

In the Superior Court } At Chambers  
Sixth Judicial District } Dec, 14<sup>th</sup> 1876 =

This was an application for Mandamus tried before Watts Judge, at Chambers in Franklinton Dec, 14<sup>th</sup> and 15<sup>th</sup> 1876 - The defendants Jones, Cole, Williams and Wyche moved to dismiss upon the ground that the summons issued and served did not designate them in any official or public relation but only as individuals - The court intimated that he would grant such motion unless the plaintiffs amended the summons - The plaintiffs then moved to amend the summons, by inserting after the names of the first five defendants as named in the summons, the words - "The Board of Commissioners of the County of Granville", which motion at one o'clock P.M. on the 14<sup>th</sup> of Dec, 1876 was granted. Thereupon Messrs. Towger & Horsfall, attorneys for the Board of Commissioners asked for time to answer on behalf of said Board - The court <sup>directed</sup> granted the said Board of Commissioners to answer by ~~sent~~ <sup>sent</sup> nine o'clock the next morning ~~for~~ to which order the said Board accepted as being insufficient and unreasonable in its requirement -

The defendants, Jones, Cole, Williams and Wyche, members of the said Board

Geo. J. Moore et al

R. D. Jones et al -

Case on Appeal

Copy served on the

Council for plaintiffs

Dec. 16<sup>th</sup> 1876 at

10 o'clock A.M.

CHAUTAUQUA COUNTY HISTORICAL SOCIETY 2013

and upon the filing of their answer ~~was~~  
made application to the Court to have the  
case transferred continued until the issue  
of fact raised by the pleadings could be decided  
~~at the~~ to the next regular term of the Su-  
perior Court of Granville County for the de-  
cision of issues of fact raised by the  
pleadings - The plaintiffs contending  
that no issue of fact was raised by the  
pleadings the Court so held and the de-  
fendants' motion to continue to the term  
was refused. And thereupon the said de-  
fendants gave notice of appeal from  
said order refusing said motion to  
continue said action until the next  
term of said Court -

Francis E. E. E.  
May 17/1876

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

In the Superior Court } At Chambers  
6<sup>th</sup> Judicial District } Franklinton Dec 15<sup>th</sup> 1870

James I. Moore & others, }

versus }

Rich<sup>d</sup>. H. Jones and others, }  
The Bd of Commissioners of Granville }  
County pro G. Morgan & others }

In this action the defendants Jones, Cole, Williams & Wycher upon filing their answer, make application to the court to continue the said action until the next regular term of Granville Superior Court, for the trial of issues of fact raised by the pleadings by a jury at said term, and upon the hearing of said motion it is adjudged by the court that no issues of fact are raised by the pleadings and thereupon the said motion is denied.

J. W. Watts.

Judge 6<sup>th</sup> Judicial District.

James J. Moore et al.

vs  
J. W.

R. D. Jones et al.

Order refusing

motion to continue

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

Superior Court }  
Granville County }

James J. Moore & others

vs

Richard D. Jones & others

This was an application for Mandamus heard before Watts, Judge at Chambers Dec. 15<sup>th</sup> 1876 - I compel the defendants, the County Commissioners of said County, to re-count the vote of said County, such at the election of 1876 and announce a result in favor of the plaintiffs - Upon the hearing, after answer filed by the defendants and a denial of defendants' application to continue the action for a trial by jury at the next term of said Court - the Court granted the order prayed by the plaintiffs and directed a re-count of said vote, as well specifically appears by said order. From the granting of said order, the defendants to whom the same was directed, to wit, Jones and others, the said Board of Commissioners, appealed and gave notice thereof in open Court -

The appellants require copies of  
1 - Summons - 2 - Complaint - 3 - Answer - 4  
Order refusing Continuance - 5 - Order of Mandamus  
to accompany the Case as part of the transcript of  
the Record -

Sourgen & Horsfall - Attys for  
- appellants -

James H. Moore & others

R. D. Jones & others

Case on Appeal

Copy for Appellants

Served by Learning copy

at the office of  
Fuller & Roberts



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