MOTION

STATE OF ALABAMA)
JEFFERSON COUNTY) SS.

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, IN CHANCERY

W. L. Harrison,)
vs)
Conrad W. Austin, et al.)

Come the respondents separately and move the court to strike from the bill of complaint, the allegation in paragraph 11 of said bill of complaint the allegation in words and figures as follows:

"Two of whom recently assaulted and bear an unarmed citizen, without provocation, on one of the main streets of the city, leads complainant to believe that he is always in danger at their hands"

and for grounds of said motion say:

1. That said matter is irrelevant;
2. That said matter is scandalous;
3. Is matters between third parties, and has no connection with the matters to be set up in the bill;
4. Because the allegation renderes the bill prolix;
5. Because the matter is impertinent, irrelevant and incompetent in this hearing and not within the lis pendens of the bill.

Come the respondents each separately and move the Court to strike the following allegation from the 12th paragraph of the bill, to-wit:

"She knows that two of them thus armed and supported by the presence of their armed associates did bodily and outrageously beat and almost kill an unoffending citizen in full view of the people on one of the busy streets of the City of Birmingham."

And for grounds of said motion say:

1. The matters alleged are not within the lis pendens of the bill;
2. They are matters of scaldal sought to be injected into the bill;
3. They are irrelevant, immaterial and illegal to the matters in issue;
4. They seek to prove hearsay;
5. What complainant's wife knew or did not know is immaterial to the issues.

Filed in Office Feb. 9th, 1921
Hunter Armstrong, Register

Beddow & Oberdorfer,
Attys, for Respondent

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ANSWER

W. L. Harrison, Complainant)
vs) Circuit Court, In Equity
Conrad W. Austin, et al,)

Come W. H. Knox, Tom Williamson, W. R. Scarborough, F. A. Boswell, S. E. Tramue, O. D. Moates, A. W. Crowe, L. L. Philips, N. C. Smith, individually, and as deputies of the State Law Enforcement Department of Alabama, under Conrad W. Austin, as Chief, and for answer to the bill of complaint and each paragraph thereof adopts each as his answer the answer of Conrad W. Austin this day filed to said bill of complaint, and each deny the allegations of said bill of complaint, except those admitted in the said answer of Conrad W. Austin, or their several affidavits which are filed along with this answer, and each of said respondents refers to his said affidavit this day and adopts the same and

no act whatsoever of omission or commission, and any acts admitted in the answer of Conrad W. Austin were done by them under the circumstances set out in the said answer as Deputy Law Enforcement Officers of the State of Alabama, and not otherwise, and that the acts admitted in their several affidavits was not done as individuals but as Deputy Law Enforcements officers under the circumstances stated in said affidavits.

And now having fully answered, respondents pray to be dismissed hence with their reasonable costs in this behalf expended.

Beddow & Oberdorfer,
Attys. for the Respondents.

STATE OF ALABAMA)
JEFFERSON COUNTY)

Before the undersigned Notary Public, in and for said County in said State, personally appeared W. H. Knox, Tom Williamson, W. R. Scarborough, F. A. Boswell, S. E. Tramur, O. D. Moates, A. W. Crowe, L. L. Philips and N. C. Smith, who being duly sworn depose and say that the matters and things alleged in the said answer upon information and belief they believe to be true, and the matters and things alleged as facts by said affiant, said affiant says is true.

Tom Williamson,
F. A. Boswell,
N. C. Smith
S. E. Tramur
W. H. Knox
O. D. Moates
L. L. Phillips
A. W. Crowe
W. R. Scarbrough

Subscribed and sworn to before me this the 8th day of February, 1921.

N. C. Cornett, Notary Public

Filed in Office Feb. 9, 1921

Hunter Armstrong, Register

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ANSWER

STATE OF ALABAMA)
JEFFERSON COUNTY) IN THE CIRCUIT COURT OF JEFFERSON COUNTY

W. L. HARRISON)
vs)
CONRAD W. AUSTIN, et al.)

Comes the respondent, Conrad W. Austin, individually and as the Chief Law Enforcement Officer of the State of Alabama, and for answer to the bill of complaint says:

1st, Respondent admits that W. L. Harrison is over the age of 21 years, and a resident of Jefferson County, Alabama;

2nd. Respondent admits that he and each of the respondents is over the age of 21 years;

3rd. Respondent admits that W. L. Harrison is a member of the Legislature of Alabama, from Jefferson County, to which office he was elected;

Respondent admits that complainant is the International Executive Board Member, representing District 20, United Mine Workers of America, and that he a member of Local Union No. 1525 of the United Mine Workers of America;

4th. The respondent does not admit nor deny that the United Mine Workers of America is a voluntary association of miners, composed of local unions and their mem-