

Price Beckerdit's Heirs  
vs.  
J. H. Woodfin & Co

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The above entitled cause was an action brought originally in the County Court of Randolph County, to obtain a confirmation of a report made by a ProceSSIONER and a jury in accordance with the provisions of the Rev. Code.

Upon the hearing of the cause, the County Court granted a decree confirming the Report.

From this judgment the defendant appealed to the Superior Court.

At the Fall Term <sup>1868</sup> of the Superior Court for the County of Randolph, the cause coming on for hearing before ~~the Hon. Judge~~ ~~Albion W. Tongue~~ ~~Judge of the Superior Court for the Southern Judicial District,~~ ~~presiding,~~ it was moved by the counsel for the defendant, to dismiss the said action for default of parties, inasmuch as "Beckerdit's Heirs" and "Woodfin & Co" ~~are~~ <sup>were</sup> not parties, in contemplation of the law.

The motion was granted and the ~~cause~~ <sup>action</sup> dismissed at the cost of the plaintiffs. And inasmuch as there were no parties plaintiff of record against whom costs might be taxed and execution issue; and it ~~was~~

# And it further appearing that the attorneys of the plaintiffs are the only persons of record prosecuting this action

the appearing to the Court that parties defendant ought not to be subjected to costs without remedy; and it also appearing to the Court that the parties defendant in this action, were thus subjected to loss and damage, by the inexcusable negligence of counsel in summoning them to answer the suit of travelers and unknown plaintiffs, and ~~that such negligence is seen~~ <sup>it further appearing that the</sup> ~~attorneys~~ <sup>attorneys</sup> are the only parties of record <sup>and adjudged</sup> ~~in~~ <sup>in</sup> this action. It is therefore ordered by the Court

That in default of the payment of the costs by the plaintiffs, <sup>in this behalf that</sup> the said costs be taxed against the Counsel of the plaintiffs M. S. Robins and Samuel S. Jackson Esq's Attorneys of this Court, who brought this action.

Now which judgment of the Court in so far forth, as it taxes the costs against themselves, the said Attorneys M. S. Robins and Samuel S. Jackson appeal pray an Appeal to the Supreme Court, which prayer is granted.

Fourcy Judge.

He came during the day to have his boot  
 mended. I loaned him my shoes while  
 I was mending the boot. He returned  
 about the middle of the day and got his  
 book and pencil for the works. Between  
 sundown and nightfall Whitson returned with  
 a man dressed like the lieutenant and  
 which I took to be him. Whitson asked me  
 out in the yard, and the other man asked  
 me if I would not like to buy some cot-  
 ton. I did not notice him particularly  
 but from his dress supposed him to be the  
 Lieutenant Schramm. I am not sure it  
 was the lieutenant but he was dressed like  
 him. It was ~~near~~ ~~dark~~ and I am quite  
 old being sixty years old at that time, and  
 was then quite ill, and had been for several  
 months previously, from overflow of the gall  
 rendering me very dull and weak. The uni-  
 form of the Federal army was one I was not well  
 acquainted with and I might have mistaken the  
 man. It may have been another. Since 1850  
 my eyesight has not been good and espe-

cially in the night time or at dusk as this was. I recollect the circumstances and the time very clearly, and make this statement willingly and freely. I may have been too positive in my identification of Sicut Lewis Schrumm, when examined upon the trial. I was well acquainted with Whitson but had seldom seen Sicut Schrumm.

The above statement is true to the best of my knowledge and belief.

James R. Fournelle

Subscribed and sworn to in presence of the subscriber, a Judge of the Superior Court for the Seventh District of North Carolina after the above affidavit had been dictated by the said James R. Fournelle to one well known, and afterwards read over in his hearing. This 14th day of December A. D. 1868.

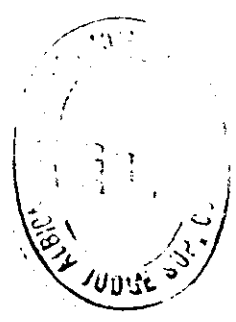
Geo. Fournelle  
Judge Sup Court  
7th Jud. Dist. N. C.

Richard H. News

or

Woodfin & Co

Attorneys of Law  
on Appeal



and  
Schrumm  
call