo was strongly resented by Henry Resmondo as to his alleged this evidence being material against the defendant's case.

Julia Resmonda

Sworn to and subscribed before me this 1st day of May 1933

H H Richerson

Clerk Circuit Court

Exhibit B

State of Oklahoma }
Pushmataha County }

Before me, T.W. Richerson, Clerk of Circuit Court within and for said County and State, appeared Mrs. Julia Resmondo who being duly sworn does depose and states that John Caldwell, Jack Kirkendall, John Fell and Hard Gardner, agents from Lloyd's for bond and counsel, by being closely - that he present at and took part in the case, State vs Henry Resmondo, that he knows positively that Frank Lloyd was shot through the heart at close range - and that none of his teeth had been knocked out and neither was his jaw bone shot away from his face.

That these parties named above willfully had at this information and lacking testimony, but efficient did not have in their possession. This testimony until the day of the trial and too late to secure. Said parties summoned as witnesses for defense, after the report of Henry Resmondo, of the alleging that these witnesses were not present at the real shooting.

Sworn to and subscribed to Julia Resmonda before me this 1st day of May 1932

T.W. Richerson
Clerk Circuit Court