

McMILLAN & HARRISON FER-  
TILIZER COMPANY, a cor-  
poration,

Plaintiff,

vs.

JAMES VORISEK,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

Comes the defendant in the above styled cause, and for further answer to plaintiff's complaint and to each Count thereof, separately and severally, says:

1st. That before the commencement of this suit, the plaintiff was indebted to the defendant in the sum of \$309.30 for money paid by the defendant for the plaintiff on the 10th day of June, 1935, at his request, which sum of money, with interest thereon, is still due and unpaid, and which the defendant offers to set off against the demand of the plaintiff, and the defendant claims judgment for the excess.

2nd. That before the commencement of this suit, the plaintiff was indebted to the defendant in the sum of \$309.30 for money due from him by account on the 10th day of June, 1935, which sum of money, with interest thereon, is still due and unpaid, and the defendant offers to set off the same against the demand of the plaintiff, and claims judgment for the excess.

3rd. That before the commencement of this suit, the plaintiff was indebted to the defendant in the sum of \$309.30, for that on, to-wit, the 10th day of June, 1935, the plaintiff, acting through and by its agent, one W. L. Nass, presented to this defendant a bill for fertilizer, which is the subject of this suit, in the sum of \$309.30, and represented that the said sum of \$309.30 was owing by this defendant to the plaintiff, and the defendant paid said sum to the said W. L. Nass, as the agent of the said plaintiff, who was acting within the line & scope of his authority, as such agent.

believing and relying upon the representation of the said W. L. Nass that the said amount was owing by this defendant to the said plaintiff; that the said representation was false, in that this defendant was indebted to the plaintiff in the sum of \$272.77 only, and the plaintiff is therein and thereby indebted to the defendant in the sum of \$309.30, with interest thereon from the said date of payment, which said sum this defendant offers to set off against the demand of the plaintiff and claims judgment for the excess.

Beebe Hall & Beebe  
Attorneys for Defendant.

McMILLAN & HARRISON FER-  
TILIZER COMPANY, a cor-  
poration,  
Plaintiff,

vs.

JAMES VORISEK,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.

A N S W E R

Filed April 9, 1938.

R. S. Dyer  
Clerk.

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BEEBE, HALL & BEEBE  
LAWYERS  
Bay Minette, Ala.

McMILLAN & HARRISON  
FERTILIZER COMPANY,  
Plaintiff,

vs.

JAMES VORISEK,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

Comes the defendant in the above styled cause, and  
further answering plaintiff's complaint, says:

That the matters alleged therein are untrue.

Beebe Hall & Beebe  
Attorneys for Defendant.

*Duch*  
RECORDED 8-202

McMILLAN & HARRISON FER-  
TILIZER COMPANY,  
Plaintiff,

vs.

JAMES VORISEK,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.

ANSWER.

Filed April 7, 1938.

*R. S. Duch*  
Clerk.

THE STATE OF ALABAMA  
BALDWIN COUNTY

No. 297 CIRCUIT COURT

Judgment Fall Term, 1939

M. E. Millam & Harrison Trust  
vs.  
James Norrish

DEAR SIR: At the Fall Term, 1939, of the Circuit Court of said County,

covered a judgment against M. E. Millam & Harrison Trust Co. Dollars

the sum of Dollars, cost of suit, and execution as duly issued thereon, commanding any Sheriff of the State that he cause to be made of the goods and chattels, land and tene-  
ments of said M. E. Millam & Harrison Trust Co.

the amount of the judgment and costs, and the Sheriff has re-  
turned said exception indorsed, "No Property Found," and the costs have never been paid. In order to save you the additional ex-  
pense of an execution against you, I herewith inclose an itemized statement of the costs which have accrued in said cause, and  
respectfully request that you will, on receipt of this, remit the amount. If I do not hear from you in a few days I will forward the  
execution to the Sheriff of your County for collection.

Respectfully yours, R. S. Duck, Clerk.

CLERK'S FEES		@	Amount	SHERIFF'S FEES		@	Amount
Issuing Summons and Complaint, .....	\$1.25	✓ 125	1	Levying Attachment, .....	\$3.00		
Issuing copies thereof, .....	30	✓ 30	2	Entering and returning Attachment, .....	25		
Making every copy thereof, when over 200 words, per 100 words, .....	15	✓ 15	3	Summoning garnishee and return, .....	1.50		
Entering Sheriff's return or copy thereof, .....	20	✓ 20	4	Serving Summons and Return, .....	1.50	1 50	
Docketing cause, to be charged but once, .....	25	✓ 25	5	Serving Subpoenas, .....	65	10 40	
Entering Appearance, .....	20	✓ 20	6	Impaneling jury, .....	75	13 65	
Filing pleas, demurrer and other pleadings, for each, .....	10	✓ 10	7	Making deed, .....	2.50		
Every trial, with or without jury, and its incidents, not including judgments by default, or nil dicit, .....	75	✓ 75	8	Serving Summons, forcible entry, etc., .....	1.50		
Entering Continuance, (each) .....	10	✓ 10	9	Executing writ of restitution or possession, .....	5.00		
Entering Judgment, (each) .....	30	✓ 30	10	Collecting, execution for cost .....	1.50		
Entering any other order of Court (each) .....	30	✓ 30	11	Serving Sci. Fa. notices, etc., .....	1.50		
Issuing Scire Facias, or notice in the nature thereof, (each) .....	75	✓ 75	12	Serving any summons not provided for and return, .....	1.50	1 50	
Issuing Execution or copy thereof, (each) .....	50	✓ 50	13	Serving attachment for contempt, .....	1.50		
Entering return, or copy thereof, for each 100 words, 15 cents; but in no case less than .....	20	✓ 20	14	Taking and approving bond, .....	1.00		
Recording award of arbitrators, referees, auditors, etc., for each 100 words, .....	15	✓ 15	15	Seizing personal property in detinue, .....	3.00		
Issuing execution or attachment thereon, and entering return, .....	1.00	✓ 1.00	16	Collecting money under execution, 5% first \$200.00; 4% to \$500.00; 3% all over \$500.00, .....			
Taking bond for certiorari supersedeas, or appeal, or copy thereof and filing same, .....	75	✓ 75	17	Selling property attached, same for selling under execution, .....			
Issuing Subpoenas for Witness, (each) .....	30	✓ 30	18	Former Sheriff's fees, .....			
Administering an oath, not relating to a trial pending and certifying the same, .....	25	✓ 25					
Issuing Attachment and taking bond, (ea.) .....	1.00	✓ 1.00					
Filing papers in attachment, (each) .....	10	✓ 10					
Issuing Summons for garnishee, (each) .....	50	✓ 50					
Swearing and taking examination for Garnishee and recording same, for each 100 words 15 cts; but not less than .....	50	✓ 50					
Order to advertise, or order of survey, or copy thereof, .....	50	✓ 50					
Certificate of Judgment, .....	50	✓ 50					
Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than, .....	25	✓ 25					
Issuing Commission to take depositions, or copy thereof, .....	75	✓ 75					
Making copy of interrogatories accompanying commission, .....	50	✓ 50					
Or for each 100 words, .....	15	✓ 15					
Filing packages of depositions, (each) .....	10	✓ 10					
Indorsing package of deposition, opened (each), .....	10	✓ 10					
Issuing writ of ad quod damnum or writ in the nature thereof, .....	75	✓ 75					
Recording the return and inquest thereon, .....	50	✓ 50					
Or for each 100 words, .....	15	✓ 15					
Issuing Writ of certiorari, prohibition, mandamus, or writ in the nature thereof, .....	75	✓ 75					
Filing the same and entering return, .....	15	✓ 15					
Making a complete record of a cause or copy thereof, for each 100 words, .....	15	✓ 15					
Making copy of any paper not herein provided for, for each 100 words, .....	15	✓ 15					
Making each certificate requiring the seal of office, and affixing seal, .....	50	✓ 50					
Taking any bond not otherwise provided for, .....	75	✓ 75					
Making necessary certificates not otherwise provided for, (each witness), .....	25	✓ 25					
For certifying abstract, in lieu of fees for transcript under section 2851 of the Code, .....	5.00	✓ 5.00					
Record for Supreme Court, for each 100 words .....	15	✓ 15					
Each additional copy thereof, each 100 words .....	05	✓ 05					
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 executions, .....		✓ 25 80					
Total Clerk's Fees, .....				Total Sheriff's Fees, .....			
				RECAPITULATION			
				1	Clerk's Fees, .....	25 80	
				2	Clerk's Fees, .....	27 05	
				3	Sheriff's Fees, .....		
				4	Sheriff's Fees, .....	61 90	
				5	Witness Fees in Circuit Court, .....	22 60	
				6	Justice of the Peace Fees, .....		
				7	Witness Fees, in Justice of the Peace Court		
				8	Commissioner's Fees, .....		
				9	Commissioner's Residence, .....		
				10	Constable's Fees .....		
				11	Garnishee's Fees, .....		
				12	Printer's Fees, .....	5 00	
				13	Stenographer's Fees, .....	3 40	
				14	Trial Tax, .....		

ELBERTA, ALA.

Dec. 27th 1939

Dear Sir;

I am enclosing two witness certificates, and also the bill  
for the same, taken care of. So if please mail me by check.

Yours truly,

John H. Schenk

*John H. Schenk*

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. 297

CIRCUIT COURT

Spring Term, 1939

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Bill Lee, Anton Mucik, John H. Schenk, V. D. O'Connor, Orvis M. Brown

if to be found in your County, at the instance of the Defendant  
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 10<sup>th</sup> 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 M. E. Millan & Harrison Fertilizer Co. Plaintiff  
and James Vorisik Defendant.

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

Given under my hand and seal, this 16 day of March 1939

R. S. DUCK

clerk, register Clerk.

By James Thompson  
Deputy



Received in office this 16<sup>th</sup> day of

March

1939

W.R. Stuart

Sheriff.

I have executed this writ

W.D. Conner 3-21-39

Aston Duggick 3-24

Oswis M. Brown 3-25

John H. Schenk 3-30-39

14

W.R. Stuart

Sheriff.

Dependant

ORIGINAL

No. 297

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

McMillan & Harrison

Fertilizer Co.,

Plaintiff

VS.

James Vorisich

Defendant

CIVIL SUBPOENA

Issued this 16 day of

March

1939

R. S. DUCK

clerk, register

Clerk.

By

Pauline Thompson

Deputy

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. 297

CIRCUIT COURT

Spring Term, 1939

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon B. F. Kucera, James Rada, Anton Muzila,  
Albert Moris,

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 ..... o'clock of the forenoon, on the 10<sup>th</sup> 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 McMillan & Harrison Fertilizer Co., Plaintiff

and James Vorisek Defendant.

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

Given under my hand and seal, this 16 day of March 1939

R. S. DUCK

clerk - register

Clerk.

By Arthur Thompson  
Deputy

Received in office this 16<sup>th</sup> day of

March 1939

W.R. Stuart  
Sheriff.

I have executed this writ by serving

B.F. Kucera 3-17-39

Anton Dzugik 3-24

James Rada 3-24

Albert Mark 3-24

Executed in full  
this 24<sup>th</sup> day of  
March 1939

W

W.R. Stuart  
B.F. Kucera D.S. Sheriff.

00-061

Plaintiff's

ORIGINAL

No. 297

Page

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

McMillan & Harrison Trustees  
vs. a corp.

VS.

Plaintiff

James Vossick

Defendant

CIVIL SUBPOENA

Issued this 16 day of

March 1939

R. S. DUCK

clerk, register

Clerk.

By James Vossick  
Deputy

The State of Alabama,  
Baldwin County

S. D. Page No. \_\_\_\_\_

CIRCUIT COURT

Case No. 297

Fall Term, 1938

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

B. F. Kucena, James Rada,

Anton B. Muesch,

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 15 day of Sept, 1938, 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 M<sup>rs</sup> Millam & Harrison Tent. Co. Plaintiff

and James Vorisich Defendant.

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

Given under my hand and seal, this

3

day of

Sept

, 1938

R. S. DUCK

clerk, - register

CLERK.

By

Lawrence Thompson  
Deputy

The State of Alabama,  
Baldwin County

S. D. Page No. \_\_\_\_\_

CIRCUIT COURT

Case No. 299

Fall Term, 1935

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

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

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 15 day of Sept 1935, 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 M. E. Millan & Harrison Text Co. Plaintiff

and James Varisels Defendant.

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

Given under my hand and seal, this

day of

Sept

, 1935

R. S. DUCK

clerk, - register

CLERK.

By

Deputy

Received in office this \_\_\_\_\_ day of

193

SHERIFF

I have executed this writ

*in full*  
*9-14-38*

SHERIFF

*B F J D S*

ORIGINAL

No. *297*

Page \_\_\_\_\_

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

*McMillan & Harrison*  
*vs. C.*

Plaintiff

VS.

*James Vorets*

Defendant

CIVIL SUBPOENA

Issued this

*14*

day of

*Sept*

193

*R. S. Dush*

Clerk.

*W. J. Lambie*  
*Dputy*

The State of Alabama,  
Baldwin County

S. D. Page No. \_\_\_\_\_

CIRCUIT COURT

Case No. 297

September

Term, 1938

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Anton Musick, John H. Schenk  
H. L. O'Connor, Arnis M. Brown,

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

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

by 1:30 o'clock of the forenoon, on the 15<sup>th</sup> day of September 1938, 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 M<sup>c</sup>Millen and Harrison Fertilizer Company Plaintiff

and James Louisek Defendant.

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

Given under my hand and seal, this

1<sup>st</sup>

day of

September

1938

R. S. DUCK

clerk, - register

CLERK.

W. Allen Thompson  
Deputy

Received in office this \_\_\_\_\_ day of \_\_\_\_\_

193\_\_\_\_\_

SHERIFF

I have executed this writ

*Oris M. Brown*

*VP Deemer*

*In Hull. 9/1/38*

*4*

*M. H. Wilkins*

SHERIFF

*B. J. McNeal*

ORIGINAL

No. *297*

Page *25*

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

*M<sup>s</sup> Millan and  
Harrison Fertilizer  
Company* Plaintiff  
VS.

*James Vorisek*

Defendant

CIVIL SUBPOENA

Issued this *1<sup>st</sup>* day of

*Sept.* 193*8*  
*R. S. DUCK*

clerk, - register

By *Don Allen* Clerk.  
*Don Allen*



McMILLAN & HARRISON FERTILIZER	}	IN THE CIRCUIT COURT OF
COMPANY, a corporation,		
Plaintiff,		BALDWIN COUNTY, ALABAMA.
vs.		AT LAW.
JAMES VORISEK,	}	
Defendant.		

INTERROGATORIES PROPOUNDED TO THE PLAINTIFF UNDER  
SECTION 7764 OF THE 1923 CODE OF ALABAMA.

1. Please state when, where and how the account sued on was made by the defendant with the plaintiff.

2. Please state for what said account was incurred, whether for money loaned by plaintiff to defendant, or for goods, wares or merchandise sold by plaintiff to defendant?

3. If said account was for goods, wares and merchandise sold by plaintiff to defendant, state in particular what constituted the items of goods, wares or merchandise. State through whom the same was sold by plaintiff to defendant, and at what time and place and when and how and by whom the same were delivered by plaintiff to defendant.

4. Please state whether or not any account or claim or demand was ever presented to or made on defendant by plaintiff for such account, and when and how such account was presented or payment demanded, and through and by whom?

5. Please state the items, quantities and prices of goods, wares or merchandise which the plaintiff claims to have sold the defendant, and who acted as the agent for the plaintiff in such transaction?

6. If said goods, wares or merchandise were sold to the defendant through an agent or dealer of the plaintiff, please attach the original of such contract with such agent or dealer; also attach to your answer originalsof any letters received from such agent or dealer with reference to sales of goods, wares and

merchandise, and also attach copies of any letters written by you to such agent or dealer with reference to such sales.

7. State whether or not you furnished to the agent or dealer through whom such fertilizer was sold a list of the persons to whom fertilizer was sold through such agent for the purpose of collecting for such goods, wares and merchandise, and if any such list was furnished, attach a copy of the same to your answer.

8. State whether or not you wrote to such agent or dealer authorizing and directing them to collect for such goods, wares and merchandise, and if so, attach a copy of such letter to your answer.

Beebe Hall & Beebe  
Attorneys for Defendant.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned authority in and for said State and County, this day personally appeared J. P. BEEBE, who after being by me first duly sworn, deposes and says that he is a member of the firm of Beebe, Hall & Beebe, attorneys for the defendant in the above stated cause, and that the answers to the foregoing interrogatories will be used as material testimony for the defendant in the said cause.

J. P. Beebe

Sworn to and subscribed before  
me on this the 5 day  
of September, 1936.

W. C. Beebe  
Notary Public, Baldwin County,  
Alabama.

LLAN & HARRISON FERTI-  
R COMPANY, a corporation,  
Plaintiff,

vs.

JAMES VORISEK,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.

INTERROGATORIES PROPOUNDED  
TO THE PLAINTIFF UNDER SECTION  
7764 OF THE 1923 CODE OF ALA-  
BAMA.

*Filed Sept. 5, 1936*  
*R. S. Duck,*  
*Clerk*

BEEBE, HALL & BEEBE  
LAWYERS  
BAY MINETTE, ALABAMA

*Served  
accepted this  
5th day of  
Sept. 1936  
J. B. Bledsoe  
Atty for Plaintiff*

McMILLAN AND HARRISON  
FERTILIZER COMPANY, a  
Corporation,

Plaintiff,

VS.

JAMES VORISEK,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. \_\_\_\_.

INTERROGATORIES TO BE PROPOUNDED TO THE DEFENDANT

UNDER SECTION 7764 OF THE 1923 CODE OF

ALABAMA.

1. Explain fully just what goods, wares or merchandise were purchased by the Defendant from the Plaintiff during the year 1935.

2. When did the Defendant pay the Plaintiff for the goods purchased by the Defendant from the Plaintiff during the year 1935 and which form the basis of this suit?

3. Explain where, to whom and how the Defendant paid for the goods, wares or merchandise which form the basis of this suit.

4. If the account which forms the basis of this suit and which the defendant claims to have paid was paid by check or checks attach true and exact copy or copies of the cancelled check or checks to your answer hereto.

5. If a receipt or receipts were given for the account forming the basis of this suit which the defendant claims to have paid, attach true and exact copy or copies of such receipt or receipts to your answer hereto.

6. Attach true and exact copies of all receipts given by the Plaintiff to the Defendant during the year 1935 or during that part of the year 1936 which expired prior to the commencement of this suit.

J. B. T. Beckburn  
Attorney for Plaintiff.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Ora Sirmon, a Notary Public, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says: That he is the attorney for the Plaintiff in the above entitled cause and that the answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Plaintiff in the said cause.

J. B. Blackburn

Sworn to and subscribed before me  
on this the 26th day of August, 1936.

Ora Sirmon

Notary Public, Baldwin County, Alabama.

*Rec in office  
8/26/36  
M.H. Wilkins*

INTERROGATORIES TO BE PROPOUNDED  
TO THE DEFENDANT.

McMILLAN AND HARRISON FERTILIZER  
COMPANY, a Corporation,

Plaintiff,

VS.

JAMES VORISEK,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. \_\_\_\_\_.

Filed on this the 16th day of Aug-  
ust, 1936.

*J.B. Blackburn*  
J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINETTE, ALABAMA

Executed *Aug. 26, 1936*  
by serving copy of within summons and  
*subpoena* ~~subpoena~~ *subpoena* on

*John Bube, member  
of firm Bube & Hall*

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

McMILLAN AND HARRISON  
FERTILIZER COMPANY, a  
Corporation,

Plaintiff,

vs.

JAMES VORISEK,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. \_\_\_\_\_

ANSWERS TO INTERROGATORIES PROPOUNDED TO THE  
DEFENDANT BY THE PLAINTIFF UNDER SECTION 7764  
OF THE 1923 CODE OF ALABAMA.

1. In answer to Interrogatory 1 the Defendant says:  
That he did not purchase any goods, wares or merchandise from the  
plaintiff during the year 1935.

2. In answer to Interrogatory 2 the Defendant says:  
That he did not owe the plaintiff any money for goods purchased dur-  
ing the year 1935, due to the fact that the defendant did not buy  
any goods from the plaintiff.

3. In answer to Interrogatory 3 the Defendant says:  
Assuming that this suit is based on fertilizer bought by the Defend-  
ant from Baldwin County Farmers Union Cooperative of Robertsdale,  
the defendant paid to the Baldwin County Farmers Union the sum of  
\$309.30 on June 10, 1935, in full payment for fertilizer bought by  
him from them, and received a receipt therefor.

4. In answer to Interrogatory 4 the Defendant says:  
That he delivered to the Union in Robertsdale potatoes grown by him  
in full settlement of fertilizer purchased from the Baldwin County  
Farmers Union, and received their check for \$407.00 and a receipt  
for \$309.30, being in full settlement for fertilizer purchased from  
the Baldwin County Farmers Union.

5. In answer to Interrogatory 5 the Defendant says:  
Attached is a true copy of receipt.

6. In answer to Interrogatory 6 the Defendant says:  
That he received only one receipt, as shown by answer to Interrog-

atory.4.

James Vorisek

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, J. P. Beebe, a Notary Public in and for said State and County, this day personally appeared JAMES VORISEK, who being by me first duly sworn, deposes and says that he is the defendant in the above named suit and that the foregoing are true and correct answers to interrogatories propounded to the defendant by the plaintiff.

James Vorisek

Sworn to and subscribed before  
me on this the 13th day of  
September, 1937.

J. P. Beebe  
Notary Public, Baldwin County,  
Alabama.



June 10, 1935.

This is to certify that Mr. Vorisek has left 309.30  
Three Hundred Nine & 30/100 Dollars for McMillan & Harrison  
Fertz. Co.

W. L. Nass.

McMILLAN AND HARRISON  
FERTILIZER COMPANY, a  
Corporation, Plaintiff,

vs

JAMES VORISEK,  
Defendant.

Answers to Interrogatories,  
propounded to Defendant.

Filed this 20 day September 1927  
R. S. Durb  
Clerk-Register

BEEBE, HALL & BEEBE  
LAWYERS  
BAY MINETTE, ALA.

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon James Vorisek, to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of McMillan and Harrison Fertilizer Company, a Corporation.

Witness my hand this 11<sup>th</sup> day of August, 1936.

Robert S. Duck

Clerk of the Circuit Court.

: :

McMILLAN AND HARRISON  
FERTILIZER COMPANY, a  
Corporation,

Plaintiff,

VS.

JAMES VORISEK,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. \_\_\_\_.

1. The Plaintiff claims of the Defendant \$277.00 due from him by account on to-wit, the 1st day of March, 1935, which sum of money, with the interest thereon is still due and unpaid.

2. The Plaintiff claims of the Defendant \$277.00 due from him for merchandise, goods and chattels sold by the Plaintiff to the Defendant on to-wit, January 23, 1935 and on March 12, 1935, which sum of money with the interest thereon is still unpaid.

3. The Plaintiff claims of the Defendant \$277.00 due from him on account stated between the Plaintiff and the Defendant on to-wit, the 1st day of June, 1935, which sum of money with interest thereon is still unpaid.

J. D. Blackburn

Attorney for Plaintiff.

RECORDED  
7.547  
SUMMONS AND COMPLAINT.

McMILLAN AND HARRISON FERTILIZER  
COMPANY, a Corporation,

Plaintiff,

VS.

JAMES VORISEK,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 297.

Filed Aug. 11, 1936  
Robert J. Black, clerk.  
J. B. BLACKBURN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

(120)

Rec'd office  
8/11/36

W. M. Blackburn

8/11  
1936

By serving copy of writs of Summons and  
Complaint on

James Vorisek

W. M. Blackburn  
Deputy Sheriff

Gentlemen of the Jury if you  
 believe from the evidence  
 in this case that the defendant  
 was indebted to the plaintiff in  
 the sum of \$273.70 and that the  
 latter paid through its duly  
 authorized agent the sum of  
 \$309.30 the defendant is entitled  
 to recover of the plaintiff a  
 judgment under its plea  
 of set off the difference be-  
 tween the amount owing  
 and the amount paid together  
 with interest thereon  
 from the date of payment

Signed  
 F. W. Hare

309.30  
 273.70

35.60

6 - 1936

2.1360  
 35.60

37.73

6 - 1937

22638

37.73

39.99

6 - 1938

2.3994

39.99

\$43.39 - total due defendant.

Mr the jury find  
for the defendant  
James Vorisek but  
without any set

ff.

Thomas J. Callahan

at, Fooman

McMILLAN-HARRISON FERTILIZER  
COMPANY, a Corporation,

Plaintiff,

VS.

JAMES VORISEK,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NUMBER 297.

DEMURRER.

Now comes the Plaintiff in the above entitled cause and demurs to the Plea filed in this cause by the Defendant on April 9, 1938, and as grounds therefor sets down and assigns separately and severally the following:

1. Said Plea is not a defense to this action and raises an immaterial issue.

2. Said Plea does not allege that the alleged agent of the Plaintiff was acting within the line and scope of its authority.

Now comes the Plaintiff in the above entitled cause and demurs to Plea number 3rd filed in this cause by the Defendant on April 9, 1938, and as grounds therefor sets down and assigns separately and severally the following:

1. Said Plea is not a defense to this action and raises an immaterial issue.

2. Said Plea does not allege that the alleged agent of the Plaintiff was acting within the line and scope of his authority as such agent.

J. B. Blackburn  
Attorney for Plaintiff.

RECORDED

*Check*  
8-271

DEMURRER.

McMILLAN-HARRISON FERTILIZER  
COMPANY, a Corporation,

Plaintiff,

VS.

JAMES VORISEK,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
AT LAW.      NUMBER 297.

*Filed August 18, 1938*  
*R. S. Dunch, Clerk*



McMILLAN AND HARRISON  
FERTILIZER COMPANY,  
a corporation,  
Plaintiff,

vs.

JAMES VORISEK,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.

The defendant, for answer to the said complaint sayeth  
that he has paid the debt, for the recovery of which this suit was  
brought, before the action was commenced.

Becke Hall & Becke  
Attorneys for Defendant.

The defendant demands a  
trial by Jury.

Becke Hall & Becke  
Attorneys for Defendant.

RECORDED

*Duck*

*7-547*

McMILLAN AND HARRISON  
FERTILIZER COMPANY,  
a corporation,  
Plaintiff,

vs.

JAMES VORISEK,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.

ANSWER OF DEFENDANT.

Filed *Aug. 20*, 1936.

*Robert S. Duck*  
Clerk.

June 10, 1935

This is to Certify That Mr. Vorishko  
has left \$309.30 = Three Hundred  
Nine and 30/100 Dollars for McMillan  
and Harrison Lumber Co.  
W. T. Mason

McMILLAN & HARRISON FER-  
TILIZER COMPANY, a cor-  
poration,  
Plaintiff,

vs.

JAMES VORISEK,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.

Comes the defendant in the above styled cause, and for further answer to plaintiff's complaint and to each Count thereof, separately and severally, says:

That the defendant is not indebted to the plaintiff in the said sum claimed, for that prior to June 27, 1935, he paid to the Baldwin County Farmers Union Cooperative, Local #41, the agent of the plaintiff, the full amount of the account sued on, and that subsequent thereto the plaintiff and the said Baldwin County Farmers Union Cooperative, Local #41, entered into an agreement with the plaintiff, wherein and whereby the said Baldwin County Farmers Union Cooperative, Local #41, sold and transferred to the plaintiff 20,000 burlap potato bags in settlement of its account with the plaintiff which it owed to the plaintiff on account of payments made by this defendant and others for fertilizer bought from the plaintiff through the said Baldwin County Farmers Union Cooperative, Local #41, and the said plaintiff received and accepted the said goods, wares and merchandise in settlement of the demand of the plaintiff against this defendant.

Beebe Hall & Beebe  
Attorneys for Defendant.

McMILLAN & HARRISON FER-  
TILIZER COMPANY, a cor-  
poration,

Plaintiff,

vs.

JAMES VORISEK,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.

A N S W E R

Filed April 9, 1938.

R. S. Duck  
Clerk.