

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1 Div., No. 315

John San gham - et al - Appellant,

VS.

A. E. Jackson - vs Superintendent, etc. Appellee,

From Baldwin Circuit Court.

The State of Alabama, }
City and County of Montgomery.

I, Robert F. Ligon, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages, numbered from one to four inclusive, contain a full, true and correct copy of the opinion of said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.

Witness, Robert F. Ligon, Clerk of the Supreme
Court of Alabama, at the Capitol, this the

21st day of June, 1924

Robert F. Ligon
Clerk of the Supreme Court of Alabama.

The Supreme Court of Alabama.

OCTOBER TERM, 1923-24

1 Div., No. 315

Langham, et al.
Appellants

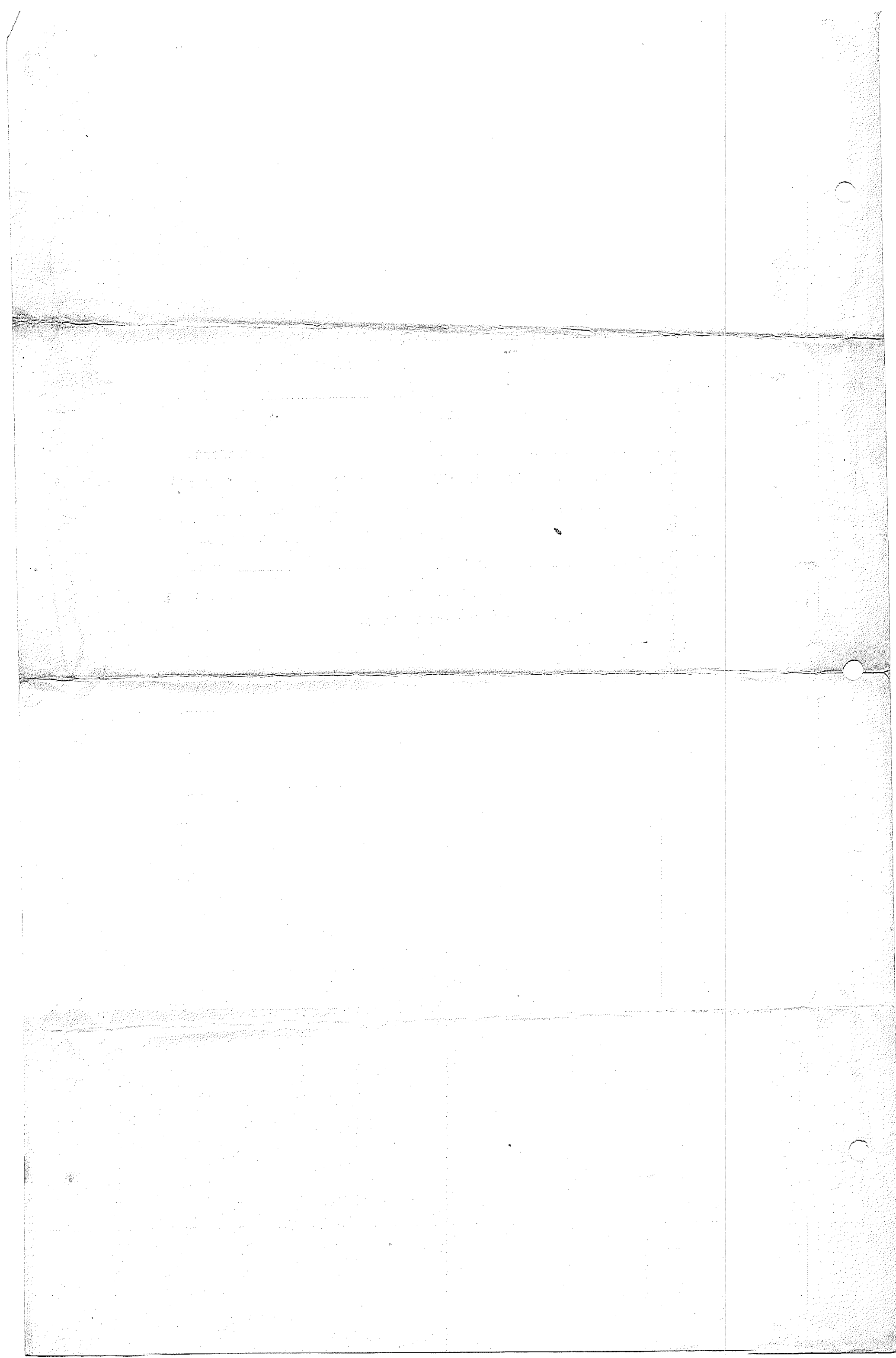
VS.

Jackson, as Sup-
intendent of Banks
Appellee.

From Baldwin Circuit Court.

COPY OF OPINION

BROWN PRINTING CO. MONTGOMERY.



Copy

CERTIFICATE OF APPEAL. (Civil Cases.)

I, T.W. Richerson, Clerk of Circuit Court,
of Baldwin County, Alabama, hereby certify that in the
cause of A.B. Jackson as Superintendent of Banks for the plaintiff,
State of Alabama,

VS.

John Langham, C.W. Hall and J.H. Bryars, defendant^s,

which was tried and determined in this Court on the 30th, day of
May 1923, 191 , in which there was a judgment for Eight Thousand
Nine hundred ⁹⁷/₁₀₀ Dollars, in favor of the plaintiff, (or judgment ~~for~~
~~defendant,~~) the Defendants, on the 12th day of
July, 1923, 191 , took an appeal to the Supreme Court
of Alabama to be holden of and for said State.

I further certify that John Langham, C.W. Hall, & J.H. Bryars,
filed security for cost of appeal, to the Supreme Court, on
the 12th day of July, 1923, ~~191~~ , and that W.R. Holley, and
A.A. Graham, ,
are sureties on the appeal bond.

I further certify that notice of the said appeal was on the
13th, day of July, 1923, ~~191~~ , served on Chas. Hall
as attorney of record for said appellee, and that the amount sued for
was \$2000.00 Dollars. (~~Of certain lands~~) (~~Of personal property.~~)

Witness my hand and the seal of this Court, this the 13th,
day of July, 1923 . ~~191~~ .

T.W. Richerson
Clerk of the Circuit Court of
Baldwin County, Alabama.

[illegible][illegible]

(The following text is extremely faint and largely illegible due to extreme blurriness. It appears to be a list or index of items.)

[illegible]

Journal of Interpersonal Violence

Figure 1 consists of three schematic diagrams labeled (a), (b), and (c), illustrating the experimental design. Diagram (a) shows a participant seated in a car seat with a steering wheel, a speedometer, and a tachometer. Diagram (b) shows a participant seated in a car seat with a steering wheel, a speedometer, and a tachometer. Diagram (c) shows a participant seated in a car seat with a steering wheel, a speedometer, and a tachometer.

(The following text is extremely faint and largely illegible due to low contrast and scan quality. It appears to be a list or index of items.)

1. *Introduction*
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 3. *Results*
 4. *Discussion*
 5. *Conclusion*
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[illegible][illegible]

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.

Figure 1 is a schematic diagram of the experimental setup. It shows a subject seated at a table, looking at a screen. A camera is positioned above the screen. A target is shown on the screen. A coordinate system is shown with X and Y axes. A scale bar is shown with 10 cm and 20 cm markings.

[illegible][illegible][illegible]

The diagram illustrates the experimental setup. A subject is seated at a table, looking at a video screen. On the screen, a target (a small circle) is visible. The subject's hand is positioned at a starting point (a larger circle). A camera is positioned above the screen, capturing the hand's position. The screen displays the hand's position relative to the target, providing visual feedback. The subject adjusts their hand position based on this feedback to reach the target.

1. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 2. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 3. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 4. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 5. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
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 8. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 9. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 10. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

[illegible][illegible][illegible][illegible][illegible]

Figure 1

[illegible]

5

Figure 1 consists of six sub-diagrams labeled (a) through (f), illustrating the steps of a proposed algorithm for finding a minimum spanning tree. Each diagram shows a graph with 10 nodes arranged in a grid-like pattern. (a) shows the initial graph with 15 edges, and a subset of edges is highlighted. (b) shows the next step where a new edge is added. (c) shows the next step where a new edge is added. (d) shows the next step where a new edge is added. (e) shows the next step where a new edge is added. (f) shows the final minimum spanning tree.

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.

[illegible][illegible]

Figure 1 illustrates the steps of the proposed algorithm, showing a sequence of diagrams from 1 to 10. The diagrams depict a circular arrangement of points and lines, with various labels and arrows indicating the progression of the algorithm. The diagrams are labeled with numbers 1 through 10, and some include mathematical expressions like $B = \{B_1, B_2, \dots, B_n\}$ and $B_i = \{B_{i1}, B_{i2}, \dots, B_{in_i}\}$.

[illegible]

FRANK S. STONE
LAWYER
BAY MINETTE, ALA.

A E Walker Supt Banks

VS

John Langham Et. Als.

Wehereby enter appearance for the defendants in above case.

Frank S. Stone
James H. Webb
Attys for defendants

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

THE STATE OF ALABAMA, }
BALDWIN COUNTY. }

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You are hereby commanded to summon

R E Catrett
John E Mc David

if to be found in your county, at the instance of the

Deft
to appear before the honorable Circuit Court, of Baldwin County at the Court House thereof,

on the *20th* day of *Nov* 191*7*, then and there to testify,

and the truth to say, in a certain case pending, wherein

A E Weaver

Plaintiff,

John L Langham

Defendant,

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ.

Witness my hand this *2* day of *Nov* A. D., 191*7*.

ATTEST:

J M McIlwain Clerk.

Original

No.

THE STATE OF ALABAMA,
Baldwin County.

A. E. Weaver

Vs. || SUBPOENA FOR

John Langham

CIRCUIT COURT

WITNESSES

R. E. Carroll
John E. David

SET FOR TRIAL

20 day of Nov 1917

Times Print—Bay Minette, Ala.

Executed on full power 13th 1917

D. E. Beckwith

W. E. Beckwith

To the Sheriff of the State of Alabama—Greeting:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the

~~4th~~ ~~Monday~~ ~~after~~ 4th, Monday in May, 1911

H.H. Montgomery, as Supt. of Banks of the State of Alabama, liquidating the affairs of the Bank of Bay Minette,

John Langham, C.W. Hall, J.H. Bryers, Plaintiff, and as Executor of the will of Alex Boone, deceased, and E Ward,

Defendant, a judgment was rendered against said John Langham, C.W. Hall, J.H. Bryers, as Executor of the will of Alex Boone, and E. Ward,

to reverse which Judgment, the said H.H. Montgomery, as Superintendent of Bank, of the State of Alabama, liquidating the affairs of the Bank of Bay Minette. C.W. Hall and J.H. Bryers

has on this day applied for and obtained from this office an APPEAL, returnable to the present, Term of our Supreme Court of the State of Alabama, to be held

at Montgomery, on the next call of cases from Southern division, day of next;

and the necessary bond having been given by the said C.W. Hall, J.H. Bryers, as Executors, with

Jno. T. Owens, U.L. Botham, W.P. Holley, sureties,

Now, You are Hereby Commanded, without delay, to cite the said

H.H. Montgomery, as Superintendant of Banks of the State of Alabama, liquidating the affairs of the Bank of Bay Minette,.

or Gordon and Eddington and Chas. Hall, attorneys to appear at the

next call of the present Term of our said Supreme Court, to defend against the said Appeal, if they think proper.

WITNESS, T. W. Richerson, Clerk of the Circuit Court of said County,

this 28th day of October A. D. 1911.

Attest:

T. W. Richerson Clerk.

Received Nov,
28 1941 by
following copy of
within with
has Hall atty
Member of the
inn of Gordon
Hington & Hall
WR Stewart
Shuff

140 Original

CIRCUIT COURT
BALDWIN COUNTY, ALA.

H H Montgomery

VS. } CITATION IN APPEAL.

John Langham
et al

Issued 28 day of Oct 1941

BALDWIN TIMES PRINT. DAY MINETTE.

Serial Copy on
Judge Hall

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You are hereby commanded to summon

C. S. Woodson

if to be found in your county, at the instance of the *Plaintiff*
to appear before the honorable Circuit Court, of Baldwin County at the Court House thereof, on
the *21st* day of *May*, 191*8*, then and there to testify,
and the truth to say, in a certain case pending, wherein ~~*John L. Langham*~~

A. E. Walker as Supt. Banks Plaintiff,

John L. Langham et al Defendant,

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ.

Witness my hand this *28th* day of *May*, A. D., 191*8*.

ATTEST:

J. M. Reesman Clerk.

Original
No.

THE STATE OF ALABAMA
Baldwin County.

A. E. Weaver

Vs.

SUBPOENA FOR

Geo. Langham
et al

Circuit Court

WITNESSES:

W. S. Woodson

SET FOR TRIAL

21 day of *May* 191*8*

Times Print—Bay Minette.

Executed May 18th 1918
E. E. Beardsley
Sheriff

Plaintiff claims Four hundred and fifty Dollars as a
reasonable attorney's fee incurred by him in bringing this suit.

Ervin McAleer
Leah Hall
Attorneys for Plaintiff.

SUMMONS AND COMPLAINT

The State of Alabama {
Baldwin County { No.

Circuit Court

Februar 22nd 1916.

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon John Langham, C.W. Hall, J.H. Bryars,

Alex Boone, and E Ward.

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court
of Baldwin County, State of Alabama, at Bay Minette, against them the Defendant 's

by A.E. Walker as Superintendant of Banks of the State of Alabama,
liquidating the affairs of the Bank of Bay Minette. Plaintiff

Witness my hand this 22nd day of February 1916.

T.W. Ricum Clerk.

COMPLAINT

Plaintiff Versus

The plaintiff claims of the defendant

Dollars due by

Plaintiff's Attorney.

Memo
22nd
Copied

No.

STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT

vs.

Plaintiffs

Defendants

SUMMONS AND COMPLAINT

Filed 191

T. W. Riccione Clerk

Defendant lives at

Plaintiff's Attorney

Defendant's Attorney

Times Print, Bay Minette

Received in office

Feb 22nd 1916

Sheriff

I have executed this Writ

this 26th day of February 1916
by leaving a copy of the within summons and complaint
with

C. W. Hall, Alex
Boone and J. H.
Byars,
John Langham
and E. Ward not
found in my County

Sheriff

Deputy Sheriff

J. J. Kelly
J. M. Sellers
T. R. Coaled

W. W. Walker, Esq. Expt. & Books
et al

John L. Loughran et al
vs

now comes the plaintiff and
demurs to plea 15, a motion to
set aside of the complaint
upon the following grounds:-

1st Because there is no law
requiring said plaintiff to
file such against these defen-
dant at the first time of
court to which it could properly
be brought.

2nd Because said plea fails to
aver that said case was not
governed by the Commercial
Law, or to allege any facts to
support same.

3rd Because said plea fails
to aver any facts to show
that said facts were not sug-
gestible, but simply avers a
conclusion. Chas. H. & John L. Loughran
Attorneys

JUN 12 1924

THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1923-24.

1 Div. 318.

John Langham, et als.,

v.

A. E. Jackson, Superintendent of Banks.

Appeal from Baldwin Circuit Court.

THOMAS, J.

The court gave the general affirmative charge at the request of the plaintiff. The instant assignments of error relate to the action of the court in refusing to allow in evidence testimony as to the acts, conduct and declarations of William E. Powell relating to the taking by the Bank of Bay Minette of the note of defendants and one C. B. Thompson. The suit is by the Superintendent of Banks on the endorsement by defendants of the note to said bank by said Thompson.

The real defense by the endorsers is that the endorsements were conditional - that the note would be also endorsed by R. D. Owens, Jr., and that it was not so endorsed before it was taken and used by the bank with knowledge of the character of defendants' respective conditional endorsements.

The question of agency and how the same may be shown, where that fact rests in parol, has been the subject of frequent discussion by the courts. When the fact of agency rests in parol or is to be inferred from the conduct of the principal, and there is evidence tending to show agency, the acts and declarations of the alleged agent become admissible to enable the jury to determine whether or not there was agency.- Roberts & Sons v. Williams, 198 Ala. 290; Lytle & Co. v. Bank of Dothan, 121 Ala. 215; Gambill v. Fugus, 148 Ala. 448; Reynolds v. Collins, 78 Ala. 94; Martin v. Brown, 75 Ala. 442; Simon v. Berrell, 58 Ala. 208; Buist v. Buice, 96 Ala. 255; 2 C. J., p. 945 et seq.; 33 Cyc. 2079.

It is further declared by this court that where it is shown that the actor has been held out by the principal as being his agent, or as possessing the authority assumed by such agent within the scope of the principal's business, the rule of apparent authority can be invoked by one who has been misled thereby to his detriment.- Pacific Mut. Life Ins. Co. v. Hayes, 202 Ala. 450, 453; Roberts & Sons v. Williams, *supra*; Fulton v. Second Nat. Co., 145 Ala. 331, 334; Patterson v. Neal, 135 Ala. 477, 482; Robinson & Co. v. Greene, 148 Ala. 434; Synthetic Inc. Co. v. Catchings, 104 Ala. 176; 1 Am. & Eng. Encyc. of Law (2nd Ed.), p. 990. A principal who would avail himself of a contract made by another for him, whether by an appointment or as a gratuitous agent, is bound by the representations made and methods and means employed by such agent to effectuate the contract.- Pacific Mut. Life Ins. Co. v. Hayes, *supra*; Roberts & Sons v. Williams, 198 Ala. 290, 292; Capital Security Co. v. Owen, 196 Ala. 385, 387; Doran & Co. v. Gilreath, *Id.* 377; Williamson v. Tyson, 105 Ala. 644.

There was error in excluding the evidence sought to be evoked by the questions sought to be propounded to Mr. Woodson, and on which assignments of error from one to five, inclusive, are based. The agency and interest of Mr. Powell in the premises were subject of a proper cross-examination, and this was denied.

The questions sought to be propounded to Mr. Woodson were:

"Now, before he brought these notes back to you, and they were delivered to the bank, didn't you receive a

3.

phone call from one of the defendants, telling you about the circumstances under which these endorsements were obtained and telling you not to discount these notes?"

"Didn't Mr. Briers there call you up on Tuesday morning before these notes were delivered to you, and explain to you the circumstances under which these endorsements had been gotten, and tell you for the bank not to take these notes?"

"Now before he took - he went out with these notes to get these endorsements, did he not say to you that you and Catrett should not have loaned Thompson that \$2000 and more, that you had loaned him without security, and that if the bank examiner came down and found that out, that it would cause trouble, and did you and he not agree then, that he should go and endeavor to get a note with endorsements, in order to protect the bank on this loan that was made to Thompson without security?"

These questions called for competent evidence tending to show notice to the bank and the circumstances entering into the securing of the endorsements. No opinion of the witness was called for - merely the facts entering into or concomitant with the endorsements and the res gestae thereof.

The fact of Powell's interest in the bank and his participation in the conduct of its affairs, as making or approving loans, at or about the time of the making of the Thompson loan or renewal thereof, with the endorsements, should have been given the jury, so that they might consider the bona fides of the defense of conditional endorsement secured by Powell.

The witness Langham, and the other defendants as witnesses, should have been permitted to answer the question, "Just state what occurred at the time that the notes were endorsed", as calling for the res gestae of that act. So, also, of the question, "What, if anything, did the man Powell say to you on that occasion before you endorsed the note in regard to endorsing it?"

The facts and circumstances becoming a part of or entering into and inducing the endorsements of the note by the re-

1.

pective defendants, were relevant under the defense pleaded.

The judgment of the circuit court is reversed and
the cause remanded.

Reversed and remanded.

Anderson, C. J. Bonerville and Boulain, JJ., concur.

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1 Div., No. 815

John Samgham-et al- Appellants

VS.

A. E. Jackson - as Supt. of Banks Appellee,

From Baldwin Circuit Court.

The State of Alabama,

City and County of Montgomery }

I, Robert F. Ligon, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages, numbered from one to four inclusive, contain a full, true and correct copy of the opinion of said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.

Witness, Robert F. Ligon, Clerk of the Supreme

Court of Alabama, at the Capitol, this the

17th day of June, 1924

Robert F. Ligon
Clerk of the Supreme Court of Alabama.

4504

The Supreme Court of Alabama.

OCTOBER TERM, 1923-24

1 Div., No. 315

Sangham - et al.
Appellant

VS.

Jackson - as Supt.
Appellee.

From Baldwin Circuit Court.

COPY OF OPINION

BROWN PRINTING CO. MONTGOMERY.

Filed in Office of Circuit Court
Of Baldwin County, Ala.
June 17th 1924,
D. W. Williams
Clerk Circuit Court

If the jury believe the witnesses
they should return a verdict
for the defendants.

Refused Leigh J. 18

old

I charge you, Gentlemen, That
if you believe the evidence
in this case you should
return a verdict in favor of
the plaintiffs for the amount
and for, with interest thereon
from ~~matrimonial~~ ~~and~~ ~~costs~~