

DANIEL N. SLAY,

Plaintiff

vs.

JAMES H. NELSON,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4916

Comes the Defendant in the above styled cause and demurs to the complaint filed in said cause and assigns the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That said complaint does not allege that the Defendant was guilty of deceit.
3. That said complaint does not allege that the Defendant made false representations to the Plaintiff.
4. That the allegation that W. C. Holmes owned a one-half interest in the boat is but a conclusion of the pleader.
5. For aught that appears from said complaint the said W. C. Holmes had authorized the Defendant to sell such boat.
6. That said complaint fails to allege that the Plaintiff was deceived by the representations of the Defendant.
7. For aught that appears from said complaint the Plaintiff knew or could have ascertained with reasonable diligence the type of motor that was in the boat and when it was constructed.
8. That said complaint does not allege that any payment was made by the Plaintiff to the Defendant as a consideration for such boat.
9. For aught that appears from said complaint the Plaintiff has suffered no damages.
10. That the allegations of said complaint are vague and indefinite.

Chas. Stone
Attorneys for Defendant

FILED

NOV 4 1961

JAMES L. DUCK, CLERK
REGISTER

DANIEL N. SLAY,

Plaintiff,

vs.

JAMES H. NELSON,

Defendant

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4916

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DEMURRER

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FILED

NOV 4 1961

ALICE L. DUCK, CLERK
REGISTER

CHASON & STONE

ATTORNEYS AT LAW

BAY MINETTE, ALABAMA

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No.

OCTOBER TERM, 19 61

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon JAMES H. NELSON

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

JAMES H. NELSON, Defendant.....

by

DANIEL N. SLAY, Plaintiff.....

Witness my hand this 12 day of October 1961

Daniel N. Slay, Clerk

Defendant resides in Fairhope, Alabama

No. _____ Page _____

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

Summons and Complaint

Filed _____ 19____

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

_____, 19_____

Sheriff.

I have executed this summons

this _____ 19____

by leaving a copy with

Sheriff.

Deputy Sheriff.

DANIEL N. SLAY,
Plaintiff,

vs.

JAMES H. NELSON,
Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN LAW NO. _____.

The Plaintiff claims of the Defendant the sum of FOUR THOUSAND FOUR HUNDRED SIXTY-ONE and 31/100 (\$4,461.31) DOLLARS, as damages for deceit in the sale of the following described property, to-wit:

One 40 ft. shrimp boat named "Little Jim", oil screw,
one deck, one mast, raked stem and round stern,

and representing to the Plaintiff at the time of the sale on, to-wit: the 21st day of November, 1960, that he owned the above described property; that a new motor had been installed in the boat at a cost of \$5,800.00, a year prior to the said sale; that the boat was built in 1957, all of which the Defendant knew at the time of the sale was false, and knowing in fact that Dr. W.C. Holmes, Foley, Alabama, owned an one-half interest in the boat; that the motor installed was not a new motor but was the original motor rebuilt in 1957 at a cost of \$703.40; and that the boat was not built in 1957, but was of World War II vintage.

JOHN V. DUCK

J. CONNOR OWENS, JR

Attorneys for the Plaintiff

Plaintiff demands that this cause
be tried by Jury.

FILED

OCT 12 1961

ALICE J. DUCK, CLERK
REGISTER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN LAW NO. 14916.

DANIEL N. SLAY,
Plaintiff,
vs.

JAMES H. NELSON,
Sits around Marlow home
place Defendant.

SUMMONS & COMPLAINT

FILED
OCT 12 1961
CLERK
J. DICK, REGISTER

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
Dahlberg Building
BAY MINETTE, ALABAMA

Sheriff claims 86 miles at
Ten Cents per mile Total \$ 8.60
TAYLOR WILKINS, Sheriff
BY [Signature]
DEPUTY SHERIFF

Received 16 day of Oct 1961
and on 31 day of Oct 1961
I served a copy of the within
on James H. Nelson
By service on _____

TAYLOR WILKINS, Sheriff
[Signature]
D.S.

Conn Owens

JOHN V. DUCK
ATTORNEY AT LAW
FAIRHOPE, ALA.

January 2, 1962

Mrs. Alice J. Duck
Clerk, Circuit Court
Bay Minette, Alabama

Re: Daniel N. Slay V.
James Nelson

Dear Mrs. Duck,

Would you please have the Judge dismiss
the above styled case with the docket entry to
read "settled between the parties with court
cost to the defendant".

Sincerely yours,


John V. Duck

JVD:ems