

TOWN OF FAIRHOPE

Plaintiff

-vs-

M. F. NORTROP,

Defendant

No. 133 - LAW

CIRCUIT COURT OF

BALDWIN COUNTY ALABAMA

Comes the plaintiff in the above entitled cause,
and pursuant to demand made by the defendant upon the
plaintiff for a bill of particulars for items claimed
by it as due from the defendant under each count of the
complaint says:

Under Counts One, Two and Three plaintiff claims
the amount of reduction from rates established by the
plaintiff for electric current sold by it, as follows:

<u>Month</u>	<u>Year</u>	<u>Amount Due</u>	<u>Amount Paid</u>	<u>Balance Due</u>
May	1927	\$ 2.94	\$ 1.19	\$ 1.75
June		3.22	1.19	2.03
July		2.94	1.19	1.75
August		2.94	1.19	1.75
September		2.94	1.19	1.75
October		4.03	1.93	2.10
November		4.68	2.45	2.23
December		3.78	1.70	2.08
January	1928	2.94	1.19	1.75
February		2.94	1.19	1.75
March		4.20	2.10	2.10
April		2.52	1.19	1.33
May		3.36	1.28	2.08
June		2.66	1.19	1.47
July		4.06	1.96	2.10
August		3.50	1.43	2.07
September		4.06	1.96	2.10
October		6.76	4.52	2.24
November		10.08	7.68	2.40
December		8.88	6.30	2.58
January 1929		10.30	7.96	2.34
February		8.21	5.90	2.31
March		7.55	5.27	2.28
April		9.31	6.95	2.36
May		8.32	6.00	2.32
June		10.85	8.41	2.44
July		10.08	7.68	2.40
August		12.80	10.26	2.54
September		7.99	5.96	2.03
October		6.23	4.02	2.21
November		5.13	2.98	2.15
December		10.74	8.30	2.44

<u>Month</u>	<u>Year</u>	<u>Amount Due</u>	<u>Amount Paid</u>	<u>Balance Due</u>
January	1930	\$4.94	\$2.80	\$2.14
February		5.02	2.90	2.12
March		3.00	3.00	none
April		3.74	3.00	.74
May		3.58	3.00	.58
June		3.59	3.00	.59
July		3.59	3.00	.59
August		4.70	3.00	1.70
September		5.50	3.00	2.50
October		9.26	6.90	2.36
November		5.90	3.70	2.20
December		6.48	4.26	2.22
January	1931	5.66	3.48	2.18
February		4.54	3.00	1.54
March		3.58	3.00	.58
April		3.98	3.00	.98
May		3.50	3.00	.50
June		3.00	3.00	none
July		3.74	3.00	.74
August		3.98	3.00	.98
September		5.82	3.63	2.19
October		6.62	3.44	3.18
November		5.66	3.00	2.66
December		6.90	4.65	2.25
January	1932	5.98	3.78	2.20
February		3.74	3.00	.74
March		4.91	3.00	1.91
April		3.10	3.00	.10
May		3.26	3.00	.26
June		5.22	3.00	2.22
July		5.18	3.00	2.18
August		4.90	3.00	1.90
September		4.54	3.00	1.54
October		4.63	3.00	1.63
November		6.30	3.00	3.30
December		3.28	3.00	.28
January	1933	4.27	3.00	1.27
February		4.54	3.00	1.54
March		4.90	2.85	2.05
April		3.01	2.85	.16
May		5.06	2.85	2.21
June		2.83	2.68	.15
July		3.01	2.86	.15
August		3.00	2.85	.15
September		3.10	2.85	.25
October		3.28	2.85	.43
November		5.10	2.85	2.25
December		4.54	2.85	1.69
January	1934	3.55	2.85	.70
February		3.01	2.85	.16
March		4.81	2.85	1.96
April		3.82	2.85	.97
May		3.00	2.85	.15
June		4.41	2.85	1.56
July		4.00	2.85	1.15
August		5.74	2.85	2.89
September		4.81	2.85	1.96
		\$446.05	\$301.24	\$144.81

Under Counts, Four, Five, Six and Seven the plaintiff will claim the following item due from the defendant, to-wit, \$30.00, which was paid to the defendant, as mayor of the Town of Fairhope, for a fine; this fine having been paid about Labor Day, 1934, and not paid by the defendant into the City Treasury.

Under Counts Eight, Nine, Ten, Eleven and Twelve plaintiff seeks to recover fees received by the Mayor of the Town of Fairhope while he was such mayor, during the years 1927 to 1932, inclusive, which fees were not paid into the City Treasury, but were retained by the mayor for his personal use. The name of each defendant from whom such fee was collected, together with the amount of the fee collected, together with date of the trial of said cause, is found in statement hereto attached, marked Exhibit "A", here referred to, and made a part hereof.

TOWN OF FAIRHOPE

By


Mayor

NAME	DATE OF PAYMENT	TRIAL FEE	WARRANT AND AFFIDAVIT	WITNESS EXAMINA- TION	RECORDER FEE	TOTAL
Eslie Denton	between 11/17/26 and 1/24/27	1.00	.75			1.75 N
Earl Moody	1/24/27	1.00	.75			1.75 N
Willie Knox	between 1/24/27 and 1/27/27	1.00	.75			1.75 U
Henry Lloyd	1/27/27	1.00	.75			1.75 U
Theo. Wilson	"	1.00	.75			1.75 U
Mrs. F. H. Mallory	"	1.00	.75			1.75 N
D. A. Russell	1/31/27	1.00				1.00 N
Mrs. Irene Buell	"	1.00				1.00 N
Wm. Albough	2/ 4/27	1.00	.75			1.75 N
Henry Clay	"	1.00	.75			1.75 N
Henry Creamer	"	1.00	.75			1.75 N
Wm. Johnson	"	1.00	.75			1.75 N
Raymond Wood	2/10/27	1.00	.75			1.75 N
Junior Trust	2/11/27	1.00	.75			1.75 N
Rueben McGuff	"	1.00	.75			1.75 N
Willie Hamilton	between 2/11/27 and 6/26/27	1.00	.75			1.75 U
Robt Hamilton	6/26/27	1.00	.75			1.75 U
Junior Trust	"	1.00	.75			1.75 U
Winston Young	"	1.00	.75			1.75 U
Rueben McGriff	"	1.00	.75			1.75 U
Henry Creamer	4/26/27	1.00	.75			1.75 U
Wm. Stapleton	5/7 /27	1.00	.75			1.75 U
Ed. Johnson	4/26/27	1.00	.75	1.00		2.75 U
Zenas Mason	between 4/26/27 and 6/25/27	1.00	.75			1.75 U
Paul Frederick	"	1.00	.75			1.75 T
Norvin DuBrock	6/27/27	1.00	.75			1.75 L
Harry Creamer	7/5 /27	1.00	.75			1.75 L
Geo. Hamilton	8/3/ 27	1.00	.75			1.75 L
C. J. Gilmore	7/5 /27	1.00	.75			1.75 L
Fritz Battles	6/27/27	1.00	.75			1.75 L
Lee Pomeroy	"	1.00	.75			1.75 L
Julius Lawrence	7/5 /27	1.00	.75			1.75 L
Byron Renolds	7/5 /27	1.00	.75			1.75 L
Quentin Mitchell	"	1.00	.75			1.75 L
Ernest Denton	"	1.00	.75	.50		2.25 L
Ben Bishop	"	1.00	.75			1.75 N
Willie Wilson	8/8 /27	1.00	.75			1.75 L
Norman Allen	8/22/27	1.00	.75			1.75 L
Norman Allen	8/1 /27	1.00	.75			1.75 L
Fred Wilson	8/15/27	1.00	.75			1.75 L
Fred Wilson	9/14/27	1.00	.75			1.75 L
Bunyan Horton	9/27/27	1.00	.75	.50		2.25 L
W. H. Burmeister	9/20/27	1.00	.75			1.75 T
Eldridge Bonner	11/12/27	1.00	.75	.75		2.50 L
Ernest Smith	10/25/27	1.00	.75	.75		2.50 L
Horace Wilson	10/18/27	1.00	.75			1.75 L
S. A. Henley	"	1.00	.75			1.75 L
Ed Johnson	1 /3 /28	1.00	.75			1.75 L
Lee Parker	12/31/27	1.00	.75			1.75 L
Henry Allen						
Gunnuson	1/ 9/28	1.00	.75	.50		2.25 L
Louis Morgan	7/12/29	1.00	.75			1.75 T
Wm. Cooper	3/5/28	1.00	.75			1.75 L
Jimmy Lloyd	3/12/28	1.00	.75			1.75 L
R. H. Young	3/9/28	1.00	.75			1.75 L

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NAME	DATE OF TRIAL	TRIAL FEE	WARRANT & AFFIDAVIT	WITNESS EXAMINATION	RECORDER FEE	TOTAL
Henry Llody	3/19/28	1.00	.75	.50		2.25
Percy Dale	5/25/28	1.00	.75			1.75
Horace Wilson	8/5/28	1.00	.75			1.75
L. Reidenback	4/9/28				.50	.50
Ray Alswoath	4/16/28				.50	.50
Elmer Burgeriet	4/18/28				.50	.50
A.O. Wiggins	4/23/28				.50	.50
Mrs. Harriet Beaty	5/12/28				.50	.50
Raymond Dyson	5/12/28				.50	.50
Oscar William	5/28/28	1.00	.75			1.75
W. H. Edwards	5/24/28				.50	.50
Carl Swedelius	5/17/28				.50	.50
F. K. Hubbard	"				.50	.50
Miss Clara Hall	"				.50	.50
Marion Hedden	5/21/28				.50	.50
Sylvester Henry	5/28/28	1.00	.75			1.75
Reynolds Seay	5/23/28	1.00	.75			1.75
Ed Bonner	7/23/28	1.00	.75			1.75
Eddins	6/29/28	1.00	.75			1.75
Percy Coker	7/4/28	1.00	.75			1.75
Horace Wilson	7/6/28	1.00	.75			1.75
J. Green	7/19/28	1.00	.75			1.75
R. Heard	7/19/28	1.00	.75			1.75
John Adams	7/20/28	1.00	.75			1.75
Ham Hall	7/23/28	1.00	.75			1.75
Eddins	8/27/28	1.00	.75			1.75
Jack Hamilton	11/16/28	1.00	.75	1.00		2.75
L. R. Fulford	12/3/28	1.00	.75			1.75
James Wilson	"	1.00	.75			1.75
James Bonner	12/29/28	1.00	.75			1.75
Ben Hasty	1/5/29	1.00	.75			1.75
Willis	1/26/29	1.00	.75			1.75
Ben Butler	1/30/29	1.00	.75			1.75
Junior Trust	"	1.00	.75			1.75
Mike Wilson	3/28/29	1.00	.75			1.75
Monk Wilson	1/30/29	1.00	.75			1.75
Sam Dale	1/30/29	1.00	.75			1.75
Jimmy Lloyd	"	1.00	.75			1.75
John Hadley	3/4/29	1.00	.75			1.75
J.B. Stuart	between 3/4/29 and 4/15/29	1.00	.75			1.75
Mrs. A.L. McCue	"				.50	.50
F.K. Hubbard	"				.50	.50
R. C. Keeney	"				.50	.50
R.P. Faulkinbury	4/16/29				.50	.50
S. C. Boise	"				.50	.50
M. Zendal	4/17/29				.50	.50
Ellen Anacker	4/18/29				.50	.50
T. H. Molton	"				.50	.50
R. P. Jackson	"				.50	.50
G. E. Briggs	4/19/29				.50	.50
John Aitken	4/27/29	1.00	.75			1.75
J.B. Leavins	"	1.00	.75			1.75
John Doe	3/13/29	1.00	.75			1.75
Richard Doe	"	1.00	.75			1.75
Cavanac Stapleton	7/10/29	1.00	.75			1.75
Josephine Tone	6/10/29				.50	.50
C. E. Nessor	6/18/29	1.00	.75			1.75
B.B. Catrett	"	1.00	.75			1.75
George Green	6/15/29	1.00	.75			1.75
Robert Martin	6/24/29	1.00	.75			1.75
Claude Taylor	7/1/29	1.00	.75			1.75
Oscar Bishop	9/2/29				.50	.50
Hopkins Nelson	7/5/29	1.00	.75			1.75
Ernest Smith	7/23/29	1.00	.75			1.75
Cain McDonald	9/2/29	1.00	.75			1.75
Eugene Jones	7/22/29	1.00	.75			1.75
Tom Wainwright	9/30/29	1.00	.75			1.75
Jesse Lewis	2/11/30	1.00	.75			1.75
Randolph Claiborne	8/5/29	1.00	.75			1.75

Exhibit A

Name	Date of Payment	Trial Fee	Affidavit & Warrant	Witness Examination	Recorder Fee	Total
L. Glen Boykin	8/29/29	1.00	.75	1.00		2.75 L
Mrs. Ernest Ladd	8/5/29				.50	.50 L
Chas. Eddins	8/12/29	1.00	.75			1.75 L
Claude Taylor	6/23/30	1.00	.75			1.75 L
Bunyan Horton	1/2/30	1.00	.75			1.75 L
Raymond Wilson	2/2/30	1.00	.75			1.75 L
Bob McDonald	10/29/29	1.00	.75			1.75 L
Chas. Eddins	12/23/29	1.00	.75			1.75 L
Bill Johnson	12/26/29	1.00	.75			1.75 L
Tom Baggett	1/3/29	1.00	.75			1.75 L
Will Nettles	3/10/30	1.00	.75			1.75 L
J. D. Mitchell	"	1.00	.75	.50		2.25 L
Rueben McGriff	3/20/30	1.00	.75	.50		2.25 L
Willie Williams	5/9/30	1.00	.75			1.75 L
John Allen	6/7/30	1.00	.75			1.75 L
Pete Platkoski	"	1.00	.75			1.75 L
Emile Robinson	6/14/30	1.00	.75	.50		2.25 L
Leroy Fulford	7/21/30	1.00	.75	.50		2.25 L
L. Emmons	8/7/30	1.00	.75			1.75 L
General Johnson	9/25/30	1.00	.75			1.75 L
Ernest Fondren	1/5/31	1.00	.75			1.75 L
Raymond Bryant	10/25/30	1.00	.75			1.75 L
Albert Johnson	12/29/30	1.00	.75			1.75 L
Earl Moore	1/12/31	1.00	.75			1.75 L
Walter Lowell	5/25/31	1.00	.75			1.75 L
Monk Wilson	3/21/31	1.00	.75			1.75 L
Austine Denton	4/11/31	1.00	.75			1.75 L
Gordon Bishop	4/28/31	1.00	.75			1.75 L
Bank Gulley	5/19/30	1.00	.75			1.75 L
Ed. Johnson	5/21/31	1.00	.75	1.00		2.75 L
Chas. Allen	6/15/31	1.00	.75			1.75 L
Walter Allen	"	1.00	.75			1.75 L
James Allen	"	1.00	.75			1.75 L
Leslie Allen	"	1.00	.75			1.75 L
Sabra Stephenson	6/30/31	1.00	.75	1.00		2.75 L
Snap Smith	9/11/31	1.00	.75			1.75 L
Fred Pierce	7/ 5/31	1.00	.75			1.75 L
Iva Bryant	8/18/31	1.00	.75			1.75 L
Willie Knox	"	1.00	.75	2.50		4.25 L
John Gabel	10/ 9/31	1.00	.75			1.75 L
Bolton Possien	1/23/32	1.00	.75			1.75 L
Carl Beiser	2/ 5/32	1.00	.75	.50		2.25 L
R. L. Booth	2/ 6/32	1.00	.75	1.50		3.25 L
Jess Wallace	2/27/32	1.00	.75			1.75 L
Bowling	3/14/32	1.00	.75			1.75 L
Chas. Snellgrove	3/26/32	1.00	.75	1.00		2.75 L
Catherine Sullivan	3/28/32			.50		.50 L
		\$ 145.00	\$107.25	\$15.75	\$12.00	\$280.00

The letter L after the amount in "Total" Column indicates that said amount was collected by Gladys Lowell.

The letter N after the amount in "Total" Column indicates that said amount was collected by M. F. Northrop.

The letter T after the amount in "Total" Column indicates that said amount was collected by J. H. Titus.

The letter U after the amount in "Total" Column indicates that said amount was collected, but writing cannot be identified.

RECORDED

Duck
7-556

24 Aug 34
Produce

Handwritten notes in columns, including a large 'H' in the second column.

LAW OFFICES
ELLIOTT G. RICKARBY
FAIRHOPE, ALABAMA

May 12, 1938

Mr. Robert S. Duck
Clerk Circuit Court
Bay Minette, Alabama

Dear Sir:

TOWN OF FAIRHOPE VS. NORTHROP: Elliott has just handed me your letter to him enclosing a cost bill, and I note that this is not made out in accordance with my understanding with Mr. Beebe over the telephone. When he spoke to me about paying these costs he wanted me to pay for all costs incurred by us. This I declined to do, but finally agreed in so many words to care for any witness fees claimed by our witnesses with whom we would settle down here; and it was on this basis that the case was dismissed. If Mr. Gaston, Mr. Swift, Mr. Henry Bishop or Mr. C. C. Baldwin have any claim in attendance, which I doubt, we will cheerfully care for this.

Elliott tells me that what he told you was that we would pay for the expenses of our witnesses which is true, but this did not cover the expense of summoning them which was discussed between Mr. Beebe and me over the phone which I declined to do.

Very truly yours,

Elliott G. Rickarby

EGR:DP

State of Alabama }
BALDWIN. COUNTY }

No. _____
CIRCUIT. COURT
Fall. Term, 1936

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

It having been made known to the Court, by competent evidence, that heretofore, viz.: On the
2 day of Sept 1936, a Subpoena issued out of this Court directed to
J C Grimes.

commanding him to appear at the present term of this Court to give evidence in behalf of
~~The Defendant~~ Plaintiff
The Town of Fairhope. Plaintiff
and M F Northrup. Defendant.

And it appearing to the Court by return of the Sheriff on said Subpoena endorsed that the said
J C Grimes, was duly summoned
to appear at this term, and from term to term thereafter, according to law; and it further appearing that the
said J C Grimes. has wilfully refused to appear
and testify as by said Subpoena he was required, and wilfully and without good excuse, refused to appear,
obedience to said Subpoena; You are therefore commanded to arrest the said

J C Grimes. and him safely keep, so that you have him before this Court on the Instanter
day of _____ 19____

Herein fail not, and show by your return how you have executed this process.

R. L. Dush Clerk.

BOND

State of Alabama }
BALDWIN COUNTY. }

We, _____
_____ agree to pay the
State of Alabama, _____ Dollars,
unless _____
appears at the next term of _____ Court of said County, and from day
to day, and from term to term thereafter, until discharged by due course of law, to testify and give evidence
in behalf of _____ in a criminal prosecution wherein the State of Ala-
bama is Plaintiff, and _____
_____ Defendant.
charged with the offense of _____

And we, and each of us, hereby waive all rights of claim of exemption we or either of us have now or
may hereafter have, under the constitution and laws of the State of Alabama _____ hereby
certify that _____ have property free from all incumbrance, to the full amount of the above bond.

Witness our hands and seals, this _____ day of _____ 19____

Taken and approved, _____ (L. S.)
_____ (L. S.)
_____ 19____ (L. S.)
_____ Sheriff. _____ (L. S.)

RECORDED
7-560

THE STATE OF ALABAMA

BALDWIN COUNTY

Circuit Court COURT

~~XXXXXXXXXXXXXXXXXXXX~~

Town of Fairhope.

M F Northrup.

~~J. C. Grimes~~
~~XXXXXXXXXXXX~~

Attachment Writ Against

J. C. Grimes.

Witness.

Attachment for Witness

Issued Sent 16th 19 6
R. S. Dues
Clerk.

Defendant Lives at

~~Loxley Ala.~~

Bail of the Defendant in this case has
been fixed by the presiding Judge, in open
Court at.....

Dollars.

Clerk.

SURETIES:

Amount of Bond, \$.....

Received in Office.

19.....

Sheriff.

I have executed this Writ,

this Sept. 16th 19 35

by arresting the within named Defend-
ant and Bringing him

before the Judge
of the Circuit Court

M. H. Wilkins
Sheriff.

Lonnie Bryars
Deputy Sheriff.

The State of Alabama,

CIRCUIT COURT

Opaldu COUNTY.

Spring Term, 1935

No. 133

vs.

M. F. Marchup
vs. Leonard

4/11/35

BILL OF COSTS

65
12

CLERK'S FEES		@	Amount	SHERIFF'S FEES		@	Amount
1	Issuing.....Summons and Complaint.....	\$1	25	1	Levying.....Attachment.....	\$3	00
2	Issuing.....copies thereof.....	30		2	Entering and returning.....Attachment.....	25	
3	Making every copy thereof, when over 200 words, per 100 words.....	15		3	Summoning.....garnishee and return.....	1	50
4	Entering.....Sheriff's return or copy thereof.....	20		4	Serving.....Summons and Return.....	1	50
5	Docketing cause, to be charged but once.....	25		5	Serving.....Subpoenas.....	65	
6	Entering Appearance.....	20		6	Impaneling jury.....	75	
7	Filing.....pleas, demurrer and other pleadings, for each.....	10		7	Making deed.....	2	50
8	Every trial, with or without jury, and its incidents, not including judgments by default or nil dicit.....	75		8	Serving Summons, forcible entry, etc.....	1	50
9	Entering.....Continuance (each).....	10		9	Executing writ of restitution or possession.....	5	00
10	Entering.....judgment, (each).....	30		10	Collecting execution for cost.....	1	50
11	Entering any other order of Court (each).....	30		11	Serving.....Sci. Fa., notices, etc.....	1	50
12	Issuing.....Scire Facias, or notice in the nature thereof (each).....	75		12	Serving any summons not provided for and return.....	1	50
13	Issuing.....Execution or copy thereof (each).....	50		13	Serving.....attachment for contempt.....	1	50
14	Entering return, or copy thereof, for each 100 words, 15 cts; but in no case less than.....	20		14	Taking and approving.....bond.....	1	00
15	Recording award of arbitrators, referees, auditors, etc., for each 100 words.....	15		15	Seizing personal property in detinue.....	3	00
16	Issuing execution or attachment thereon, and entering return.....	1	00	16	Collecting money under execution, 5% first \$200.00; 4% to \$500.00; 3% all over \$500.00.....		
17	Taking bond for certiorari superseatas, or appeal, or copy thereof and filing same.....	75		17	Selling property attached, same for selling under execution.....		
18	Issuing.....Subpoenas for Witness (each).....	30	360	18	Former Sheriff's fees.....		
19	Administering an oath, not relating to a trial pending and certifying the same.....	25			Total Sheriff's Fees.....		780
20	Issuing.....Attachment and taking bond (each).....	1	00		RECAPITULATION		
21	Filing.....papers in attachment (each).....	10		1	Clerk's Fees.....		410
22	Issuing.....Summons for garnishee (each).....	50		2	Clerk's Fees.....		
23	Swearing and taking examination for Garnishee and recording same, for each 100 words 15 cts; but not less than.....	50		3	Sheriff's Fees.....		780
24	Order to advertise, or order of survey, or copy thereof.....	50		4	Sheriff's Fees.....		1000
25	Certificate of Judgment.....	50		5	Witness Fees in Circuit Court.....		
26	Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than.....	25		6	Justice of the Peace Fees.....		
27	Issuing.....Commission to take depositions, or copy thereof.....	75		7	Witness Fees, in Justice of the Peace Court.....		
28	Making copy of interrogatories accompanying commission.....	50		8	Commissioner's Fees.....		
29	Or for each 100 words.....	15		9	Commissioner's Residence.....		
30	Filing.....packages of depositions (each).....	10		10	Constable's Fees.....		
31	Indorsing.....package of depositions, opened (each).....	10		11	Garnishee's Fees.....		
32	Issuing.....writ of ad quod damnum or writ in the nature thereof.....	75		12	Printer's Fees.....		
33	Recording the return and inquest thereon.....	50		13	Stenographer's Fees.....		
34	Or for each 100 words.....	15		14	Trial Tax.....		
35	Issuing.....Writ of certiorari, prohibition, mandamus, or writ in the nature thereof.....	75			Total Fees.....		1290
36	Filing the same and entering return.....	15		15	Judgment.....		
37	Making a complete record of a cause or copy thereof, for each 100 words.....	15		16	Date.....		
38	Making copy of any paper not herein provided for, for each 100 words.....	15		17	Interest.....		
39	Making each certificate requiring the seal of office, and affixing seal.....	50		18	Damages.....		
40	Taking any bond not otherwise provided for.....	75			Total Judgment.....		
41	Making.....necessary certificates not otherwise provided for (each witness).....	25			Interest and Damages.....		
42	For certifying abstract, in lieu of fees for transcript under section 2851 of the Code.....	5	00		Grand Total.....		
43	Record for Supreme Court, for each 100 words.....	15					
44	Each additional copy thereof, for each 100 words.....	05					
45	Collecting money on judgments wherein said judgment has not been paid within 30 days after rendition, one half the per cent allowed sheriffs for same services for collecting money on execution.....						
	Total Clerk's Fees.....		410				

L. B. PARD REP. & SHERIFF

I certify that the within is a true and correct Bill of Costs in the within styled case.

ATTEST:

Clerk Circuit Court.....County, Ala.

Received payment, this.....day of.....19.....

ATTEST:

Clerk Circuit Court.....County, Ala.

No. 133 Page.....

The State of Alabama,
Baldwin County

CIRCUIT COURT

Leon of Joseph

vs. Plaintiff...

W. H. Wareham

Defendant...

CIVIL COST BILL

Term, 19.....

Fee Book....., page.....

Beebe

Plaintiff's Attorney.

Reservoir

Defendant's Attorney.

The State of Alabama,

CIRCUIT COURT

COUNTY.

Term, 19

No.

vs.

BILL OF COSTS

CLERK'S FEES		@	Amount	SHERIFF'S FEES		@	Amount
1	Issuing..... Summons and Complaint.....	\$1	25	1	Levying..... Attachment.....	\$3	00
2	Issuing..... copies thereof.....	30	30	2	Entering and returning..... Attachment.....	25	
3	Making every copy thereof, when over 200 words, per 100 words.....	15		3	Summoning..... garnishee and return.....	1	50
4	Entering..... Sheriff's return or copy thereof.....	20	20	4	Serving..... Summons and Return.....	1	50
5	Docketing cause, to be charged but once.....	25	35	5	Serving..... Subpoenas.....	65	
6	Entering Appearance.....	20	20	6	Impaneling jury.....	75	
7	Filing..... pleas, demurrer and other pleadings, for each.....	10		7	Making deed.....	2	50
8	Every trial, with or without jury, and its incidents, not including judgments by default or nil dict.....	75		8	Serving Summons, forcible entry, etc.....	1	50
9	Entering..... Continuance (each).....	10	20	9	Executing writ of restitution or possession.....	5	00
10	Entering..... judgment, (each).....	30	30	10	Collecting execution for cost.....	1	50
11	Entering any other order of Court (each).....	30	30	11	Serving..... Sci. Fa., notices, etc.....	1	50
12	Issuing..... Scire Facias, or notice in the nature thereof (each).....	75	75	12	Serving any summons not provided for and return.....	1	50
13	Issuing..... Execution or copy thereof (each).....	50		13	Serving..... attachment for contempt.....	1	50
14	Entering return, or copy thereof, for each 100 words, 15 cts; but in no case less than.....	20	20	14	Taking and approving..... bond.....	1	00
15	Recording award of arbitrators, referees, auditors, etc., for each 100 words.....	15		15	Seizing personal property in detinue.....	3	00
16	Issuing execution or attachment thereon, and entering return.....	1	00	16	Collecting money under execution, 5% first \$200.00; 4% to \$500.00; 3% all over \$500.00.....		
17	Taking bond for certiorari supersedens, or appeal, or copy thereof and filing same.....	75		17	Selling property attached, same for selling under execution.....		
18	Issuing..... Subpoenas for Witness (each).....	30	280	18	Former Sheriff's fees.....		
19	Administering an oath, not relating to a trial pending and certifying the same.....	25			Total Sheriff's Fees.....		302.50
20	Issuing..... Attachment and taking bond (each).....	1	00		RECAPITULATION		
21	Filing..... papers in attachment (each).....	10		1	Clerk's Fees.....		23.70
22	Issuing..... Summons for garnishee (each).....	50		2	Clerk's Fees.....		
23	Swearing and taking examination for Garnishee and recording same, for each 100 words 15 cts; but not less than.....	50		3	Sheriff's Fees.....		30.50
24	Order to advertise, or order of survey, or copy thereof.....	50		4	Sheriff's Fees.....		10.50
25	Certificate of Judgment.....	50		5	Witness Fees in Circuit Court.....		
26	Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than.....	25		6	Justice of the Peace Fees.....		
27	Issuing..... Commission to take depositions, or copy thereof.....	75		7	Witness Fees, in Justice of the Peace Court.....		
28	Making copy of interrogatories accompanying commission.....	50	1.00	8	Commissioner's Fees.....		
29	Or for each 100 words.....	15	1.00	9	Commissioner's Residence.....		
30	Filing..... packages of depositions (each).....	10		10	Constable's Fees.....		
31	Indorsing..... package of depositions, opened (each).....	10		11	Garnishee's Fees.....		
32	Issuing..... writ of ad quod damnum or writ in the nature thereof.....	75		12	Printer's Fees.....		
33	Recording the return and inquest thereon.....	50		13	Stenographer's Fees.....		
34	Or for each 100 words.....	15		14	Trial Tax.....		3.00
35	Issuing..... Writ of certiorari, prohibition, mandamus, or writ in the nature thereof.....	75			Total Fees.....		65.15
36	Filing the same and entering return.....	15		15	Judgment.....		
37	Making a complete record of a cause or copy thereof, for each 100 words.....	15	12.65	16	Date.....		
38	Making copy of any paper not herein provided for, for each 100 words.....	15	2.00	17	Interest.....		
39	Making each certificate requiring the seal of office, and affixing seal.....	50		18	Damages.....		
40	Taking any bond not otherwise provided for.....	75			Total Judgment.....		
41	Making..... necessary certificates not otherwise provided for (each witness).....	25			Interest and Damages.....		
42	For certifying abstract, in lieu of fees for transcript under section 2851 of the Code.....	5	00		Grand Total.....		
43	Record for Supreme Court, for each 100 words.....	15					
44	Each additional copy thereof, for each 100 words.....	05					
45	Collecting money on judgments wherein said judgment has not been paid within 30 days after rendition, one half the per cent allowed sheriffs for same services for collecting money on execution.....						
	Total Clerk's Fees.....		23.70				

TOWN OF FAIRHOPE, a Municipal
Corporation,

Plaintiff,

VS.

M. F. NORTROP,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

Interrogatories propounded to the Defendant, M. F. Northrop, in accordance with the provision of Article 10, Chapter 290 of the 1923 Code of Alabama.

One: Please state your name, age and place of residence.

Two: Please state whether or not you held the office as Mayor of the Town of Fairhope, Baldwin County, Alabama, a Municipal Corporation, during the years 1927 to 1934, inclusive.

Three: Please state whether or not you were paid a salary as Mayor of the Town of Fairhope, a Municipal Corporation. If your answer is in the affirmative, please state the monthly or annual salary that you were paid and/or received.

Four: Please state if it isn't a fact that you received an annual salary of Six Hundred (\$600.00) Dollars, as Mayor of the Town of Fairhope, a Municipal Corporation, for the years 1927 to 1934, inclusive. If you state that you did not receive such a salary for each of said years, please state which of said years you did receive such an annual salary.

Five: Please state whether or not, while acting as the Mayor of the Town of Fairhope, a Municipal Corporation, during the years 1927 to 1932, inclusive, you, as such Mayor, officiated as Judge in the trial of various and sundry violators of the ordinances of said Town.

Six: Please state whether or not you as Mayor of said Town of Fairhope, a Municipal Corporation, during the years 1927 to 1932, inclusive, imposed fines and/or punishments on various and sundry persons charged with violating the ordinances of the Town of Fairhope.

Seven: Please state whether or not you as Mayor and/or Recorder of the Town of Fairhope, a Municipal Corporation, for the years 1927 to 1932, inclusive, collected fines and/or fees from violators of the City Ordinances of the Town of Fairhope. If your answer is in the affirmative, then please state what disposition you made of such fines and/or fees collected.

Eight: Please state if it isn't a fact that you, as Mayor of the Town of Fairhope, a Municipal Corporation, on or before, to-wit, August 31st, 1934, collected from J. C. Grimes Thirty (\$30.00) Dollars. If your answer is in the affirmative, then please state what disposition you made of said money so collected by you as Mayor. Is it not a fact that you, as Mayor of the Town of Fairhope, a Municipal Corporation, held said money and never turned it in to the fine and forfeit fund of said Town? If you state that said money was returned to anyone, is it not a fact that said money was not returned until after you went out of office as Mayor of the said Town of Fairhope?

Nine: Please state if it isn't a fact that you, as Mayor of the Town of Fairhope, a Municipal Corporation, during the years 1927 to 1932, inclusive, collected the sum of Three Hundred and 50/100 (\$300.50) Dollars as fines and/or fees, which you never turned into the treasury of the said Town of Fairhope.

Ten: Please state if it isn't a fact that you, while acting as Mayor of the Town of Fairhope, a Municipal Corporation, for the years 1927 to 1934, inclusive, took advantage of certain

discounts of light bills rendered by said Corporation to you for electric energy used.

Eleven: Please state if it isn't a fact that you are indebted to the Town of Fairhope, a Municipal Corporation, in the sum of One Hundred Thirty-nine and 29/100 (\$139.29) Dollars for electric energy used during the years 1927 to 1934, inclusive.

Hubert M. Hall
Attorney for Plaintiff.

STATE OF ALABAMA)

BALDWIN COUNTY.)

Before me, the undersigned authority, in and for said State and County, personally appeared Hubert M. Hall, who is known to me and who, having been by me first duly sworn, deposes and says that he is the attorney of record for the Town of Fairhope, a Municipal Corporation, in a case pending in the Circuit Court of Baldwin County, Alabama, Law Side, against M. F. Northrop, as Defendant; that true answers to the foregoing interrogatories will be material testimony for the Plaintiff in said cause.

Hubert M. Hall

Sworn to and subscribed before
me, on this the 29 day of
May, 1935.

J. M. Francis
Notary Public, Baldwin County,
Alabama.

D.P. - 24
Rec. in office
5/30/35
M. H. Wilkins
Sheriff

Executed June 1 1935
by serving copy of within ~~Summons~~ Summons and
Complaint on
E. S. Rickaby Atty.

M. H. Wilkins Sheriff
By C. N. Anderson Deputy Sheriff

133

Serve on Rickaby

TOWN OF FAIRHOPE, a Municipal
Corporation,

Plaintiff,

VS.

M. F. NORTHROP,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW

INTERROGATORIES

Filed this 30 day of
May, 1935.

Robert S. Duck
Clerk.

TOWN OF FAIRHOPE,

Plaintiff.

vs

M. F. NORTROP,

Defendant.

No. 133

L A W

IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA

The Defendant for answer to the Complaint pleads:

ONE: To all Counts other than Three and Ten, THE GENERAL
ISSUE.

TWO: To Counts One, Two, Eight, Eleven and Twelve the
Statutes of Limitations of three years.

Three: To each and every count other than Count Three and
Ten, the Defendant says that at the time this action was commenced
the Plaintiff was indebted to him in the sum of ONE HUNDRED AND
EIGHTY DOLLARS as the balance due for services as Mayor for the
years 1932, 1933 and 1934 which amount he hereby offers to set
off against the demand of the Plaintiff and claims judgment for
the excess.

Elliot B. Paisley
Alex Howard
Attorneys for Defendant.

Filed July 15 - 1935
Robert S. Duck

133 ~~FILED~~
Duck

TOWN OF FAIRHOPE,
 Plaintiff
 vs
 M. F. NORTHROP,
 Defendant.

ANSWER

Filed July 15, 1935
Robert S. Duck
 Clerk-

Where: to each and every court of law and equity the
 State of Mississippi of this date.

That: to each and every court of law and equity the
 State of Mississippi of this date.

And: to each and every court of law and equity the
 State of Mississippi of this date.

Defendant.

M. F. NORTHROP,

AS

OF BUREAU OF REVENUE,
 IN THE CIRCUIT COURT

TOWN OF FAIRHOPE,

No. 132

TOWN OF FAIRHOPE
Plaintiff,
VS
M. F. NORTROP,
Defendant.

No. 133

LAW

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Comes the defendant and answers the interrogatories propounded to him as follows:

First: My name is M. F. NORTROP. I am over the age of twenty-one years and reside in Fairhope.

TWO: I held the office of Mayor of Fairhope during the years 1927 to 1934 inclusive.

Three & Four: As such Mayor, I was paid a salary of \$600.00 per year up to 1932, subsequent to which time ten per cent was deducted from this figure.

Five & Six: While Mayor as part of the duties of the office, I also sat as Recorder for the trial of violations of Town ordinances and as a committing Magistrate in State cases. During this time I necessarily imposed fines and other punishments upon those convicted.

Seven: As Recorder for the town of Fairhope during the years 1928 to 1932, when I had occasion to impose fines for violations, I did not collect these. As a rule they were paid to the Town Clerk or the Town Marshal, and by them paid into the Town treasury. In cases where the costs were not remitted or worked out, these were, as a rule, paid to the Marshal who took out his own fees and turned over the trial fees to me.

Eight: It is not a fact that I collected any money from J. C. Grimes for which I did not account to the Town. Quite a while ago he left with me a deposit of \$30.00 in lieu of appearance bonds for himself and two others which was to be returned to him when the parties bonded had complied with the terms of their agreement. This they did but Grimes did not return for his money which I held for his account and hunted him up and returned to him after I went out of office. This was neither a fine nor a forfeiture and the Town of Fairhope had no claim on it.

Nine: During my terms of office as Mayor, between four and six hundred cases were tried before me. When fines were imposed, these were all paid into the Town treasury. The costs in these cases, when paid and not worked out or remitted, were paid to the Town Marshal who took out his costs and turned over to me costs pertaining to the Magistrate. These averaged less than seventy-five cents for each case tried and were very inadequate compensation for the trouble, unpleasantness and loss of time occasioned by these trials. I took these, as did every other Mayor since the Town was incorporated, with the understanding that they pertained to the office and with the approval of the members of former Councils, some of whom did the same when acting as Recorder in my absence. No question was raised as to my right to do this until after I went out of office, nor as I understand, has any effort been made by the present administration to secure the return of such fees from previous Mayors. I do not know how much was thus paid to me and when a claim was made on me for \$300.50, my counsel asked for an itemized statement. This was not furnished and when he requested the loan of the docket of the Recorder's Court to check over these figures, by order of the present Mayor this privilege was refused him and he was told that he could only see this book in the office of the Town Clerk where he was unable to work because of lack of space and the frequent interruptions incident to that office. I have no independent record of the amount of fees turned over to me and question the correctness of the figure claimed.

Ten: It is not a fact that I took advantage of my office as Mayor to obtain any discounts of light bills. Several years ago the Town Council ordered that Town officials should have a special rate for electrical power and under instructions of the Council bills were rendered to all Town officials accordingly without any initiative on my part. No effort has been made to my knowledge to ask repayment from

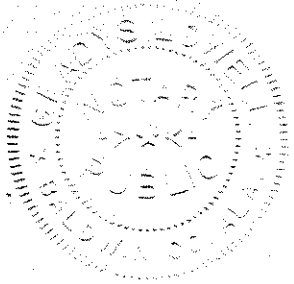
any other Town official and I recognise no indebtedness to the Town for electrical lighting as I have always paid promptly the amounts for which I was billed.

M. F. Murchison

Subscribed and sworn to before me this the sixth day of June, 1935.

Gladys Lowell

Notary Public, Baldwin County, Ala.



PAY TO THE ORDER OF
NO. 133

ROYAL OIL COMPANY, INC.

AMOUNT

PAID TO THE ORDER OF

OF COMPANY, INC.

Handwritten signature and notes in the bottom right corner.

No. 133.
L A W .

TOWN OF FAIRHOPE,
Plaintiff.

versus

M. F. NORTHROP,
Defendant.

Defendant
~~PLAINTIFF'S~~ ANSWERS TO
INTERROGATORIES.

Filed June 12 1935
Ralph L. Smith
Clk

Trust of Fairhope
vs. Peff

No 133
Law.

M. F. Northrup.
Dep

Circuit Court of
Baldwin County Ala

Defendant demurs to Count 3 as amended
upon the following grounds.

- 1: Because it does not show ~~that~~ definitely the
dates when the current charges for was furnished.
- 2: Because it does not show the amount of reduction
claimed for below the current rate for electricity
supplied to other parties.
- 3: Because it does not show when in the account
that defendant was mayor at the time the current
was furnished ~~afforded~~ the reduced rate claimed to
have been furnished to him.
- 4: It does not set out the amounts that defendant
should have paid with definiteness adequate to
enable defendant to show the amounts charged
to him or at what rate.
- 5: It does not show that the amount of reduction
allowed to defendant was in addition to his salary
as mayor.
- 6: It does not ~~show~~ ^{show} that current furnished
was not to the mayor in his official capacity.
- 7: ~~It does not~~
- 7: It does not show when the reduction claimed
was additional compensation for period it was paid.
- 8: It does not state a cause of action.

Defendant demurs to Count Two as amended,
because

- 1: It avers the collection of fees by defendant but

7
does not give the names of the parties from whom
collected or the amounts or even that same are
unknown to plaintiff.

Elvira S. Rinkley
Att'y for Defs.

RECORDED
No 125, Duck
7-34A
Town of Fairhope

vs.
M. F. Northrop

Demands to amend
pages 3 and 10.

Filed March 30 1936
Ralph Duck
Duck

Town of Fairhope
Plaintiff

M. F. Northrop
Defendant

No 133

Law

In Circuit Court of
Baldwin County, Alabama

Comes the plaintiff, and amends Count three of the Complaint so that it shall read as follows:

Count 3. Plaintiff claims of the defendant the sum of twenty ^{from him} \$200.00 due from him for balance due for electric current supplied to him by plaintiff during the years 1927 to 1934 inclusive, which amount was ~~allowed to defendant~~ ^{credited} as a reduction from the rates established by the plaintiff for electric current sold by it, which reduction was so ~~allowed~~ ^{credited made} because of the fact that defendant was Mayor of plaintiff; and plaintiff alleges that it was provided by ordinance of the plaintiff, before defendant was elected to said office of Mayor, that the Mayor of said plaintiff should receive a salary in lieu of all other compensation. The sum of ^{herein claimed} money, with the interest thereon is still due and unpaid.

Also Comes plaintiff and amends count ten of the Complaint so that it shall read as follows:

Count 10. The plaintiff claims of the defendant the further sum of ~~two~~ wit, ^{to wit \$400.00} four hundred dollars, for that the defendant, while Mayor of plaintiff, a municipal corporation, collected for use of plaintiff, during the years 1927 to 1932 inclusive, for fees, which have not been paid over to plaintiff; And plaintiff alleges that it was provided by ordinance of plaintiff before defendant was elected to said office of mayor, that the Mayor of said plaintiff should receive a salary in lieu of all other compensation. The sum of money herein claimed, with the interest thereon is still due and unpaid.

Robt. S. Smith
Attorneys for Plaintiff

RECORDED

Book

7-341

Filed Mar 30 1936
Peter S. Deek
-Chief-

TOWN OF FAIRHOPE,

Plaintiff

vs

M. F. MORTROP,

Defendant.

No. 133

L A W

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

To Town of Fairhope or H. M. Hall, Esq., Its Attorney of Record:

Demand is hereby made upon the Plaintiff for a bill of particulars setting out in detail the items claimed by it as due from the Defendant under each Count of the Complaint.

Elliot B. Risher
A. T. Howard

Attorneys for Defendant.

RECORDED

Duck
7-430

Served on H.M. Hall

TOWN OF FAIRHOPE,

Plaintiff

vs

M. F. NORTHROP,

Defendant.

*Executed by serving copy
of within writ on
H.M. Hall*

4-7~~th~~, 34

M. H. Wilkins Sheriff

By C. W. Anderson

DEMAND FOR BILL OF

PARTICULARS

Filed *7* *April* *1936*

Robert Duck

Clerk-Register

RECORDED

TOWN OF FAIRHOPE,
Plaintiff,

vs

M. F. NORTHROP,
Defendant.

No. 133.

L A W .

CIRCUIT COURT OF
BALDWIN COUNTY.

To THE TOWN OF FAIRHOPE
or HUBERT M. HALL, Esq.,
Its Attorney of record,

You are hereby notified to produce at the trial of the above styled cause the letters written by E.G. Rickaby as attorney for the defendant to Hubert M. Hall, Esq., attorney for the Plaintiff and dated January 12th, 1935 and February 7th 1935. In default of the production of the originals, secondary evidence of their contents will be offered in evidence.

Attorneys for Defendant.

RECORDED
Duck
7-440

TOWN OF FAIRHOPE,
Plaintiff,

vs

M. F. NORTHROP,
Defendant.

DEMAND FOR PRODUCTION
OF LETTERS.

Filed April 13 1936
Robert Duck

Executed April 13 1936
by serving copy of within ~~thirty~~ seven days
Complaint on unt on

H. M. Holt

W. H. Melcher
C. W. A.

TOWN OF FAIRHOPE,
Plaintiff.

vs

M. F. NORTHROP,
Defendant.

No. 133

L A W

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

INTERROGATORIES PROPOUNDED BY DEFENDANT TO PLAINTIFF IN
THE ABOVE STYLED CAUSE:

1. State is your claim that the defendant owes the Plaintiff for costs assessed in the Recorder's Court of Fairhope based upon any record of the said town?
2. What officer or employee kept said record?
3. Was the entire record made up of facts personally known to such clerk or was it based in part upon information supplied to her by some third party?
4. In making the entries in the town's books did she not post in said records the supposed facts as to costs collected without any personal knowledge whatever as to the correctness thereof only on statements made to her by third persons?
5. Did the clerk of the Town have ^{way} any/ of knowing of her own knowledge how much of said costs was kept by the marshal and how much turned over to the mayor?
6. What record was kept by the town of fines and costs remitted? Was that information recorded in said books, and if so from whom was the information obtained?
7. When the salary of the mayor was reduced from \$600.00 to \$540.00, was not such reduction made by authority of the Town Council?
8. When such reduction was made did not the said Council know that the mayor was retaining the costs in such cases pertaining to the presiding magistrate and collected by the town marshal, and was it not agreed by said Council at the time of the reduction of said salary that his salary should consist of said reduced salary and the costs so collected?
9. Is it not a fact that the Town Council of Fairhope has for more than twenty years waived as to each and every mayor of said Town the ordinance requiring the mayor to pay his costs into the city treasury?

10. In this time has not the marshal of the Town also been allowed to retain his portion of such costs so collected?

11. Was there any ordinance of the said town requiring the same rate for electric current to be charged officers and employees as citizens? If so please set out the substance of such ordinance, give the date of its passage and names of the then Council.

12. Is it not a fact that ever since the lighting of said Town by electricity and for nearly twenty years the Town has fixed a different rate for officers and employees and allowed them current at a less rate?

13. Did not defendant receive electric current at the rate charged other officials?

14. Please state which other employees, if any, have been required to refund such allowance? Have any been sued therefor or paid the same?

15. State the reason why so many years were allowed to transpire before the demand made for the sums charged in this case? How long has the present mayor been a member of the Town Council?

16. State why the Town of Fairhope has selected this particular defendant as the only mayor or official to have such demand made upon him by suit or otherwise.

17. Is it not a fact that the present Mayor was a member of the Council that fixed the amount that defendant and other employees should pay for electric current and if he and the other members of the Council did not know that the Mayor obtained such reduced rate? What, if any, objections or protest did he make against this prior to the time defendant went out of the office of Mayor?

18. Did not each Council assent to all the Mayors Fairhope has ever had retaining the costs of the Recorder's Court?

19. Did not members of the Council who acted as Recorder in the Mayor's absence, accept costs for cases tried by them?

20. Is it not a fact that this suit is brought purely for political purposes and with a full knowledge by the town authorities or said Council that every other mayor has paid the same rate for current and retained said costs, and also that this and previous Councils had knowledge of the facts involved for many years without taking any action

either against defendant or any one else?

21. If you have not already done so in response to the demand for the bill of particulars heretofore served upon you, attach a full detailed account of each item of costs claimed by you and for which you demand that the defendant account, giving the name of the party making such payment, to whom it was paid, the items collected and the dates when you claim it was received by the ~~defendant~~.

22. In your claim for electric current received by defendant at a reduced rate if you have not already done so state the amount received for each month, the amount that said bill should have been at the normal rate and the amount actually paid by defendant.

23. In the matter of the sum claimed under Counts Five, Six and Seven of the Complaint, state in detail the name of the party by whom the alleged fine was paid, the nature of the offense and attach a copy of the town records relating to the transaction and on which your claim is based.

24. If in answer to the last question you say there is no record of this transaction, give in detail the name of the person from whom you received this information and all of the facts relating to same and state how much of this charge is made upon the personal knowledge of any town official or anyone connected with the Town.

Elliott G. Rickarby
A. T. Howard

Attorneys for Defendant.

STATE OF ALABAMA

COUNTY OF BALDWIN

Before me the undersigned notary personally appeared this day Elliott G. Rickarby, who, being sworn, says that he is the attorney of record for the defendant in the above styled cause and that the answers to the foregoing interrogatories if true will be material evidence for the defendant upon the trial of the cause.

Elliott G. Rickarby

Subscribed and sworn to before me on this the 7th day of April, 1936.

Ruby L. Luck
Notary Public

Notary Public, Baldwin County, Alabama.

*Sum of
H.M.H.A.R.*

TOWN OF FAIRHOPE,
Plaintiff,

versus

M. F. NORTHROP,
Defendant.

INTERROGATORIES PROPOUNDED
TO PLAINTIFF.

*Executed 4-7-36 by
serving copy of within
court for H.M.Hall*

*M.H. Wilkins Sheriff
C.V. Anderson D. S.*

*April 30
Ratus Luck*

ELLIOTT G. RICKARBY
LAWYER
FAIRHOPE, ALABAMA

TOWN OF FAIRHOPE

Plaintiff

VS.

M. F. NORTHROP

Defendant.

IN THE CIRCUIT COURT OF BALDWIN

COUNTY ALABAMA.

Now comes the defendant and demurs to Count Three of the complaint, as amended, separately and severally, upon the following grounds:

1. No facts are alleged which show that the alleged reduction allowed the defendant on his bills for electric current was illegal.

2. The allegation that the amount sued for "was a reduction from rates established by plaintiff for electric current sold by it" is a mere conclusion of the pleader.

3. It is not alleged how or in what manner the plaintiff established such rates.

4. It is not alleged that the plaintiff by ordinance duly enacted established its rates for electric current.

5. It is not alleged that the plaintiff suffered any loss by virtue of the alleged reduction allowed the defendant.

6. For aught that appears the plaintiff by ordinance duly passed may have established for different classes of its customers and consumers different rates, and said reduction properly allowed the defendant because a member of this class.

7. It is not alleged what the rate was that was established by the plaintiff, nor what was the reduction allowed therefrom in favor of the defendant and he is therefore not informed of what he is called upon to defend.

8. For aught that appears in the complaint the alleged reduction was properly made by the plaintiff in consideration of the acceptance by the defendant of the reduced salary fixed by the ordinance set out in the complaint.

9. The allegations of the amended count are so vague and uncertain as not to apprise the defendant of the claim made against him.

10. It affirmatively appears that the reduction so allowed the defendant by the plaintiff was a voluntary payment.

11. It affirmatively appears that the payments made by the defendant to the plaintiff for electric current were duly accepted by the plaintiff and acquiesced in over a long period of years and constitute a complete accord and satisfaction of the matters sued for in the complaint.

12. It affirmatively appears that the payments made by the defendant to the plaintiff for electric current were duly accepted by it and the rates charged were acquiesced in for so long a period of time as to now estop the plaintiff from suing for further payments on account thereof.

13. It is not alleged how the plaintiff suffered any loss by virtue of the alleged reduction allowed the defendant.

14. It does not sufficiently appear that the rate now sought to be charged against the defendant was a lawful rate.

15. It is not alleged that the rates so established by the town were ever put into effect by it.

16. It does not sufficiently appear whether the reduction allowed the defendant from the rates established by the town was allowed only to the defendant or whether the same reduction was allowed to other consumers of the town's current of the same class of consumers to which plaintiff belonged.

17. Because no connection is shown between the town ordinances set out at length and the alleged reduction allowed the defendant.

18. It is not alleged how or by whom the reduction was made.

19. For aught that appears the reduction allowed the defendant did not increase his emoluments for the term for which he was elected.

20. For aught that appears the defendant paid value for said reduction.

21. For aught that appears the reduction in defendant's salary effected by the resolutions set out in the complaint was based on and contemplated the reduction in electric current allowed to him as mayor of the town.

22. No connection whatever is shown between the said reduction and the ordinance relating to the disposition of fines and forfeitures.

William B. Riscally

W. Howard
ATTORNEYS FOR THE DEFENDANT.

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Town of San Diego

RECORDED
Duck
7-481

TOWN OF FAIRHOPE)

Plaintiff)

vs.)

M. F. NORTROP)

Defendant)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

Comes plaintiff, and amends Count Three of the complaint, so that it shall read as follows:

"Count Three as Amended: Plaintiff claims of the defendant the sum of, to-wit, Two Hundred Dollars (\$200.00) due from him for balance due from him for electric current supplied to him by plaintiff during the years 1927 to 1934, inclusive, which amount was a reduction from rates established by plaintiff for electric current sold by it, which reduction was so allowed because of the fact that the defendant was Mayor of plaintiff; on September 27, 1926, which was prior to the election of the defendant as mayor of the Town of Fairhope, said Town of Fairhope adopted an ordinance, which was as follows:

"AN ORDINANCE

"Section 1. That beginning October 1st, 1926, the salary of the mayor be increased from \$25.00 per month to \$50.00 per month for the ensuing term.

"Section 2. That beginning October 1st, 1926, the salary of the clerk be increased from \$65.00 per month to \$75.00 per month for the ensuing term.

"Section 3. That any ordinance, or part of ordinance, in conflict with this ordinance is hereby repealed."

that thereafter at a meeting of the Council of the Town of Fairhope, held January 8, 1932, the following proceedings were had, to-wit:

"To the Honorable Mayor and Council:

"Your committee appointed to make recommendations for revision of salaries has studied the situation seriously and in our recommendations herewith we realize that while some of the changes seem perhaps large, that the pay as recommended still is in line with that being paid for similar work in other such communities, if not, in fact a little above. Also the committee appre-

ciates the fact that our recommendations insofar as the Mayor, Clerk and Council are concerned are not for action except by the acceptance of those affected and we trust they will give this acceptance and co-operation.

"Also that we feel the rate of pay is still such that overtime should be kept to an absolute minimum but the present rate for such payment should be maintained.

"Our revised payroll follows:

Mayor	\$45.00 per month
Clerk	70.00 per month
Councilmen	1.50 per meeting
Marshal	75.00 per month
J. P. Bailey	105.00 per month
R. Stapleton	105.00 per month
Frank McKenzie	85.00 per month
J. L. Keller	2.75 per day
Aurie Lymous	1.75 per day

"Councilman Gaston made a motion, seconded by Councilman DuBrock that the recommendation of the Committee be accepted. Motion carried."

Plaintiff further alleges that on Aug. 14th, 1908, the Town of Fairhope adopted the following ordinance, to-wit:

"Section 40. All fines, cost, penalties, forfeitures of bail and appearance bonds, and other amounts required to be paid into the Town Treasury by and through proceedings in the Recorder's Court and on appeals therefrom shall be kept in a separate fund to be called the Fine and Forfeiture Fund, out of which the Marshal's fees and expenses in criminal matters are to be paid. At the end of each fiscal year any balance on hand in such fund, after the payment of all amounts due the Marshal and his deputies, shall be paid into the General Treasury of the Town."

Plaintiff further alleges that on July 31st, 1908, the Town of Fairhope adopted the following ordinance, to-wit:

"The cost for proceedings before the recorder shall be the same as those allowed to Justices of the Peace and Sheriffs under the State Law for like services, and shall be paid into the Town Treasury."

The sum of money so claimed by plaintiff, with the interest thereon, is still due and unpaid."

Comes plaintiff and amends Count Ten of the complaint so that it shall read as follows:

"Count Ten as Amended: Plaintiff claims of the defendant the further sum of Four Hundred Dollars (\$400.00) which the defendant, while mayor of the Town of Fairhope, a

municipal corporation, collected for use of said Town of Fairhope, during the years 1927 to 1932, inclusive, for fees, for proceedings in the Recorders Court, which have not been paid over to said town of Fairhope; on September 27, 1926, which was prior to the election of the defendant as mayor of the Town of Fairhope, said Town of Fairhope adopted an ordinance, which was as follows:

"AN ORDINANCE

"Section 1. That beginning October 1st, 1926, the salary of the mayor be increased from \$25.00 per month to \$50.00 per month for the ensuing term.

"Section 2. That beginning October 1st, 1926, the salary of the clerk be increased from \$65.00 per month to \$75.00 per month for the ensuing term.

"Section 3. That any ordinance, or part of ordinance, in conflict with this ordinance is hereby repealed."

that thereafter at a meeting of the Council of the Town of Fairhope, held January 8, 1932, the following proceedings were had, to-wit:

"To the Honorable Mayor and Council:

"Your committee appointed to make recommendations for revision of salaries has studied the situation seriously and in our recommendations herewith we realize that while some of the changes seem perhaps large, that the pay as recommended still is in line with that being paid for similar work in other such communities, if not, in fact a little above. Also the committee appreciates the fact that our recommendations insofar as the Mayor, Clerk and Council are concerned are not for action except by the acceptance of those affected and we trust they will give this acceptance and co-operation.

"Also that we feel the rate of pay is still such that overtime should be kept to an absolute minimum but the present rate for such payment should be maintained.

"Our revised payroll follows:

Mayor	\$45.00 per month
Clerk	70.00 per month
Councilmen	1.50 per meeting
Marshal	75.00 per month
J. P. Bailey	105.00 per month
R. Stapleton	105.00 per month
Frank McKenzie	85.00 per month
J. L. Keller	2.75 per day
Aurie Lymous	1.75 per day.

"Councilman Gaston made a motion, seconded by Councilman DuBrock, that the recommendation of the Committee be accepted. Motion carried."

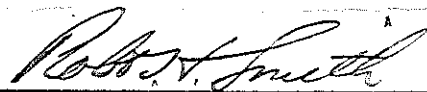
Plaintiff further alleges that on Aug. 14, 1908, the Town of Fairhope adopted the following ordinance, to-wit:

"Section 40. All fines, cost, penalties, forfeitures of bail and appearance bonds, and other amounts required to be paid into the Town Treasury by and through proceedings in the Recorder's Court and on appeals therefrom shall be kept in a separate fund to be called the Fine and Forfeiture Fund, out of which the Marshal's fees and expenses in criminal matters are to be paid. At the end of each fiscal year any balance on hand in such fund, after the payment of all amounts due the Marshal and his deputies, shall be paid into the General Treasury of the Town. "

Plaintiff further alleges that on July 31st, 1908, the Town of Fairhope, adopted the following ordinance, to-wit:

"The cost for proceedings before the Recorder shall be the same as those allowed to Justices of the Peace and Sheriffs under the State Law for like services, and shall be paid into the Town Treasury."

The said sum of money, with the interest thereon, is still due and unpaid."



Attorneys for Plaintiff.

RECORDED

Book

7-480

Executed May 23 1906
by serving copy within summons and
complaint on

E. G. Richardson Atty.
for M. H. Wilkins
at M. J. Northrup

M. H. Wilkins Sheriff
By C. V. Anderson Deputy Sheriff

Filed this 23 day May 1906
Robert E. Duck
Clerk-Register

TO ANY SHERIFF OF THE STATE OF ALABAMA:

STATE OF ALABAMA,
BALDWIN COUNTY.

You are hereby commanded to summons M. F. Northrop to appear within thirty (30) 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 the Town of Fairhope, a municipal corporation.

Witness my hand this 30 day of March, 1935.

Robert J. Davis
Clerk.

TOWN OF FAIRHOPE, a
Municipal Corporation,
Plaintiff,
VS.
M. F. NORTHROP,
Defendant.
BALDWIN COUNTY, ALABAMA,
AT LAW.

IN THE CIRCUIT COURT OF

ONE:

The Plaintiff claims of the Defendant One Hundred Thirty Nine and 29/100 (\$139.29) Dollars, due for money received by the Defendant, while Mayor of the Town of Fairhope, a municipal corporation, during the years 1927 to 1934, inclusive, for the use of the said town, and by the defendant converted to his own use.

TWO:

The Plaintiff claims of the Defendant One Hundred Thirty Nine and 29/100 (\$139.29) Dollars, due from him by account on, to-wit, during the years 1927 to 1934, inclusive, which the Defendant, as Mayor of the Town of Fairhope, a municipal corporation, collected for said town, and which has not been paid over to said town.

THREE:

The Plaintiff claims of the Defendant One Hundred Thirty

Nine and 29/100 (\$139.29) Dollars, due from him to the Plaintiff, in this that the Defendant, while holding the office as Mayor of the Town of Fairhope, a municipal corporation, illegally credited to his account for electric current or energy used by him, and which amount is now due the said Plaintiff by the Defendant.

FOUR:

The Plaintiff claims of the Defendant the further sum of Thirty (\$30.00) Dollars, received by him as Mayor of the Town of Fairhope, a municipal corporation, on, to-wit, September 4th, 1934, for the use of said town, and by him converted to his own use.

FIVE:

The Plaintiff claims of the Defendant the further sum of Thirty (\$30.00) Dollars received by him as Mayor of the Town of Fairhope, a municipal corporation, on, to-wit, September 4th, 1934, to the use of said town, and which amount has not been paid over to said town.

SIX:

The Plaintiff claims of the Defendant the further sum of Thirty (\$30.00) Dollars, in this, that the Defendant, while Mayor of the Town of Fairhope, a municipal corporation, on, to-wit, September 4th, 1934, collected from one J. G. Grimes Thirty (\$30.00) Dollars in fines, for the use of the Plaintiff, and by the Defendant converted to his own use.

SEVEN:

The Plaintiff claims of the Defendant the further sum of Thirty (\$30.00) Dollars, due from him on account stated between the Plaintiff and Defendant, on to-wit, December 22nd, 1934, for moneys received by the Defendant, as Mayor of the Town of Fairhope, a municipal corporation.

EIGHT:

The Plaintiff claims of the Defendant the further and

additional sum of Three Hundred and 50/100 (\$300.50) Dollars, in this that the Defendant, while Mayor of the Town of Fairhope, a municipal corporation, collected for the use of said town, during the years 1927 to 1932, inclusive, in fees, which the Defendant converted to his own use.

NINE:

The Plaintiff claims of the Defendant the further and additional sum of Three Hundred and 50/100 (\$300.50) Dollars, for moneys, in the form of fees, received by the Defendant, while Mayor of the Town of Fairhope, a municipal corporation, during the years 1927 to 1932, inclusive, for the use of said town, and by the Defendant converted to his own use.

TEN:

The Plaintiff claims of the Defendant the further and additional sum of Three Hundred and 50/100 (\$300.50) Dollars, in that the Defendant, while Mayor of the town of Fairhope, a municipal corporation, collected from various parties, as fees, during the years 1927 to 1932, inclusive, and by him illegally appropriated to his own use.

ELEVEN:

The Plaintiff claims of the Defendant the further and additional sum of Three Hundred and 50/100 (\$300.50) Dollars, due from him for moneys received by him, while Mayor of the Town of Fairhope, a municipal corporation, for the years 1927 to 1932, inclusive, for the use of the Plaintiff.

TWELVE:

The Plaintiff claims of the Defendant the further and additional sum of Three Hundred and 50/100 (\$300.50) Dollars, due from him on account stated between the Plaintiff and Defendant, on to-wit, December 22nd, 1934, for moneys received by the Defendant, as the Mayor of the Town of Fairhope, a municipal corporation.

All of which sums of money, with interest thereon,
are still due and unpaid.

Hubert X McKeep
Attorneys for Plaintiff.

RECORDED
Duck

D-13
Rec in office
3/30/35
M. H. Wilkins - Sheriff

Executed April 4 - 1935
by serving copy of within Summons and
Complaint on

M. F. Northrop

M. H. Wilkins Sheriff
By C. N. Anderson Deputy Sheriff

133

RECORDED
Duck

TOWN OF FAIRHOPE, a
municipal corporation,

Plaintiff,

vs.

M. F. NORTHROP,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

SUMMONS AND COMPLAINT.

Filed this 30 day of March,
1935,

Robert L. Duck
Clerk.

TOWN OF FAIRHOPE,)
Plaintiff)
-vs-)
M. F. NORTHROP,)
Defendant)

No. 133 - LAW
CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

ANSWERS OF THE PLAINTIFF TO INTERROGATORIES PROPOUNDED TO
IT BY THE DEFENDANT

1. For answer to the first interrogatory plaintiff says: Our claim that the defendant owes the plaintiff for fees collected through the Recorder's Court is based on the trial docket of the Recorder's Court. In cases where the docket shows that a fine was imposed, we find in the cash book that the fine was properly paid into the City, and the cash book also corroborates the trial docket.

2. For answer to the second interrogatory plaintiff says: The City Clerk and Treasurer was the custodian of the trial docket and the cash book. Entries were also made from time to time in the trial docket by the mayor, and also the marshall.

3. For answer to the third interrogatory plaintiff says: The City Clerk also serves as clerk at the trial in the Recorder's Court. The entire record was not made up of facts personally known to such clerk. It is based in part upon information supplied to her by some third person.

4. For answer to the fourth interrogatory plaintiff says: In many of the cases the fine and costs imposed were paid directly to the Clerk, and she made the entries from personal knowledge. In other cases the fines and costs were paid to the mayor or to the marshall; and in such cases the entries were made from information given to the clerk by either the mayor or the marshall.

5. For answer to the fifth interrogatory plaintiff says: In all cases where the costs were paid to the clerk personally she knew of her own knowledge how much of the

costs were kept by the marshall and how much was paid to the mayor. In cases where the money was collected by the mayor or the marshall, her only knowledge was from statements made by the mayor and the marshall respectively.

6. For answer to the sixth interrogatory plaintiff says: When fines or costs were remitted the entry was made direct on the trial docket. Substantially all of these entries were made by the clerk. Only a few instances did the mayor enter the remittance of fines or costs. The information entered by the clerk came from Mr. M. F. Northrop, the mayor.

7. For answer to the seventh interrogatory plaintiff says: When the salary of the mayor was reduced from \$600.00 to \$540.00, the said reduction was made by authority of the town council. A committee reported to the meeting of the Town Council on January 8, 1932, recommending that the mayor's salary be reduced to \$45.00 per month, and Councilman Gaston made a motion, seconded by Councilman Dubroc, that the ~~minutes~~ *recommendations of the committee be accepted* ~~of the meeting be adopted,~~ and the motion was carried.

8. For answer to the eighth interrogatory plaintiff says: When the reduction of the mayor's salary was made at the meeting of January 8, 1932, nothing whatever was said about the mayors retaining the costs in cases pertaining to the presiding magistrate and collected by the town marshall, and it was not agreed at that time by the councilmen that the salary of the mayor should consist of the reduced salary and the costs collected. Nothing whatever was said about the mayor collecting any costs.

9. For answer to the ninth interrogatory plaintiff says: There is not a record in the minutes of the town council of Fairhope of any waiver of the ordinance requiring the mayor to pay his costs into the City Treasury.

10. For answer to the tenth interrogatory plaintiff says: Up to November 22, 1932, the marshall was authorized by ordinance to receive fees pertaining to his part of the work, in addition to a salary allowed.

11. For answer to the eleventh interrogatory plaintiff says: There are several ordinances of the Town of Fairhope fixing the rates to be charged for electric current, and these ordinances make no exceptions in favor of any officer or employee of the Town. The dates of such ordinances are as follows: April 24, 1922; Nov. 22, 1928; December 27, 1928; December 26, 1929, and March 27, 1933. Copies of said ordinances are hereto attached and marked respectively, Exhibits A, B, C, D, and E. Following the copy of each such ordinance, there is a copy of a certificate by Gladys Lowell giving the names of the members of the Town Council at the date of the adoption of said ordinance, to which said exhibits reference is here made.

12. For answer to the twelfth interrogatory plaintiff says: There is nothing whatever in the records of the meetings of the town council fixing a different rate for electric current for officers and employees from that charged citizens.

13. For answer to the thirteenth interrogatory plaintiff says: The defendant did not receive electric current at the rate charged other officers. No other official elected by the people received any reduction in their electric rate during the term of office of the defendant, but the defendant did receive a reduction in the rates.

14. For answer to the fourteenth interrogatory plaintiff says: No other employees have been requested to refund allowance made to them for electric current, and none have been sued therefor or paid the same. The City Council has taken the position that the mayor, being the executive officer of the city, made these allowances without proper authority, and it has not blamed the employees for accepting the allowance, but does hold the mayor responsible.

15. For answer to the fifteenth interrogatory plaintiff says: The question calling for the reasons why so many years were allowed to transpire before the demand for the sums charged in this case is not pertinent to the issue or

matter in dispute between the parties. The question does not call for any fact, but only for mental operations. The present mayor of the Town of Fairhope was a member of the Town Council from 1930 until his election as mayor. He did not know until after he became mayor that the defendant in this case was accepting fees or accepting a reduction in his light bill. The present mayor had heard vague rumors that the defendant was taking some fees, but did not know this to be true.

16. For answer to the sixteenth interrogatory plaintiff says: The question calls for no fact, but only for mental operations of several councilmen and the mayor. The mayor cannot give the mental operations of the various councilmen. Insofar as the present mayor is concerned, he believes and upon such belief states that the Town of Fairhope has brought this suit against the defendant, because he was its mayor from 1926 to 1934, during all of which time he was executive officer of the City, and had charge of all the departments of the City, and it was his duty to have seen that the laws were obeyed, and not to have violated them.

17. For answer to the seventeenth interrogatory plaintiff says: It is a fact that the present mayor was a member of the council which fixed the rates for electric current by ordinance on March 27, 1933, but not when the prior rates were fixed, but this rate was fixed on March 27, 1933 for all citizens alike, and there was no exception in favor of officers. The present mayor did not know that the defendant obtained reduced rates for his electric current. So far as he knows, other members did not know that the mayor obtained reduced rates. The present mayor did not make any objection or protest against defendant's receiving a reduction in his light rate until after the present mayor had assumed office and had access to the records and discovered that defendant had been receiving this reduction. He then presented the matter to the Town Council, and the present mayor gave orders that the practice be discontinued immediately.

18. For answer to the eighteenth interrogatory plaintiff says: The Town Council of Fairhope have never assented

to the mayors retaining the costs of the Recorders Court.

19. For answer to the nineteenth interrogatory plaintiff says: This question is not pertinent to the issue or matter in dispute between the parties. The present mayor does not know whether some councilmen in the past accepted fees or not.

20. For answer to the twentieth interrogatory plaintiff says: The present mayor ran for office on a platform promising to put an end to favoritism to any official or citizen, and the councilmen elected at the time he was elected were in favor of the same platform. This suit is brought for the purpose of breaking up and putting an end to the taking by officers of monies that they are not entitled to take from the City, and of exposing such practice to the public view. In that sense this suit is brought for political purposes, meaning thereby for the public good. The present mayor has no knowledge of whether other mayors received reductions for electric current and obtained fees or not. Whether previous councils had knowledge of the facts involved for many years without taking any action either against defendant or anyone else is not pertinent to any issue or matter in dispute in this case. The present mayor does not know whether previous councils had knowledge of the facts.

21. For answer to the twenty-first interrogatory plaintiff says: That it has already, in response to bill of particulars heretofore served on the plaintiff, filed a statement showing each item of costs claimed by the plaintiff from the defendant, giving the name of party making the payment, to whom it was paid, items collected, and dates when received by the defendant.

22. For answer to the twenty-second interrogatory plaintiff says: That it has already filed in this case a bill of particulars showing the amounts received from the defendant for electricity each month, the amount that should have been paid at the current rate, and the amount actually paid by the defendant. The amount actually paid by defendant is the same as the amount received from the defendant.

23. For answer to the twenty-third interrogatory plaintiff says: The alleged fine inquired about was paid by J. C. Grimes, Our information is that J. C. Grimes was arrested by the mayor personally, and that the said J. C. Grimes paid \$30.00 to the mayor as a fine, but there is no record either on the trial docket of the Town of Fairhope or any other books of Town of Fairhope showing the arrest of J. C. Grimes, or his trial, or conviction, or the payment of the fine, or the nature of the offense for which said Grimes was arrested.

24. For answer to the twenty-fourth interrogatory plaintiff says: Mr. J. C. Grimes personally stated to the present mayor that he was arrested by the defendant; that he did pay \$30.00 fine, and that it was not a bond, but a fine. E. D. Swift was deputy marshall at the time of said arrest and stated that he saw the said Grimes under arrest. Also the defendant, at a committee meeting of the Council, admitted receiving the \$30.00 from Grimes, but claimed that said money was left with him as a bond and not as a fine.

TOWN OF FAIRHOPE

By

Howard H. Ruge
Mayor.

STATE OF ALABAMA

COUNTY OF BALDWIN

Before me, S. E. Perkins, a Notary Public in and for said county in said state, personally appeared HOWARD RUGE, who being by me first duly sworn, doth depose and say that he is mayor of the Town of Fairhope; that he has personal knowledge of the facts stated in the foregoing answers to these interrogatories; and that said statements in said answers are true.

S. E. Perkins

Subscribed and sworn to before me

this 16th day of April, 1936.

S. E. Perkins
Notary Public, Baldwin County, Alabama.

In the minutes of regular meeting of the
Town Council of Town of Fairhope, April 24, 1922,
the following appears:

Motion by Councilman Gaston seconded by
Councilman Swift that the following rates for elec-
tricity be adopted and advertised to take effect
May 1, 1922:

1 -	15 kilowatt hours	.15 per kilowatt hour
16 -	30 " "	.14 " " "
31 -	60 " "	.13 " " "
61 -	100 " "	.12 " " "
101 and over	" "	.11 " " "

STATE OF ALABAMA
BALDWIN COUNTY

I, Gladys Lowell, Clerk of the Town of Fairhope,
Alabama, and as such keeper of the records of said
Town of Fairhope do hereby certify that the foregoing
is a true and correct copy of a motion adopted at
the regular meeting of the Town Council of said Town
held April 24, 1922, and as same appears upon the
minute book of the said Town of Fairhope.

And I further certify that the following were
members of the Town Council at that time; I. M. Gal-
braith, Mayor; A. H. Mershon, J. E. Gaston, J. O.
Stimpson, E. D. Swift, and Mrs. Frank L. Brown, Council-
men.

Witness my hand this 13th day of April, 1936.

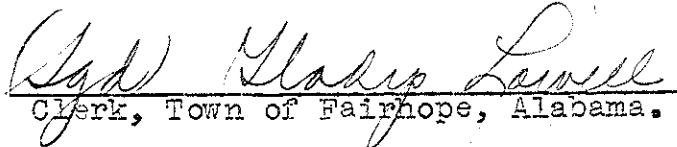

Clerk, Town of Fairhope, Alabama.

EXHIBIT "A"

a

At a regular meeting of the Town Council of Fairhope, Alabama, held November 22, 1928, the following Resolution was made by Councilman Gaston, and seconded by Councilman Morgan: The following light rates be recommended to take effect January 1, 1929:

Minimum net bill	\$1.50
15¢ per kilowatt hour for the first 10 KWH per month, plus	
11¢ " " " " " next 90 " " " "	
10¢ " " " " " " 100 " " " "	
8¢ " " " " all over 200 " " " "	

STATE OF ALABAMA
BALDWIN COUNTY

I, Galdys Lowell, Clerk of the Town of Fairhope, Alabama, and as such keeper of the records of said Town of Fairhope, do hereby certify that the foregoing is a true and correct copy of the resolution adopted at the regular meeting of the Town Council of said Town of Fairhope, held November 22, 1928, and as same appears upon the minute book of the said Town of Fairhope.

And I further certify that the following were members of the Town Council at that time: M. F. Northrop, Mayor; Geo. W. Morgan, J. E. Gaston, W. H. Roberts, and R. P. Greggs, Councilmen.

Witness my hand this 13th day of April, 1936.

Galdys Lowell
Clerk. Town of Fairhope, Alabama.

EXHIBIT "B"

At the regular meeting of the Town Council of Fairhope, held December 27, 1928, Councilman Roberts made a motion seconded by Council man Morgan that the new light rates recommended November 22, 1928 by annulled and the following rates

2 and 3 wire service

applying to general lighting of all classes of buildings:

Minimum net bill \$1.50 per month entitling consumer to use
10KWH
next 90 KWH @ 11¢ per month
" 100 " " 10¢ " "
excess of 200 KWH @ 8¢ per KWH

3 wire service only

applying to residential lighting, cooking, water heating, electric refrigeration and appliances where connected load does not exceed 7 kilowatts with service through one meter.

Minimum net bill: 90 cents per room per month entitling consumer to 6 KWH per room per month.
next 150 KWH @ 5¢ per KWH
excess at 4½¢ per KWH

be adopted to take effect January 1, 1929, carried by unanimous vote.

STATE OF ALABAMA
BALDWIN COUNTY

I, Gladys Lowell, Clerk of the Town of Fairhope, Alabama, and as such keeper of the records of the said Town of Fairhope do hereby certify that the foregoing is a true and correct copy of the motion adopted at the regular meeting of the Town Council of the said Town of Fairhope held December 27, 1928, and as same appears upon the minute book of the said Town of Fairhope.

And I further certify that the following were members of the Town Council at that time: M. F. Northrop, Mayor; W. H. Roberts, C. C. Bladwin, R. P. Greggs, Geo. W. Morgan and J. E. Gaston, Councilmen.

Witness my hand this 13th day of April, 1936.

(Sgd) Gladys Lowell
Clerk, Town of Fairhope, Alabama.

EXHIBIT "C"

c

At a regular meeting of the Town Council of the Town of Fairhope, held December 26, 1929; Councilman Baldwin made a motion, seconded by Councilman Gregg, that for the purpose of encouraging the use of more electric current the Council establish the rate of 15¢ per kilowatt hour for the first 10 KWH and 8¢ per KWH for all over 10 KWH per month, with a minimum bill of \$3.00 per month for residential use of electrical refrigerators. This rate to become effective January 1, 1930, Carried:

STATE OF ALABAMA
BALDWIN COUNTY

I, Gladys Lowell, Clerk of the Town of Fairhope, Alabama, and as such keeper of the records of said Town of Fairhope, do hereby certify that the foregoing is a true and correct copy of the motion adopted at the regular meeting of the Town Council of said Town of Fairhope held December 26, 1929, and as same appears upon the minute book of the said Town of Fairhope.

And I further certify that the following were members of the Town Council at that time: M. F. Northrop, Mayor; C. C. Baldwin, R. P. Greggs, J. E. Gaston, Geo. W. Morgan, and Walter H. Roberts, Councilmen.

Witness my hand this 13th day of April, 1936.


Clerk, Town of Fairhope, Alabama.

EXHIBIT "D"

Excerpt from regular meeting of the Town Council of the Town of Fairhope, held March 27, 1933.

The committee on light rates presented a schedule and it was moved by Councilman Greggs and seconded by Councilman Frederick that the same be effective March 1, 1933. Motion failed to carry.

Councilman Gaston presented the following schedule of rates.

Residential Service
110-120 Volts
Availability

Available to any residential consumer served over the retail distribution lines of the Town of Fairhope, within the corporate limits, for electric lighting and socket/appliance loads, cooking, heating and refrigeration.

RATE

11¢ per KWH for the first 20 KWH consumed per month, plus
9¢ " " " " next 30 " " " "
4¢ " " " all over 50 " " " "

Minimum

The minimum monthly bill shall be as follows:

Lighting and small appliances	\$1.32
" " refrigeration	3.00
" cooking (and refrigeration)	4.50

Commercial Service
110-120 volts
Availability

Available to any commercial consumer served over the retail distribution lines of the Town of Fairhope, within the corporate limits, for electric lighting and socket appliance loads, cooking, heating and refrigeration.

RATE

11¢ per KWH for the first 20 KWH consumed per month, plus
9¢ " " " " next 30 KWH " " " "
6¢ " " " " " 50 KWH " " " "
5¢ " " " all over 100 KWH " " " "

Minimum

The minimum monthly bill shall be as follows:

Lighting and small appliances	\$1.32
Lighting and refrigeration	3.00
Lighting, cooking (and refrigeration)	4.50

Discount of 5 percent on all bills if paid before the 10th of the month.

Motion by Councilman Gaston seconded by Councilman Ruge that the schedule be adopted to be effective March 1, 1933, carried.

STATE OF ALABAMA
BALDWIN COUNTY

I, Gladys Lowell, Clerk of the Town of Fairhope, Alabama, and as such keeper of the records of said Town of Fairhope, do hereby certify that the foregoing excerpt from the minutes of the regular meeting of the Council of the Town of Fairhope, held March 27, 1933, is true and correct as the same appears on the minute book of said Town of Fairhope.

And I do further certify that the following were members of the Town Council at that time: M. F. Northrop, Mayor; P. A. Frederick, C. A. Gaston, R. P. Greggs, Howard Ruge and J. O. Stimpson, Councilmen.

Witness my hand this 13th day of April, 1936.

(Sgd) Gladys Lowell
Clerk, Town of Fairhope, Alabama.

NOTE:

The rate adopted at meeting of March 27, 1933, continued in effect until the discount of 15% became effective January 1st, 1936, and no other change was made in rates.

(Sgd) Gladys Lowell

EXHIBIT "E"

LAW OFFICES
ELLIOTT G. RICKARBY
FAIRHOPE, ALABAMA

May 14, 1938

Mr. Robert S. Duck
Clerk Circuit Court
Bay Minette, Alabama

Dear Mr. Duck:

TOWN OF FAIRHOPE VS. NORTHROP: In this matter I have seen both Messrs. Baldwin and Bishop and they will get for me their certificates which I will send you Monday. The \$7.80 as to clerk's and sheriff's fees for summoning these witnesses my son tells me through a misunderstanding he agreed with Mr. Beebe should be charged to us; but in my telephone conversation with Mr. Beebe about this I had distinctly refused to pay this and we finally compromised on simply paying what the witnesses would charge. Elliott made the agreement in good faith as I had told him that we would care for our own witnesses, but as you have not yet made up the cost bill, I will ask you to put the item of \$7.80 on the Plaintiff's agreed.

Very truly yours,

Elliott G. Rickarby

EGR:DP
1185

John H. [unclear]

... 1880, and no other change was made in 1880.

... 1880, and no other change was made in 1880.

NOTE:

Joint
Board of Fairhope
vs
Marching
Consent to Reorganization
26
34
Any
Robinson

... minutes of the regular meeting of the board of the town of Fairhope, do hereby certify that the foregoing is a true and correct copy of the same as the same was read and approved by the board of the town of Fairhope, and as such keeper of the records of said town of Fairhope.

I, George Tomery, Clerk of the town of Fairhope,

WITNESSES MY HAND AND SEAL OF OFFICE
THIS 10th DAY OF MARCH 1880

LAW OFFICES
ELLIOTT G. RICKARBY
FAIRHOPE, ALABAMA

April 5, 1938

Mr. Robert S. Duck

Register

Bay Minette, Alabama

Dear Bob:

133, TOWN OF FAIRHOPE VS. NORTHROP: Mr. Beebe has given me to understand that no effort will be made to try this case at this term and indicates that it will probably be dismissed. For this reason I am not coming uptto look after it, as the other case I have for Monday is to be continued. I do not anticipate any trouble about this, but wish the Court to know that I am relying on Mr. Beebe's assurance; and will be glad if you will so state if any question is asked on the authority of this letter.

With thanks in advance,

Sincerely,

Elliott G. Rickaby

EGR:DP

1185