

In the Circuit Court of said County at the July term thereof

A.D. 1890

Meridian Land & Industrial Company.

v.

Mrs. Gertrude Ball.

BE IT REMEMBERED, That, heretofore, to-wit: on the day of
the same being the day of said term of said court,
the above entitled cause amongst others coming on to be heard
jury being impanelled and issue joined, the following proceed-
ings were had, to-wit :-----

G. Henderson, a witness for the plaintiff being duly sworn testi-
fied as follows :--

Q Did you know Green H. Ball in his life time ? A. Yes sir.

Q What is his widow's name ? A. I do not know sir .

Q Are you acquainted with his hand writing ? A. Yes sir, I
think so; I have seen it often.

Q Where did you see it ? A. I used to be Justice of the
Peace and he was constable, and I used to see his writing on
papers that he had returned .

Q Look at that signature there and see if that is his sig-
nature ? A. Yes sir, I think that is his signature.

(Document)

Q How long has it been since you have seen Mr Ball's hand-
writing ? A. I don't recollect seeing it since his death.

Q How long before that since you saw some of it ? A. I was
accustomed to seeing it almost every day .

Q What is the date of that signature ? A. December 1888

Q What office do you hold now ? A. Deputy Chancellor
Q What book is this ? A. Minute book of the Chancery Court
Q Look at an order admitting the will of Mr Ragsdale to
probate ?

(Will of L.A. Ragsdale read and offered in evidence)

Deed from L.A. Ragsdale Jr. to Meridian Land and
Industrial Company offered in evidence . Page 400
Book J. record of deeds, 541 deed from J.M. Trussels
to Lewis A. Ragsdale to N.E. 1/4 Sec. 18, T.6, R. 16.

Book I. record of deeds page 165, R. McLemore and Wife to
J.M. Trussels to N.E. 1/4 Sec. 18, T.6, R. 16.

Deeds offered in evidence .

J.M.T. Hamilton, for plaintiff testified :

Q What is your business ? A. Surveyor and civil engineer.

Q State to the jury if you know where lots 11 and 12 block
97 Ragsdale survey are ? A. They are in S.W. 1/4 of N.E. 1/4
T.6 R.16 West; that is part of the West 1/2 of N.E. 1/4.

Q Where is that ? A. That is near the compass .

Q Do you know where this land is located, lots 11 and 12
block 97 ? A. Yes sir .

Q They are part of the W. 1/2 N.E. 1/4 18, 6, 16, ? A. Yes sir

Cross examination .

Q How did you say you know that ? A. By my general knowledg
of the location of all the blocks and lots in town; not that
I have made any special survey of that property with a view to
locating it, but by knowing where the sub-divisions of the lots
are .

veyed another portion of the block 99.

Q Could you tell from that that these lots 11 and 12 are in that block ? A. Yes sir, I know they are in that sub division

Q How could you tell that unless you had surveyed it ?

A I know that the line between the 40 acres come from the S.W. 1/4 of N.E. 1/4, runs on the east side of that block; you can tell that by the scale on the side of the map.

Q Have you ever made any particular survey of it yourself ?

A Not of that property .

Q Have you ever made any particular survey to know where

that line is, that 40 acre line ? A. Yes sir, I run that line before the compass was built .

Q And you know that that line runs east of these lots 11 and 12 block 97 ? A. Yes sir .

Q You said it was part of this N.E. 1/4 ? A. It was the S.W. 1/4 of N.E. 1/4

Re direct examination .

Q You say you ran that line ? A. Yes sir, years ago.

McLemore, for plaintiff testified :-----

Q What kin were you to Richard McLemore ? A. He was my father

Q State to the court and jury if your father at one time owned the N.E. 1/4 of Sec. 18 T. 6 Range 16 West ?

Objected to; sustained.

Q Was your father ever in possession of that property ?

A I don't think I can answer that question .

Q Now sir if you remember just state what property
father was in possession of in Section 18 ?

Objected to; over ruled; defendant excepts.

A He owned a good deal of property here in the City of Meridian; he owned property up to the old homestead here .

Q In which direction from the compress did he own that property ? A.It was all around the compress .

Q How far around the compress property ? A.I could not state

Q About how far ? A I could not tell you; I don't know I was quite young, and I don't really know how much he did own .

Q How long was he in possession of that property ? .A.He was in possession of property here around ~~the~~ Meridian and vicinity

from the time I can remember until he sold it to Mr Ragsdale . I was born here.

Q Do you remember that he was in possession of this property around the compress ? A.Yes sir

Q How was he in possession of it ? A.Cultivated it, field.

Q Was that property where the compress now is enclosed and cultivated ? A.I think it was .

Q Was he in possession of it ten years ? A.Yes sir .

Q How long had Mr Ragsdale been in possession of that land before it was laid off into lots and blocks ? A.I don't really

know when it was laid off into lots and blocks; I do not remember the exact year Mr Ragsdale bought the property .

Objected to; over ruled; defendant excepts.////////

Q Did Mr Ragsdale go into possession of this property after purchasing it ? A.I think it was 12 or 18 months likely .

Q After

Q After the expiration of the 12 or 18 months he then went into possession of it did he? A. Yes sir .

Judge Terral. Purchased it from whom? A. My father.

Cross examination .

Q Do you recollect when your father sold this land to Mr Ragsdale? A. in 1859.

Q How old were you then? A. Sixteen years old

Q How long had your father been owning this land then?

A From the time I could remember .

Q Do you remember back until you were six years old?

A I don't know sir, I lived on the place all my life .

Q Where was your father's house when he was owning this land?

A He lived in a little log house right near the court house, and then moved further up to where Mr O'Neil lives here in town

Q What use was he putting this land to? A. In an orchard mostly I think; this land near the compass was an orchard.

Q Did the orchard extend from the house back to the compass?

A Yes sir .

Q Was it enclosed. A. Yes sir, orchard and pasture adjoining

Q You could not say he was in possession of it or had it enclosed that way for ten years before he sold it? A. I think I could .

Re direct examination.

Q You say you were sixteen years old when your father sold this land, and he had owned it and cultivated it from the time you could remember? A. Yes sir .

Q Explain to me the leases he made and everything of that kind .

Q Did you work for Mr Ragsdale a number of years ? A. I worked for L.A.Ragsdale Jr.

Q Whose lease book is that ? A.His father's and his .

Cross examination .

Q Did you ever work for L.A.Ragsdale Sr. A.No sir .

Q How do you know that is his book ? A.I know his handwriting.

Q You know it from hearsay and you have seen his handwriting?

A Yes sir, and from circumstances; from leases that I have done business with him.

Q You say you have never done business with L.A.Ragsdale Sr?

A No sir

Q And you never saw this book until after the death of Mr L.A.Ragsdale Sr. and they come into the possession of L.A.Ragsdale Jr. ? A.Yes sir .

Q How long have you been working for L.A.Ragsdale Jr. A. Little over two years .

Q When did you first see this book ? A.When I commenced working for him .

Q Where did you ever see Mr L.A.Ragsdale Sr's. handwriting when you commenced working for L.A.Ragsdale Jr? A.I do not know when is the first time I saw it; I could not tell

Q Did you ever see any of his hand writing before ?

QA I don't know it to be his hand writing; everybody else says so .

Q You do not know of your own knowledge that it is his hand

Re direct examination .

- Q Are you familiar with his hand writing ? A. Only from these books and other papers that I have seen .
- Q Judge Terral: Did you ever see Mr Ragsdale write ? A. No sir
- Q Did you ever receive any letters from him ? A. No sir .
- Q Did you ever see any letters that Mr Ragsdale had written ?
- A Not that I know of.
- Q How is that book marked ? A. "Records of Leases from L. A. Ragsdale".

C. W. Robinson, for plaintiff testified :-----

- Q What book is this ? A. This is one of a number of books used by Mr L. A. Ragsdale Senior in leasing his property .
- Q Do you know that of your own knowledge ? A. I know it from the fact that a number of leases are recorded in here on which the parties now pay leases.
- Q Who executed those leases ? A. Mr Ragsdale Sr. and various parties .
- Q How did you get acquainted with his hand writing ?
- A By having read it at different times . And by having seen him write it at different times .
- Q Turn to a lease from Ragsdale to Ball in that book, page 74; is that Mr Ragsdale's hand writing ? A. Yes sir, I think it is; this cancelment of the lease is undoubtedly his writing; I never saw him write his name "Lewis A. Ragsdale". This cancelment is undoubtedly his writing .
- Q When was the other written ? A. 19th day of April 1889
- Q When was the cancelment written ? A. December 2nd 1878

Cross examination .

Q How long have you been living in Meridian . A.Eight years
last year .

Q Were you not living here in 1878 ? A.No sir .

Q You say you were well acquainted with his hand writing ?

A Yes sir .

Q Do you identify that first lease there as his hand
writing ? A.I think it is .

Q Do you know that it is ? A.I would not swear positively

Q Is there any difference between the lease in 1871 and the
cancelment of the lease ? A.He signs "Lewis A.Ragsdale" in
the original, and L.A.Ragsdale in the cancellation .

Q I believe you have stated that you never saw him sign his
name Lewis A.Ragsdale ? A.I can only say that I never saw
him write it that way .

Q What is the difference in the hand writing in 1871 and 188

A As a man gets older his hand usually changes a little; I
was very familiar with his hand writing the last years of his
life .

Q And then as a man gets older he very frequently changes
the style of his letters ? A. No sir, not the style of his
letters; the same general character

Q You are one of the plaintiffs in this suit ? A.Yes sir

Q That is a corporation ? A.Yes sir .

Q And you compose a portion of that company ? A.Yes sir .

Q How much stock do you own in it ?

Objected to; . sustained; defendant excepts.

to 1876

Q Did you ever have possession of that lease book ?

A It was in the office; I can't say that I had possession of it particularly; we had an office together, Mr Ragsdale and I

Q What did you do for Mr Ragsdale ? A. I filled out the leases for him when he would lease property. This book is printed with blanks left to fill out, man's name, dates and amount

Q Are you now at the lease to G.H. Ball ? A. Yes sir, that was done in 1871 before I went in with him .

Q Whose hand writing is that signed to that lease - do you know it ? A. I think I do - both of them. Mr Ragsdale and Mr Ball.

Q Did you ever proceed under that lease ? A. I don't remember; Mr Ball attended to some business for Mr Ragsdale, and paid up his lease in that way if I am not mistaken.

Q Do you know that of your own knowledge ? A. It has been so long I can't say positively; but I know he was working for him at different times, but I don't know exactly what kind of business he was working at .

Q State to the jury whether or not that is Mr Ragsdale's lease book ? A. Yes sir, that is his lease book right in the office .

Cross examination .

Q What are the provisions of that lease as to the cancelling of the lease ? A. This just shows a cancellation December 2nd 1878, signed J.A. Ragsdale; G.H. Ball. Mr Ragsdale had several of these books; one he kept at his office and the other he kept in the clerk's office here at the court house.

Q Were you acquainted with Mr Ragsdale's hand writing in his life time ? A.Yes sir .

Q What opportunity did you have to familiarize yourself with his hand writing ? A.I had known Mr Ragsdale for some 20 years; from 1868 until I went on the bench I was his counsel, he was in my office a great deal and signed a good many papers in my office .

Q Is that his hand writing in that book ? A.I presume it to be .

Q Do you know what book this is ? A.I have seen that book often- that is his private record - because he asked me about it once or twice.

Q Did you ever see one of these books ? A.Yes sir.

Q Turn to these different leases and see if they are signed in the hand writing of Mr Ragsdale .

A. (Looking through the book) A.Yes sir .

Q Did you ever see a book called his lease book - his balkn leases in it ? A.Yes sir .

Q In whose possession was it ? A.In the possession of Col Stone I think ; he was acting as his agent .

Cross examination .

Q I believe you stated you did not remember to have seen that book before ? A.I do not know; the books which I saw were according to my recollection like this .

Q I believe you stated that that is Mr Ragsdale's hand writing ? A.Yes sir,I state that with confidence; sometimes he wrote his name Lewis A.Ragsdale and sometimes J.A.Ragsdale. He signed it both ways .

A Yes sir, from the first of 1872 up to the last of '75 or the first of '76.

Q Were you collecting leases in 1878 ? A.No sir .

Q Did you have that book in your office at that time ?

A No sir

Q You have not had charge of that book since '76 ?

A.In the last of '75 was the last time I had that book as his agent; I have had nothing to do with it since, except in special cases. I would make out accounts for him and collect money for him.

Plaintiff rests .

Plaintiff objects to the testimony of this witness on the ground that a party in interest cannot testify against the estate of a deceased person.

Objection over ruled, plaintiff excepts.

Q By Defendant's counsel :-- When were you married ?

A. In 1880

Q Where were you living at that time ? A. Living up on the hill where Mr Bordeaux now lives; Mr Ball was boarding at my brother's house then .

Q Where did you reside after you were married ? A. We still lived there a few months and then we went over there to the little place I now occupy and we will be ten years there on the 4th day of next November.

Q Do you know who was living on lots 11 and 12 block 79 ?

A Catherine Pickett and a woman named Lucy Lockard.

Q Who was in possession of that land ? A. Mr Ball; he was renting it to them at \$20 per month.

Q Was he collecting rent ? A. Yes sir .

Q How long were you married before you moved on this property ? A. We were married in February and moved there the next November -- 1880.

Q How long have you been living on that property ? A. Nearly ten years .

Q Was all of your land enclosed ? A. It was all enclosed .

Q What kind of an enclosure ? A. Just a plank fence around it .

Q Both lots ? A. Yes sir .

Q Both being used by you ? A. Yes sir .

Q Is it all connected together under one fence ? A.Yes sir

Q State when you moved there and while in possession of the land state if Mr Ball made any declarations or statements as to his interest in that property ?

Objected to; sustained; defendant excepts.

vQ Are you familiar with Mr Ball's hand writing ? A. I do not know much about it; after I married him I wrote his paper for him; I copied all his official papers for him; I know he wrote a bad hand but I never saw him write that bad .

Q After you moved upon this property state whether you ever paid any rent to Mr Ragsdale or anybody else ? A.No sir,we never paid any rent on that property; Mr Ball did have some leased property from Mr Ragsdale .

Objected to; over ruled; plaintiff excepts.

--but on this lease he never paid any rent

objected to

Q When did your husband die ? A. In 1885

Q Have you been living upon this property ever since he died?

A Yes sir .

Q When did Mr Ragsdale die ? A.In 1886 I believe .

Q After your husband died state whether or not you paid any rent ? A.No sir I did not .

Q Did Mr Ragsdale demand any of you ? A.No sir the old gentleman did not .

Q Never said anything to you about rent ? A.No sir,not on the place we occupied .

Q Did he demand any rent from you for other property ?

Objected to; sustained; defendant excepts.

November .

Q You went there then the 4th of November 1880 A.Yes sir,
I married in February of that year and went there in November.

Q Are you prepared to say that that is not Mr Ball's hand
writing on that lease ? A.No sir,I never saw but very little
of Mr Ball's hand writing; he wrote a terrible hand but that
is really worse than he ever wrote I think .

Q You would not say that that is not his hand writing ?
A No sir I would not .

Q Judge Terral : You say you was on this land ? A.Yes sir

Q When you went there was there any house on them ? A.Yes
sir,same house I now occupy .

Q Do you know how long that had been there ? A.From the
looks of it I would think it had been there about 20 years .
Mr Ball added to it .

Q Do you know anything about his collecting rent there in
1876 and 1877 ? A.No sir,I don't know anything except after
I married him.

Q Whoever was there in 1876 you do not know who she paid
rent to ? A.I think Lucy Lockard was there in 1878; I know
she paid rent to him in 1878 because he said so .

Q You then merely heard him say that in 1878 he received rent
for it ? A.Yes sir,and I know that he did a few months before
I moved down there,from the time I married him until I went
down there and lived there myself . There was several women
living there at the time,and there was one woman occupying one
of the rooms that could not get a place to stay when I moved
into it and Mr Ball would not turn her out and she stayed in

Q What claim did Mr Ball have on that place ? A.He told me he owned the place; he said it was not leased property; he did have a lease on the property; he lived there himself in 1880 and then he broke up housekeeping and went to board with my brother; he kept a boarding house there and a good many gentlemen around town here boarded with him .

Here the Court excluded the declarations of Mr Ball; to which defendant excepts.

Mrs. Sallie A.Cook, for the defendant testified :--

Q Who was your father ? A. L.A.Ragsdale .

Q Did you ever hear a conversation between your father and any other person in reference to this property in litigation where Mrs Ball now resides ?

Objected to; over ruled; plaintiff excepts.

Defendant now proposed to show by this witness that Mr Ragsdale had declared that this was not his property but the property of Mr Ball; that Mr Ragsdale did not claim the property . .

Q State if you heard any conversation ? A.While on a visit to my mother and father in the summer of 1885 I was sitting in my mother's room sewing, and father said "Ma, I am very much worried; Lewis has been down trying to collect rent from Mrs Gertrude Ball, or sent down; I have no right to that property; I gave that property to Mr Ball and a lease or deed to it, I don't know which, but that it had got burned up and Mr Ball come

out" Mother said "Pa, what are you going to do about it?" and father said "I am going over and make out another one as soon as I get well enough". That was the summer he was so sick prior to his death .

Q Did you hear him state how come Mr Ball to be the owner of it ? A.He said something about my Uncle Jim - that Mr Ball had helped my Uncle Jim out of some difficulty- talking to me about it- and I said " Pa, what difficulty was that?" and he said "It was long before you were big enough to remember". It was something about when my Uncle Jim was in jail, and that on account of Mr Ball helping Uncle Jim out of the trouble, my father said "Green Ball you will have a house and home over your head as long as you live " and he said "take these two lots your house is on as a gift, as a return for the favors you have given to me and my son, and I have some borrowed money -----"

Q Did he specify any particular time when he had made this gift ? A.No sir .

Q Do you know how come this conversation to come up about this property ? A.I think it was because Lewis had sent to Mrs Ball to collect some rent .

Q And that was the cause of the conversation ? A.Yes sir, he was hurt about it; he said he did not want a dollar to come out of either one of them and that he intended making Mr Green Ball another deed to it .

Q Do you know how long Mr Green Ball had lived in that house?

A Ever since I could remember .

Q Do you know whether he was living there in 1878 ? A.I could not tell you, but I remember in 1880 I know then Mr Ball

so he could put a warehouse on it; Mr Ball would not exchange it because he said that was more convenient to town than the one where we were then living; he said there was so much more business that would come to him in the night there that would not come up on the hill; he was constable.

Cross examination .

Q When was this conversation ? A. Just a short time after I was married; I suppose about two or three months .

Q Did Mr Ragsdale come to you about the trade ? A. Oh no sir he didn't come to me .

Q How did that conversation come to you ? A. Mr Ball and Mr Ragsdale - and Mr Ball told me about it . I was bitterly opposed to moving down to that place and wanted him to exchange it .

Plaintiff moved to exclude; sustained; deft. excepts.

Q. By Defendant: Didn't you hear that conversation ?

A No sir, I didn't hear it .

Lucy Lockard, alias Brooks , for defendant)

Q Were you acquainted with Mr Green Ball in his life time ?

A Yes sir, I have seen a good deal of him; I rented a house from him .

Q Where did he live at when he died ? A. He lived in that house on the corner just below the compress .

Q Where his wife now resides ? A. Yes sir .

Q State to the jury if you ever occupied that house ?

A Yes sir, I occupied one room in it the summer of the yellow fever .

had that house.

Q Has he lived there ever since ? A.I could not tell you sir .

Q Didn't he live there up to the time of his death on every occasion that you saw him ? A.Yes sir .

Q How often were you here from 1880 up to 1886 at the time your father died ? A.From about the 10th of June up to about the 8th or 9th of September, and most every Christmas Holiday.

Q Mr Ball was residing there on each occasion and in possession of it ? A.Yes sir .

Cross examination .

Plaintiff moved to exlude this testimony.

Motion over ruled; plaintiff excepts.

Q What time did this conversation occur ? A. In the latter part of August or the first week in September 1886.

Q Were you at the old Ragsdale house at the time that occurred ? A.Yes sir .

Q Your father came in and said Lewis had demanded some rent from Mrs Ball and seemed to be worried and irritated about it ?

A Yes sir .

Q Did he say the lease had been destroyed ? A.He said either the deed or the lease - I think it was the deed - had been destroyed .

Q He said he would make a new one ? A.Yes sir, just as soon as he was able .

Q Was your father able to be up ? A.He was able to be brought down to the hotel in a carriage but not able to walk any

Q He come in the room where your mother was and seemed to be excited ? A Yes sir, he was very weak and nervous .

Q Where did he come from ? A. Out to Mr house; he

Q What time did you have that conversation with Mr Ragsdale ? A. It has been since the yellow fever

Q Can you come at it any nearer than that ? A. I think it was the next year after the yellow fever .

Q Mr Ball told you several times that Mr Ragsdale had promised to make out the papers but had never done so ? A. Yes sir he went to him but he didn't have time; sometimes when he would come over to see him he would say he didn't have time to make out the papers for him but he would do it some other time .

Q Did he say that the papers had ever been made out ?

A No sir, I never did have any talk with Mr Ball about it after he married; after he married he never come over about my house much; he would pass by there a heap of times and spoke to me about it; before he was married he would come over and talk to me about it

Q You lived right there near it ? A. Yes sir, I could see him from my house .

Q You saw him collecting rent ? A. Yes sir, I would pass right by there every Monday Morning and see him collecting the rent; before 1878 he was living in the lower end and he would rent out the upper end to some families of colored people

Q Is that the only conversation you had with Mr Ragsdale ?

A Yes sir .

Q Did you have a lease ? A. Yes sir, the same lease he had; he told me he had bought his place and that put me in the notion of buying mine . .

Q When did you have that conversation with Mr Ball ?

A Before he was married; after he was married I never had any more talk with him about it .

Q Was it after the epidemic that you had this conversation?

A. Yes sir; Mr Ball told me himself that he had went over to see Mr Ragsdale to get him to fix the papers up and that he was always so busy that he would put him off about it; he told me that himself several times .

Q Do you know who was living in that house in 1878 ? A. Yes sir, Joe Harris and Joe Clark and a woman named Sue Moore and a woman named Judy something; they lived there in 1878 and the first part of 1879 after the yellow fever; he rented it to them; he rented the house for \$10 per month and collected up by the week; I could see them paying him money over there in the yard where I was, and I passed by there going to town and I could see them paying him money .

Q How close did you live ? A. About as far as from here to Mr Golden's shop; open view, nothing in the way .

Q That was in 1878 ? A. Yes sir

Q And the early part of 1889 ? A. Yes sir, the same families lived there .

Q Do you know what time Mr Ball went back in there

A I don't know sir

Q Did he live there from the time he married up till the time of his death ? A. Yes sir .

Q His wife still resides there ? A. Yes sir .

Q Was there a house on that property ? A. Yes sir, there has been a house on it for nearly 20 years .

Q Is the same enclosure there now that was there in 1878 ?

A Yes sir .

Q Has there been any addition to that house ? A. Yes sir, at the upper end of it he put a new part to it .

Cross examination .

Wednesday July 20th 1900.

Turner Roberts, for the defendant :-----

Q How long have you been in Meridian? A. I come here the July after the surrender and stayed here all that time except about ten months.

Q Were you acquainted with L.A. Ragsdale Sr. and Green H. Ball? A. Yes sir.

Q How long have you known Mr Ragsdale? A. I got acquainted with him directly after I come here because I used to work there.

Q How long have you known Mr Ball? A. Something near 20 y

Q Where did Mr Ball reside when he died? A. Right there by the compress.

Q How long had he been there before he died? A. From the time he has been there up till now it has been something very near twenty years.

Q Do you know how he went into possession of that property?

A Yes sir, by what he told me; he told me when he first built there he leased it, but he done a good deal of work for Mr Ragsdale and Mr Ragsdale sold it to him for a debt he owed him.

Objected to; over ruled; plaintiff excepts.

-- He told me he bought it from Mr Ragsdale for a debt he owed him, and then Mr Ragsdale come over to my house hunting some hands to go over to the hotel, and after Mr Ball told me that I got after him to sell me the place where I was on; he said he could not do it right then, and I said "You sold it to Mr Ball, why couldn't you sell me mine". He said "I Owed Ball a good deal of money and I sold him that place for the debt".

Q When was this? A. I don't know sir exactly; it was a

Q The yellow fever was here in 1878 ? A. yes sir .

Q Who did you rent it from ? A. Mr Ball .

Q How long did you live there ? A. About two months .

Q Who did you pay your rent to ? A. To Mr Green Ball.

Q Who moved in there after you moved out ? A. After he was married we moved out of the house for him to move in it .

Q Did you live in that house up to the time he married ?

A. I lived in there about two months, up to the time he married; we moved out for them to move in .

Cross examination .

Q What time did you move out ? A I think about the last of August we moved out.

Q Do you remember what year it was ? A. It was the year after the yellow fever.

Q In August 1879 ? A. Yes sir .

Q Did Mr Ball move in there the month after you moved out?

A I think about October he moved in .

Q You say you paid Mr Ball rent , A. Yes sir .

Q How much ? A. I think \$20 a month for the ~~rent~~
~~rent~~ one room I had .

Q How many rooms were there ? A. I don't know sir .

Q Who has been living in there since you left there ?

A Mr Ball and his wife lived there, and I think his wife is living there yet .

Q Are you certain this was the first year after the yellow fever ? A Yes sir, it was the first year after the yellow fever.

Q It may have been the second year ? A. No sir, it was the first year .

Q There was some excitement here about that in 1879 ?

A The year after the yellow fever was here so bad.

Q You say he offered to sell it to you once since 1878 ?

A Yes sir

Q Has Mrs Ball resided there since Mr Ball's death up to the present day ? A I do not know sir; I think she has so far as I know

Cross examination .

Plaintiff moved to exclude what Mr Ball said about offering to sell the property; motion over ruled plaintiff excepts.

Q Did you buy the property ? A No sir, I never asked him what he asked for it .

Q That was in 1879 ? A. That was after the epidemic, I don't know sir what year it was, I think it was a year or two afterwards ; I don't remember .

Q He said he wanted to sell the property but you did not investigate the matter at all ? A.No sir .

Q If you had found out he had nothing but a lease to it you would not have bought it ?

Objected to

A I never asked him whether he owned it or had a lease to it or anything of the kind; he had two lots somewhere else and I asked him to sell them to me; he said he had sold them but he would sell me the house and lot he was living on.

Mrs Ball, recalled :---

Q State to the jury if you ever had any conversation with Mr L.A.Ragsdale with reference to trading this piece of property which you now live on for any other. A.I was then occupying the house that Mr Bordeaux now occupies, and Mr Ragsdale wanted to exchange that lot for the one which I now occu-

there a good deal and talked with us; I heard him remark that several times.

Q When was that ? A.I have just said I could not tell you about the year .

Q Was it in 1876 1877 or 1878 ? A.I do not know sir; I was there at the mill in '75 on up till it was burned down

Q You do not know whether it was '75 6 7 8 or what ?

A No sir I could not tell .

Dr A.C.Edwards, for the defendant :---

Q Did you know Mr Green Ball A Yes sir

Q Do you know where he resided at the time of his death ?

A Yes sir, down here near the compress .

Q Where Mrs Ball now lives ? A.Yes sir, he lived this side of the compress on the street this way; I think his wife lives there now .

Q How long did Mr Ball live there prior to his death ?

A I do not know sir; the first time I knew where he lived was in the spring of the epidemic of 1878; I had some business with an officer and I went down there to see him, he was living there then; I think that was early in the spring of the year .

Q Of 1879 ? A.Yes sir, this must have been in the spring of 1879p 1878 was the yellow fever .

Q He was living there ? A.Yes sir.

Q Did you ever hear him make any statement as to the ownership of that property after 1878 ? A.Yes sir, I have heard him say it was his and I have heard him offer to sell it; offered to sell it to me .

plaintiff excepts.

MEDICAL GUIDE

Q Where was he living in 1879 ? A. At the same place; he had been living there before that a good long time; he lived there when we first built that mill there, Shackelford and Potter's mill; he lived there before we built the mill.

Q Do you know of your own knowledge how he come into possession of that property -did you ever hear him say ?

Objected to

A No sir .

Judge Terral: When did you hear him speak of it ? A.I do not know sir .

Q By defendant: Was it after '78 ? A.Yes sir,I have heard him speak about it lots of times .

Q What did he say about it ? A.He said it was his property- he had it rented out to some parties,and he come there and traded with us at the mill,and he would stop by there and say he was going to collect his rent from his place .

Q When was it he had it repted out - in '78 or when ?

A I don't remember what year it was; after we built the mill .

Q Was it eight or ten years ago ? A.It has been a good while; I did not take any notice of what time it was .

Q You say he would come by there and say he was going to collect his rents ? A Yes sir,I have heard him say that

Q Do you know who it was living in there'at the time ?

A He had it rented to some women; I saw one of them sitting there in the Court House this evening,I don't know her name; one of them was named Joe Harris .

Cross examination .

Q He just come by there and said he was going down there to collect the rent on his property ? A.Yes sir,h e stopped

Q Was it a short while or a good while ago ? A.A good while ago; I have been burned out three times here; the first burning was what was called the old Stonewall, the first brick building that was built in Meridian . and the next burning was a new building me and my son built close to the postoffice; I think that has been about 12 or 13 years ago; it has been sometime, and then I was burned out just the other side of where the Opera House is, wooden building. That was not very long after that whole block burned; at that time I was running them both, me and my son. Mr Ball may have had papers there, he had a good deal of business and had a good many of my papers .

Q You were intimate - you were friends ? A. Oh yes sir, we were friends .

Q State how this property was generally spoken of as to the ownership ?

Objected to; sustained; defendant excepts.

Cross examination . *Cross Examination*

Q Who was living here when you come here ? A. I do not know sir; there wasn't very many people here then .

Q Was Mr Ragsdale living here then ? A. Yes sir .

Q How many children did he have ? A. I do not know sir .

Q When did you say you come here ? A The year after the surrender .

Q Do you know when Lewis Ragsdale was born ? A. No sir .

Q When did you have these conversations with Green Ball in which he said that that property was his ? A. It was all along there; I believe Mr Green Ball come here just before '70.

Q Did he say that was his property in 1871 or '2 ? A. I do not know sir .

A. Seventy three, four five or six ? A.I do not know sir.

Q L877 ? A.He always claimed it from the time I knew it .

Q Was he living there then ? A.I think he was .

Q Was he married ? A. No sir,I never visited Mr Ball after he married any more .

Q You did not hear him say anything about the ownership of that property after he married ? A.No sir,I do not think I did .

Q What you heard him say was all before he married ?

A Yes sir I think it was .

Re direct

Q You say you heard him speak of it as his property up to the time he married ? A.Yes sir,he claimed it .

Q Up to the time he married Mrs Ball here ? A.Yes sir .

William Shackelford,for defendant :---

Q How long have you been living in Meridian ? A. 7 years

Q Where did you reside before that ? A. A mile and a half from here .

Q How long have you lived there and in Meridian together ?

A About thirty five years .

Q Do you know Mr Green Ball ? A.Yes sir .

Q Do you know where he resided in the year of the yellow fever ? A.Yes sir . He lived right down there below the mill

Q Is that where Mrs Ball is living now ? A.Yes sir .

Q State to the jury how long he resided there after '78 .

A He resided there until he died .

Q Do you know what year he died ? A.No sir I don't know

Q Has he any children ? A Yes sir .

Q How many children has he ? A He has two here

Q Has his wife and children been residing there continuous

W. A. Payne for the defendant testified :--

Q How long have you been residing in Meridian ? A.I moved here the year after the surrender.

Q Are you acquainted with Mr Green Ball ? A.I was sir .

Q Do you know where he resided from 1875 up to the time of his death ? A.His house was near the compress .

Q Is it where Mrs Ball now lives ? A. I suppose Mrs Ball lives there; I have been there often and recognize Mrs Ball there; I did yesterday evening .

Q Did you ever hear Ball state by what right he was living on that property ? A.He stated to me often when I would go to see him that it was his own property .

Objected to; over ruled; plaintiff excepts.

Q You frequently heard him make that statement ? A.Yes sir

Q State what improvements were on it at the time ? A.He was living there and there were some improvements; I do not think the same improvements that are on it now.

Q Was it enclosed ? A.Yes sir .

Q The same that is enclosed now ? A.I do not know whether it is the same enclosure. He used to take me around and show me his garden and his fine vegetables .

Q Did he live there from 1875 up to the time he died ?

A Yes sir

Q Continuously ? A.Yes sir .

Q Did Mr Ball ever have an office or stay in your building?

A He attended to a good deal of business of mine,I don't recollect whether he had an office or not . I know he stayed about my store a good deal. He made his headquarters there but I do not recollect whether he had an office there or not

Q Did you ever have a building burned down ? A.Yes sir .

Q And Mr Ball just talking to you said his papers were burned up ? A.Yes sir .

Q He didn't say he had any deed? A.I do not suppose he did call them words, but he said papers, which everybody takes to be when they get good papers, to be deeds; Mr Ragsdale never told me anything about it .

Q Mr Ragsdale said when he patted that little boy on the shoulders that they should not be bothered any more ? A.Yes

Q What was the condition of Mr Ragsdale's health ?

A He was able to walk about; he always complained of not having good health .

Q Was he going on and attending to his business ? A.Yes sir, he went up there to tell Jesse Bounds to give me a keg of nails and charge it to his account .

Q How long was that after Mr Balls death ? A.I do not know sir exactly when he died; I think in 1884 or 5 I could not be positive.

Q Was this conversation as much as a year after Mr Ball's death ? A.I do not recollect and I could not swear positively to it; I recollect Mr Bill Ball coming from Vicksburg up here I suppose; I recollect he told me his step mother wrote to him that they were going to put her out of the house, and he come to see about it.

Plaintiff moves to exclude the testimony of Mr Stewart;
The Court excludes what Billy Ball said, but admits what G.H. Ball said while in possession of the property.

Plaintiff excepts.

Q What else did he say " A.Billy went on and said -----

Q State whether Mr Ragsdale said anything about Mr Ball's being the owner of it ? A.He just said "Billy,they shall not be bothered any more".

Q Did he say anything about any deed ? A.No sir,not at that time .

Q Didn't say anything about any deed ? A.Mr Ragsdale did not tell me anything about any deed; Mr Ball told me that his deed got burned up in the Payne building; his deeds, his "papers".

Q Did he say he had a deed to this property ? A.He said he had papers for it .

Q When did he say they got burned up ? A.In Capt.Payne's building; I don't know where that was

Cross examination .

Q When did that fire occur ? A.I do not know sir .

Q Was it before you come here ? A.Oh no sir,I reckon not

Q --When did you come here? A. In 1879; I come here in 1878, stayed three or four weeks, went back to Chattanooga and come back with my family in 1879.

Q The fire occurred about how long after you come here ?

A I do not know sir; Capt.Payne's building was then -- -- there were several fires after I come here; the first time I seen Capt.Payne he was keeping a bar room under Con Sheehan's building; I do not know whether that was the house that got burned up and burned up his papers .

Q Who was that conversation with - with Mr Ragsdale - about the papers being burned up ? A.Mr Ball and myself; Mr Ball was telling me of it .

Q Mr Ragsdale was not there ? A.No sir.

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self, and Mr Ragsdale told me if I could not make a trade with Mr Ball to come back and he would rent me a house down below his house, which I did, and I lived in it five or six years .

Objected to

Q When was that ? A. I wont be positive whether it was in March or April 1880; I did not get the house from Mr Ball and then I rented a house from Mr Ragsdale below the Ragsdale House, and I lived in it five or six years .

Q Judge Terral : When did you say that was ? A. I think in April 1880.

By Defendant's counsel: You went to Mr Ball to rent it in 1880 ? A. yes sir, directly after Mr Ragsdale told me it was not his; he said he was going to occupy it himself.

Q Q. Who was occupying it then ? A. There were two yellow women living in it and Mr Ball had a room for his ~~own~~ bed in there in one of the back rooms .

Q State what he said about these women in there ? A. He said they paid him the rent, but as soon as the year was out he was going to occupy it. Catherine Pickett and Joe Clark were the names they went by .

Q State whether or not you ever heard Mr Ragsdale make any statements in reference to this property and Mr Ball's right to it? A. After Mr Ball died Mr Ragsdale was coming up town for some nails, and Billy, Mr Ball's son, met us right down in front of the Southern Express office , and he said, "Mr Ragsdale I want to see you" He said "Your agents have been over to collect rent from my mother; you know that is my father's property"

Q What did Mr Ragsdale say ? A. Mr Ragsdale then patted him on the shoulder and said "You shan't be bothered any more"

I.L.Stewart, for the defendant :---

Q Where do you reside ? A.Meridian since August 20th 1879.

Q Were you acquainted with Mr G.H.Ball and L.A.Ragsdale Sr.?

A Yes sir .

Q Where did Mr Ball live at the time you knew him ?

A The first time I ever got acquainted with Mr Ball he had a little restaurant up here that got burned up some few years ago, and he had the little bit of a house that Mrs Ball now lives in .

Q What year was that ? A.That was in 1878 when I come here and before I moved my family here .

Q Where was Mr Ball living in 1878 ? A.He had a room in that house where Mrs Ball now lives; he had a little eating house back there of old man Pickle's bar on that jacobson block.

Q You say there was a house on that property in 1878 ?

A That was the same one that is there now; there has been some rooms built there since .

Q Who built those rooms ? A.Mr ball I think .

Q Was that property enclosed in 1878 ? A.Had a fence around it

Q Was it enclosed like it is now ? A.I could not be certain; I do not know whether they have straightened that street out there or not .

Q When you moved here with your family in 1879 please state if you had any conversation with Mr L.A.Ragsdale in reference to renting any property,and if so,what wasit ? A.When I come here in 1879 I rented the house where Mr Hunter is,and then I went to Mr Ragsdale and asked him about this property that Mr Ball was in; he told me it belonged to Mr Ball,he had nothing to do with it .

Objected to; over ruled; plaintiff excepts.

-- he said it belonged to Mr Ball,and I went to Mr Ball and he

did not stay there ; he had been there .

Q Where had he been on that occasion ? A.He had been in a carriage out to Mr Hunter's house .

Q Is that all he said about it ? A.Yes sir .

Q Did he say who had been talking to him about it ?

A My brother Lewis himself .

Q Did he say he had been talking to Mrs Ball about it ?

A My Father never said exactly whether Lewis had been to Mrs Ball or sent to her ..

Q Are you certain he said Lewis had demanded rent from Mrs Ball ? A.Yes sir, that he had tried to collect rent for the house .

Q Was Lewis Ragsdale there then ? A. At the hotel ? I don't know whether he was there that week or not but he was there most of the time .

Q Was he there during most of that conversation ? A.Not in the room sir

Q Do you know how Mr Ragsdale was informed of what Lewis had done ? A.He said Lewis had told him himself .

He said that Lewis had either sent for the rent or been for the rent,I don't remember which .

Q That Lewis had told him that ? A.Yes sir .

Q That is the thing that irritated him so much ? A.Yes sir, he said he had no right to go to them for the rent .

Dr J.R.Kirkland, for plaintiff in rebuttal :----

Q Did you know L.A.Ragsdale in his life time ? A.Yes sir

Q When did he die ? A.December 1886.

Q Do you remember the date ? A.I can say very readily by reference to my books.

Q Do you know young Lewis Ragsdale ? A.Yes sir.

Q Do you know his age? A.No sir .

Objected to; over ruled; defendant excepts .

Q Did you ever hear Mrs Ragsdale say how old he was ?A.Yes

Objected to ; over ruled; defendant excepts.

Q Were you Mrs Ragsdale's family physician ? A.Yes sir,I was Mr Lewis A.Ragsdale's family physician.

Q How old did she say he was ? A.She said he was born in June and would be 21 years old in June after his father died in December.

Q Then he would be 21 years old in June '87 ? A.Yes sir

Objected to; over ruled; defendant excepts.

Judge Terral . Mrs Ragsdale is dead now is she ? A.Yes sir

Cross examination .

Q When was it she told you that ? A.I don't know sir;

I think it was a conversation I had with her after Mr Ragsdale died

Q How was it she come to tell you that ? A.I do not recollect sir.

Q Then just in a casual conversation she said something about his age ? A.She said he would be 21 years old in June I think .

Q Can you say positively that that was what she told you ?

A I know he was not of age when his father died; I think she said he would be 21 years of age in June 1887.

L.A.Duncan, for plaintiff in rebuttal :---

Q Do you know L.A.Ragsdale Jr. A.Yes sir

Q Do you know his age ? A.I don't know his age now

Q Did you ever hear Mrs Ragsdale say how old he was ?

A.No sir

Q Did you ever hear Lewis Ragsdale say how old he was ?

A Yes sir, soon after his father died he said he was not of age

Objected to; sustained; plaintiff excepts.

Q Do you remember when Lewis Ragsdale was born -- were you living here then ? A.I was living here but I don't remember the year

Q Was it before the war or after the war ? A.I think it was after the war if am not mistaken

Q Is there any fact or circumstance by which you can refresh your memory by thinking a few moments ? A Only from a conversation I had with him.

Q You never had any conversation with Mr Or Mrs Ragsdale about it ?

A No sir .

This was all the testimony in the case .

Last Will and Testament of L. A. Ragsdale

On the name of God Amen
I L. A. Ragsdale of the City of Meridian
in the County of Lauderdale and
State of Mississippi being of sound
and disposing mind Memory and und-
erstanding do make ordain declare
and publish this my last will and
Testament hereby expressly revoking
all wills and Codicils by me heretofore
in any manner made, Item 1. It is
my Will that my executors herein-
after named proceed as soon as ~~feasible~~
practicably after my death to pay
general expenses and all my just
debts then due and owing to others
and I hereby direct and declare it
to be my will that my said executors
shall if necessary to pay such expenses
and debts sell any real Estate of which
I may die seized and possessed in
order to raise an amount of money
sufficient for that purpose except
the several pieces of real Estate and
property devised to my son Lewis
A. Ragsdale Jr in Item 2 of this will it
being my will that no part of the pro-
perty thus bequeathed in item 2 of this will
shall be sold to pay debts.

Item 2. - I give, bequeath and devise to my son
Lewis A. Ragsdale, Jr, absolutely in fee simple
the following described Real Estate, lying & being

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situate in said city of Merceder, viz: All of Block
seventy eight together with that piece of land
which was once the part of Emanuel Street lying
between said Block seventy eight, and Block one
hundred and seven and which was closed as a
Street by the municipal authorities of said city &
which reverted to me on the closing of said part
of said Street, with the cotton Com. press, Engine,
Boiler and Machinery, warehouses and all improve-
ments on said Block Seventy eight; all of Block
Seventy seven; all of Block seventy six; all lots
in Block Ninety seven, the title to which shall
be in me at the time of my death, and all that
strip or parcel of land, sixty feet in width, more
or less in its entire length, lying between said
Blocks one hundred and seven, ninety eight,
ninety seven and ninety six on one side and the
land heretofore conveyed by me to the Alabama
Great Southern Railroad Company, on the other
side, all in Ragsdales Survey of said city of Me-
ridian, and I do hereby declare it to be my will
that if there shall be any liens or incumbrances
of any character at the time of my death on
any of the real estate and property devised to
my son, Lewis A. Ragsdale, jr, in this item
of my will, such liens or incumbrances shall be
paid off, satisfied and discharged out of money
to be raised by the sale of Real Estate and prop-
erty other than the real estate and property in this
item devised to my son Lewis A. Ragsdale, jr,
if indeed it shall be necessary to sell any property
to pay my debts.

Item 3. I give and bequeath to my daughter, Sallie A. Hewlett, wife of D. B. Hewlett, the sum of Four Thousand dollars, which said sum of Four Thousand and dollars, I direct shall be raised within twelve months after my death, if necessary, by the sale of any property belonging to my estate, and which, in the judgment of my executors, may be sold with least injury to my estate, except the Real Estate and property devised in item 2 of this will to my son Lewis A. Ragsdale, Jr, which is not to be sold.

Item 4. All the residue of my estate real and personal and mixed, wherever situated or found, I give devise and bequeath to my son Lewis A. Ragsdale, Jr, and my daughter, E. M. C. Coffey, wife of G. C. Coffey, in equal parts, to be divided equally between their share and share alike.

Item 5. Having already in my life time generously provided for my wife, Sarah A. Ragsdale, I make no further provision for her in this my last will and testament, Having an ample estate given her by me in my life time, I request that she use the same, so far as necessary in the education and maintenance of our sons, Charles A. Ragsdale, and Everett E. Ragsdale, and that she make at her death, suitable provision in her last will and testament, for these two last named children.

Item 6. I hereby nominate, constitute and appoint my son Lewis A. Ragsdale, Jr, and my friend H. H. Woods, of the city of Meridian, Executors of this my last will and testament, and I direct that they be required to give no bond as such Executors for

the faithful performance of their trust,
the testimony which I desire to set my hand and
seal this the 19th day of June, 1886.

J. A. Rapier & Co
Signed, sealed and acknowledged as his last
will and testament in my presence by the
said J. A. Rapier and by us signed as
his executor and attested in his presence and
in the presence of each other this the 19th
day of June 1886,

J. M. Wright
Wm. S. Young
Chas. McPherson

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