

179

PLEA STATUTE OF LIMITATIONS

Montevallo Coal Mining Co.,
a Corporation,

Plaintiff,

Vs

S. W. Owens,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY

ALABAMA .

The defendant for answer to the complaint, saith that
the Accounts are barred by the statute of limitations of
three (3) years.

Dwight M. Brown
Attorney for Defendant.

The Defendant demands a Jury Trial.

Dwight M. Brown
Attorney for Defendant.

No. 179

PLEA

STATUTE OF LIMITATIONS

MONTEVALLO COAL MINING CO.,
a Corporation,

Plaintiff,

Vs.

S. W. OWENS,

Defendant.

Filed this 39 day Aug 1931

Manette & Taylor
Attorneys for Plaintiff.

Orvis M. Brown
Attorney for Defendant.

RECORDED

RECORDED
2-291

CERTIFICATE OF JUDGMENT

The State of Alabama, }
Baldwin County

Circuit Court, SPRING Term, 1941

MONTEVALLO COAL MINING COMPANY,

PLAINTIFF.

Vs.

S. W. OWENS,

DEFENDANT.

I, R. S. DUCK, Clerk of the Circuit Court of Baldwin County,

Alabama, do hereby certify that on the 14th day of April 1941,

a Judgment was rendered by said Court in the above stated cause, wherein

MONTEVALLO COAL MINING COMPANY,

was Plaintiff and S. W. OWENS

was Defendant, in

favor of the said Plaintiff and against the said Defendant for the sum of

THREE HUNDRED SEVENTY FIVE & NO/100 (\$375.00) DOLLARS,

and for the sum of _____ DOLLARS,

the costs in said suit and that MONETTE, TAYLOR & JEFFREY

are the Attorneys of record for the Plaintiff

in said cause.

Witness my hand this 16th day of April 1941

Clerk, Circuit Court, Baldwin County, Alabama.

By:

Deputy Clerk.

CERTIFICATE OF JUDGMENT

MONTEVALLO COAL MINING

COMPANY, _____, Plaintiff—

Vs.

S. W. OWENS,

_____, Defendant—

MOORE PRINTING CO., BAY MINETTE, ALA.

62
4

The State of Alabama,
Baldwin County

S. D. Page No. _____
Case No. 179

CIRCUIT COURT
SPRING Term, 19341

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON George Baldwin (Robertsdale)

if to be found in your County, at the instance of the plaintiff,
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,
by 10:30 o'clock of the forenoon, on the 14th day of April, 1941 19341, and from day to
day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain
cause pending, wherein MONTEVALLO COAL MINING CO. Plaintiff
and S. W. OWENS Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 3rd day of April, 1941, 19341

R. S. Duncanson

CLERK.

Received in office this 3 day of

April 1941

W.R. Stuart
SHERIFF

I have executed this writ

4/5/41

by serving a copy of
this writ on
George Baldwin

ORIGINAL

No. 179

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

MONTEVALLO COAL MINING CO.,

Plaintiff

VS.

S. W. OWENS

Defendant

CIVIL SUBPOENA

Issued this _____ day of

193

Clerk,

W.R. Stuart
B. J. H.

SHERIFF

STATE OF ALABAMA }
BALDWIN COUNTY }

TO ANY SHERIFF OF THE STATE OF ALABAMA ---

GREETING:

You are hereby commanded to summon S. W. Owens,
to appear before the Circuit Court of said County, at the place of
holding the same within thirty days from the service of this writ,
then and there to answer the complaint of Montevallo Coal Mining
Company, a corporation, hereto attached.

Witness my hand this the 29 day of July, 1935.

Robert L. Luck
Clerk.

Montevallo Coal Mining Co.,
a corporation,

Plaintiff,

vs

S. W. Owens,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY
ALABAMA.

- (1) Plaintiff claims of the defendant the sum of Two Hundred Ninety-seven and 9/100 (\$297.09) Dollars, due from him by account on, to-wit, the 1st day of November, 1931, which sum of money, with the interest thereon, is due and still unpaid.
- (2) Plaintiff claims of the defendant the sum of Two Hundred Ninety-seven and 9/100 (\$297.09) Dollars, due from him by account stated between the plaintiff and defendant on, to-wit, the 1st day of November, 1931, which sum of money, with the interest thereon, is due and still unpaid.
- (3) Plaintiff claims of the defendant the sum of Two Hundred Ninety-seven and 9/100 (\$297.09) Dollars, due from him for merchandise, goods and chattels sold the defendant on, to-wit, the 1st day of November, 1931, which sum of money, with the interest thereon, is due and still unpaid; an itemized statement of the account, verified by the affidavit of a competent witness, is filed with the original summons and complaint in this cause.
- (1) Plaintiff claims of the defendant the sum of One Hundred Seventy-eight and 34/100 (\$178.34) Dollars, due from him by account on, to-wit the 1st day of November, 1931, which sum of money, with the interest thereon, is due and still unpaid.
- (2) Plaintiff claims of the defendant the sum of One Hundred Seventy-eight and 34/100 (\$178.34) Dollars, due from him by account stated-between the plaintiff and defendant on, to-wit, the 1st day of November, 1931, which sum of money, with the interest thereon, is due and still unpaid.

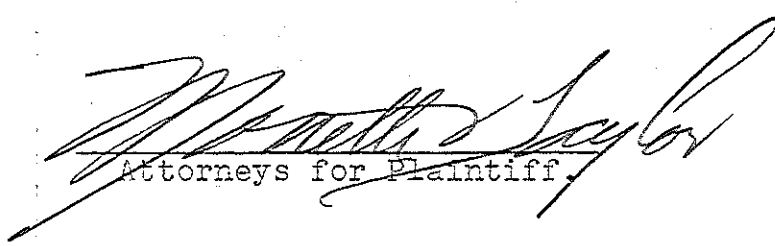
(3) Plaintiff claims of the defendant the sum of One Hundred Seventy-eight and 34/100 (\$178.34) Dollars, due from him for merchandise, goods and chattels sold the defendant on, to-wit, the 1st day of November, 1931, which sum of money, with the interest thereon, is due and still unpaid; An itemized statement of the account, verified by the affidavit of a competent witness, is filed with the original summons and complaint in this cause.

(1) Plaintiff claims of the defendant the sum of One Hundred, eighteen and 75/100 (\$118.75) Dollars, due from him by account on to-wit, the 1st day of November, 1931, to the Straven Coal Mining Company, which said account has been transferred, assigned, and sold by the Straven Coal Mining Company to the plaintiff, which sum of money, with the interest thereon, is due and still unpaid.

(2) Plaintiff claims of the defendant the sum of One Hundred, Eighteen and 75/100 (\$118.75) Dollars, due from him by account between the Straven Coal Company and defendant on, to-wit, the 1st day of November, 1931, which said account has been transferred, assigned, and sold by the Straven Coal Mining Company to the plaintiff, which sum of money, with the interest thereon, is due and still unpaid.

(3) Plaintiff claims of the defendant the sum of One Hundred, Eighteen and 75/100 (\$118.75) Dollars, due from him for merchandise, goods and chattels sold the defendant by the Straven Coal Mining Company, on, to-wit, the 1st day of November, 1931, which said account has been transferred, assigned and sold by the Straven Coal Mining Company to the plaintiff, which sum of money, with the interest thereon, is due and still unpaid.

An itemized statement of the account, verified by the affidavit of a competent witness, is filed with the original summons and complaint in this cause.


Attorneys for Plaintiff.

42
Rec. in office
7/29/35

M. Wilkins
Sheriff

Received this day of July 1935

by arresting the person

named Defendant

and placing him

Executed July 30 1935
by serving copy of within Summons and
Complaint on

S. W. Owens
D. S.

M. Wilkins
Sheriff

By Deputy Sheriff

RECORDED
Huck

178 7-30-35

Montevallo Coal Mining Co.,
a corporation,

Plaintiff,

vs

S. W. Owens,

Defendant.

SUMMONS & COMPLAINT

Defendant's address:

Robertsdale, Ala.

July 29, 1935
R. L. Duck
Clerk-Register

April.

- Term, 1941-1942

No. 179.

vs.

SECRET

CLERK'S FEES:

CLERK'S FEES:		AMOUNT	
Fees in Circuit Court—			
Docketing Cause, One Fee only of.....	.25	1	25
Issuing Summ. and Complt., each.....	1.25	1	25
Issuing Alias or Branch Summons & Complaint, each	1.25		
Making Copies Thereof, Minimum, each .....	.30		30
Making Copies Thereof, over 200 Words, per 100 words	.15		
Entering Sheriff's Returns, each .....	.20		20
Entering Appearances, each .....	.20		20
Certifying Affidavits, each .....	.25		
Issuing Attachments with Bond, each	1.00		
Orders of Publication, each .....	.50		
Copy of Same, each .....	.50		
Issuing Summ. to Garnishee, each .....	.50		
Copy of Same, Per 100 Words .....	.15		
Swearng Garnishee, Etc., Per 100 words, .15, Minimum .....	.50		
Release of Garnishee, each .....	.25		
Issuing Scire Facias or Similar Notice, each .....	.75		
Copies of Same, Per 100 Words.....	.15		
Making Copy of Interrogatories, Per 100 Words, .15; Minimum .....	.50		
Commission to Take Depositions, each .....	.75		
Filing Depositions, Each Pkg., .....	.10		
Endorsing Each Package of Depositions Opened ....	.10		
Issuing Subpoenas, Each .....	.30	1	20
Issuing Witness Certificates, each.....	.25		50.
Entering Continuances, each .....	.10	1	10
Filing Papers, each .....	.10		50
Other Orders of Court, each .....	.30		30.
Trial and Incidents .....	.75		75.
Entering Judgment, each .....	.30		30
Complete Record, Per 100 Words .....	.15	4.	00
Taking Bonds, each .....	.75		
Certificate of Appeal .....	.25		
Transcript to Supreme Court, Per 100 Words .....	.15		
Additional Copies of Same, Per 100 Words .....	.05		
Issuing Executions or Copy Thereof, each .....	.50		50.
Entering Sheriff's Return, Per 100 Words, .15; Minimum .....	.20		20.
.....			
.....			
.....			
Total Clerk's Fees		11.	55
SHERIFF'S FEES:			
Serving and Returning Summons or Writ, each	1.50	1	50.
Levying Attachment, each	3.00		
Entering and Returning Same, each .....	.25		
Seizing Personal Property Under Writ of Detinue ..	3.00		
Taking and Approving Bonds, each.....	1.00		
Summoning Garnishee and Return, each	1.50		
Serving and Returning Sci. Fa. or Notice, Each	1.50		
Serving and Returning Subpoenas, each .....	.65	2	60.
Serving Contempt Attachment, each	1.50		
Impaneling Jury.....	.75		
Collecting Execution for Costs Only, each.....	1.50		
Coms. for Collecting Money on Executions			
Executing Writs of Possession, each.....	5.00		
Making Deed to Real Estate Sold, each.	2.50		
.....			
Total Sheriff's Fees		4	10

SUMMARY OF FEES, COSTS, AND JUDGMENT

	AMOUNT	
Fees and Costs in Circuit Court:		
Clerk's Fees	11	55.
Ex-Clerk's Fees	4	10
Sheriff's Fees		
Ex-Sheriff's Fees	8	00
Witness Fees		
Commissioner's Fees		
Garnishee's Fees		
Publisher's Fees		
Court Reporter's Fees, Per Day or fraction thereof .500		
Trial Tax 3.00	3	00.
Fees and Costs in Inferior Court:		
Clerk of Inferior Court Fees		
Sheriff's Fees		
Justice of Peace Fees		
Constable's Fees		
Fees and Costs in Inferior Court		
Total Fees and Costs	26	65
Judgment		
10 Per Cent Damages		
Interest		
Total Judgment		
Total Fees, Costs and Judgment		
Total		

~~09/20~~

RD 4/4/42

Rs 449

2465

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

179

ATTEST:

Clerk Circuit Court, Baldwin County, Ala.

Received payment this _____ day of _____ 194 _____

ATTEST:

Clerk Circuit Court, Baldwin County, Ala.

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT

vs.

Plaintiff _____

Defendant _____

CIVIL COST BILL

Term, 19 _____

Fee Book _____, Page _____

Plaintiff's Attorney:

Defendant's Attorney:

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.....

Case No. 178

CIRCUIT COURT

Fall Term, 1939

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon.....

George H. Baldwin (R'dale)

if to be found in your County, at the instance of the plaintiff

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 12 day of September, 1939

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein Montevallo Coal Mining Co. Plaintiff

and S. W. Owens Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 30 day of Aug., 1939

R. S. DUCK

clerk, - register

By Hankins Thompson Clerk.

Received in office this 21st day of

Aug 1939

W.R. Stuart

Sheriff.

I have executed this writ

George H. Baldwin 9-5-39

Robertsdale

ORIGINAL

No. 179

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Montwalla Coal Mining
G.

Plaintiff

VS.

S. W. Owens

Defendant

CIVIL SUBPOENA

Issued this.....day of

1939

R. S. DUCK

clerk, - register

By

Deputy

Clerk.

W.R. Stuart

B.R.

Sheriff.

RS check

Bay Minette, Ala.,

4/16

1941

In Account With

G. W. ROBERTSON

Judge of Probate, Baldwin County

Please Return Bill With Remittance

Please Return Bill With Remittance			Privilege Tax	Rec. Fee	Total
Recording	from	to			
Jdg	Westville Coal Mining - W. C. Jones				50
Paid 4/16/41 [Signature]					

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.

Case No. 179

CIRCUIT COURT

Spring Term, 1939

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon

George H. Baldwin (Baldwin Supply Company, Robertsdale, Ala.)

if to be found in your County, at the instance of the

plaintiff

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 10th day of April 1939

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein Montevalle Coal Mining Co. Plaintiff

and S. W. Owens Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 4th day of April 1939

R. S. DUCK

clerk, - register

Clerk.

By Alice Thompson Deputy

Received in office this 5th day of

April

1939

W.R. Stuart

Sheriff.

I have executed this writ

in full

4-6-39 B.R.

W.R. Stuart

Sheriff.

B.R.

ORIGINAL

No. 179

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Monteville Coal
Mining Company

Plaintiff

VS.

J. W. Owens

Defendant

CIVIL SUBPOENA

Issued this 4th day of

April

1939

R. S. DUCK

clerk, - register

By Nan Alice Thompson Clerk.

S.W. OwensRobertsdale, Ala.**MONTEVALLO COAL MINING CO.**

MINERS AND SHIPPERS OF

"MONTEVALLO COAL"

TERMS: NET CASH 10TH OF MONTH FOLLOWING SHIPMENTS.

TO ACCOUNT RENDERED

TO COAL B. R.

9-30-31.....\$188.34

By Cash Jan, 28, 1933..... 10.00

\$178.34

Straven Account, which has been as-

signed to the Montevallo Coal Mining Co.

118.75\$297.09

RECORDED



MONTVALLO COAL MINING COMPANY

MINERS AND SHIPPERS OF

"MONTVALLO COAL"



Order No.

Sold to

S.W.Owens
Robertsdale, Ala.

Shipped to

Same

Birmingham, Ala.,

Sept. 30, 1931

Via

COPY

WE HEREBY GUARANTEE THAT THE
COAL LISTED HEREIN WAS MINED IN
ACCORDANCE WITH THE FEDERAL
CHILD LABOR ACT OF SEPTEMBER
1, 1916.

MONTVALLO COAL MINING CO.

TERMS: Net Cash Oct. 10, 1931

ALL SALES BASED ON RAILROAD WEIGHTS AT MINES

DATE	CAR-INITIAL	CAR-NO.	WEIGHT		MONTVALLO	PRICE	AMOUNT
			POUNDS	TONS			
9-30-31	WofA	10304	79,300	39.65	Lump Coal	\$ 4.75	\$188.34
We hereby certify that the foregoing is a true and correct copy of the original invoice, for which same purports to be a copy.							

Montvallo Coal Mining Co.

E. O. Law
Sales Manager

STRAVEN COAL MINING CO.

MINERS AND SHIPPERS OF

STRAVEN

"THE SUPERIOR CANABA RED ASH"

COAL

Order No.

Sold to

S.W.Owens
Robertsdale, Ala.

Shipped to Same

Via

Birmingham, Ala., Sept. 21, 1931

COPY

TERMS: Net Cash Oct. 10, 1931

ALL SALES BASED ON RAILROAD WEIGHTS AT MINES

WE HEREBY GUARANTEE THAT THE
COAL LISTED HEREIN WAS MINED IN
ACCORDANCE WITH THE FEDERAL
CHILD LABOR ACT OF SEPTEMBER
1, 1916.

STRAVEN COAL MINING CO.

DATE	CAR INITIAL	CAR NO.	WEIGHT		STRAVEN	PRICE	AMOUNT
			POUNDS	TONS			
9-21-31	Southern	198435	95,000	47.50	Nut Coal	\$ 2.50	\$118.75

We hereby certify that the foregoing is a true and correct copy of the Original invoice, for which same purports to be a copy.

Straven Coal Mining Co.

By: *E. A. Low*

(This account transferred to Montevallo Coal Mining Co.)

STATE OF Alabama

COUNTY OF Jefferson

Before me, the undersigned authority in and for aforesaid county and state, as a notary public under my seal of office, which seal of office is hereto attached, personally appeared E. Allen Rowe, known to me, who being by me first duly sworn, deposed and upon his oath stated that he is Sales Manager of The Montevallo Coal Mining Company, a corporation organized and doing business under the laws of The State of Alabama; a partnership composed of _____; a sole trader doing business as _____; that as such he makes this

affidavit; that he is familiar with the books and business of Montevallo Coal Mining Company;

that the attached account against S. W. Owens, Robertsdale, Ala. is just and correct, within the *personal* knowledge of this affiant; that he has authority to make this affidavit and that he has personal knowledge of the matters contained herein; that the items thereon stated and composing the said account were sold and delivered to

the said S. W. Owens at the special instance and request of the debtor and that credit has been duly given for all payments and just and lawful offsets to which said account is entitled as thereon

stated, and that the balance thereof, amounting to the sum of Two hundred ninety seven and 09/100 Dollars

(\$297.09) with interest from October 10, 1931, 19____, is justly due and remains unpaid.

E. Allen Rowe

Sworn to, subscribed, acknowledged, signed and sealed before me, as a notary public under my seal of office,

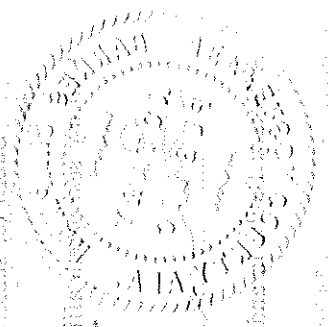
with my seal hereto affixed on this the 26 day of June, 1935

Dana Chapman
A Notary Public in and for the

State of Alabama

County of Jefferson

County of ...



... for the

4th day of ...

...

... with license from ...

... and that the license ...

... and that the ...

... and that the ...

... and that the ...

... and that the ...

... and that the ...

... and that the ...

... and that the ...

... and that the ...

... and that the ...

179

RECORDED

RECORDED

Book

COUNTY OF ...

STATE OF ...

88

4

July 29 1885
Ruben B. ...

STATEMENT

BIRMINGHAM, ALA., June 7, 1935

S. W. Owens

Robertsdale, Ala.

MONTEVALLO COAL MINING CO.

MINERS AND SHIPPERS OF

"MONTEVALLO COAL"

TERMS: NET CASH 10TH OF MONTH FOLLOWING SHIPMENTS.

TO ACCOUNT RENDERED

TO COAL B. R.

9-30-31 - WofA-10304 - 39.65 tons Lump Coal	
@ \$4.75 per ton.....	\$188.34
By Cash - January 28, 1933.....	10.00
	<u>\$178.34</u>

Before me, the undersigned authority, personally appeared E.A. Rowe, who being by me first duly sworn, says that he is Sales Manager of the Montevallo Coal Mining Company and is authorized to make this affidavit; *that he has personal knowledge of the correctness of this account* that the foregoing account is true and correct and due, after allowing all just credits and offsets.

E. A. Rowe

Sworn to and subscribed before me the seventh day of June, 1935.

Barney Chapman
Notary Public



STATEMENT

BIRMINGHAM, ALA., June 7, 1935

S. W. Owens

Robertsdale, Ala.

STRAVEN COAL MINING CO.

MINERS AND SHIPPERS OF

STRAVEN

"THE SUPREME CANABA RED ASH"

COAL

TERMS: NET CASH 10th OF MONTH FOLLOWING SHIPMENTS

TO ACCOUNT RENDERED

TO COAL B. R.

9-21-1931 - Sou-198435 - 47.50 tons Straven Nut Coal

@ \$2.50 per ton \$118.75

Before me, the undersigned authority, personally appeared E.A. Rowe, who being by me first duly sworn, says that he is Sales Manager of the Straven Coal Mining Company and is authorized to make this affidavit; that the foregoing account is true and correct and due *within his personal knowledge.*

E. A. Rowe

Sworn to and subscribed before me the seventh day of June, 1935.

Laine Chapman
Notary Public

We, for value received, hereby transfer, assign and sell the within account to the Montevallo Coal Mining Company.

Date: June 7, 1935.

Straven Coal Mining Co.

By: E. A. Rowe

100 WATER MAIN PRIVATE

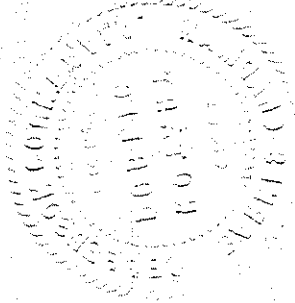
100 WATER MAIN PRIVATE
100 WATER MAIN PRIVATE
100 WATER MAIN PRIVATE

100 WATER MAIN PRIVATE

100 WATER MAIN PRIVATE

100 WATER MAIN PRIVATE

179
RECORDED
29 July 1935
Robert L. Duck
Clerk-Treasurer



CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.
Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA }
BALDWIN COUNTY }

S.D. Page No.....

Case No. 179

CIRCUIT COURT

Spring

Term, 1940

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon..... George H. Baldwin

(R. Dale)

if to be found in your County, at the instance of the..... Plaintiff

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by..... 10:00 clock of the forenoon, on the..... 8th day of..... April, 1940..... 193.....

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein..... MONTEVALLO COAL MINING CO.,..... Plaintiff

and..... S. W. Owens..... Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this..... 27th day of..... March, 1940..... 193.....

R. S. Duck

Clerk.

Received in office this 28th day of

March

1940

W.R. Stuart

Sheriff.

(m.B.H.)

I have executed this writ

By serving a copy on
George Baldwin
April 4-1940

W.R. Stuart

Sheriff.

By B.H. Jucua
As

Plaintiff

ORIGINAL

No. 179

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

MONTEVALLO COAL MINING CO.

Plaintiff

VS.

S. W. OWENS

Defendant

CIVIL SUBPOENA

Issued this.....day of

193

Clerk.