

J. N. Clegg, as Exr of J. F. Clegg,  
Against.  
The White Soap Stone Company

In The Superior Court:  
Chatham County.

To The Honorable A. H. Emerson, Judge &c.

The defendant in this cause having made a motion to set aside the judgment obtained by the Plaintiff at Spring Term of ~~this~~ Court, the plaintiff resists said motion for the reasons following:

The summons in the case was made by publication, and a copy actually received by the defendant, in which the sum demanded was specifically mentioned, and that judgment could be taken for that sum unless he appeared and answered &c. This was at November Term 1870, at which time Mr Manning entered an appearance, and I indulged him until the 4<sup>th</sup> of March in which to answer, and he not answering at that time, nor during the sitting of the Court at May Term, I regularly obtained judgment, which he now moves to set aside.

It is customary with the Bar here not to file copies of the Complaint, unless specially asked for, and one was furnished defendant in this case as soon as he wished it. The defendant well knew the grounds of the Complaint and the cause of the action, having admitted to plaintiff in person its correctness and justice, and there is no "surprise" whatever.

Therefore plaintiff respectfully submits that said motion should not be allowed.

W. H. Anderson, Atty for P. & D.

L. A. Kelly, Esq.  
Against  
The White Soap & Towel Company

Some papers in my  
possession at the end  
of my term as judge of  
the 7<sup>th</sup> Dist. N.C.  
which may be of  
interest to you

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Plaintiff's Opinion  
to  
Motion of Defendant.

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013