

Circuit Court, Baldwin County

98

PLAINTIFF

VS.

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			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			Levying 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		
				Answer of Garnishee			
				Trial Tax	3 00		
				Total			
TOTAL FORWARDED							

Received payment this _____ day of _____ 193 _____

125 -
30
20
41
140
300
500

ATTEST 20 1380
1380
525
855

Clerk Circuit Court, Baldwin County, Ala.

SILVERHILL FARMERS ASSOCIATION,
Plaintiff.

L A W

vs.

CIRCUIT COURT OF

JOHN DU BRAUK,
Defendant.

BALDWIN COUNT Y.

The plaintiff moves for a judgment by default
against the defendant for failure to answer interrogatories
propounded to him on the day of 1934.

Elliot B. Ristally
Attorney for Plaintiff.

We acknowledge receipt of a copy of the foregoing
~~motion and waive further notice of the filing~~ on this
the ~~20~~th day of April, 1935.

Becke & Hall
Attornys for Defendant.

98

~~AL~~ *check*

SILVERHILL FARMERS
ASSOCIATION,
Plaintiff.

versus

JOHN DUBRAUK,
Defendant.

Motion for Judgment

MOTION FOR JUDGMENT FOR
FAILURE TO ANSWER INTERROGATORIES.

Filed April 30 1920
Robert D. [unclear]
clerk

Handwritten notes in left margin

Handwritten notes in top right margin

Vertical text in right margin

Vertical text in bottom right margin

SILVERHILL FARMERS ASSOCIATION, INC.,

Plaintiff,

VS.

JOHN DUBRAUCK,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

Comes the Defendant in the above styled cause and
for answer to the Plaintiff's complaint and to each count
thereof, separately and severally says:

ONE:

That the facts therein alleged are untrue.

TWO:

That he is not indebted to the Plaintiff in the
manner and form stated.

THREE:

That he paid the debt sued on before the commence-
ment of suit.

FOUR:

That there was no consideration for the execution
of said note.

*five years barred by Statute of
Limitations of three years*

Beebe & Stace
Attorneys for Defendant.

Defendant demands a trial by Jury.

Beebe & Stace
Attorneys for Defendant.

RECORDED
copy

SILVERHILL FARMERS ASSO-
CIATION, INC.,

Plaintiff,

VS.

JOHN DUBRAUCK,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

Filed this the 30 day of
Dec., 1934.

W. A. Stone
Clerk.

Refiled Jan 23, 1935

Robert S. Duck
Clerk

SILVERHILL FARMERS ASSOCIATION, Inc.

Plaintiff

vs

JOHN DUBRAUCK,

Defendant.

No. 98

L A W

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

To John DuBrauck or Messrs. Beebe & Hall, his attorneys

Gentlemen:

Demand is hereby made upon you for production at the trial of this cause of letters written to John DuBrauck by Elliott G. Rickarby, attorney for Plaintiff, on June 7th, 1933, May 31st, 1932, May 26th, 1934 and November 5th, 1934. In the default of the production of the originals, copies thereof will be offered in evidence.

Elliott G. Rickarby
Attorney for Plaintiff.

RECORDED

Duck
7-455

SILVERHILL FARMERS ASSOCIATION
Plaintiff

VS

JOHN DuBRAUCK
Defendant.

DEMAND FOR PRODUCTION OF
LETTERS

Filed this 7 day Apr 1936
Robert S. Duck
Clerk-Register

Executed 4-4- 1936
by serving copy of within ~~Summons and~~
~~complaint on~~

H. M. Hall

M. H. Wilkins Sheriff
by C. H. Anderson Deputy Sheriff

Silverhill Barren Co.

Law

vs

Off

Circuit Court

John H. Brandt.

Belair County

Def

Leave the plaintiff and by leave of the
Court add the following words:

2A The plaintiff claims of the defendant
One hundred thirty five and 45/100 dollars
balance due by promissory note executed by defendant
on or about the 16th day of January 1921 and payable
January 16, 1921, to the order of The Virginia-Carolina
Chemical Corp. and by that corporation endorsed
to the plaintiff with interest thereon from May 22,
1922.

Plaintiff further claims that by the terms of said
note defendant waived all rights of exemption as
against any process that may issue for the col-
lection of said note and further agrees to pay
a reasonable attorney fee for the collection thereof which
the plaintiff now claims on the sum of twenty five
dollars.

Elliot B. Pritchard
att'y for ptff.

RECORDED

Duck

7-452

Filed April 15-1934
Robert Duck
Curt

The State of Alabama }
Baldwin County

CIRCUIT COURT--LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon

JOHN DUBRAUCK,

Defendant.

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

SILVERHILL FARMERS ASSOCIATION, Inc.

Witness my hand, this 29th day of October

1934

M. A. Stone
Clerk.

COMPLAINT

SILVERHILL FARMERS ASSOCIATION, Inc.

an Alabama Corporation.

VS

JOHN DEBRAUCK,

Defendant.

Plaintiff

I
The Plaintiff claims of the defendant ONE HUNDRED THIRTY FIVE and 45/100 DOLLARS, balance due by promissory note made by him on the 16th day of January, 1931, and payable January 16th, 1931, with interest thereon from May 23rd, 1932.

Plaintiff further avers that by the terms of said note the defendant waived all rights of exemption as against any process that may issue for the collection of the debt and further agreed to pay a reasonable attorney's fee for the collection thereof, which fee plaintiff now claims in the further sum of TWENTY FIVE DOLLARS.

Clifford B. Rinsley
A ttorney for Plaintiff.

RECORDED

No.

Received in office 3/18 day of

Oct 1934

W.R. Stuart

Sheriff of Baldwin County, Ala.

Executed by serving cop 7
of the within Summons and Complaint on

John Dubrauck

Defendant

This the 2nd day of November 1934

W.R. Stuart

Sheriff of Baldwin County, Ala.

By M. Mauck

Deputy Sheriff.

SILVERHILL F ARMERS

ASSOCIATION, Inc.

an Alabama Corporation.
Plaintiff.
VS.

JOHN DUBRAUCK,

Defendant.

IN CIRCUIT COURT OF BALDWIN COUNTY

Term 19

SUMMONS AND COMPLAINT

Filed in office this 3/18 day of

Oct 1934
W. A. Stone Clerk.

Elliott G. Rickarby Plaintiff's Attorney.

Moore Printing Co. Bay Minette, Ala.

Selamie Farm Assn.

vs

John DeBraish.

DeBraish. Debit remembered

Stela paid thousands of dollars.

Has never received a statement that he did not deny
new hand of note will send.

bonjour tout le monde
am abas

SILVERHILL FARMER'S ASSOCIATION

L A W

VS

JOHN DUBRAUCK

IN THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA

INTERROGATORIES PROPOUNDED BY PLAINTIFF TO DEFENDANT.

ONE: Is it not a fact that in May 1931 you made two payments on the note sued on of \$107.77 and \$100.00 and on the following September were allowed a credit of \$6.85? Have you made any other payments than these? If so state when and in what amount.

TWO: Have you receipts for any credits other than the three mentioned above. If so attach copies to your answer.

THREE: You have filed pleas in this case denying indebtedness. Please state if you deny indebtedness on the note sued on or if these pleas are filed out to gain time.

FOUR: If you have paid the note state just when the payments were made.

FIVE: Was not the note here sued on given originally to the Virginia-Carolina Chemical Corporation for two hundred sacks of 10-4-7 fertilizer? Was not this fertilizer used by you on your farm?

SIX: Was it not bought from the Silverhill Farmer's Association the present owner of this note?

SEVEN: Have you not repeatedly admitted indebtedness of the balance due on this note not only to Mr. H. E. Marker of this concern but to his attorney and stated that the reason you did not pay this was because of your failure to get any prices for the crops raised by you?

EIGHT: Have you at any time told the Plaintiff or its attorney that you did not owe the balance on this note and if so state when and to whom this statement was made?

NINE: Is it not a fact that you still owe the difference between the face of the note, \$350.05 and the credits of \$214.62, a balance of \$135.45 with interest and attorney fees? If not, just what balance do you recognise as due.

William B. Rindley
Attorney for Plaintiff

-Page Two-

Elliott G. Rickarby being duly sworn says that he is attorney for the Plaintiff in this case and that in his opinion the answers of Defendant to the foregoing interrogatories ^{if true material} will be evidence for the Plaintiff in this cause.

Elliott G. Rickarby

Subscribed and sworn to before me on this the 10th day of December, 1934.

Notary Public, Baldwin County, Alabama.

Docket 92

H. 98

~~RECORDED~~
Duck

~~RECORDED~~
Duck

SILVERHILL FARMERS
ASSOCIATION,
Plaintiff,

versus

JOHN DUBRAUCK,
Defendant.

Executed December 13th 1934
by serving interrogatories
on Hubert M. Hall

W.R. Stuart Sheriff
By M. Hamilton Deputy Sheriff

INTERROGATORIES PROFOUNDED
TO DEFENDANT.

Buck & Hall - for Defendant

Filed Dec 12th 1934
W. G. Rickaby
Clerk

ELLIOTT G. RICKABY,
Atty for Plaintiff.

STATE OF ALABAMA)

BALDWIN COUNTY)

IN THE CIRCUIT COURT

LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:.....GREETING:

You are hereby commanded to summon JOHN DUBRAUCK, 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 same, then and there to answer the complaint of SILVERHILL FARMERS ASSOCIATION, INC.,.

Witness my hand this the 26th day of December, 1934.

M. A. Stain
Clerk.

SILVERHILL FARMERS ASSOCIATION, Inc.
Plaintiff.

vs

JOHN DUBRAUCK

Defendant.

L A W
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Comes the Plaintiff and by leave of Court amends
the complaint in this cause by adding Count Two to read as follows:

TWO: Plaintiff claims of the Defendant the
further sum of TWENTY-FOUR and 70/100 DOLLARS due for goods, wares,
and merchandise sold by the Plaintiff to the Defendant on towit.
the 13th day of February 1934 with interest thereon.

The debt sued for in the foregoing account is
evidenced by itemized and verified account filed herewith.

Elliot S. Rinkley
Attorney for Plaintiff.

*Three: Plaintiff claims of the defendant
the further sum of twenty four and 70/100 dollars
due by account stated on towit the 13th day of
April 1934 with interest thereon.*

Elliot S. Rinkley
Att. for P.

98 July

Executed 7th January 1935
by serving copy of within Summons and
Complaint on

John Dubrauck
Ruck

W.R. Stuart Sheriff
M.H. Williams Deputy Sheriff

SILVERHILL FARMERS ASSOCIATION
Plaintiff.

VS

JOHN DUBRAUCK
Defendant.

AMENDMENT TO COMPLAINT

Filed Dec. 21st 1934
J. A. Stone
Clerk,
Answer of Deft. Re filed
Jan 23, 1935
Robert S. Duck, Clerk

SILVERHILL FARMERS ASSOCIATION, INC.

JOHN DUBRAUCK

Defendant.

whereas tried to serve the complaint and same
:avoided as best of his power to cause said complaint and
and answered and to answer the complaint :000
:action :000 and answer :000 and answer :000
:action :000 and answer :000 and answer :000

at the time of the trial the defendant was present
and the trial was held at the residence of the defendant

the trial was held at the residence of the defendant

SILVERHILL FARMERS
ASSOCIATION,

Plaintiff,

VS.

JOHN DUBRAUCK,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

And now comes the Defendant and for answer to the Interrogatories propounded by the Plaintiff, and to each separately and severally says:

ONE:

For answer to interrogatory One, he says: That he admits payment of One Hundred Seven and 77/100 (\$107.77) Dollars and One Hundred (\$100.00) Dollars cash on said note, but knows nothing about having been allowed a credit. He has made no other cash payments, however, he turned his entire crop of potatoes over to the Plaintiff Association and has never received ^{complete} ~~any~~ return for said crop.

TWO:

That he does not have receipt for any other credits than the two above mentioned.

THREE:

That he delivered his entire crop, in accordance with contract, to the Plaintiff Association, in payment of the indebtedness.

FOUR:

That the crop was delivered the same season as the note was executed.

FIVE:

That the note was made to the Silverhill Farmers' Association and not to Virginia Carolina Chemical Corporation. The note was for ten (10) tons of 10-4-7 which was used on my farm.

SIX:

It was bought from the Silverhill Farmers' Association.

SEVEN:

That he has, a number of times, discussed the matter with Mr. Marker of the Silverhill Farmers' Association; that he has discussed with said Marker the delivering of produce to him for which he was to be given credit; that he has, at the same time, discussed the matter of a rebate which should have been allowed to him and for which he has never been given credit.

EIGHT:

That he has discussed the matter with the Plaintiff a number of times, and has each time claimed that the Plaintiff allowed him additional amounts for produce delivered to the Plaintiff Company and also has a rebate for fertilizer purchased from the Plaintiff Company, which together totals as much or more than that owing from the Defendant to the Plaintiff.

NINE:

It is not a fact that he still owes the difference between the face of the note, Three Hundred Fifty and 05/100 (\$350.05) Dollars and the credit of Two Hundred Fourteen and 62/100 (\$214.62) Dollars, but on the contrary is entitled to further credits which will fully off-set the principal indebtedness due from this Defendant to the Plaintiff.

John Dubravak

Sworn to and subscribed before
me on this the 10th day of June,
1935.

H. H. H. H.
Notary Public, Baldwin County, Ala.

98 RECORDED
7-297

SILVERHILL FARMERS
ASSOCIATION,

Plaintiff,

VS.

JOHN DUBRAUCK,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

ANSWERS TO INTERROGATORIES

Filed this 12 day of June,
1935.

Robert L. Quack
Clerk.

31

I charge you gentlemen of the
jury that if you believe ~~from the~~
evidence in this case you
must find for the defendant
as to plaintiffs claim on a note

Given
and taken