

Georgia Camden County

To Superior Court of said County

Par First

The petition of York Haywood, respectfully shows that on the 20th day of January 1900, before a jury of twelve men, J. M. Thomas N.P. & Ex-officio J.P. presiding of the 30th Dist of the County of said County. Came on for trial the Case of York Haywood vs Lewis Mumford: Forcible Entry and Detainer, a copy of said action is hereto attached marked Exhibit "A" to this action was attached to usual justice Court process or Summons. Said Verdict was rendered against your petitioner, and being dissatisfied with same, brings his petition for Certiorari within thirty days after rendering same and ask that said Verdict be set aside upon error your petitioner will undertake to set forth, said Evidence was in substance as follows.

Par Second

York Haywood plaintiff, testified, during the year 1899, Lewis Mumford, carried me before Judge Hopkins Court, he and I compromised the case before trial, in doing so I signed a paper by making my mark ^(his) _(x mark). This was not done with a view to selling my place, but with a view to reducing

2

the cost, all of which I now understand. Key
Jay is a deed, during March 1899. I left
some things in my house and locked up
the doors and moved up to Mr Rains place
to make a crop. during September "Welcher
James Constable" came to where I was at Mr
Rains place, and demanded my house key
which I refused to give up. "he said unless
I did he would arrest me" rather than be
arrested I gave him the key. he afterward
came back and offered to return the key if
I would give him two dollars and half
(presumed to be cost) as I did not have
the money he carried off the key. Shortly
after this I went over to my place. I
found my houses broken open or unlocked
and Lewis Mumford was living in them.
I demanded that he move out at once but
he refused to do or vacate the premises in
any way, saying "since Sallie Haywood
dealt the place had come back to him."
I was man enough to put him out of the
house and would have done so but he
showed signs of resistance, and I saw
I would have a difficulty in putting him
out. (being unprepared I made no further
attempt) I have been living on the place
some twenty or twenty five years. Continu-
ously up to the time I moved up to

Mr Rains place. originally I settled the place in the words, My daughter Sallie Haywood got the land from the defendant Lewis Mumford.

On Cross. he was ask if he did not sign a paper when he and Lewis Mumford. Compromised. he answered he did. as to the Contents of the paper he was not allowed to answer. the paper being the best Evidence. here plaintiff closed.

For Third

J. J. Hopkins J.P. Witness for defendant testified. I drew up the paper. here plaintiff objected to stating the Contents of the paper. here papers were submitted and plaintiff urged the following objections in this case title cannot be inquired into, and as a title was objected to on these following grounds. without sufficient description or location of property. without proper consideration. without proper showing of attestation or execution. and was obtained by duress and fraud. these objections were sustained by Court. here he was ask if he gave Melcher James Constable papers to get ^{the} key from John Haywood he said he did. here plaintiff objected to his stating the Contents of the paper which objections were sustained. without

X

introducing the paper in Evidence the defendant closed

Par Fourth

The fact came to the knowledge of his Hon. J. M. Thomas after discharging the jury by the information of a dissenting juror that the verdict was founded ^{of majority} upon rule instead of a unanimous rule, that is five of the jurors stood for plaintiff and seven for defendant. petitioner fears the jury's minds were prejudiced and influenced by the great stress ^{by defendant} laid on the fact of having his written evidence excluded from the jury, (meaning the paper excluded from the evidence) and fears the jury relied largely upon this fact in drawing their conclusion for a verdict

Par Fifth

Petitioner shows that said verdict was contrary to law and evidence, and without law and evidence to support it

- 1st Because said Entry was forcible
- 2nd Because said detainer was willful
- 3rd Because said possession in itself undisputed for a term of two years was sufficient to recover the premises

Par Sixth

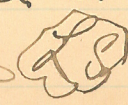
Wherefore petitioner prays a writ of Certiorari do issue directed to the said J. M. Thomas

5

N.P. & Goffie's J.P. requiring him to Certify
and send up all the proceedings in said
Case to the next March Term 1900. of
Candler Superior Court, that the errors alleged
to have been committed, may be con-
sidered and corrected. E.J. Stafford
Plaintiff Attorney

Georgia Candler County

I York Haywood do
solemnly swear that the foregoing petition
for a certiorari is not filed in this case
for the purpose of delay, and I verily
believe that I have good cause for
certiorari and that the facts stated
in the foregoing petition. So far as they
come within my own knowledge, are
true, and so far as derived from the
knowledge of others, I believe them to
be true.

York Haywood 
Sworn to and subscribed before me
this 12th day of February 1900,
J. M. Thomas N.P. & Goffie's J.P.

York Haywood } Action "Forcible Entry and
 Lewis Mumford } Detainer. In Justice
 Court 30th Dist of
 Camden County

Verdict for defendant "Recovering the premises
 in dispute" and Cost of Suit. The Plaintiff
 in the above stated Case, being dissatis-
 fied with the judgment of the Court in
 said Case and desiring to Certiorari
 said Case brings W. B. Lang
 and tenders him as Security and the
 said York Haywood and W. B. Lang
 acknowledge themselves held and jointly
 bound unto the said Lewis Mumford
 his heirs, Executors, Administrators and
 assigns for the Eventual Condemnation's
 money, and all future Cost in said Case
 for the payment of which they bind
 themselves, their heirs, Executors and
 administrators jointly by these presents
 In Witness Whereof they have hereunto
 set their hands and Seals. This the
 day of February 1900.

York^{his} Haywood L.S.
 W. B. Lang L.S.

Executed in presence of and attested by
 J. M. Thomas, V.P. Ex officio.

York Haywood } Action forcible Entry and
vs } Detainer in Justice Court
Levin Mumford } 30th D. & M. Camden County

I hereby Certify that said plaintiff
has paid the sum of Four and 35/100
\$4³⁸ dollars All Cost in said
Case the subject matter of the within
petition and has given bond as required
by law. This 17th day of July 1900
J. M. Thomas S. D. & Off. J. D.

Exhibit "A"

7

Georgia Camden County. 30th Dist G.M. Personally appeared before me J.M. Thomas N.P. & Ex-officio J.P. of said district and County, York Haywood who on Oath says that during the month of September 1899, on or about the 15th of said month, one Lewis Mumford did forcibly enter into the possessions of certain lands and tenements belonging to the undersigned deponent situated in said district and County known as the York Haywood place. Containing ten acres more or less bound North and East by lands of Estate of Bailey, South by John Faulkner, West by Joe Knight, on said lands are certain fencing inclosing cultivated land with three framed houses to wit dwelling house, kitchen and corn crib, and your deponent was ejected from said lands and tenements by the said Lewis Mumford, just before and more than three years before said Ejectment, your deponent held the same in peaceable, legal and quiet possession, and that said entry was forcibly and without authority of law, and he still keeps possession of the same, contrary to the wishes and request of your deponent and without authority of law.

York ^{his} Haywood ^{next} L.S.

Sworn to and subscribed before me ^{his} 16th day of December 1899. J.M. Thomas N.P. & Ex-officio J.P.

Georgia Camden County, 30th Dist. G.M.,
Personally appeared before me J. M. Thomas N.P.
& Ex officio J.P. of said district and County, York
Naywood who on oath says that during the
Month of September 1899, on or about the
15th of said Month, one Lewis Mumford did
forcibly enter into the possession of Certain
lands and tenements belonging to the under
sign deponent, situated in said district and
County, known as the York Naywood place,
containing ten acres (more or less) bounded
North and East by lands of Estate of Bailey, South
by John Saulsner, West by Joe Knight, on said
land are certain fencing inclosing cultivated
land, with three framed houses to wit dwelling
house kitchen and Corn Crib, and your depor
nent was Ejected from said land and tenements
by the said Lewis Mumford, just before and
more then three years before said Ejectment, your
deponent held the same in peaceable, legal
and quiet possession, and that said Entry was
forcibly and without authority of law, and
he still keeps possession of same, Contrary
to wishes and request of your deponent, and
without authority of law, York ~~Naywood~~ ^{mark} LS

Sworn to and subscribed before me 16th day of
December 1899,
J. M. Thomas
N.P. & Ex officio J.P. Camden Co., Ga.

Georgia Camden County.

Clerk's Office Superior Court. This — day of
1900.

To J. M. Thomas N. R. & J. P. 30th D. G. of Said County
Whereas You Haywood has made applica-
tions for Certiorari in a certain case
tried at the last January term of your Court
in which you Haywood was Plaintiff
and Lewis Mumford was defendant in which
case there was a judgment in favor of the
defendant against the plaintiff. "Recovering
the premises in dispute" and cost of suit.
whereas said application has been sanctioned
by the Judge of Said Superior Court, Now
You are hereby required to Certify and
send up all the proceedings in said case
to the next March term of Camden Superi-
or Court. Witness the Hon. W. Bennett
Judge of Said Superior Court, this 20th day of
February, 1900

J. H. Riddick
Clerk Camden Supr. Court

At Chambers-Brunswick, Ga. Feby 14th 1900.
The within petition for certiorari read ~~and~~ considered
and sanctioned. Let the writ of certiorari issue
as prayed. J. W. Bennett
Judge S. C. B. C.

I hereby acknowledge due and legal notice of
the sanction of the within petition for Certiorari
and waive service of notice of time and place
of hearing in writing, Feby 17 day of 1900.
W. P. Ross.

W. P. Ross

The Recorder Superior
Court

March Term 1900.

John Haywood

James Thompson

Directed to

J. M. Thomas & W. P. Ross
S. C. B. C. 30th Post Office
of Brunswick County Ga

Filed in copy of
30th day of February 1900

J. W. Bennett

Chambers-Brunswick

C. L. Thompson

Petitioner's Attorney

This Petition for Certiorari coming on to be heard
and after consideration of the same it is ordered and
adjudged that the same be and is hereby dismissed
in the reason that under the evidence it appears that
there was no forcible entry - but the applicant
in the writ of certiorari pay the costs of Court in their
behalf incurred - Granted in open Court. This March
20th 1902
J. W. Bennett
S. C. B. C.

Georgia Camden County

Officer of N.P. & Justice J.P. of 30th 28th Con

And now Comes J. M. Thomas N.P. & Justice J.P.
in and for the 30th Militia District Said County
and makes this his answer to a certain
Writ of Certiorari heretofore delivered to him
together with a Petition therefor regarding
regarding a case alleged to have been tried before
him on the 20th day of January 1900 wherein
York Waywood and Lewis Mumferson was defendan^{ts}
Replying Specifically to the allegations in said
Petition Respondant Says

First

Exhibit A is correct

Part Second I do not know any thing about
except that York Waywood swore to this in my
Court

Part the 3rd is correct

Part 4th all I know about this is one of the Jurors told me this
Several days after the trial

Part 5th is correct

True Copies of all the Proceedings in said
Case are herewith sent up Witness my official
Signature This 12th day of March 1900

J. M. Thomas
Notary Public and Officer Justice of Peace

Yours Haywood }
re } Petition for Certiorari
Lewis Mumford }

Now comes the
plaintiff in the above stated case and offers
to amend his affidavit attached to said petition
by striking out and adding to said affidavit
when amended it will read as follows to wit

Georgia Camden County

I Yours Haywood do solemnly swear that the
petition for Certiorari is not filed in the case
for the purpose of delay only, and I verily
believe I have a good cause for Certiorari
and that the facts stated in the foregoing petition
so far as they come within my own knowledge
are and so far as derived from the knowledge
of others, I believe them to be true

Yours ^{as} Haywood

LS

Sworn to and subscribed before me this
the 1st day of January 1902

J. W. Thomas N.P. ex officio