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JOHN I. SMITH,

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 allege a cause of action.

SECOND:

Said complaint does not allege that the plaintiff suffered any damage.

THIRD:

Said complaint is vague and indefinite, and does not allege with clarity the facts upon which the plaintiff claims.

FOURTH:

Said complaint alleges that the defendant was struck by said automobile and that as a proximate consequence thereof the plaintiff was bruised, but does not allege facts showing that the striking of the defendant in any manner was a proximate cause of plaintiff's damage.

Becke & Hall
Attorneys for Defendant.

RECORDED

024

Filed Sept 28, 1937

M. A. Stone

18

Original
The State of Alabama }
Baldwin County

CIRCUIT COURT--LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon

H. H. Payne Sr. ~~and H. H. Payne, Jr.~~

to appear within thirty days from the service of this writ in the Circuit Court, to be held for said County, at the place of holding the same, then and there to answer the complaint of

John I. Smith

Witness my hand, this 8th day of September, 1934.

19

W. J. Stone
Clerk.

COMPLAINT

~~John I. Smith, Plaintiff.~~ vs. ~~H. H. Payne Sr. Defendant.~~

Count One: The plaintiff claims of the defendant the sum of One Thousand (1,000.00) Dollars as damages for in this: that on, to-wit, the 8th day of September, 1934, the defendant, while operating an automobile along that certain highway leading from Bay Minette to Mobile, and at a point about two and one half miles south of Stapleton so negligently ran his car, or the car that he was operating, into and against an automobile in which the plaintiff was then and there riding was by reason of the said negligence on the part of defendant struck by said automobile in such a manner that as a proximate consequence thereof plaintiff was bruised and made sick and sore and suffered grievous bodily injury, all of which caused him to seek medical assistance to his great damage in the sum aforementioned.

W. J. Stone
Attorney for the plaintiff.

Received in office _____ day of _____ 19____

Sheriff of _____ County, Ala.

Executed by serving _____ cop
of the within Summons and Complaint on

H. H. Payne, Jr.

Defendant

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

Sheriff of _____ County, Ala.

By *J. R. Riley* Deputy Sheriff.

Scambrick Co. Ala.

No. _____

Smith

VS.

Payne

IN CIRCUIT COURT OF BALDWIN COUNTY

Term 19____

SUMMONS AND COMPLAINT

Filed in office this *8* day of

Sept. A. D. 19*34*

Clerk.

Plaintiff's Attorney.

Moore Printing Co. Bay Minette, Ala.

Circuit Court, Baldwin County

PLAINTIFF

DEFENDANT

87

John L. Smith

VS.

H. H. Payne, Sr.

BILL OF COST

		Dollars	Cts.	AMOUNT BROUGHT FORWARD		\$	Cts.
CLERK'S FEES				Transcript to Supreme Court, 15c per hundred words		7	50
Issuing Summons and Complaint	\$1 25	1	25	Copies, 5c per hundred words			
Copies of same, when over 200 words, 15c per 100	30		30	Citation to Appellee in Appeal, 20c per hundred words			
Issuing Alias Summons and Complaint	1 25			Certificate with Seal, 50c. Without Seal	25		
Entering Sheriff's Return on Summons and Complaint	20		20	Witness Certificate	25		
Docketing Cause 25c. Ent. Appearance, 20c	45		45	Taking Bond Not Above Mentioned	75		
Subpoena for Witness	30	3	30	Entering Order of Court not above named	30		
Making Certificate of Judgment	50		50	Administering Oath	25		
Filing	10		10	Taking Bond for Costs of Non-Resident Plaintiff	75		
Trial and Incidents	75			Copy of any paper not above named, 15c per hundred words			
Entering Judgment, or copy of same	30			Filing Writ of Prohibition and Entering Return	15		
Order for Continuance	10			Issuing Writ of Prohibition	75		
Issuing Execution	50			Issuing copies of same, 15c per 100 words	15		
Docketing Execution	25			Filing Mandamus and Entering Return	75		
Issuing copy of same	50			Issuing Writ of Mandamus			
Entering Sheriff's Return on Execution, 15c per hundred words	20			Issuing copies of same, 15c per 100 words			
Final Record, 15c per hundred words	30	1	50	Total Clerk's Fees			7 50
Order for Alias Summons and Complaint	30		30	SHERIFF'S FEES			
Order to Dismiss Cause	30		30	Serving and Returning Summons	\$1 50	1	50
Order to Set Aside Dismissal	30			Serving and Returning Subpoenas	65		
Order Overruling Motion to Set Aside Dismissal	75			Collecting Execution for Costs	1 50		
Order Granting New Trial	30			Serving and Returning Sci. Fa. Notice, etc.	65		
Order Overruling Motion for New Trial	30			Executing Writ of Possession	2 50		
Order Overruling Motion for Continuance	30			Levy Attachment	3 00		
Order Overruling Motion to Set Aside Default	30			Entering and Returning Attachment	25		
Order for Notice to Non-Resident Defendant	30			Entering and Returning Execution	25		
Issuing Notice for Publication and Copy 20c per hundred words	30			Summoning and Returning Garnishee	1 50		
Order to Give Security for Costs	30			Taking and Approving Garnishee Bond	75		
Order to Give Additional Bond	30			Serving and Returning Writs	1 50		
Order to Execute Writ of Inquiry	30			Serving and Returning Summons on Forcible Entry	1 00		
Order of Sale in Attachment	30			Executing Writ of Restitution in such cases	2 00		
Order for Leave to Amend Complaint	30			Taking and Approving Bonds of Every Kind	1 00		
Order for Leave to Amend Pleas	30			Taking and Approving Claim Bond	1 00		
Order for Leave to Amend Writ of Process	30			Taking and Approving Forthcoming Bond	1 00		
Order for Attachment for Witness	30			Taking and Approving Bail Bond	1 00		
Filing Deposition	10			Taking and Approving Plaintiff's Detinue Bond	1 00		
Issuing Commission to Take Deposition	75			Taking and Approving Defendant's Detinue Bond	1 00		
Issuing copy of same, per hundred words	15			Making Deed	2 50		
Issuing Copy of Interrogatories, 15c per hundred words, but not less than	50			Serving Attachment for Contempt of Court	1 50		
Endorsing each Pet. Deposition Opened	10			Collecting Money on Execution	75		
Taking Bond in Garnishment on Summons	75			Empanelling Jury			
Summons to Garnishee	50			Sheriff's Commission for Property Sold under Attachment			
Copies of same, 20c per hundred words				Seizing Personal Property on Writ of Detinue	3 00		
Notice to Defendant in Garnishee on Summons, and copy, per hundred words	20			Total Sheriff's Fees			8 65
Swearing Garnishee and Recording Answer, 15c per hundred words, but not less than	50			RECAPITULATION			
Filing Attachment	10			Judgment			
Issuing Attachment Writ and Taking Bond	1 00			Interest			
Issuing Copies of Attachment Writ, 15c per hundred words				Clerk's Fees			7 50
Filing Certiorari and Entering Return	15			Sheriff's Fees			8 65
Taking Certiorari Bond and Filing Same	75			Justice's Fees			
Issuing Writ of Certiorari	75			Constable's Fees			
Issuing copies of same, 15c per 100 words				Witnesses' Fees			
Issuing Writ of Scieri Facias, or Notice in Nature of	75			Commissioners' Fees			
Issuing copies of same, 15c per 100 words				Printer's Fees	5 00		
Taking Supersedeas Bond and Filing same	75			Stenographer's Fees			
Taking Appeal Bond and Filing same	75			Answer of Garnishee	3 00		
				Trial Tax			
				Total			19 15
TOTAL FORWARDED			7 50				

Received payment this _____ day of _____ 1935

ATTEST

Clerk Circuit Court, Baldwin County, Ala.

Feb 1st 1935