

G. S. BYRNE,
Plaintiff,
vs.
H. H. PAYNE, SR.,
Defendant.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA.
)
) AT LAW.

Comes the defendant in the above styled cause and demurs to the plaintiff's complaint, and for grounds of demurrer says:

FIRST:

Said complaint does not state a cause of action.

SECOND:

Said complaint does not allege with clarity the acts complained of.

THIRD:

Said complaint does not allege in what manner the defendant was negligent.

FOURTH:

Said complaint does not allege facts showing negligence on the part of the defendant.

Deebe & Hall
Attorneys for Defendant.

RECORDED

RECEIVED

Byrne

VS

Payne

Filed - 9/25/34

M. Q. Stone

Circuit Court, Baldwin County

#78

G.S. Payne

VS.

H. H. Payne Sr & Mrs H. H. Payne

PLAINTIFF

DEFENDANT

BILL OF COST

CLERK'S FEES		Dollars	Cts.	AMOUNT BROUGHT FORWARD		\$	Cts.
Issuing Summons and Complaint	\$1 25	1	25	Transcript to Supreme Court, 15c per hundred words			
Copies of same, when over 200 words, 15c per 100	30		30	Copies, 5c per hundred words			
Issuing Alias Summons and Complaint	1 25			Citation to Appellee in Appeal, 20c per hundred words			
Entering Sheriff's Return on Summons and Complaint	20			Certificate with Seal, 50c. Without Seal	25		
Docketing Cause 25c. Ent. Appearance, 20c	45			Witness Certificate	25		
Subpoena for Witness	30			Taking Bond Not Above Mentioned	75		
Making Certificate of Judgment	50			Entering Order of Court not above named	30		
Filing	10			Administering Oath	25		
Trial and Incidents	75			Taking Bond for Costs of Non-Resident Plaintiff	75		
Entering Judgment, or copy of same	30			Copy of any paper not above named, 15c per hundred words			
Order for Continuance	10			Filing Writ of Prohibition and Entering Return	15		
Issuing Execution	50			Issuing Writ of Prohibition	75		
Docketing Execution	25			Issuing copies of same, 15c per 100 words			
Issuing copy of same	50			Filing Mandamus and Entering Return	15		
Entering Sheriff's Return on Execution, 15c per hundred words	20			Issuing Writ of Mandamus	75		
Final Record, 15c per hundred words				Issuing copies of same, 15c per 100 words			
Order for Alias Summons and Complaint	30			Total Clerk's Fees			
Order to Dismiss Cause	30			SHERIFF'S FEES			
Order to Set Aside Dismissal	30			Serving and Returning Summons	\$1 50		
Order Overruling Motion to Set Aside Dismissal	75			Serving and Returning Subpoenas	65		
Order Granting New Trial	30			Collecting Execution for Costs	1 50		
Order Overruling Motion for New Trial	30			Serving and Returning Sci. Fa. Notice, etc.	65		
Order Overruling Motion for Continuance	30			Executing Writ of Possession	2 50		
Order Overruling Motion to Set Aside Default	30			Levy Attachment	3 00		
Order for Notice to Non-Resident Defendant	30			Entering and Returning Attachment	25		
Issuing Notice for Publication and Copy 20c per hundred words				Entering and Returning Execution	25		
Order to Give Security for Costs	30			Summoning and Returning Garnishee	1 50		
Order to Give Additional Bond	30			Taking and Approving Garnishee Bond	75		
Order to Execute Writ of Inquiry	30			Serving and Returning Writs	1 50		
Order of Sale in Attachment	30			Serving and Returning Summons on Forcible Entry	1 00		
Order for Leave to Amend Complaint	30			Executing Writ of Restitution in such cases	2 00		
Order for Leave to Amend Pleas	30			Taking and Approving Bonds of Every Kind	1 00		
Order for Leave to Amend Writ of Process	30			Taking and Approving Claim Bond	1 00		
Order for Attachment for Witness	30			Taking and Approving Forthcoming Bond	1 00		
Filing Deposition	10			Taking and Approving Bail Bond	1 00		
Issuing Commission to Take Deposition	75			Taking and Approving Plaintiff's Detinue Bond	1 00		
Issuing copy of same, per hundred words	15			Taking and Approving Defendant's Detinue Bond	1 00		
Issuing Copy of Interrogatories, 15c per hundred words, but not less than	50			Making Deed	2 50		
Endorsing each Pet. Deposition Opened	10			Serving Attachment for Contempt of Court	1 50		
Taking Bond in Garnishment on Summons	75			Collecting Money on Execution			
Summons to Garnishee	50			Empanelling Jury	75		
Copies of same, 20c per hundred words				Sheriff's Commission for Property Sold under Attachment			
Notice to Defendant in Garnishee on Summons, and copy, per hundred words	20			Seizing Personal Property on Writ of Detinue	3 00		
Swearing Garnishee and Recording Answer, 15c per hundred words, but not less than	50			Total Sheriff's Fees			
Filing Attachment	10			RECAPITULATION			
Issuing Attachment Writ and Taking Bond	1 00			Judgment			
Issuing Copies of Attachment Writ, 15c per hundred words				Interest			
Filing Certiorari and Entering Return	15			Clerk's Fees			
Taking Certiorari Bond and Filing Same	75			Sheriff's Fees			
Issuing Writ of Certiorari	75			Justice's Fees			
Issuing copies of same, 15c per 100 words				Constable's Fees			
Issuing Writ of Scieri Facias, or Notice in Nature of	75			Witnesses' Fees			
Issuing copies of same, 15c per 100 words				Commissioners' Fees			
Taking Supersedeas Bond and Filing same	75			Printer's Fees			
Taking Appeal Bond and Filing same	75			Stenographer's Fees	5 00		
TOTAL FORWARDED				Answer of Garnishee			
				Trial Tax	3 00		
				Total	\$		

Received payment this..... day of..... 193.....

ATTEST

Clerk Circuit Court, Baldwin County, Ala.

McCullough & Co. Ala.

By *J. P. Raby*
Deputy Sheriff.
Sheriff of _____
County, Ala.

This the *8* day of *Sept.* 19*34*
Defendant

Executed by serving
of the within Summons and Complaint on
cop
Sheriff of _____
County, Ala.

Received in office
day of 19

Moore Printing Co. Bay Minette, Ala.

Plaintiff's Attorney.
Clerk.

Filed in office this *8* day of
A. D. 19*34*

SUMMONS AND COMPLAINT

Term 19

IN CIRCUIT COURT OF BALDWIN COUNTY

VS.

No.

RECORDED

(2)

The State of Alabama, }
Baldwin County.

CIRCUIT COURT AT BAY MINETTE, ALA.

Before me, Mrs. E. A. Stone, ~~Register~~ Circuit Clerk
Frank G. Horne *as attorney for H. H. Payne*
in and for said County, personally appeared *He is attorney for H. H. Payne* he is informed and believes and upon
who, being duly sworn, on oath saith that such information and belief states
that H. H. Payne, Sr. and Mrs. H. H. Payne Sr. are justly indebted to

G. S. Byrne

in the sum of Six hundred and fifty Dollars, which said
amount is justly due after allowing all just offsets and discounts, and that the said

H. H. Payne ~~Sr.~~ Sr., and Mrs. H. H. Payne, Sr. are non residents
of the State of Alabama

and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or
other improper motive.

Subscribed and sworn to before me this 8th day of September 1923

Frank G. Horne
as attorney for H. H. Payne
Mrs. E. A. Stone
Clerk

RECORDED

No.

The State of Alabama,

Baldwin County.

CIRCUIT COURT

AT BAY MINETTE, ALA.

TO

Attachment Bond and Affidavit

Filed this the 8th day

of September 1923

Clerk.

Attorney.

Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA;

WHEREAS, Frank G. Horne, as attorney for G. S. Byrne

•Mrs. • M. • A. • Stone

hath complained on oath to me, ~~T. W. RICHMOND~~, Clerk of Circuit Court of Baldwin County, Ala., that H. H. Payne, Sr. and Mrs. H. H. Payne, Sr.

is justly indebted to the Plaintiff

G. S. Byrne

in the sum of Six hundred and Fifty and no/100 Dollars, and
Plaintiff having made affidavit on 10/10/1917

Plaintiff having made affidavit and given bond
as required by law, in such cases, you are hereby commanded to attach so much of the estate of

.....H. H. Payne Sr. and Mrs. H. H. Payne, Sr.

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be had by the Circuit Court of Baldwin County, Ala., ~~at a term thereof~~, to be held at the Court House of said County, on _____ Monday of _____

~~19~~ next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 2 day of Sept A. D. 1923

Clerk.

Plaintiff has elected not to give bond.

RECEIVED
Returned
RECORDED
Executed
Sept 8 1934 by
Attaching one
Hudson Automobile
as the property of
H. H. Payne & Mrs
H. H. Payne & Mr
W. R. Dumb
Sherriff

Deerit Page 86

RECORDED

No.

ATTACHMENT

Grant G. Harne as atty for
G. H. Byrne

Vs. } Attachment

H. H. Payne & Mr
Mrs H. H. Payne & Mr

Issued 9/8 1934

Moore Printing Co. Bay Minette, Ala.