

KENNEDY ENGINE COMPANY,
INC., A Corporation,

Plaintiff,

VS.

J. T. DUDDY,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8068

DEMURRER

Comes now the Defendant in above-styled cause, by his attorney of record, Kenneth Cooper, and for answer to the complaint heretofore filed in this cause, saith:

1. Not guilty,
2. General issue.

CERTIFICATE OF SERVICE

I hereby certify that I have on this
6 day of March 19 70, served a
copy of the foregoing on counsel of record
for all parties to this proceeding by
depositing same in United State mail
postage prepaid, properly addressed to said
counsel.

Kenneth Cooper
Attorney for: J.T. Duddy

Kenneth Cooper
ATTORNEY FOR DEFENDANT

FILED

MAR 10 1970

ALICE J. DUCK CLERK
REGISTER

KENNEDY ENGINE COMPANY
INC., A Corporation,

Plaintiff,

VS.

J. T. DUDDY,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8068

PLEA

Comes now the Defendant in above-styled cause, by his attorney of record in this cause, and files this, his plea, to the complaint heretofore filed in this cause, and saith:

1. The Complainant ought not to maintain his cause in this Court because the furnishing of supplies, repairs or necessities to a vessel is presumptively on credit of vessel, and a maritime lien arises, unless it is affirmatively established that it was done solely on personal credit of owner; and in this cause it does not affirmatively appear that the account claimed was advanced solely on the personal credit of the Defendant J. T. Duddy.

2. That this Honorable Court is without jurisdiction to enforce a maritime lien by a proceeding in rem, and hence the original jurisdiction in this cause is exclusively in the Federal Court.

Kenneth Cooper
ATTORNEY FOR DEFENDANT

STATE OF ALABAMA
BALDWIN COUNTY

Personally appeared before me Ernestine R. Lewis, the undersigned authority, Kenneth Cooper, who is known to me, and who, upon being duly and legally sworn, deposes and says that the foregoing facts are true and correct according to the best of his knowledge and belief.

Ernestine R. Lewis
NOTARY PUBLIC

My Commission Expires:

March 2, 1973

FILED

MAR 6 1970

KENNEDY ENGINE COMPANY,
INC., a corporation,

Plaintiff,

VS.

J. T. DUDDY,

Defendant.

IN THE CIRCUIT COURT OF


BALDWIN COUNTY, ALABAMA

AT LAW

NO. 8068

AMENDED COMPLAINT

The plaintiff claims of the defendant One Thousand Three Hundred Eight and 58/100 Dollars (\$1,308.58) due from him by account on the 19th day of June, 1967, which sum of money with the interest thereon, is still unpaid.


Attorney for Plaintiff

FILED

JUL 12 1968

ALICE J. DUCK CLERK
REGISTER

KENNEDY ENGINE COMPANY,
INC., A Corporation,

Plaintiff,

Vs.

J. T. DUDDY,

Defendant.

Y
Y
Y
Y
Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA


AT LAW

CASE NO. 8068


DEMURRER

Comes now the Defendant in above-styled cause, J. T. Duddy, by his Attorney, Kenneth Cooper, and demurs to the complaint heretofore filed in this cause, and as grounds therefor assign the following reasons, separately and severally, to each and every count thereof, to-wit:

1. The complaint does not state a legal cause of action;
2. The complaint fails to name the Defendant against whom the suit is brought;
3. The complaint fails to allege that the account is due; and
4. The complaint does not allege the date on which the alleged account became due.


ATTORNEY FOR DEFENDANT,
J. T. DUDDY

I certify that I have mailed a copy of the foregoing DEMURRER to Hon. M. A. Marsal, 1st National Bank Building, Mobile, Alabama, by depositing the same in United States Mail, postage prepaid, at Bay Minette, Alabama, on this 8 day of May, 1968.


ATTORNEY FOR DEFENDANT,
J. T. DUDDY

FILED

MAY 8 1968

ALICE J. DUCK CLERK
REGISTER

KENNEDY ENGINE COMPNAY,
INC., A Corporation,

Plaintiff,

Vs.

J. T. DUDDY,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8068

DEMURRER

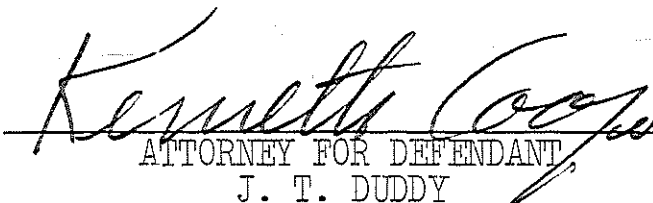
Comes now the Defendant in above-styled cause, J. T. Duddy by his Attorney, Kenneth Cooper, and demurs to the amended complaint heretofore filed in this cause, and as grounds therefor assign the following reasons, separately and severally, to each and every count thereof, to-wit:

1. The complaint does not state a legal cause of action; and the complaint fails to name the Defendant against whom the suit is brought;
2. The complaint fails to allege that the account is due; and
3. The complaint does not allege the date on which the alleged account became due.



ATTORNEY FOR DEFENDANT,
J. T. DUDDY

I certify that I have mailed a copy of the foregoing DEMURRER to Hon. James R. Owen, Bay Minette, Alabama, by depositing the same in United States Mail, postage prepaid at Bay Minette, Alabama, on this 18 day of July.


ATTORNEY FOR DEFENDANT
J. T. DUDDY

FILED

JUL 19 1968

ALICE J. DUCK CLERK
REGISTER

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA, AT LAW

CASE NO. 24832

M.A. MARSAL

KENNEDY ENGINE COMPANY, INC., a corporation

N.J.

VS. Suit for \$1,308.58 due by account.

VICKERS, RIIS, MURRAY &
CURRAN

J.T. DUDDY

JURY

BY: MARION R. VICKERS, JR.

PLEADINGS, PROCESS, ETC, * FILING DATE *

1. Complaint & Summons * 2-9-68 * C & S served on Defendant on February 21, 1968.
2. Plea in Abatement * 3-13-68 *
* * * * *
* March 22, 1968 - Plea in Abatement sustained, Cause transferred to
* Baldwin County Circuit Court.
* Robert T. Ervin, Jr., Judge
* * * * *

I, JOHN E. MANDEVILLE, in my capacity as Clerk of the Circuit Court of Mobile County, Alabama, hereby certify that the above is a true and correct transcript of all the minutes, orders and other proceedings in the above styled case in this Court.

In Witness whereof I have hereunto set my hand and attached my Official Seal as such Clerk of said Court at Mobile, Mobile County, Alabama, on this the 25th day of March 1968.

John E. Mandeville Clerk

FILED

MAR 27 1968

CLERK J. DUCK

CLERK REG.

VOL 63 PAGE 496

36-896

KENNEDY ENGINE COMPANY, INC.,
a corporation,

Plaintiff,

VS

J. T. DUDDY,

Defendant.

I IN THE CIRCUIT COURT OF
I MOBILE COUNTY, ALABAMA
I AT LAW
I
I
I CASE NO. 24832

The Plaintiff claims of the Defendant the sum of
THREE HUNDRED
ONE THOUSAND EIGHT/DOLLARS AND FIFTY EIGHT CENTS (\$1, 308.58)
on account from, to-wit, June 19, 1967, which sum of money with
interest thereon is still due and unpaid.

M. A. Marsal
M. A. MARSAL, Attorney for Plaintiff

Defendant May Be Served:
Route 3, Foley, Alabama

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON

FEB 9 1 43 PM '68

Robert Marshall
CLERK

VOL

63 PAGE 497

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:
You are hereby commanded to summon

J. T. DUDDY

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama,
at the place of holding the same, then and there to answer the complaint of
KENNEDY ENGINE COMPANY, INC., a corporation.

WITNESS: John E. Mandeville, Clerk of said Court, this 9th day of FEBRUARY, 19 68

Attest:

John E. Mandeville
Clerk

SHERIFF'S RETURN

Received _____ day of _____, 19____ and on _____ day
of _____, 19____, I served a copy of
the within _____ on _____
by service on _____

RAY D. BRIDGES, SHERIFF

By _____ D.S.

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

FEB 12 4 13 PM 1968

BY

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY J. M. Eastman
DEPUTY SHERIFF

d. 14 day of Feb 1968
21st day of Feb 1968
a copy of the within 8 &c

J. T. Duddy

vice on at

TAYLOR WILKINS, Sheriff

BY J. M. Eastman D. S.

Foley, Ala

mail
JUDGE _____ DOCKET

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

KENNEDY ENGINE CO., INC.,
a corporation

VS. } Complaint and Summons

J. T. DUDDY

Issued 9th day of FEBRUARY, 19 68

Defendant's Address
Route 3,
Foley, Alabama

M.A. MARSAL

Plaintiff's Attorney

KENNEDY ENGINE COMPANY, INC.,
a corporation,

Plaintiff,

vs

J. T. DUDDY,

Defendant.

) IN THE CIRCUIT COURT OF

) MOBILE COUNTY, ALABAMA

) AT LAW

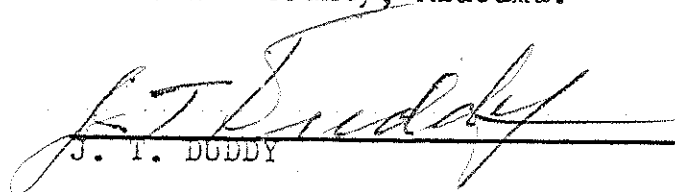
) CASE NO. 24832-*C*

PLEA IN ABATEMENT

Comes now the Defendant in the above styled cause and, appearing specially and only for the purpose of filing this plea, pleads that this cause be abated in Mobile County, Alabama, and as grounds therefor avers as follows:

1. That this is a cause of action ex contractu.
2. That the Defendant is a resident of Baldwin County, Alabama.

WHEREFORE, THE PREMISES CONSIDERED, Defendant prays that this cause be abated in Mobile County, Alabama.


J. T. DUDDY

VICKERS, RIIS, MURRAY & CURRAN

BY 
Attorneys for Defendant

STATE OF ALABAMA)
COUNTY OF Baldwin)

Before me, the undersigned Notary Public in and for said County in said State, personally appeared J. T. DUDDY, who is known to me and who being by me first duly sworn, deposes and says that he is the Defendant in the above styled cause,

that he signed the above and foregoing plea in abatement and that the matters and facts contained therein are true and correct.

J. T. Duddy
J. T. DUDDY

Subscribed and sworn to before
me this the 11 day of March, 1968.

Norm. M. Pugh
Notary Public Baldwin County, Alabama

Comes now the Defendant and, without waiving his right to a ruling on the above and foregoing plea and abatement but, on the contrary, expressly insisting thereon, respectfully demands a trial by jury of this cause, should it reach trial on its merits.

VICKERS, RIIS, MURRAY & CURRAN

BY Marion R. Vickers
Attorneys for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 12th day of March, 1968, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.

Marion R. Vickers

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON

MAR 13 10 55 AM '68

J. L. Marshall
CLERK- 2 -

FRIDAY, MARCH 22, 1968

KENNEDY ENGINE COMPANY, INC.,)	
a Corporation)	
ERVIN)	PLEA IN ABATEMENT SUSTAINED,
-vs-)	CAUSE TRANSFERRED TO BALDWIN
24832)	COUNTY CIRCUIT COURT
J.T. DUDDY)	

This day in open Court came the parties by their attorneys, and Defendant's Plea in Abatement filed March 13, 1968, in this cause, coming on to be heard and being argued by counsel and understood by the Court;

It is ordered and adjudged by the Court that defendant's said Plea in Abatement filed March 13, 1968, in this cause be, and the same is hereby sustained, and Case ordered transferred to the Circuit Court of Baldwin County, Alabama.

Minute Book 36
Page 896

STATE OF ALABAMA, }
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby
certify that the foregoing is a full, true and correct copy of ORDER OF COURT

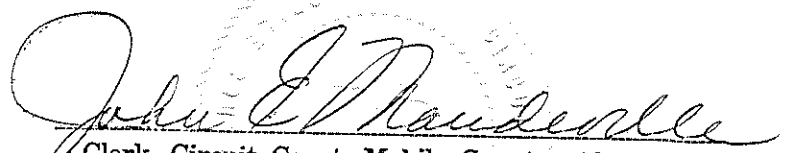
as rendered by the said Circuit Court on the 22nd day of March, 1968, in the cause
entitled No. 24832 - KENNEDY ENGINE COMPANY, INC., a Corporation

_____, Plaintiff,
— versus — J.T. DUDDY

Defendant, ~~(together with the caption thereon)~~, as the same remains of record in this office in
Minute Book No. 36, Page No. 896

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at office
in the City of Mobile, Alabama, on this the 25th day of March, 19 68

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 24832

KENNEDY ENGINE COMPANY, INC., a corporation

Plaintiff

J.T. DUDDY

VS.

Defendant

(Act No. 740, Reg. Session Ala. Legislature 1957
Appvd. Sept. 20, 1957)
(Amend Sec. 21, Title 11, Code Ala. 1940)

BILL OF COST

(Act No. 571, Reg. Ses. Leg. 1955)
(Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

CLERK'S FEES	Pltff.	Deft.	SHERIFF'S FEES	Pltff.	Deft.
Suits for \$100 or less \$ 6.00			Mileage \$7.20		
Suits for over \$100 but less than \$1,000 10.00			Serving Summons & Complaint \$ 1.50	8 70	
Suits for \$1,000 and over 20.00	20 00		Serving Writ o. Garnishment 1.50		
Suits in detinue, ejectment, etc. 10.00			Serving Sci Fa.-Notices 1.50		
Suits not otherwise provided 10.00			Levyng Attachment & Return 6.25		
Writs, Mandamus, Prohibition, etc. 15.00			Executing Writ Possession 5.00		
Appeals from Court General Sessions 15.00			Seizing personal property under Writ of Detinue 6.00		
Appeals from Probate Court 20.00			Serving subpoenas, each .75		
Appeals from JP Courts 6.00			Impanelling Jury .75		
Appeals from State Dept of Pub. Safety, and other State Agencies 10.00			Taking & Approving Bond 2.00		
Workmen's Compensation Settle. 10.00			Collecting Costs Execution 1.50		
Garnishment on Judgment 6.00			Serving Contempt Writ 1.50		
Order of Sale, Motions to sell. 6.00			Making Deed for Property sold 2.50		
Recording executions from State Agencies 3.00			Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$		
Cert. Copy of Record - per 100 words .15	80				
Taking Appeal Bond .75			Total \$	8 70	
Record for Supreme Court etc., per 100 words .15					
Add'l Copies of Record for Supreme Court, per 100 words .05			RECAPITULATION		
Checking - including Reporters Transcript of Evidence 10.00			Clerk 20 80		
Certifying Abstract in lieu of Transcript on Appeal 5.00			Sheriff Taylor Wilkins Baldwin County, Ala. 8 70		
Collecting Money on Judgments over 30 days old, 1/2 the percentage allowed Sheriffs \$			Inferior Civil Court		
			Justice Peace fees		
			Witness fees		
			Commissioner's fees		
			Certificate of Judgment		
			Judgment		
			10% Damages		
			Interest		
			Stenographer's fees (\$10.00 Day)		
			Library fee 1.50	1 50	
			Trial Tax (County) 1.50	1 50	
			Trial Tax (State) 1.50	1 50	
			Advertisement		
			Garnishee's fees		
Total \$	20 80				

\$34.00

I respectfully beg to advise that if this bill for costs is not paid before 19____, it will be my unpleasant duty to issue execution for same.

JOHN E. MANDEVILLE, Clerk