

ELSIE SWEAT,

Plaintiff,

VS.

WALTER J. CHIDGEY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW,

NO. 249

APPEALED FROM JUSTICE COURT.

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

FIRST:

That he is not guilty.

SECOND:

That the facts therein alleged are untrue.

THIRD:

That he was and is holding possession of said property under a written contract between the Plaintiff's predecessor in title and the Defendant, which contract has not yet expired.

FOURTH:

That he is holding the said property under a written contract between the Plaintiff's predecessor in title and the Defendant.

FIFTH:

That he has fully complied with the terms of the said contract and made the payments in accordance therewith.

SIXTH:

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

SEVENTH:

That he has paid the account, the basis of this cause of action, before suit was begun.

EIGHTH:

That he has regularly and monthly paid or tendered the

amount due by him to the plaintiff, under and by virtue of the written contract entered into between him and the Plaintiff's predecessor in title, or Mrs. J. T. Floyd, through whom the defendant holds.

Deborah L. Gabe
Attorneys for Defendant.

RECORDED

Duck

7-562

ANSWER:

ELMER SWEAT,

Plaintiff,

VS.

WALTER J. CHILDRESS,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW,

NO. 849,

APPEALED FROM JUSTICE COURT.

Filed Aug. 28, 1936
R. S. Duck, Clerk

TO WALTER J. CHIDGEY:

You are hereby commanded to be and appear before me at my office in Robertsdahe, Alabama on the 24th day of February, 1936 at 11 A.M. to answer to and make defense against a complaint exhibited to me against you by ELSIE SWEAT for an unlawful detainer.

Witness my hand this the 14th day of February, 1936.

Thomas J. S. S. S.

Justice of the Peace.

ELSIE SWEAT,
Plaintiff

vs

WALTER J. CHIDGEY,
Defendant.

The Plaintiff avers that she was before the commencement of this suit, to-wit, on the 8th day of December, 1935, seized and possessed of those certain lots of land with the appurtenances and buildings thereon situated and known as lots Sixteen, Seventeen and Eighteen in Block Sixteen of the first addition to the Town of Robertsdahe as per plat recorded in Miscellaneous Book One, page forty-three of the Probate Records of Baldwin County and being located at the southeast corner of Pennsylvania Avenue and Milwaukee Street and of which premises the Defendant was in possession by virtue of a written agreement dated November 16th, 1933 under a contract with Mrs. J. T. Floyd. Plaintiff further avers that the possessory interest of the Defendant in said property terminated on to-wit the 1st day of January, 1936. That on to-wit the 10th day of December, 1935 the Plaintiff demanded in writing of the Defendant the possession of said lots of land which the Defendant now refuses to deliver the possession thereof to the Plaintiff. Wherefore Plaintiff sues to recover possession of said tract and prays that process be issued according to law with One Hundred Dollars as damages.

H. C. Ransom

Clarence B. Ransom
Attorneys for Plaintiff.

The Defendant is hereby notified to produce at the trial of this cause the originals of letters written to him by Mrs. Elsie Sweat on December 10th, 1935 and a further letter from Mrs. Mary Alice Floyd dated on or about January 20th, 1936. In default of the production of the originals secondary evidence of their contents will be offered.

H. C. Ransom

Clarence B. Ransom
Attorneys for Plaintiff.

RECORDED
DICK
7-521

ELSIE SWEAT,

Plaintiff.

vs

WALTER J. CHIDGEY,

Defendant.

COMPLAINT and SUMMONS

Filed this 26 day Mar 1936
Ruth S. Reed
Clerk-Register

Executed this 14th
day of Feb. 1936
by leaving a copy
of the within with
the defendant
Walter J. Chidgey
W. R. Luckwill
Constable

ELSIE SWEAT,

Plaintiff.

vs

WALTER J. CHIDGEY,

Defendant.

Justice Court of Thomas Vonashek, Justice of the Peace, of
Baldwin County, Alabama.

To WALTER J. CHIDGEY:

You are hereby notified that Elsie Sweat, Plaintiff in the
above styled cause, has prayed an appeal from the judgment rendered
in said cause and executed sufficient bond returnable to the next
term of the Circuit Court of Baldwin County and that this appeal has
been granted by me.

Witness my hand this the 26th day of February, 1926.

Thomas Vonashek
Justice of the Peace.

RECORDED
Quick
7-522

*Executed this 29th
day of February 1936
By leaving a copy
of the within with
the defendant
W. B. Shickman the
Constable*

ELSIE SWEAT,
Plaintiff.
vs
WALTER J. CHIDGEY,
Defendant.

NOTICE OF APPEAL

Received this 26th day of
February, 1936 and executed the
same today by handing a copy
thereof to Walter J. Chidgey.

Deputy Sheriff.

Filed this *27* day of *Mar* 1936
Robert Deak
Clerk-Register

ELSIE SWEAT,

Plaintiff

vs

WILLIAM J. CHIDGEY,

Defendant.

L A W

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

To William J. Chidgey or Messrs, Beebe & Hall, his attorneys of record:

Demand is hereby made upon you for delivery within five days from the service of this notice of a bill of particulars showing each item of the Defendant's account against Mrs. J. T. Floyd for repairs done to property leased from Mrs. J. T. Floyd on or about November 16th, 1933 and for which the Defendant claims a credit against said Mrs. Floyd to be applied for rent; Also showing each and every credit against said repair bill from November 16th, 1933 with amounts and dates.

ELLIOTT G. RICKARBY

H. C. RANKIN

Attorneys for Plaintiff.

RECORDED
Duck
7-523

ELSIE SWEAT,

Plaintiff

vs

WILLIAM J. CHIDGEY,

Defendant.

DEMAND FOR PARTICULARS

Filed August 4th 1936
Robert H. Sweet
clerk

118

Rec in office

8/3/36

M. H. Wilkins
Sheriff

Executed by serving a copy of
the within notice on Hubert M.
Hall this 4th day of August 1936
M. H. Wilkins, Sheriff.

By Lonnie Dyer D.S.

ELSIE SWEAT,

Plaintiff,

VS.

WALTER J. CHIDGEY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

APPEALED FROM JUSTICE COURT.

Comes the Plaintiff in the above styled cause and by leave of the Court first had and obtained, amends her original complaint by adding thereto the following separate and several counts, to-wit:

COUNT NO. TWO.

The Plaintiff sues to recover possession of the following tract of land: Lot number 18 in block number 16 of the first addition to the Town of Robertsdale, Baldwin County, Alabama, as per plat on file in the office of the Judge of Probate of Baldwin County, Alabama, which property is further identified as being located in the Southeast corner of the intersection of Pennsylvania Avenue and Milwaukee Street, of which she was in possession, and upon which, pending such possession, and before the commencement of this suit, the Defendant entered and unlawfully withholds, together with One Hundred Dollars for the detention thereof.

COUNT NO. THREE

The Plaintiff sues to recover possession of the following tract of land: Lot Number 18 in block number 16 of the first addition to the Town of Robertsdale, Baldwin County, Alabama, as per plat on file in the office of the Judge of Probate of Baldwin County, Alabama, which property is further identified as being located in the Southeast corner of the intersection of Pennsylvania Avenue and Milwaukee Street, to which she has the legal title, and upon which, pending such title, and before the commencement of this suit, the Defendant entered and unlawfully withholds, together with One Hundred Dollars, for the detention thereof.

COUNT NO. FOUR

The Plaintiff claims of the Defendant One Hundred Dollars, for the use and occupation by him of the following tract of land, namely: Lot number 18 in block number 16 of the first addition to the Town of Robertsdale, Baldwin County, Alabama, as per plat on file in the office of the Judge of Probate of Baldwin County, Alabama, which property is further identified as being located in the Southeast corner of the intersection of Pennsylvania Avenue and Milwaukee Street, belonging to the Plaintiff, from the first day of January, 1936, to the first day of April, 1936.

Elliott G. Pinstoly

H C Rankin

Attorneys for Plaintiff.

RECORDED
Duck
7.522

Field April 13 1936
Rector Duck
Duck

ELSIE SWEAT,
Plaintiff
vs
WALTER J. CHIDGEY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW,
No. 249.
APPEALED FROM JUSTICE COURT.

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

FIRST:

That he is not guilty.

SECOND:

That the facts therein alleged are untrue.

THIRD:

That he was and is holding possession of said property under a written contract between the Plaintiff's predecessor in title and the Defendant, which contract has not yet expired.

FOURTH:

That he is holding the said property under a written contract between the Plaintiff's predecessor in title and the Defendant.

FIFTH:

That he has fully complied with the terms of the said contract and made the payments in accordance therewith.

SIXTH:

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

SEVENTH:

That he has paid the account, the basis of this cause of action, before suit was begun.

EIGHTH:

That he has regularly and monthly paid or tendered the amount due by him to the Plaintiff, under and by virtue of the written contract entered into between him and the Plaintiff's predecessor in title, or Mrs. J. T. Floyd, through whom the Defendant holds.

BEEBE HALL & BEEBE
Attorneys for Defendant.

Filed August 28th, 1936.

Elsie Swear.

Plf

vs.

W. J. Chidsey
Defr.

Law.

Circuit Court of

Baldwin County.

The plaintiff demands a trial by jury.

H. L. Ranshin.

C. L. Rinsley.

Attys at Law.

RECORDED
249 Duck
7-522

Elsie Swear
PTff.
vs.

W. J. Chissey
Defr.

Demand for Jury.

Filed Mar 24- 1936
Robert L. Leach
clerk

Jury List First Week, September 14, 1936

NO. NAME OCCUPATION ADDRESS

- ~~1 John Shumate, Filling Station, Robertsdale~~ *P1*
- ~~2 Gus Hoff, Blacksmith, Silverhill~~ *52*
- 3 Seabon S. Baggett, Naval Stores, Bay Minette
- ~~4 Frank J. Knowles, Electrician, Bay Minette~~ *P1*
- 5 Osmand Waters, Farmer, Gateswood
- 6 Willard Weekley, Barber, Bay Minette
- 7 John A. Mosely, Farmer, Stockton
- ~~8 William A. Bryant, Cattleman, Stockton~~ *Dy*
- ~~9 Edwin Green, Farmer, Loxley~~
- ~~10 Wallace Killcrease, Bookkeeper, Stockton~~
- 11 Young A. Cox, Merchant, Stockton
- ~~12 Robert M. Rabon, Naval Stores, Rabon~~
- ~~13 Walter T. Hall, Barber, Loxley~~
- 14 William H. Havard, Naval Stores, Perdido
- ~~15 Frank Kucera, Farmer, Silverhill~~
- 16 Peter Pluscht, Butcher, Elberta
- 17 John W. Noble, Farmer, Summerdale
- ~~18 Walter Salzmann, Farmer, Elberta~~
- ~~19 Albert Haup, Farmer, Elberta~~
- ~~20 Matthew Nolte, Farmer, Foley~~
- ~~21 Ernest D. Hand, Bookkeeper, Bay Minette~~
- 22 Marshall N. White, Mechanic, Bay Minette
- ~~23 Spence Younce, Machinist, Foley~~ *P2*
- ~~24 Charles Hecht, Taxi Driver, Foley~~
- 25 Davis Duck, Farmer, Bay Minette
- 26 Daniel Hall, Farmer, Tensaw
- ~~27 Werneth Allen, Oysterman, Bon Secour~~
- ~~28 Aubrey Klumpp, Laborer, Point Clear~~
- 29 Arthur R. Rockwell, Farmer, Fairhope
- ~~30 Harold Stuart, Contractor, Bay Minette~~ *P3*
- ~~31 Eldridge Mancie, Garage, Daphne~~
- ~~32 Jesse Stewart, Laborer, Robertsdale~~ *23*

Elsie Sweet
Walter J. Chidzey
Bishop

32
12
19
12
7

P 31 111
D4 1111

The State of Alabama, {
Baldwin County.

That we, Elsie Sweat, C.D. Sweat and
are held and firmly bound unto Walter J. Chidgey
in the sum of Eight Dollars,
for the payment of which, well and truly to be made, we bind ourselves and each of us, our and each of
our heirs, executors and administrators, jointly and severally. But upon condition, that if the above
bound Elsie Sweat shall prosecute to
effect an appeal by him taken this day to the next term of the Circuit Court of
Baldwin County from a judgment rendered against him in favor of said Walter J. Chidgey
by Thomas Vonachuk
a justice of the peace for said county, for the sum of Four
Dollars, ^{costs} ~~debt~~ in said appeal, shall pay such judgment, both as to
debt and costs as may be rendered against him by the said Circuit Court of
Baldwin County, then, in either of said events, this obligation to be void, otherwise to remain in full
force and effect.

Given under our hands and seals, this the 26 day of February 1936.

Approved:

Elsie Sweat (L. S.)

Walter J. Chidgey (L. S.)

C.D. Sweat (L. S.)

J. P.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

APPEAL BOND

JUSTICE'S COURT OF

Thomas Vorachest

Elsie Sweet

PLAINTIFF

VS.

Walter J. Chisney

DEFENDANT

Filed this 26 day of February 1936.

Filed this 3 day of Mar 1936
Arthur L. Smith
Clerk Registrar

Ussie Sweet.
Plaintiff

vs

Walter J. Cheddy
Defendant

In the Circuit
Court of Marion
County, Alabama
at Law # 249

Comes the Defendant and moves
the Court to strike the Plaintiff's
amended Complaint Counts
2, 3 & 4, and for grounds here,
says:

1. That said Court is a departure
from the original Complaint filed
in this Cause -
2. That said Court was set by
Matters of which the Justice Court
from which this Cause was appealed
had no jurisdiction.

3 That said Court set up a
new Cause of action.

4 That said Court set up a
new Cause of Action of which
the Justice Court in ~~the~~ this
suit was begun had no jurisdiction.

Beats Wellenbach
Atty for Defendant

RECORDED
Duck
7-523

Filed this 13 day Apr. 1936
R. S. Duck
Clerk-Register

ELSIE SWEAT,

VS.

WALTER J. CHIDGEY,

Plaintiff,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 249.

Comes the Plaintiff in the above styled cause and demurs to Pleas Three, Four, Five, Six, Seven and Eight, separately and severally, and for grounds for demurrer, allege the following, separately and severally:

ONE: Said Pleas are no answer to the Complaint.

TWO: The said Pleas are no answer to Count Four of the Complaint.

THREE: Said Pleas present matters wholly irrelevant and immaterial to the issues in this cause.

FOUR: Said Pleas ^{are} fatally vague and indefinite.

Walter J. Chidgey
D. C. Chidgey

Attorneys for Plaintiff.

ELSIE SWEAT,

Plaintiff,

VS.

WALTER J. CHIDGEY,

Defendant.

DEMURRERS TO PLEAS THREE
TO EIGHT.

Filed Sept. 16, 1936.

R. A. Duck,
Clerk.

THOMAS VONASHEK
JUSTICE OF THE PEACE
ROBERTSDALE, ALABAMA

249

Elsie Lovett
Plaintiff
vs
Walter G. Chidgey
Defendant

In the Justice Court
of Thomas Vonashek Justice
of the Peace - Beat 9
Robertsdale, Ala

The Defendant for answer to the Complaint
says that this Court ought not to hear
or take further jurisdiction of this Cause
because said Cause shows that it
is a suit to try title to the property
described in the Complaint — and this
Court has no jurisdiction to try Causes
involving a question as to title to property

Beckwith
Also for day

RECORDED
Quick
7-521

Filed this 5 day Mar 1936
Robert Quick
Clerk-Registered