

JAMES R. OWEN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

October 5, 1967

Mr. John E. Chason
Attorney at Law
Bay Minette, Alabama

7760

Dear Johnny:

Ben Harris, with McCorvey, Turner, Johnstone, Adams & May, has asked me to handle the case of James B. Dennis vs. James W. Clark for them here in Baldwin County and by copy of this letter I am asking Mrs. Duck to enter my name as the plaintiff's attorney.

Yours very truly,

JAMES R. OWEN

JRC/ers

CC: McCorvey, Turner, Johnstone, Adams & May
Attorneys at Law
P. O. Box 1988
Mobile, Alabama 36601

Attention: Mr. Ben H. Harris, Jr.

CC: Mrs. Alice J. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

1760

JURY LIST - DECEMBER TERM - DECEMBER 9, 1968

VS. James Clark

1. Allen, Thomas L., Farmer, Gateswood
2. Avera, Leon W., Farmer, Foley
3. Beverly, John, Salesman, Robertsdale
4. Booner, Travis, Farmer, Elseanor
5. Britt, Cecil, Carpenter, Bay Minette
6. Brooks, Horace D., Farmer, Summerdale
7. Bryars, Rudolph H., Brookley Field, Bay Minette
8. Calloway, Thomas Andrew, Seafood Dealer, Gulf Shores
9. Chandler, Jack, Newport, Bay Minette
10. Colgin, Ned, Farmer, Summerdale
11. Creamer, Henry, City Employee, Fairhope
12. Damon, Roy C., Fish Dealer, Robertsdale
13. Fell, Russell, Civil Service, Lillian
14. Fell, Walter, Mechanic, Bon Secour
15. Flowers, Edward, Farmer, Bay Minette
16. Guthrie, Hersey, Farmer, Bon Secour
17. Hall, John Sr., Carpenter, Loxley
18. Hammond, Walter W., Grocer, Robertsdale
19. Head, Charlie, Jr., Farmer, Stapleton
20. Houston, Gold, Clerk, Fairhope
21. James, Dayton, Farmer, Foley
22. Kane, James, Farmer, Loxley
23. Koehler, Charles G., Jr., Banker, Elberta
24. Kriss, Frank, Farmer, Silverhill
25. Little, Bernie, Mechanic, Bay Minette
26. Lundberg, Carl, Newport, Bay Minette
27. Mason, Jimmy, Salesman, Fairhope
28. Mathews, Charles L., E.C.A., Robertsdale
29. McDaniel, Schuler, Farmer, Robertsdale
30. Quimney, Bruce, Mobile Public Work, Daphne
31. Singleton, Art, Public, Rosinton
32. Soesbe, John R., Mechanic, Foley
33. Stripline, Fred, Television Repair, Robertsdale
34. Thomas, Jennings, Farmer, Foley
35. Venson, Cecil, Civil Service, Stapleton
36. Volovsky, Jimmie, Mechanic, Robertsdale
37. Waters, Orville Clyde, Merchant, Bay Minette
38. Yarbrough, George C., Jr., International Paper Co., Bay Minette
39. Amos, Willie, Clerk, Silverhill
40. Conway, James, Mobile Construction, Daphne
41. Gill, R. A., Oil Co., Robertsdale

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P. XXXXX XXXXX XX

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September 25, 1967

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

Re: James B. Dennis

VS

James W. Clark Case No. 59453

Dear Mrs. Duck,

As provided by Act No. 76, Acts of Alabama, 1961, I am enclosing the following papers in the above styled case:

No. 1	Complaint & Summons
No. 2	Sheriff's Return on Complaint & Summons
No. 3	Certified Copy of Docket Sheet
No. 4	Cost Bill
No. 5	Notice of Transfer

Will you please acknowledge receipt of the above papers on the bottom of this letter and return to me in the enclosed self-addressed, stamped envelope.

Thank you for your cooperation.

Yours very truly,

J. D. Richardson

J. D. Richardson, Clerk

All papers in this cause received in The Circuit Court of Baldwin County, Alabama, this the 27 day of Sept, 1967.

Alice J. Duck
Clerk of The Circuit Court of Baldwin
County, Alabama

NOTICE of ~~APPEAL~~

STATE OF ALABAMA, }
MOBILE COUNTY }

James B. Dennis

Plaintiff

VS.

James W. Clark

Defendant

To James W. Clark

in said Cause: James B. Dennis VS James W. Clark
You are hereby notified that James B. Dennis

the plaintiff in the above entitled cause has prayed and obtained an appeal from the judgement therein rendered by the Circuit Court of Baldwin County, Ala. from the Judge of the COURT OF GENERAL SESSIONS OF MOBILE COUNTY, and having complied with the requirements of the law in such cases made and provided, the same has been granted to the next term of the CIRCUIT COURT of Mobile County, to be held for said County, you are hereby notified accordingly.

Given under my hand this the 25 day of September 19 67

J. D. Richardson
Clerk, Court of General Sessions of Mobile County, Civil Division

Gulf Shores

Case No. 59453

7760

James B. Dennis

Plaintiff,

VS

James W. Clark

P.O. Box 295

Gulf Shores, Ala.

Defendant.

TRANSFER

NOTICE OF APPEAL

Returnable To The Circuit Court Of

BALDWIN COUNTY

Issued: September 25, 1967

Serve On:

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

SEP 26 4 07 PM '67

BY

Sheriff clerk

100

Jan 1968

TAYLOR WILKINS, Sheriff

BY

J. M. Eastman

Received 29 day of Sept. 1967

at 23 day of OCT 1967

Received a copy of the within Notice of transfer

James W. Clark

Service on

James W. Clark

TAYLOR WILKINS, Sheriff

By

J. M. Eastman
Gulf Shores
Ala.

#1

JAMES B. DENNIS,	:	IN THE COURT OF GENERAL
Plaintiff,	:	SESSIONS OF MOBILE COUNTY,
vs.	:	ALABAMA
JAMES W. CLARK,	:	AT LAW
Defendant.	:	CASE NO. _____

Plaintiff claims of the defendant the sum of SIX HUNDRED and NO/100 (\$600.00) DOLLARS as damages for that heretofore and on, to-wit, the 10th day of June, 1967, while the plaintiff was operating his motor vehicle in a southerly direction on Alabama Highway 59 at a point, to-wit, 2.4 miles north of Gulf Shores, Baldwin County, Alabama, the defendant then and there so negligently operated a vehicle in a northerly direction on said highway, a public highway in the State of Alabama, as to cause or allow same to run into, upon and against the vehicle of the plaintiff and as a proximate result and consequence of the negligence of the defendant, as aforesaid, the motor vehicle of the plaintiff was bent, broken, smashed and otherwise damaged, hence this suit.

McCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By Ben H. Harris Jr.
Attorneys for Plaintiff

Defendant's address:

P. O. Box 295
Gulf Shores, Alabama

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THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY

<u>James B. Dennis</u>	:	Case No. <u>59453</u>
Plaintiff	:	Filed: July 25, 1967
	:	
	:	Summons Issued: August 3, 1967
	:	
VS	:	Returnable: September 7, 1967
	:	
	:	Service Had: 8-9-67
	:	
<u>James W. Clark</u>	:	Cause of Action: Complaint & Summons
Defendant	:	
	:	Attorney for Plaintiff: McCorvy, Turner,
	:	Johnstone, Adams & May
	:	Attorney for Defendant:
Amount of Claim: <u>\$600.00</u>	:	
	:	

9-7-67 Transfer to Bladwin County

I hereby certify that the foregoing is a true and correct copy of the above styled cause, as it appears on record and in the files of The Court of General Sessions of Mobile County, Alabama

Witness my hand this the 25 day of September, 1967.

J. D. Richardson
Clerk of The Court of General Sessions
of Mobile County, Alabama

3

M= Carney, Turner,
ATTORNEYS FOR PLTF:
Johnstone, Adams & May

COST BILL

THE STATE OF ALABAMA }
MOBILE COUNTY

The Court of General Sessions
of Mobile County

James B. Dennis Plaintiff
James W. Clark Defendant

CASE NO. 59453

COURT FEES

Summons and proceedings thereon to judgment	\$1.00	1.00
Docketing each cause .....	.10	.10
Attachment Bond and Affidavit	1.50	
Issuing each Attachment .....	.50	
Summoning Garnishee and taking examination .....	.75	
Subpoena for each witness .....	.15	
Execution and taxing costs thereon .....	.50	
Each appeal or certiorari, including bond and certificate of proceedings	1.00	1.00
Every necessary Certificate or Notice not otherwise provided for .....	.25	.25
For issuing each Writ of Detinue .....	.50	
For each Scire Facias, or notice in the nature thereof .....	.50	
Every other Bond .....	.50	
Administering an oath and certifying the same .....	.25	
Issuing Notice of Appeal .....	.25	
Law Library Fee	1.00	1.00
Judgment Ni Si against Garnishee .....	.50	
Writ of Discovery .....	.50	
Writ of Contempt .....	.50	
Writ of Arrest50	
Alias Summons	1.00	
Witness Fee fifty cents for each day's attendance		
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TOTAL	\$	

SHERIFF'S FEES

Levying Attachment	6.00	
Entering and returning same25	
Summoning Garnishee and making return	1.50	
Serving Summons and other mesne process, and returning the same	1.50	1.50
Summoning each Witness and returning Subpoena .....	.75	
Collecting execution for costs only	1.50	
Serving Scire Facias or other like notice	1.50	
Serving any summons not herein provided for, and making return	1.50	1.50
Seizing personal property under Writ of Detinue	6.00	
Taking care of such property, such just compensation as Court may fix		
Taking and approving bonds of every kind	2.00	
When property is sold under execution or attachment		
Commission: <u>mileage</u> <u>Baldwin</u>	5%	10.00
When sale is stayed by restraining order	2 1/2 %	
Total	\$	
GRAND TOTAL	\$	16.35

I respectfully call your attention to the above Court Cost Bill which if not paid by 19....., it will be my unpleasant duty to issue execution on your property for the recovery of the same.
G. V. ADAMS, Clerk.

TRANSFER

NOTICE of APPEAL

STATE OF ALABAMA, }
MOBILE COUNTY }

Joames B. Dennis

Plaintiff

VS.

James W. Clark

Defendant

To James W. Clark

in said Cause: James B. Dennis VS James W. Clark

You are hereby notified that James B. Dennis

the plaintiff in the above entitled cause has prayed and obtained a transfer to the Circuit Court of Baldwin County, Alabama, and an appeal from the judgment therein rendered by the

Judge of the COURT OF GENERAL SESSIONS OF MOBILE COUNTY, and having complied with the requirements of the law in such cases made and provided, the same has been granted to the next term of the CIRCUIT COURT of Mobile County, to be held for said County, you are hereby notified accordingly.

Given under my hand this the 25 day of September 1967

J. D. Richardson
Clerk, Court of General Sessions of Mobile County, Civil Division

md. 7768

Case No. 59453

James B. Dennis

Plaintiff,

VS

James W. Clark

Defendant.

TRANSFER
NOTICE OF APPEAL

Returnable To The Circuit Court OF
BALDWIN COUNTY

Issued: September 25, 1967

Serve On:

COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS
COURTROOM "B" FIRST FLOORThe State of Alabama,
MOBILE COUNTY


TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

You are hereby commanded to summon James W. Clark

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 7 day of September, 19 67 at the hour of 9:00 A.M., then and there to answer a complaint of James B. Dennis

of a debt or other demand not exceeding Seven Hundred Fifty Dollars.

Herein fail not and have you then and there this precept with your doings.

Witness my hand, this 3 day of August, 19 67.
Clerk of the Court of General Sessions of Mobile County.

Cause of Action

#1

Atty. for Defendant:

THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY

No. 59453

Ret.

September 7, 1967

James B. Dennis

VS.

James W. Clark

P.O. Box 295

Gulf Shores, Alabama
Continued To

Continued To

Executed by Service on

Defendant

This _____ day _____, 19____

Sheriff of Mobile County

By _____ Deputy Sheriff

COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS
COURTROOM "B" FIRST FLOORThe State of Alabama,
MOBILE COUNTY#2
TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:You are hereby commanded to summon James W. Clarkto be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 7 day of September, 1967 at the hour of 9:00 A.M., then and there to answer a complaint of James B. Dennis

of a debt or other demand not exceeding Seven Hundred Fifty Dollars.

Herein fail not and have you then and there this precept with your doings.

Witness my hand, this 3 day of August, 1967J. W. Richardson
Clerk of the Court of General Sessions of Mobile County.

Cause of Action

Gulf Shores
COMPLAINT AND SUMMONS

Atty. for Plaintiff: **McCorvey, Turner, Johnstone, Adams, & May**

Atty. for Defendant:

**THE COURT OF GENERAL SESSIONS
OF MOBILE COUNTY**

No. 59453

Ret.

September 7, 1967

James B. Dennis
VS.

James W. Clark
P.O. Box 295

Gulf Shores, Alabama
Continued To

RECEIVED

AUG 8 1967

TAYLOR WILKINS
SHERIFF

Sheriff's Return

Executed by Service on

James W. Clark

Defendant

This 9th day August, 1967

Sheriff of Mobile County

Jm Eastburn

By Deputy Sheriff

Gulf Shores, Ala.

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

AUG 8 5 03 PM '67

BY

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

AUG 14 3 05 PM '67

BY

68

Sheriff claims 100 miles at
Ten Cents per mile Total \$ 10.00
TAYLOR WILKINS, Sheriff
BY *Jm Eastburn*
DEPUTY SHERIFF

JAMES B. DENNIS, X
Plaintiff, X IN THE CIRCUIT COURT OF
vs. X BALDWIN COUNTY, ALABAMA
JAMES W. CLARK, X AT LAW
Defendant. X NO. 7760

PLEA:

Comes now the Defendant in the above styled cause by and through his attorneys of record and for plea to the Complaint heretofore filed against him says separately and severally as follows:

(1) Not guilty.

(2) That the Plaintiff at the time and place alleged in said Complaint was himself guilty of negligence which proximately contributed to the damages alleged, hence he should not recover in this suit.

(3) The Defendant claims of the Plaintiff by way of recoupment the sum of Two Hundred Fifty Dollars (\$250.00) as damages for that heretofore on to-wit; the 10th day of June, 1967 the Defendant was operating his motor vehicle in a Northerly direction on Alabama Highway 59 at a point, to-wit; 2.4 miles North of Gulf Shores in Baldwin County, Alabama when the Plaintiff then and there so negligently operated a motor vehicle which was traveling in a Southerly direction on said highway as to cause or allow the same to run into, upon or against the vehicle of the Defendant and as a proximate result and consequence of such negligence of the Plaintiff as aforesaid, the vehicle of the Defendant was bent, broken, smashed and otherwise damages, hence this suit.

CHASON, STONE & CHASON

By: John Earle Chason
Attorneys for Defendant

FILED

OCT 3 - 1967

ALICE J. DUCK

CLERK
REGISTER

The Defendant respectfully
demands a trial of this
cause by a jury.

CHASON, STONE & CHASON

By: John Earle Chason
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing
pleading has been served upon and
for all parties to this proceeding, by
mailing the same to each by First Class
United States Mail, properly addressed
and postage prepaid on this 3rd day
of October, 1967

John E. Chason

FILED

OCT 3 - 1967

ALICE J. DUCK CLERK
REGISTER

WE THE JURY FIND FOR THE DEFENDANT
ON HIS PLEA OF RECOUPMENT
AND FIX THE ~~RECOUPMENT~~ AT \$25⁰⁰
DAMAGES

FOR THE
GEO. STURTEVANT
GEO. STURTEVANT

7760

Handwritten signature or mark in a circle.