

428

EARL SMITH,

PLAINTIFF,

VS.

JOSEPH VACCARO & SON, A
Partnership composed of
Joseph Vaccaro and George
Vaccaro,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Plaintiff claims of the defendant the sum of
Three Hundred and no/100 (\$300.00) Dollars for that on-
to-wit the 20th day of April, 1938, a servant or agent
of the defendant, acting within the line and scope of
his employment, who was then operating a truck of the
defendant, on the Mobile-Pensacola Highway, which is a
public highway in Baldwin County, Alabama, negligently
parked the truck which he was then and there operating at
night time on the paved highway without any lights thereon
and without putting out any flares and as a proximate re-
sult of said negligence caused the car owned and driven
by the plaintiff to be damaged in the amount aforesaid.

Marion R. Harker
Attorney for Plaintiff

Plaintiff demands a trial of the above cause by
jury.

Marion R. Harker
Attorney for Plaintiff.

181
RECORDED
8-217
original

EARLE SMITH, Plaintiff,

vs.

JOSEPH VACCARO & SON, a
Partnership composed of
Jos. Vaccaro and Geo.
Vaccaro,

Defendants.

COMPLAINT.

Executed May 5th 1908
by serving copy of within Summons and
Complaint on

George Vaccaro

M. H. Watkins Sheriff
By John R. Davis Deputy Sheriff

Filed this 21 day April 1908

R. S. Davis
Clerk-Register

We the jury find for Plaintiff
and award his damages at
\$3000.00 Dollars
M. H. Watkins
Davis

THE STATE OF ALABAMA
BALDWIN COUNTY

No. 428

CIRCUIT COURT

Judgment Full Term, 1934

VS.

DEAR SIR: At the 11 Fall Term, 1937, of the Circuit Court of said County,

recovered a judgment against Mr. Warrant & Son, et al.
for the sum of \$1000.00 Dollars

besides _____ Dollars, cost of suit, and execution
was 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 _____

_____ the amount of the judgment and costs, and the Sheriff has returned said exception indorsed, "No Property Found," and the costs have never been paid. In order to save you the additional expense 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, H. S. Hatcher, Clerk.

	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,	1.00			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 cents; 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 supersedeas, 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			18 Former Sheriff's fees,			
19 Administering an oath, not relating to a trial pending and certifying the same,	.25						
20 Issuing Attachment and taking bond, (ea.)	1.00						
21 Filing papers in attachment, (each)	.10						
22 Issuing Summons for garnishee, (each)	.50						
23 Swearing and taking examination for Garnishee and recording same, for each 100 words 15 cts; but not less than	.50						
24 Order to advertise, or order of survey, or copy thereof,	.50			Total Sheriff's Fees,			
25 Certificate of Judgment,	.50						
26 Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than,	.25			RECAPITULATION			
27 Issuing Commission to take depositions, or copy thereof,	.75			1 Clerk's Fees,			
28 Making copy of interrogatories accompanying commission,	.50			2 Clerk's Fees,			
29 Or for each 100 words,	.15			3 Sheriff's Fees,			
30 Filing packages of depositions, (each)	.10			4 Sheriff's Fees,			
31 Indorsing package of deposition, opened (each),	.10			5 Witness Fees in Circuit Court,			
32 Issuing writ of ad quod damnum or writ in the nature thereof,	.75			6 Justice of the Peace Fees,			
33 Recording the return and inquest thereon,	.50			7 Witness Fees, in Justice of the Peace Court			
34 Or for each 100 words,	.15			8 Commissioner's Fees,			
35 Issuing Writ of certiorari, prohibition, mandamus, or writ in the nature thereof,	.75			9 Commissioner's Residence,			
36 Filing the same and entering return,	.15			10 Constable's Fees			
37 Making a complete record of a cause or copy thereof, for each 100 words,	.15			11 Garnishee's Fees,			
38 Making copy of any paper not herein provided for, for each 100 words,	.15			12 Printer's Fees,			
39 Making each certificate requiring the seal of office, and affixing seal,	.50			13 Stenographer's Fees,			
40 Taking any bond not otherwise provided for,	.75			14 Trial Tax,			
41 Making necessary certificates not otherwise provided for, (each witness),	.25						
42 For certifying abstract, in lieu of fees for transcript under section 2851 of the Code,	5.00						
43 Record for Supreme Court, for each 100 words	.15						
44 Each additional copy thereof, 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 executions,							
Total Clerk's Fees,				Total Fees,			
				Judgment,			
				Date,			
				Interest,			
				Damages,			
				Total Judgment,			
				Interest and Damages,			
				Grand Total,			

THE STATE OF ALABAMA, }
Baldwin County.

No. 428

CIRCUIT COURT

193

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

JOSEPH VACCARO & SON,

to appear and plead, answer or demur, within thirty day from the service hereof, to the Complaint filed in
the Circuit Court of Baldwin County, State of Alabama at Bay Minette, Ala., against

them,as

Defendant by

EARLE SMITH,

Plaintiff

Witness my hand this

15th

day of

June193 8R. D. Clark Clerk.

COMPLAINT

EARLE SMITH,JOSEPH VACCARO & SON,

Plaintiff versus

The Plaintiff claims of the Defendant

Dollars, due by

MARION R. VICKERS,

Plaintiff's Attorney.

No. _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

PLAINTIFF
VS.

DEPENDANT

Summons and Complaint

Filed, _____ 193__

_____, Clerk.

Defendant Lives at

Plaintiff's Attorney.

Defendant's Attorney

RECEIVED IN OFFICE

August 5, _____, 1938.

J. R. McLeod, Sheriff

I have executed this Writ

this _____, 193__

by leaving a copy of the within Summons and Complaint with

_____, Sheriff.

Deputy Sheriff.

EARL SMITH,

PLAINTIFF,

VS.

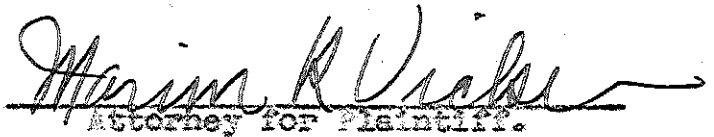
JOSEPH VACCARO & SON, A
partnership composed of
Joseph Vaccaro and George
Vaccaro,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Plaintiff claims of the defendant the sum of
Three Hundred and no/100 (\$300.00) Dollars for that on-
to-wit the 20th day of April, 1938, a servant or agent
of the defendant, acting within the line and scope of
his employment, who was then operating a truck of the
defendant, on the Mobile-Pensacola Highway, which is a
public highway in Baldwin County, Alabama, negligently
parked the truck which he was then and there operating
at night time on the paved highway without any lights
thereon and without putting out any flares and as a prox-
imate result of said negligence caused the car owned and
driven by the plaintiff to be damaged in the amount afore-
said.


Attorney for Plaintiff.

Plaintiff demands a trial of the above cause by
jury.


Attorney for Plaintiff.

o'clock, ----- M., this ----- day of ----- 193----- levied

Sheriff

COLLECTION COSTS FROM

The State of Alabama, {
BALDWIN COUNTY

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

This ----- day of ----- 193-----

Clerk.

Received in office

Dec 12th

1938

M. H. Wilkins
(again) Sheriff

Sheriff's Execution Docket, Page 167

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

Returned 1-16-39 - no property
of Earle Smith found in
Baldwin County
M. H. Wilkins
Sheriff

Page

No. 428

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT

Earle Smith

Plaintiff

vs.

Jas. Vassard & Son

Defendant

Civil Execution for Costs
Against Plaintiff

Costs ----- \$ 22.30

Civil Fee Book ----- Page 438

Execution Docket ----- Page -----

Filed ----- Dec 12, 1938

R. S. Duck Clerk.

Marrison R. Wilkins
Plaintiff's Attorney

Defendant's Attorney

Plaintiff, Plaintiff & Son
105 Howard St. N. N. N. N. N.
N. N. N. N. N. N. N. N. N.

The State of Alabama,

CIRCUIT COURT

No. 428

County.

Fall

Term, 1938

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

YOU ARE HEREBY COMMANDED, That of the goods and chattels, lands and tenements of Joseph Vaccaro & Son, et al., Defendant, you cause to be made the sum of \$200.00 Three Hundred DOLLARS, which Carle Smith, Plaintiff, recovered of Joseph Vaccaro & Son, on the 16 day of Sept., 1938, by the Judgment of our Circuit Court held for the County of Baldwin, besides the sum of _____ DOLLARS, costs of suit, and have the same to render to the said R. S. Duchs, and make return of this Writ and the execution thereof, according to law.

Interest from _____, 19____, to _____, 19____.
Witness, my hand this 16 day of Oct, 1938, R. S. Duchs, Clerk.

CLERK'S FEES		AMOUNT	SHERIFF'S FEES		AMOUNT		
Issuing.....	Summons and Complaint.....	\$1.25	125	Serving and Returning.....	Summons..... \$1.50	150	
Issuing.....	copies of same.....	.30	30	Serving and Returning.....	Writs.....	1.30	
Issuing.....	Branch Summons and Complaint.....	1.25		Serving and Returning.....	Subpoenas for ... Wit.	.65	
Issuing.....	copies of same.....	.30		Levying.....	Attachment.....	3.00	300
Entering.....	Sheriff's Return or copy of above.....	.20	20	Entering and Returning.....	Attachment.....	.25	25
Docketing Cause.....		.25	25	Summoning and Returning.....	Garnishee.....	1.50	
Entering.....	Appearances.....	.20	20	Serving and Returning.....	Sci. Fas..... Notices.....	1.50	
Filing.....	Pleas..... Demurrers.....	.10	40	Impaneling Jury.....		.75	
.....	Affidavits, Certified.....	.25		Collecting Cost, Execution.....		1.50	150
.....	Commissions to take Depositions.....	.75		Taking and Approving.....	Replevin Bonds.....	1.00	
.....	copies of Interrogatories.....				Claim Bonds.....	1.00	
.....	Notices of Filing Interrogatories.....	.50			Garnishment Bonds.....	.75	
Filing.....	Packages of Depositions.....	.10			Forthcoming Bonds.....	1.00	
Inclosing.....	Packages of Depositions.....	.10			Bail Bonds.....	1.00	
.....	Orders in Court.....	.30	30		Detinue Bond.....	1.00	
.....	Continuances.....	.10		Writ of Possession.....		5.00	
Issuing.....	Subpoenas for..... Witnesses.....	.30		Making Deed.....		5.00	
Trial and Incidents.....		.75		Collecting Money on Execution.....			
Entering.....	Judgment.....	.30	30	Writ of Restitution.....		2.00	
Issuing.....	Execution.....	.50	50	Sheriff's Commissions.....			
Entering.....	Sheriff's Return of Execution.....	.20	20	Sheriff's Deed.....			
Issuing.....	Certiorari..... Sci. Fas.....	.75		Seizing Personal Property in Detinue.....		3.00	
Filing.....	Certiorari, etc.....	.15		Former Sheriff's Fees.....			
Issuing.....	Notices.....	.75		TOTAL SHERIFF'S FEES.....		620	
Issuing.....	copies of same.....	.50		WAIVER..... NO WAIVER.....			
Taking.....	Bonds.....	.75		RECAPITULATION.....			
Filing.....	Bonds.....	.10		Judgment for <i>plff</i> for.....		3000	
Issuing.....	Attachment Writ..... and taking Bond.....	1.00	100	Interest from.....			
Filing.....	Attachments.....	.10		Damages.....			
.....	Summons of Garnishee.....	.50		Clerk's Fees.....		920	
Swearing and Ent.....	Answer of Garnishee.....			Sheriff's Fees.....		620	
Complete Record, 15c per 100 words.....		300		<i>Justice of Peace Fees</i> <i>Served through Sec 9</i>		395	
Transcript to Supreme Court.....				Witness Fees in Justice of Peace Court.....			
Certificate of Appeal to Supreme Court.....		.75		Constable's Fees.....			
.....	Notices of Appeal.....	.75		Commissioner's Fees.....			
.....	Appeal Bond.....	.75		Commissioner's Residence.....			
Certificate of Judgment.....		.50	50	Printer's Fees.....			
.....	Witness Certificates.....	.25		Garnishee's Fees.....			
.....				Witness Fees in Circuit Court.....			
.....				Former Clerk's Fees.....			
.....				Trial Tax.....		300	
TOTAL CLERK'S FEES.....		920		TOTAL FEES.....		22235	

ATTACHMENT.

The State of Alabama, {
Baldwin County }

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, _____

EARLE SMITH

hath complained on oath to me, ROBERT S. DUCK, Clerk of Circuit Court of Baldwin County, Ala.,

that JOSEPH VACCARO & SON, a Partnership composed of
Joseph Vaccaro and George Vaccaro

is justly indebted to the Plaintiff _____

EARLE SMITH

in the sum of TWO HUNDRED FIFTY (\$250.00) Dollars, and

Earle Smith
the defendant being a non-resident of the State of Alabama, and the
Probate Judge having fixed the attachment at \$200.00
you are hereby commanded to attach so much of the estate of

the said JOSEPH VACCARO & SON

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so
attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be
had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said
County, on 2nd Monday of September 1938
next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 21st day of April A. D. 1938

R. S. Duck Clerk.

original RECORDED 8-18

No. _____

ATTACHMENT

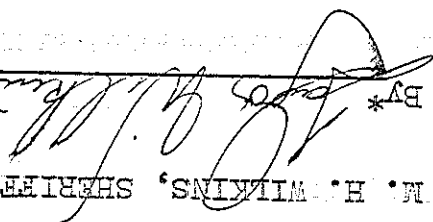
Earle Smuta

Vs. { ATTACHMENT

Issued _____, 193

MOORE PRINTING CO.

M. H. WILKINS, SHERIFF

By*  D.S.

Executed by attaching one Ford Truck 1936 Model Motor number 18-1960291 License number B-90-7 and trailer G. M. C. Model License number G. K. 3-1036 This the 28th day of April 1936

STATE OF ALABAMA,)
(
BALDWIN COUNTY.)

Personally appeared before me, R. S. DUCK, Clerk
of the Circuit Court of Baldwin County, Alabama, EARLE SMITH, who
being duly sworn deposes and says that he was the driver of the
car and was the owner of the car, which was damaged as a result of
the negligent operation of a truck of JOSEPH VACCARO & SON; that
the damage to his car amounted to TWO HUNDRED FIFTY (\$250.00) DOLLARS.

Earle Smith

Sworn to and subscribed before me
this the 21st day of April, 1938.

R. S. Duck

Amount of Attachment fixed at \$200.00.
April 21st, 1938.

W. B. Robertson

Judge of Probate,
Baldwin County, Alabama

The State of Alabama, {
Baldwin County.

CIRCUIT COURT AT BAY MINETTE, ALA.

Know all Men by these Presents, That we,

The defendant being a
nonresident of Alabama, Plaintiff
elects not to give bond
are held and firmly bound unto

in the sum of \$1000.00
be paid to the said
Attorney for Plaintiff

heirs, executors, administrators, or assigns, for which payment, 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, firmly by these presents.

Sealed with our seals and dated the 1st day of January, 1922

The Condition of this Obligation is such:

That whereas, the above bounden,

has, on the day of the date

hereof, prayed an Attachment at the suit of

against the estate of above named

for the sum of \$1000.00 Dollars,
and hath obtained the same, returnable to the Circuit Court of Baldwin County:

Now, if the said
should prosecute said Attachment to effect, and pay the said Defendant all such damages as
may sustain by the wrongful or vexatious suing out said Attachment, then the above obligation to be
void; otherwise to remain in full force and effect.

And we and each of us hereby waive all rights of claims of exemption we or either of us have
now, or may hereafter have, under the Constitution and Laws of the State of Alabama.

Signed, Sealed, and delivered the date above written.

.....(Seal)
.....(Seal)
.....(Seal)
.....(Seal)

Approved, this 1st day of January, 1922

....., Clerk.

The State of Alabama, }
Baldwin County.

CIRCUIT COURT AT BAY MINETTE, ALA.

Before me,

R. S. Duck

in and for said County, personally appeared

E. S. Smith

who, being duly sworn, on oath saith that

James H. Duck + Son

justly indebted to

in the sum of *\$ 110.00*

Dollars, which said

amount is justly due after allowing all just offsets and discounts, and that the said

James H. Duck + Son
are residents of the State of
Alabama

and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or other improper motive.

Subscribed and sworn to before me this

11th day of *April* 192*8*

E. S. Smith

No.

RECORDED
5-217

The State of Alabama,
Baldwin County.

CIRCUIT COURT
AT BAY MINETTE, ALA.

to

Attachment Bond and Affidavit

Filed this the *21* day

of *April* 192*8*.

R. S. Duck Clerk.

Attorney.

STATE OF ALABAMA.

TO JOSEPH VACCARO AND GEORGE VACCARO,
PARTNERS DOING BUSINESS UNDER THE NAME
AND STYLE OF JOSEPH VACCARO & SON,
2226 NINTH AVENUE
TAMPA, FLORIDA.

You will take notice that the Clerk of the Circuit Court of Baldwin County, Alabama, did on the 16th day of June, 1938, serve upon me, in my official capacity, summons with complaint attached, in a case entitled Earle Smith vs. Joseph Vaccaro & George Vaccaro, a partnership doing business under the name and style of Joseph Vaccaro & Son, Circuit Court, Baldwin County, Alabama, a true copy of which summons and complaint is hereto attached.

Witness my hand and the Great Seal of the State of Alabama, this August 4, 1938.

Hardee Dunn
Secretary of State of Alabama.

TO THE SHERIFF, DEPUTY SHERIFF OR ANY OFFICER DULY QUALIFIED TO SERVE PROCESSES, IN THE NATURE OF SUMMONS, IN HILLSBOROUGH COUNTY, FLORIDA:

You are directed forthwith to serve the foregoing notice, with copy of summons and complaint thereto attached upon Joseph Vaccaro and George Vaccaro, individually, and as members of the partnership doing business under the name and style of Joseph Vaccaro & Son, and to make return of the same immediately by filing in the office of the Clerk of the Circuit Court of Baldwin County, Bay Minette, Alabama.

Witness my hand and the Great Seal of the State of Alabama, this August 4, 1938.

Hardee Dunn
Secretary of State of Alabama.

THE STATE OF ALABAMA,
Baldwin County.

No. _____ CIRCUIT COURT
May _____ 1938

To Any Sheriff of the State of Alabama :

You are hereby commanded to summon

JOSEPH VACCARO & SON, a partnership

composed of JOSEPH VACCARO and GEORGE VACCARO,

to appear and plead, answer or demur, within thirty day from the service hereof, to the Complaint filed in
the Circuit Court of Baldwin County, State of Alabama at Bay Minette, Ala., against

them

Defendant by

EARLE SMITH

Plaintiff

Witness my hand this 21st day of April 1938

R. R. Luck

Clerk.

COMPLAINT

EARLE SMITH

JOSEPH VACCARO & SON, a

partnership

Plaintiff versus

The Plaintiff claims of the Defendant

Dollars, due by

MARION R. CHAFIN,

Plaintiff's Attorney.

RECEIVED THE WITHIN WRIT August 5, 1938, and executed same August 8, 1938, in Hillsborough County, Florida, by exhibiting the original and delivering a true copy thereof together with a copy of Notice of Hearing upon George Vaccaro, in person, son of Joseph Vaccaro and a member of Joseph Vaccaro & Son, the within named defendant; FURTHER executed the within Writ August 12, 1938, in Hillsborough County, Florida, by exhibiting the original and delivering a true copy thereof together with a copy of Notice of Hearing upon Joseph Vaccaro, in person, of Joseph Vaccaro & Son, the within named defendant.

Services	2.00
Copies	.70
Returns	.50
Mileage	.75
	<u>3.95</u>

J. R. McLeod, Sheriff,
Hillsborough County, Florida,

By *L. O. Gonzalez* D. S.