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Citizens.

IN THE SUPREME COURT OF THE UNITED STATES

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OCTOBER TERM A. D. 1923.

Henry Lewis,

Petitioner,

vs.

David Roberts, Jr., as Trustee in Bankruptcy  
of the Montevallo Mining Company, a corporation,  
Bankrupt, Respondent.

Affidavit of Henry Lewis in support of his motion to  
be allowed to file a petition for certiorari in Bankruptcy in the  
Supreme Court of the United States in forma pauperis without the  
necessity of depositing money to cover costs of court and without  
filing thirty (30) copies of the printed record as required by the  
rules of the Supreme Court of the United States.

Before the undersigned authority in and for the State of  
Alabama, County of Elmore, personally appeared Henry  
Lewis, personally known to me who being by me first duly sworn,  
deposes and says:

1. I, Henry Lewis, am a convict of the State of Alabama  
confined in the penitentiary of Alabama at Speligner, Ala.
2. The State of Alabama leased me, along with other con-  
victs to the Montevallo Mining Company to work in the mines of the  
Montevallo Mining Company at Aldrich, Alabama. As a convict I  
entered the coal mines of the Montevallo Mining Company and worked

for them. I received grievous bodily injuries as a result of the negligence of the Montevello Mining Company. I brought suit for damages in a complaint that charged simple negligence only. I recovered a verdict and judgment for Four Thousand Dollars (\$4000.00) damages in the District Court of the United States for the Southern Division of the Northern District of Alabama. No appeal was ever taken from that judgment.

*Jan 25th 1921*  
8. ~~Only a few days before my judgment was four (4) months~~ *My judgment was rendered Nov. 29<sup>th</sup> 1921. One*  
with the Montevello Mining Company filed its voluntary petition in Bankruptcy in the same District Court of the United States.

4. I filed my claim on that judgment as a creditor in bankruptcy against the estate of Montevello Mining Company. The Referee in Bankruptcy, on motion of the Trustee expunged and disallowed my claim.

5. The district judge overruled my petition for review and entered an order confirming the order of the Referee expunging and disallowing my claim.

6. I made affidavit and appealed in forma pauperis to the United States ~~Supreme~~ Circuit Court of Appeals of the Fifth Circuit. That court in a divided opinion, with the presiding judge dissenting affirmed the judgment of the District Court. My lawyers are preparing the proper papers to carry my case to the Supreme Court of the United States. In support of their motion for an order allowing me to petition for a writ of certiorari in forma pauperis I make the following statement.

7. I am still serving time as a convict in the Alabama Penitentiary. I am broken in body and health as a result of my injuries. Those injuries destroyed my earning capacity. I will never be able to work and earn a living. I have no money. I can own no property. I have no way of earning money. I could not work and earn money even if any way were open to me. I have no income. I have no relatives or friends on whom I could call for help. It is impossible for me to pay any costs of court or make any deposit to cover them or to pay for printing briefs or records. ~~Unless I am~~

COPIES OF THIS PETITION TO BE FILED IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA FOR THE YEAR 1923. I AM REGISTERED AS A MEMBER OF THE BAR OF THE DISTRICT OF COLUMBIA.

allowed to prosecute my petition for a writ of certiorari, as a pauper, as provided by the Acts Of Congress, Act of June 25th 1910- I will be unable to get my just and lawful compensation out of the estate of the bankrupt company that injured me so grievously. I am a negro, without education. I can figure out no way to get money for any purpose.

Henry Lewis  
Henry Lewis

Sworn to and subscribed before me  
this the 29, day of December, 1923.

W. P. Suddeth  
Notary Public.