

531

SUMMONS

STATE OF ALABAMA : IN THE CIRCUIT COURT
 : LAW SIDE
BALDWIN COUNTY : No. 531

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:-

You are hereby commanded to summon J. C. McDANIEL, of Bay Minette, Baldwin County, Alabama, to appear within thirty days from the service of this Writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer to the complaint of THE PACE COMPANY, a Corporation.

Witness my hand this 29 day of July, 1939.

R. S. Puck
Clerk of the Circuit Court

by Santhia Thompson
As Deputy Clerk.

COMPLAINT

THE PACE COMPANY, a Corporation
organized and existing under the
Laws of the State of Florida,
Plaintiff,

vs.

J. C. McDANIEL,
Defendant.

At Law, No. 531.
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Count One.

The Plaintiff claims of the Defendant the sum of Six Hundred Forty and no/100 Dollars (\$640.00) due from him by account on, to-wit: May 7, 1938, which sum of money, with interest thereon from, to-wit: May 7, 1938, is still due and unpaid; and the Plaintiff further alleges that a verified statement of said account is hereunto attached and is, by reference, made a part hereof, and that the said verified statement of account will be used as evidence against the said Defendant;

And the Plaintiff further alleges that it, the said Plaintiff, is a Corporation organized and existing under the Laws of the State of Florida; that at the time said account was made, and continuously since that time, and at the time of filing this suit, the said Plaintiff was, had been, and is duly qualified to transact business in the State of Alabama in accordance with the statutes of said State of Alabama prescribing the conditions on which a foreign corporation might do business therein.

Count Two

The Plaintiff claims of the Defendant the sum of Six Hundred Forty and no/100 Dollars (\$640.00) due from him by account STATED between the Plaintiff and the Defendant on, to-wit: the 7th day of May, 1938, which sum of money, with interest thereon from, to-wit: the 7th day of May, 1938, is still due and unpaid;

And the Plaintiff further alleges that it, the said Plaintiff, is a corporation organized and existing under the Laws of the State of Florida; that at the time said account was made, and continuously since that time, and at the time of filing this suit, the said Plaintiff was, had been, and is duly qualified to transact business in the State of Alabama in accordance with the statutes of said State of Alabama prescribing the conditions on which a foreign corporation might do business therein.


(turn)

(page two)

Count Three

The Plaintiff claims of the Defendant the sum of Six Hundred Forty and no/100 Dollars (\$640.00) due from him for merchandise, goods, and chattels sold by the Plaintiff to the Defendant on, to-wit: May 19, 1937; May 22, 1937; May 26, 1937; June 2, 1937; June 9, 1937; June 16, 1937; June 23, 1937; June 30, 1937; July 8, 1937; July 10, 1937; July 14, 1937; July 21, 1937; July 28, 1937; July 28, 1937; July 31, 1937; August 4, 1937; August 11, 1937; August 18, 1937; August 25, 1937; September 1, 1937; September 8, 1937; September 15, 1937; September 18, 1937; September 22, 1937; September 29, 1937; all together aggregating a bill of Nine Hundred Eighty Nine and 46/100 Dollars (\$989.46); against which latter sum the Plaintiff admits credits as follows, to-wit: September 29, 1937, \$9.48; October 6, 1937, \$79.98; October 13, 1937, \$25.00; October 20, 1937, \$25.00; October 27, 1937, \$25.00; November 3, 1937, \$25.00; November 13, 1937, \$25.00; April 23, 1938, \$60.00; April 30, 1938, \$50.00; May 7, 1938, \$25.00; all together aggregating a credit of Three Hundred Forty Nine and 46/100 Dollars (\$349.46), leaving a balance due of Six Hundred Forty and no/100 Dollars (\$640.00), which sum of money, with interest thereon from, to-wit: the 7th day of May, 1938, is still due and unpaid;

And the Plaintiff further alleges that it, the said Plaintiff, is a corporation organized and existing under the Laws of the State of Florida; that at the time said account was made and at the time said merchandise, goods, and chattels were sold by the Plaintiff to the Defendant, and continuously since that time, and at the time of filing this suit, the said Plaintiff was, had been, and is duly qualified to transact business in the State of Alabama in accordance with the statutes of said State of Alabama prescribing the conditions on which a foreign corporation might do business therein.


LESLIE HALL, Attorney for the Plaintiff.

STATE OF FLORIDA

ESCAMBIA COUNTY

AFFIDAVIT OF CORRECTNESS OF ACCOUNT

Before me,

Ernest H. Lague

a Notary Public in and for said County in said State, personally appeared B. V. HOLLAND, who is known to me, and who, being by me first duly and legally sworn to tell the truth and nothing but the truth, deposes and says:

That he is Credit Manager for the firm of The Pace Company, a Corporation; that the annexed statement of the account of said firm against J. C. McDANIEL (J. E. GOODEN, Guarantor) is a matter of which he has personal knowledge; that as such Credit Manager, he has personal knowledge of the correctness of said account; that said account is just, true, and correct; that there is now due on said account the sum of Six Hundred Forty and no/100 Dollars (\$640.00), after deducting all credits, set-offs, and counterclaims; and that the said account is still due and unpaid.

B. V. Holland

Sworn to and subscribed before me this

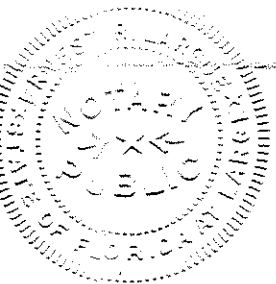
19th day of July,

1939.

Ernest H. Lague

Notary Public, Escambia County, Florida

EXPIRATION DATE
DEC. 7, 1940



Find in favor
of the defendant
J. B. Stalley

At Law, No. 53 / RECORDED
8-388

THE PAGE COMPANY, A Corporation,
Plaintiff,

vs.

J. O. McDANIEL,
Defendant.

SUMMONS AND COMPLAINT on

Account/

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

Filed in Office this 22

day of July, 1939.

R. S. Duck
Clerk

by Leslie Hall
As Deputy Clerk.

LESLIE HALL
ATTORNEY AT LAW

*Executed this the
29th day of July
1939 by serving
a copy of this
within summons
and complaint on
J. O. McDaniel
North Street
Shenich
Attn: J. O. McDaniel
25*

LESLIE HALL
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

The State of Alabama, {
Baldwin County

S. D. Page No. _____

Case No. 538
531

CIRCUIT COURT

Fall 1940

Term, 193____

to Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON J. W. Brett, Jr., (Robertsdale)

J. E. Gooden (Fairhope)

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 10th day of September, 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 The Pace Co., Plaintiff

and J. C. McDaniel Defendant.

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

Given under my hand and seal, this 31 day of August, 1940, 193____

[Signature]
CLERK.

The State of Alabama,
Baldwin County

S. D. Page No. _____

CIRCUIT COURT

Case No. 536

Fall 1940

Term, 193

531

Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON J. W. Brett, Jr., (Robertsdale)

J. E. Gooden (Fairhope)

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

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

8:30 o'clock of the forenoon, on the 10th day of September, 1940 193 , and from day to

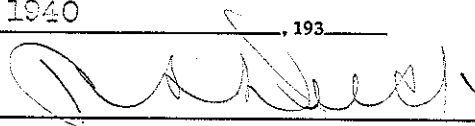
y and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

use pending, wherein The Pace Co., Plaintiff

d J. C. McDaniel Defendant.

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

Given under my hand and seal, this 31 day of August, 1940, 193



CLERK.

W. R. STUART, Sheriff

Received in office this _____ day of _____

193

SHERIFF

I have executed this writ

W. J. W. Brett Jr. 8-31-40
J. E. Gooden 9-3-40

ORIGINAL

No. 531

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

TIE-PACE COMPANY

Plaintiff

VS.

J. C. McDANIEL

Defendant

CIVIL SUBPOENA

Issued this _____ day of _____

193

Clerk,

W. R. Stuart
B. J. Green SHERIFF

THE PACE COMPANY, a Corporation
organized and existing under the
Laws of the State of Florida,

Plaintiff;

-vs-

J. C. McDANIEL,

Defendant.

At Law No. _____

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Comes the Defendant in the above styled cause and
for answer to Counts Two and Three of the Complaint filed in said
cause says:-

FIRST.

Non-Assumpsit.

SECOND.

That he denies the allegations of said Complaint.

THIRD.

That he had paid the account sued on before the fil-
ing of said suit.

FOURTH.

That on or about the 28th day of Sept., 1937, the
Defendant was operating a store or commissary near Fairhope in Bal-
dwin County, Alabama; that the Defendant was at that time indebted
to the Plaintiff in about the sum of Nine Hundred Dollars (\$900.00)
and one J. E. Gooden was indebted to the Defendant in aproximately
the same sum of money; that on said date aforesaid an agreement was
entered into by and between the Plaintiff, the Defendant and J. E.
Gooden, whereby it was agreed between all of said parties that the
Defendant was to transfer to the said J. E. Gooden, the stock of
goods belonging to him in said store or commissary and was to re-
lease the said J. E. Gooden from any obligations due by Gooden to
said Defendant and the said Plaintiff was to release the said De-
fendant from any sum of money due it and was to accept the said J.
E. Gooden as debtor in lieu of the Defendant. That in accordance
with said agreement the said Defendant did transfer to the said
Gooden the stock of goods belonging to him in said store or commis-
sary and did release him from the obligations due by the said Gooden
to the said Defendant and the said Plaintiff released said Defend-
ant from all indebtedness due by him to it and accepted the said
J. E. Gooden in lieu of said Defendant.

Hyland & Person
Attorneys for Defendant

ANSWER.

THE PACE COMPANY, a Corporation

Plaintiff,

--VS--

J. C. McDaniel,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

LAW SIDE.

FILED AUGUST 22, 1940.

Reafuer
&
Clerk.

THE PACE COMPANY,
a Corporation,

Plaintiff,

VS.

J. C. MCDANIEL,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Comes the Defendant in the above styled cause and demurs to the complaint filed in said cause and to each and every count thereof, separately and severally, and as grounds therefore says:

FIRST:

That said complaint does not state a cause of action.

Hybert & Rason
Attorneys for the Defendant

Defendant demands trial of this cause by Jury.

Hybert & Rason

DEMURRER

THE PACE COMPANY,

Plaintiff,

-VS.-

J. C. McDANIEL,

Defendant.

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

Filed August 26, 1939

R.S. Ducky, Clerk

By - Lucille Thompson, Deputy Clerk

THE PACE COMPANY, A CORPORATION,
PLAINTIFF,

VS.

J. C. MCDANIEL,
DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER TO PLEA

COMES NOW THE PLAINTIFF and demurs to Plea marked
"Fourth", filed by the Defendant, and for cause therefor says:

1. The said plea fails to show that the alleged
agreement was in writing as required by the Statute of Frauds,
Code section 8034, subsection (3).

2. For aught that appears from said plea, the agreement
alleged therein is void, as not complying with the Statute of Frauds.

3. Said Plea fails to allege that the alleged agreement
was founded on a valuable consideration.

[Signature]
Attorney for the Plaintiff.

IN THE CIRCUIT COURT OF

THE PAGE COMPANY, A CORPORATION,
PLAINTIFF,

BALDWIN COUNTY, ALABAMA

AT LAW

VS.

J. C. DEMURRER,
DEFENDANT.

DEMURRER TO PLEA

COMES NOW THE PLAINTIFF and demurs to plea marked
"Plea", filed by the Defendant, and for cause therefor says:
1. The said plea fails to show that the alleged
agreement was in writing as required by the Statute of this state.

Code section 8034, subsection (3).

2. For as much that appears from said plea, the agreement
alleged therein is void, as not complying with the Statute of this state.
3. The said plea fails to allege that the alleged agreement

Demurrer.

The Page Company,
corporation,
plaintiff,

J. C. Demurrer,
Defendant.

Attorney for the Plaintiff.

531

THE PACE COMPANY, A Corporation,

Plaintiff,

-vs-

J. C. McDANIEL,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and to each and every Count thereof, separately and severally, and as grounds therefor, says:-

FIRST:

That the purported itemized statement of account is not in accordance with the law.

SECOND:

That the purported itemized statement of account is not properly itemized.

Hybert & Chassey
Attorneys for Defendant.

RECORDED

DEMURRER

THE FACE COMPANY, a Corporation,

Plaintiff,

-vs-

J. C. McDANIEL,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Filed 8/29/40
R S Duck
clerk

The State of Alabama, {
BALDWIN COUNTY

CIRCUIT COURT. (LAW)

Term, 194

The Rock Company

No. *531* vs.

J. C. McDaniel

BILL OF COSTS

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS, AND JUDGMENT	AMOUNT
Fees in Circuit Court—		Fees and Costs in Circuit Court:	
Docketing Cause, One Fee only of.....	25	Clerk's Fees	7 40
Issuing Summ. and Complt., each.....	125	Ex-Clerk's Fees	3 55
Issuing Alias or Branch Summons & Complaint, each.....	125	Sheriff's Fees	4 00
Making Copies Thereof, Minimum, each	30	Ex-Sheriff's Fees	
Making Copies Thereof, over 200 Words, per 100 words.....	15	Witness Fees	
Entering Sheriff's Returns, each	20	Commissioner's Fees	
Entering Appearances, each	20	.....
Certifying Affidavits, each	25	Garnishee's Fees	
Issuing Attachments with Bond, each	1.00	Publisher's Fees	
Orders of Publication, each .....	.50	.....
Copy of Same, each .....	.50	Court Reporter's Fees, Per Day or fraction thereof	5.00
Issuing Summ. to Garnishee, each .....	.50	Trial Tax	3 00
Copy of Same, Per 100 Words .....	.15	.....
Swearing 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	Fees and Costs in Inferior Court:	
Filing Depositions, Each Pkg., .....	.10	Clerk of Inferior Court Fees	
Endorsing Each Package of Depositions Opened .....	.10	Sheriff's Fees	
Issuing Subpoenas, Each	30	Justice of Peace Fees	
Issuing Witness Certificates, each	25	Constable's Fees	
Entering Continuances, each	10	.....
Filing Papers, each	10	Fees and Costs in Inferior Court	
Other Orders of Court, each	30	Total Fees and Costs	
Trial and Incidents	75	Judgment	
Entering Judgment, each	30	10 Per Cent Damages	
Complete Record, Per 100 Words	15	Interest	
Taking Bonds, each	75	Total Judgment	
Certificate of Appeal	25	Total Fees, Costs and Judgment	
Transcript to Supreme Court, Per 100 Words	15	.....
Additional Copies of Same, Per 100 Words .....	.05	.....
Issuing Executions or Copy Thereof, each .....	.50	.....
Entering Sheriff's Return, Per 100 Words, .15; Minimum .....	.20	.....
.....		Total	
Total Clerk's Fees	7 40		
SHERIFF'S FEES:			
Serving and Returning Summons or Writ, each	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		
Serving Contempt Attachment, each	1.50		
Impanelling 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	3 55		

entered on books

JURY LIST, FIRST WEEK,

SEPTEMBER 9, 1940

1. ~~C. Margaret Goggin, James, Latham.~~
2. ~~Harvey S. Rodgers, Geodetic Survey, Peritub.~~
3. ~~Serge H. Shivers, Farmer, Peritub.~~
4. ~~Herbert H. Killebrew, Farmer, Bay Minette.~~
5. ~~Thomas L. Taylor, Farmer, Bay Minette.~~
6. ~~Joe C. Duran, Farmer, Bay Minette.~~
7. ~~Ernest H. Rhodes, Merchant, Bay Minette.~~
8. ~~Edward D. Noonan, Newport, Bay Minette.~~
9. ~~Neal H. McDuffie, Cafe Operator, Bay Minette.~~
10. ~~Gertie B. Daniels, Merchant, Bay Minette.~~
11. ~~James E. Young, Merchant, Bay Minette.~~
12. ~~Leonard J. Hooper, Newport, Bay Minette.~~
13. ~~James H. Parkman, Publisher, Bay Minette.~~
14. ~~Hiram C. Taylor, Farmer, Bay Minette.~~
15. ~~James B. Morris, Farmer, Cateswood.~~
16. ~~Hollie V. Harrell, Merchant, Stapleton.~~
17. ~~Allen B. Hankins, Farmer, Loxley.~~
18. ~~Eddie L. Hiles, Mechanic, Loxley.~~
19. ~~Ferdinand A. Corte, Farmer, Loxley.~~
20. ~~Andy L. McDaniel, Farmer, Robertsdale.~~
21. ~~Notan F. Cooper, Farmer, Robertsdale.~~
22. ~~John T. Hadley, Laborer, Foley.~~
23. ~~James A. Walters, Farmer, Bon Secour.~~
24. ~~I. Ramey, Merchant, Bon Secour.~~
25. ~~Thomas L. Steele, Farmer, Bon Secour.~~
26. ~~James A. Crane, Mechanic, Stockton.~~
27. ~~Freston Snowden, Contractor, Bay Minette.~~
28. ~~Y. Charles Hall, Farmer, Bay Minette.~~
29. ~~John H. Hadley, Filling Station, Bay Minette.~~
30. ~~James Lee Smith, Peeler, Bay Minette.~~
31. ~~Namelle Lee Gathers, Farmer, Bay Minette.~~
32. ~~W. DeWitt Shapleton, Insurance, Bay Minette.~~
33. ~~Jesse W. Joyner, Filling Station, Bay Minette.~~
34. ~~William J. Eubank, Farmer, Bay Minette.~~
35. ~~H. Pete Jones, Merchant, Bay Minette.~~
36. ~~Will F. Herron, Carpenter, Bay Minette.~~
37. ~~Dennis C. Byrns, Filling Station, Bay Minette.~~
38. ~~Dennis B. Howell, Barber, Bay Minette.~~
39. ~~Sherman M. Giddens, Sashman, Bay Minette.~~
40. ~~William A. Thompson, Ins. Agent, Bay Minette.~~
41. ~~Frank M. Pennington, Clerk, Bay Minette.~~

87/11111
 207/11111
 41
 14
 26
 12
 14

STATEMENT
THE PACE COMPANY
WHOLESALE GROCERS

Robertsdale, Ala.

96 Garden #2 each
6/24/72

DATE

CHARGES

DATE

CREDITS

OCT 1	BAL	900.00
OCT 13	CHK	25.00-
20	CHK	25.00-
27	CHK	25.00-
NOV 3	CHK	25.00-
13	CHK	25.00-
APR 23	CHK	60.00-
APR 30	CHK	50.00-
MAY 7	CHK	25.00-

640.00*

*FF/ If you believe the evidence in
this case, you must find for
the Plaintiff.*

*Refused
J.W. Hare
Judge*

THE PAGE COMPANY

WHOLESALE GROCERS

PENSACOLA, FLA.

JUL 17 1939

J. C. McDANIEL

(J. E. GOODEN, Guarantor)

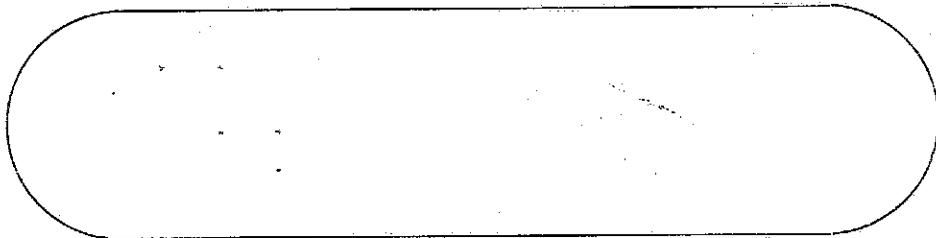
DATE	CHARGES	DATE	CREDITS
1937	.00*		
MAY 19 MDS	45.72		
MAY 22 MDS	3.90		
MAY 26 MDS	49.56		
JUN 2 MDS	35.38		
JUN 2 MDS	2.75		
JUN 9 MDS	50.41		
JUN 9 MDS	2.70		
JUN 16 MDS	39.59		
JUN 23 MDS	48.96		
JUN 30 MDS	38.65		
JUL 8 MDS	1.47		
JUL 8 MDS	35.60		
JUL 8 MDS	66.42		
JUL 10 MDS	3.55		
JUL 14 MDS	33.52		
JUL 21 MDS	29.87		
JUL 28 MDS	45.67		
JUL 28 MDS	7.40		
JUL 31 MDS	12.65		
AUG 4 MDS	60.98		
AUG 11 MDS	48.15		
AUG 18 MDS	58.98		
AUG 25 MDS	46.04		
SEP 1 MDS	45.33		
SEP 8 MDS	47.64		

"IF WE SELL IT, IT'S GOOD"

THE PAGE COMPANY



PENSACOLA, FLA.



DATE	CHARGES	DATE	CREDITS
SEP 15 MDS	26.02		
SEP 18 MDS	1.00		
SEP 22 MDS	56.65		
SEP 29 MDS	44.90	SEP 29 CHK	9.48-
		OCT 6 CHK	79.98-
		OCT 13 CHK	25.00-
		OCT 20 CHK	25.00-
		OCT 27 CHK	25.00-
		NOV 3 CHK	25.00-
		NOV 13 CHK	25.00-
		1938	
		APR 23 CHK	60.00-
		APR 30 CHK	50.00-
		MAY 7 CHK	25.00-
	640.00*		

BAL. ☒
DUE

"IF WE SELL IT, IT'S GOOD"

AMERICAN SALES BOOK CO., INC., NIAGARA FALLS, N.Y.