

Charles Burden

vs

Leonidas Hornsby

Amount of Damages Claimed  
by Plff. \$100.

Summons Issued the 9<sup>th</sup> day of Nov. 1869  
Returnable on the 25<sup>th</sup> Nov. 1869.

Nov 25<sup>th</sup> 1870 Summons returned. Served according  
to law, by W. S. Gregory sept. Court.

— Parties present — proceeded to trial —

Now comes the defendant, and moves the Court  
to dismiss this cause for the following reasons,

1<sup>st</sup> That the Court has no jurisdiction of the same.

2<sup>nd</sup> The amount sued on exceeds the jurisdiction  
of the justice

3<sup>rd</sup> There is no statement of facts constituting  
the cause of action — Overruled, on the ground  
that Plff has the right to amend, to bring within  
jurisdiction,

Jury Summoned and Sworn — J. M. Sturapp,  
J. E. Horn, J. R. Miller, James Morrow, P. Ashurst,  
and W. J. Atkinson.

Now comes the atty. for Plff. and asks leave to  
amend the account of said Plff. Reducing the  
amt. from \$100. to \$50.

Court granted the amendment to be made  
Testimony & Pleadings heard by the jury, and  
jury not agreeing, were dismissed — and cause  
held over to next law day, Dec. 23<sup>rd</sup> 1870.

Venire Issued to Summon New Jury to meet  
on the 23<sup>rd</sup> Dec. 1869.

Costs on this Suit up to this date

Witnesses	\$19.28
Jury	6.00
Justices Costs	3.85
Court " "	13.00
	<u>\$42.05</u>

Dec 23<sup>rd</sup> 1869 case continued to the 27<sup>th</sup> day of January 1870 by Consent of Parties

January 27<sup>th</sup> 1870 Cause taken up - Parties present, now comes the defendant by his atty and moves to dismiss the amended Statement &c. - Overruled, Jury Summoned and Sworn - and after hearing evidence - handed in the following verdict, to wit:

We the Jury find for the Plaintiff, the Sum of Twenty-five dollars & Costs

Verdict for	\$25.00
Costs on first suit	42.05
Second Jurors	6.00
Justices Costs	2.75
Court " "	15.35
Witnesses	28.90
	<u>\$120.05</u>

19.20  
28.90  
48.10

Whereupon it is adjudged by the Justice that the Plff. recover of defendant the amt. so by the Jury assessed together with Costs.

Appeal and on this 31<sup>st</sup> day of Janry 1870 comes the said defendant and files his affidavit and Bond for appeal, with Brinkley Hornsby & S. P. Sisk as security - which is granted by the Justice.