

G. B. HAROLD,
Plaintiff,
vs.
H. H. PAYNE,
Defendant.

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

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

FIRST:

Said complaint does not state a cause of action.

SECOND:

It does not appear from the said complaint whether or not the negligence complained of was the negligence of the plaintiff or defendant.

THIRD:

For aught that appears from the complaint that the negligence complained of was the negligence of the plaintiff.

FOURTH:

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

FIFTH:

Said complaint does not allege that the defendant was guilty of negligence.

SIXTH:

Said complaint does not allege wherein said defendant was negligent.

Deke Hall
Attorneys for Defendant.

(18)

RECORDED

Harold

vs

Payne

Filed. 9/20/54
M. A. Stone
att.

SUMMONS AND GENERAL COMPLAINT.

The State of Alabama

~~Escambia~~ Baldwin County

Baldwin

CIRCUIT COURT

of Baldwin County, Alabama.

To any Sheriff of the State of Alabama—Greeting:

Law Side

You are hereby commanded to summon

E. H. Payne

Baldwin

to appear before the Circuit Court of ~~Baldwin~~ Baldwin County, Alabama, at the place of holding the same and plead, answer or demur, within thirty days from service hereof to the complaint of

G. B. Harold

Witness my hand, this 12th day of September, 1934

Clerk.

IF THE DEFENDANT FAILS TO APPEAR AND PLEAD, ANSWER OR DEMUR WITHIN THIRTY DAYS AFTER SERVICE, THE PLAINTIFF MAY TAKE JUDGMENT BY DEFAULT.

COMPLAINT

G. B. Harold

vs.

E. H. Payne

Plaintiff

Defendant

The Plaintiff claims of the Defendant One Thousand and no/100 (\$1,000.00)

Dollars, due

as damages, for that, on, to-wit, the 8th day of September, 1934 the plaintiff was riding as a passenger in an automobile belonging to or being operated by G. S. Byrne at a point about two and one half miles south of Stapleton, Alabama on the Bay Minette-Mobile Highway when the defendant negligently drove his car over, on or against the car in which the plaintiff was then and there riding and by his negligence causing his car to strike the plaintiff whereby he was bruised, lacerated and grievously injured, being made sore and sick and that as a result of the injuries then and there suffered by the plaintiff he was compelled to obtain medical assistance and hospital treatment, that the injury suffered by the plaintiff was a proximate result and consequence of the negligence of the defendant, all to the damage of the plaintiff ~~hereinbefore~~ in the amount hereinbefore mentioned.

Frank B. Harman
Att. for Plaintiff

Docket Page 87

No. 81

The State of Alabama
Escambia County

CIRCUIT COURT

G. B. Harold
Plaintiff
vs.

H. H. Payne
Defendant

SUMMONS AND GENERAL COMPLAINT

Filed this 12th day
of Sept, 1924
W. A. Stone, Clerk.

Plaintiff's Attorney.

Received this 12th day
of _____, 192____
_____, Sheriff.

Executed this 15th day
of Sept, 1924, by
leaving a copy of the within Summons and
Complaint with

_____, Defendant
J. R. Raley, Sheriff
Escambia Co. Ala

The State of Alabama
Escambia County

To the Sheriff of Said County:

Whereas, the Plaintiff in the within
stated cause has made affidavit and given
bond as required by law, you are hereby re-
quired to take the property mentioned in
the Complaint into your possession, unless
the Defendant give bond payable to
Plaintiff with sufficient surety in double
the amount of the value of the property,
with condition that if the Defendant

cost in the suit
within thirty days thereafter, deliver the
property to the Plaintiff, and pay all costs
and damages which may accrue from the
detention thereof.

_____, Clerk.

Circuit Court, Baldwin County

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		7	50
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		20	Certificate with Seal, 50c. Without Seal	25		
Docketing Cause 25c. Ent. Appearance, 20c	45		45	Witness Certificate	25		
Subpoena for Witness	30	3	30	Taking Bond Not Above Mentioned	75		
Making Certificate of Judgment	50		50	Entering Order of Court not above named	30		
Filing	2		20	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		7	50
Order to Dismiss Cause	30			SHERIFF'S FEES			
Order to Set Aside Dismissal	30			Serving and Returning Summons	\$1 50	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		8	65
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		7	50
Taking Certiorari Bond and Filing Same	75			Sheriff's Fees		8	65
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		7	50	Answer of Garnishee			
				Trial Tax	3 00		
				Total		19	15

Received payment this _____ day of _____ 193_____

ATTEST

Clerk Circuit Court, Baldwin County, Ala.

Feb -