

STATE OF ALABAMA,
Ex Rel. Leonard S.
Biggs,

vs.

E. B. HIGBEE.

IN THE CIRCUIT COURT.
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/1931
J. W. Rieunover
Clerk

State of Alabama
Ex. Rel. - Kenneth S. Biss
Petitioner

- vs -

E. B. Hugbee

Sec 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. B. Biss, Solicitor
for the State.

Attn Dr
H. B. Brown
25-
E. B. Higbee

Notice of Appeal

Filed this the
1st day of
May, 1931-

Prothonotary
Clark

The foregoing motion for a new trial coming on
to be heard is ordered overruled and denied. & the
State ^{excepts} this April 30, 1931

F. W. Hare
Judge