

AUGUST PEARSON,

Plaintiff,

-vs-

A. A. CORTE and A. A.
CORTE & SONS ET AL,

Defendants.

IN THE CIRCUIT COURT-LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Now come the Defendants and file this, their Demurrer to each count of the Complaint, separately and severally, and assign as grounds therefor:-

1st. That said count states no cause of action.

2nd. That it appears that said count is barred by the Statute of Limitations of three years.

3rd. It does not allege that said account was agreed upon by and between the parties.

Hyfard Heard
Attorneys for Defendants.

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~~RECORDED~~
DEMURRER. *Duck*

AUGUST PEARSON,
Plaintiff,

--VS--

A. A. CORTE and A. A.
CORTE & SONS ET AL,
Defendants.

IN THE CIRCUIT COURT-LAW SIDE
STATE OF ALABAMA
BALDWIN COUNTY.

Filed April 10, 1935
Robert S. Duck
Clerk.

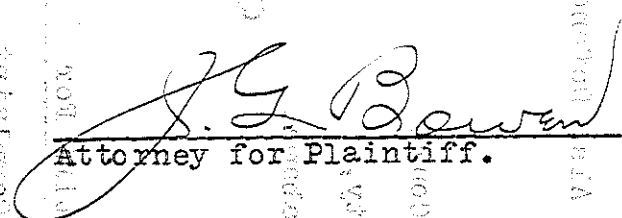
(3)

Robert S. Duck

AUGUST PEARSON, PLAINTIFF
VS.
A. A. CORTE, ET ALS, DEFENDANTS)

IN THE CIRCUIT COURT
OF BALDWIN COUNTY,
BAY MINETTE, ALABAMA.

Comes the Plaintiff in the above entitled cause, and
begs leave of the Court to amend his complaint by adding Counts
Three and Four thereto, as hereinafter set out and filed
herewith in the court.

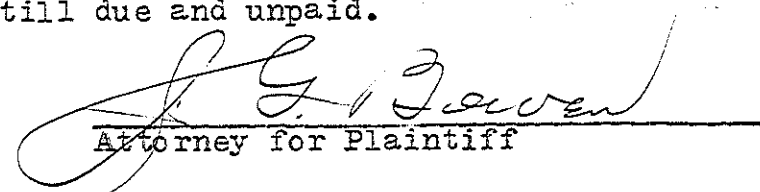

Attorney for Plaintiff.

Count Three

The Plaintiff claims of the Defendants \$1,680.00,
(one thousand six hundred eighty dollars), due from them by account
on or about June 1st, 1929, which sum of money with the interest
thereon is still due and unpaid.

Count Four

The Plaintiff claims of the Defendants \$1,680.00,
(one thousand six hundred eighty dollars), due from them for
merchandise, goods and chattels, sold by the Plaintiff to the
Defendants on or about June 1st, 1929; which sum of money with
the interest thereon is still due and unpaid.


Attorney for Plaintiff

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PROCEEDINGS FOR REPLEVIN

[Handwritten signature]

August Pearson, Plaintiff
Vs.
A. A. Corte, Et Als, Defendants

County Court

In The Circuit Court
Of Baldwin County,
Bay Minette, Alabama.

Motion By Plaintiff For
Leave to Amend Complaint
By Adding Counts Three
And Four Thereto.

Filed this 28 day of July 1964
[Signature]
Clerk-Register

J. G. Bowen,
Attorney For Plaintiff.

STATE OF ALABAMA
COUNTY OF BALDWIN

STATE OF ALABAMA |
 |
COUNTY OF BALDWIN |

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summons A. A. Corte, E. D. Corte, J. A. Corte, A. I. Corte, F. A. Corte, A. R. Corte, Julius Corte, Albert Corte, individually and trading as A. A. Corte & Sons, to appear within thirty (30) days from the service of this writ in the Circuit Court, to be held in said County at the place of holding same, then and there to answer the complaint of August Pearson.

Witness my hand this the 4 day of March, 1935.


Clerk.

August Pearson,

PLAINTIFF : CIRCUIT COURT OF BALDWIN COUNTY

VS.

ALABAMA.

A. A. Corte, E. D. Corte,
J. A. Corte, A. I. Corte,
F. A. Corte, A. R. Corte,
Julius Corte, Albert Corte,
individually and trading DEFENDANTS:
as A. A. Corte & Sons.

LAW SIDE.

COUNT 1

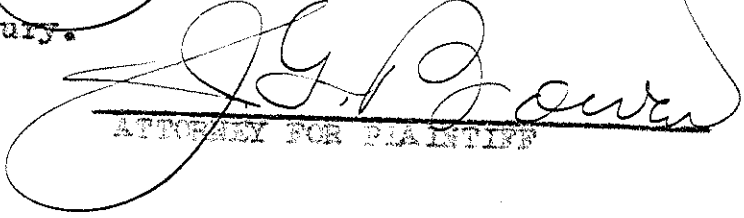
The Plaintiff claims of the Defendants \$1,680.00 due by an account stated by the Defendants to the Plaintiff on or about June 1, 1929, which said sum of money, with the interest thereon at 8% per annum is still due and unpaid.

COUNT 2

The Plaintiff claims of the Defendants \$1,680.00 due by an account by the Defendants to the Plaintiff on or about June 1, 1929 which sum of money, with the interest at 8% per annum thereon, is still due and unpaid. Plaintiff alleges that the Defendants promised the Plaintiff payment of said account from time to time during the period from on or about June 1, 1929 to on or about June 1, 1932, but the same remains due and unpaid.

Plaintiff demands a trial by jury.


ATTORNEY FOR PLAINTIFF


ATTORNEY FOR PLAINTIFF

AUGUST PEARSON,
Plaintiff,
-vs-
A. A. CORTE and A. A.
CORTE & SONS ET AL,
Defendants.

IN THE CIRCUIT COURT-LAW SIDE
STATE OF ALABAMA
BALDWIN COUNTY.

Now come the Defendants in the aforesaid cause and propound to the Plaintiff under the statute the following interrogatories:-

1st. Please state your name, age and residence. Please attach to your answer to these interrogatories an itemized statement of the account that you claim against the Defendants which you allege is the basis of your suit, showing all debits and all credits and the respective dates of each transaction, attaching same and marking it Exhibit "A" to your answer to these interrogatories.

2nd. If you claim that a promise was made to you by the Defendants to pay your alleged account, please state who made this promise to you and who was present at the time, and where the conversation took place and which one of the Defendants you had your conversation with. If you claim that you had more than one conversation relative to said account in which the Defendants, or one of them, admitted the correctness of your account, please give in detail each and every conversation that you had with the Defendants, or either one of them, in regard to the payment of your said account, stating in regard to each transaction or conversation the place where the conversation or agreement was had, the party or parties defendant with whom you had said agreement, and who was present at the time that said conversation or agreement to pay your alleged indebtedness was had.

3rd. If you claim to have a stated account against the Defendants, please explain how and when said account was stated or delivered to the Defendants. If you claim you mailed said stated account to the Defendants, to whom did you address

(page two)

your letter, when did you address your letter and from what post-office did you mail your letter, or, if you state that you delivered it by hand, to whom did you deliver it, and when and where?

4th. Did you keep a copy of said stated account? If so, please attach a copy of the same to these interrogatories, making the same a part of your answer, marking the same Exhibit "B".

Hayward, Heard & Chason
Attorneys for Defendants.

STATE OF ALABAMA,
BALDWIN COUNTY.

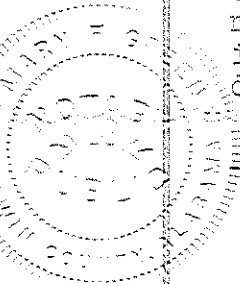
Before me, Mary E. Green, a Notary Public in and for said State and County, personally appeared John Chason, one of the Attorneys for the Defendants in the above styled cause, who, being duly sworn deposes and says:-

That the Defendants are desirous of obtaining the answer of the Plaintiff, August Pearson, to the foregoing Interrogatories, and that said answer when made will be material testimony for the Defendants in the aforesaid cause.

John Chason

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 10th day of April, 1935.

Mary E. Green
Notary Public, Baldwin County,
State of Alabama.



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INTERROGATORIES.

AUGUST PEARSON,
Plaintiff,
-VS-
A. A. CORTE and A. A.
CORTE & SONS ET AL,
Defendants.

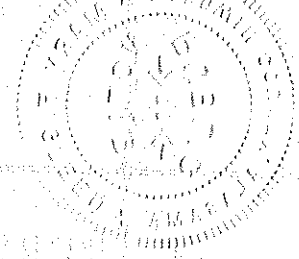
IN THE CIRCUIT COURT-LAW SIDE
STATE OF ALABAMA
BALDWIN COUNTY.

Filed April 17, 1935
Robert S. Duck
Clerk.

Rec in office
4/14/35
M. H. Wilkins
Sheriff

Received 17 Day of April 1935
and on 17 Day of April 1935
I served a copy of the within
on J. B. Pearson & Family

as by service on
R. L. HOLCOMBE, Sr., Sheriff
at Pearl River, Miss.



[Handwritten signature]

August Pearson,
Plaintiff.
-vs-
A.A.Corte & Sons, etal.
Defendants.

IN THE

{ CIRCUIT COURT OF
{ BALWIN COUNTY, ALA.

Comes the plaintiff in the above entitled cause for answer to the Interrogatories propounded by the defendants says as follows:

1- In answer to the first Interrogatory plaintiff says his name is August Pearson, he is forty-seven years of age and resides at Silver Hill, Balwin County, Alabama and attaches to this Interrogatory his itemized statement of the account sued on ~~and~~ marks *d* Exhibit A.

2- In answer to the second Interrogatory plaintiff says that he in person called on the defendants and talked with A. J. Corte, A. I. Corte and E.D.Corte, this was at their office at Loxley in July, 1929. Plaintiff was alone at which time they told him to wait until the season was over and they would straighten it out. Again in 1930 plaintiff called on the defendants at their office in Loxley and they stated they were too busy then but would straighten it out later. Each time plaintiff called on them he presented them a bill for the \$1680.00 and they never disputed it but stated they would straighten it out later. In the first part of May 1932 plaintiff again called on defendants at their office in Loxley and first made demand on E.D. Corte, while he was talking, A.I. Corte came in and denied owing the bill and this was the first time anyone of them had denied owing it and none of the others denied it. Plaintiff says that about the 1st of June, 1929 one of the defendants, A.J.Corte appeared at the platform at the depot in Robertsdale while the plaintiff was packing a load of corn and in the presence of one Clyde Hubbard verified the number of three cars which numbers he had in his own possession that compared with the numbers of the cars involved in the claim that plaintiff is suing on and after this transaction plaintiff in 1929 as above stated appeared at the office of the defendants in Loxley and checked the account with the defendants and made demand for pay-

ment stating the amount he was claiming of \$1680.00. At the time Art Corte called at the platform and compared the number of bill of lading with the foreman's platform book he knew the number of sacks loaded in each car and the price per sack and had agreed to pay for the said potatoes.

3- In answer to the third Interrogatory the plaintiff says that he personally carried them a statement when he called on them and made demand on them for \$1680.00 every time he called to see them about it.

4- In answer to the fourth Interrogatory the plaintiff attaches a copy of the stated account to this Interrogatory.

August Parsons
Plaintiff

Subscribed and sworn to before me this 8th day of
June, 1935.



J. G. Bowman N.P.
Notary Public
Mobile Co. Ala.

EXHIBIT A

A.A. Corte & Sons in Account with August Pearsons as Follows:

5/17/29	240 Sx Irish Potatoes by L&N Car #98294 @ \$2.75 Per Sx -	\$660
5/17/29	240 Sx Irish Potatoes by L&N Car #97350 @ \$1.50 Per Sx -	360
5/30/29	240 Sx Irish Potatoes by L&N Car #16894 @ \$2.75 Per Sx -	660
Total		1680

[Handwritten notes and signatures, including names like "A.A. Corte" and "August Pearsons", and various illegible scribbles.]

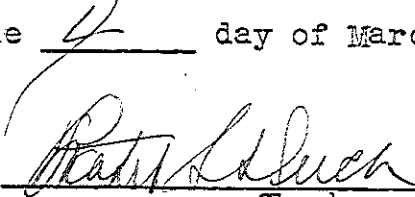
RECORDED

STATE OF ALABAMA |
 |
COUNTY OF BALDWIN |

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons A. A. Corte, E. D. Corte, J. A. Corte, A. I. Corte, F. A. Corte, A. R. Corte, Julius Corte, Albert Corte, Individually and trading as A. A. Corte & Sons, to appear within thirty (30) days from the service of this writ in the Circuit Court, to be held in said County at the place of holding same, then and there to answer the complaint of August Pearson.

Witness my hand this the 4 day of March, 1935.


Clerk.

August Pearson,

PLAINTIFF

CIRCUIT COURT OF BALDWIN COUNTY

VS.

ALABAMA.

LAW SIDE.

A. A. Corte, E. D. Corte,
J. A. Corte, A. I. Corte,
F. A. Corte, A. R. Corte,
Julius Corte, Albert Corte,
individually and trading DEFENDANTS:
as A. A. Corte & Sons.

COUNT 1

The Plaintiff claims of the Defendants \$1,680.00 due by an account stated by the Defendants to the Plaintiff on or about June 1, 1929, which said sum of money, with the interest thereon at 8% per annum is still due and unpaid.

COUNT 2

The Plaintiff claims of the Defendants \$1,680.00 due by an account by the Defendants to the Plaintiff on or about June 1, 1929 which sum of money, with the interest at 8% per annum thereon, is still due and unpaid. Plaintiff alleges that the Defendants promised the Plaintiff payment of said account from time to time during the period from on or about June 1, 1929 to on or about June 1, 1932, but the same remains due and unpaid.

Plaintiff demands a trial by jury.


ATTORNEY FOR PLAINTIFF


ATTORNEY FOR PLAINTIFF

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Executed March 16 - 1935 -
by serving copy of within Summons and
Complaint on

A. A. Corte, E. D. Corte
J. A. Corte, A. I. Corte
Ph. A. Corte, Julius Corte
+ Albert Corte,
M. H. Milken Sheriff
C. N. Anderson Deputy Sheriff

August Pearson,
PLAINTIFF

~~UNRECORDED~~
VS. Bank

A. A. Corte, ✓ E. D. Corte, ✓
J. A. Corte, ✓ A. I. Corte, ✓
F. A. Corte, ✓ A. R. Corte, ✓
Julius Corte, ✓ Albert Corte, ✓
individually and trading as
A. A. Corte & Sons.,
DEFENDANTS

CIRCUIT COURT OF BALDWIN COUNTY
ALABAMA.
LAW SIDE.

Defendants live in Fairhope, Ala.
and have an office in Loxley, Ala.

Filed March 4 1935
Robert J. Smith
Rec in office March 2 1935
Const. Milken Sheriff

Civil Execution for Costs Against Plaintiff.

THE STATE OF ALABAMA,
Baldwin County.

No. 125 Spivy CIRCUIT COURT
Term, 1936

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded, That of the goods and chattels, lands and tenements of August Planno Plaintiff in the suit,
you cause to be made the sum of \$3500 Dollars,
costs of suit, created by said Plaintiff, for that, whereas, on the 30 day of March, 1936, the said Plaintiff Desmond Jay Sparty Planno recovered by the judgment of the said Circuit Court
of said County, against A. A. Certe Defendant

to the suit, the sum of _____ Dollars,
besides \$3500 Dollars, cost of suit;

upon which Judgment an Execution has been issued and returned by the Sheriff, No Property Found.

AND HAVE YOU THAT MONEY ready to render to Ratford Dees
Clerk of said Court, and make return of this Writ and the execution thereof, according to law.

Witness my hand, this 15 day of June, 1936.
Ratford Dees Clerk.

CLERK'S FEES	Dollars	Cts.	SHERIFF'S FEES	Dollars	Cts.
For every Summons and Complaint	\$1	25	For Levying an Attachment	\$3	00
Each copy thereof		30	Entering and Returning Attachment		25
Entering a Sheriff's Return		20	Summoning Garnishee		1 50
Docketing		25	Serving Summons on Writ		1 50
Entering Appearance		20	Serving Notice Sci. Fa. Notice, etc.		65
Filing		10	Serving Subpoenas		65
Every Order made in Court		30	Empanelling Jury		75
Copy thereof		25	Entering and Returning Execution		25
Every Trial with or without Jury		75	Collecting costs Execution		1 50
Entering up Judgment or copy thereof		30	Executing a Writ of Possession		2 50
Issuing Execution		50	Taking and Approving Bonds		1 00
Docketing Execution		25	Commissions		
Entering Return on Execution		20	Sheriff's Commission for Property Sold		
Issuing Subpoenas		30	Under Attachment		
Administering Oath		25	Seizing Personal Property on Writ of		
Issuing Each Attachment Taking Bond	\$1	00	Detinue		3 00
Filing Attachment		10			
Each Summons for Garnishee		50	RECAPITULATION		
Each copy		50	Clerk's Fees		13 75
Notice to Deft. in Garnishee on Summons and copy, per hundred words		20	Sheriff's Fees		18 2
Commissions to take Depositions or copy		75	Justice's Fees		
Order to Execute Writ of Inquiry		30	Witness Fees in Justice of Peace Court		
Copy of Interrogators, 15c per hundred words, or		50	Constable's Fees		
Filing each Deposition and Endorsing same		20	Commissioner's Fees		
Final Record, per hundred words		15	Printer's Fees		
Every Certificate		50	Witness Fees in Circuit Court		
Taking Bond not Otherwise Provided for		75	Former Clerk's Fee		5 00
Witness Certificates		25	Stenographer's Fees		3 00
Continuance		10	Trial Tax		3
Certificate of Judgment		50			3 5
Order of Publication		1 00			3 5
			13 75		

THE STATE OF ALABAMA,
Baldwin County.

By virtue of the within Execution, I have at

at _____ o'clock _____ M., this 22nd day of May, 1937, levied

Collected \$35.00 as named herein and
turned same over to R. S. Duck, Clerk.

J. H. Wilkins
Sheriff.

Sheriff.

COLLECT COSTS FROM

The State of Alabama
BALDWIN COUNTY

I hereby certify that the within
and costs in this case are correct, and there was
waiver of exemption as to personal prop-
erty under the Constitution and Laws of
Alabama.

This _____ day of _____ 193__

Clerk

Received in office

24 _____ 1937

Feb.

Sheriff

Sheriff's Execution Docket, Page 90

Sheriff's Fee Book, - - - Page - - -

No. 1211

Page _____

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

August Pearson

Plaintiff..

vs

A. A. Carter

Defendant --

Civil Execution for Costs
Against Plaintiff.

Costs, \$35.00

Civil Fee Book, Page _____

Execution Docket, Page _____

Filed Feb 25, 1937

R. S. Duck, Clerk.

D. H. Brown
Plaintiff's Attorney.

Hyphant Chason
Defendant's Attorney.

AUGUST PEARSON,

Plaintiff,

-vs-

A. A. CORTE ET AL,

Defendants.

IN THE CIRCUIT COURT--AT LAW

STATE OF ALABAMA

BALDWIN COUNTY.

Come the Defendants in the above entitled cause and propound to the Plaintiff the following additional Interrogatories:-

1-A. At the time that you alleged in your Answer to the Interrogatories heretofore filed to you that you delivered to the Defendants 240 sacks of No. 1 Irish Potatoes and 240 sacks of No. 2 Irish Potatoes on May 17th, 1929, did the Defendants give you a receipt for the same? If so, please attach a copy of said receipt or receipts to your Answer to these Interrogatories.

Where did you deliver said potatoes to said Defendants if you say that you delivered them? To what individual did you deliver said potatoes? Did you deliver any potatoes to the Defendants on May 18th, 1929, and, if so, where did you deliver the same, and to what individual did you deliver the same as the representative of the defendants, and if you say you delivered potatoes to the Defendant on May 18th, 1929, please attach a copy of your receipt for such potatoes, and if you say that you delivered potatoes to the Defendants on May 18th, 1929, how many sacks of potatoes did you deliver to them, and state the respective grades of said potatoes so delivered by you.

2-A. You state in your Answer to Interrogatories heretofore filed to you that on May 30th, 1929, you delivered to the Defendants 240 sacks of Irish Potatoes for which you were to receive \$2.75 per sack. Were these No. 1 Potatoes? Did anyone for the Defendants execute to you a receipt for these potatoes delivered on May 30th, 1929? If so, please attach a copy of such receipt to your Answer to these Interrogatories. Did you deliver to the Defendant any potatoes on May 28th, 1929? If so, please attach a copy of your receipt for said potatoes if Defendants gave

(page two)

you a receipt for the same; if not, how many potatoes did you deliver to the Defendants on May 29th, 1929? Did you deliver any potatoes to the Defendants on May 31st, 1929? If so, how many potatoes did you deliver to them, and if you say that you did to what individual did you deliver said potatoes on May 31st, 1929? Did the Defendants give you a receipt for these potatoes? If so, please attach a copy of said receipt to your Answer to these Interrogatories. Where you have attached copy of receipts to your Answers to Interrogatories please mark and number them as Exhibits thereto.

5-A. Please attach as Exhibits to your Answers to these Interrogatories copies of all receipts that you hold as having been executed by the Defendants or by the Defendants' agents for all potatoes delivered by you to the Defendants personally, or through their agents, during the potato season of 1929. How many sacks of No. 1 potatoes did you sell and deliver to the Defendants during the potato season for the year 1929? How many sacks of No. 2 potatoes did you sell and deliver to the Defendants during the potato season for the year 1929? Make a detailed statement of the delivery of potatoes by you to the Defendants during the potato season for the year 1929.

Hybart Chason
Att'y for Plaintiff

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, Mary E. Green, a Notary Public in and for said State and County, personally appeared John Chason one of the Attorneys for Defendants in the above styled cause, who, being duly sworn deposes and says:-

That the Defendants are desirous of obtaining the answer of the Plaintiff, August Pearson, to the foregoing Interrogatories, and that said answer when made will be material testimony for the Defendants in the aforesaid cause.

John Chason

Sworn to and subscribed before me, this 9th day of July, 1935.

Mary E. Green
Notary Public, Baldwin County,
Alabama.

Rec in office
7/10/35
M. W. Wilkins
P-34

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INTERROGATORIES.

AUGUST PEARSON,
Plaintiff,
-VS-
A. A. CORTE ET AL,
Defendants.

IN THE CIRCUIT COURT-AT LAW
STATE OF ALABAMA
BALDWIN COUNTY.

Filed July 10, 1935

Robert L. Deal
Clerk.

LAW OFFICES
HYBART, ~~HEARD~~
& CHASON
BAY MINETTE, ALABAMA

Received 15 Day of July 1935
and on 16 Day of July 1935
I served a Copy of the within Interrogatories
on A. A. Corté

BY Frank Remondino
S. L. HOLCOMBE, Sec'y, CIVIL