

**WALTER BROHM, Agent for A. Woermann of Hamburg, Appellant, vs. F. J.
GRANT, Appellee.**

LRSC 4; 1 LLR 509 (1876)

[January Term, A. D. 1876.]

Before His Honor C. L. Parsons, Chief Justice, and the Honorable Associate Justices.

MOTION TO STRIKE AFFIDAVITS FROM RECORD.

F. J. Grant, appellee, respectfully motions the said court to strike out all the affidavits which the appellant has had annexed to the record of the said case, subsequent to the final judgment rendered in the said case in the court below, because the said affidavits constitute no part of the record of the said case, which the law requires to be sent up to this court by the judge of the court below.

F. J. GRANT, Appellee,

By his Counsellors, J. W. HILTON and H. W. JOHNSON, JR.

COURT'S RULING.

The court does not entertain the motion presented by Attorneys H. W. Johnson, Jr., and J. W. Hilton, for F. J. Grant, defendant in error, vs. Walter Brohm, agent for A. Woermann, appellant in error, in an action of damages; because the said motion involves a question of fact, as to whether the affidavits referred to were made and annexed to the record before or after final judgment had been given in the court below, which fact could only be established upon proof or affidavit which the said motion is devoid of. Supreme Court, January 26th, 1876.

Key Description: Affidavits (In record on appeal); Appeal (Affidavits in record)