

632

W. C. MASON

Plaintiff,

vs

DR. WALTER DUNN

Defendant.

IN THE JUSTICE COURT OF

G. E. PERKINS.

TO W. C. MASON, PLAINTIFF: IN THE ABOVE STYLED  
CAUSE.

You are hereby notified that the Defendant, Dr. Walter Dunn has appealed from the verdict rendered by me in favor of you as Plaintiff and against said Defendant on the 27<sup>th</sup> day of Nov, 1940, to the Circuit Court of Baldwin County, Alabama. Said Defendant has given bond as required by law.

Dated this 4<sup>th</sup> day of February, 1941.

G. E. Perkins  
Justice of the Peace.

Notice

W.C. Mason  
Pla

18

Mr. Walter Blum  
left

I have on this Feb. 4<sup>th</sup>  
1941 enclosed the  
within notice by  
sending a copy of

The same on W.  
C. Mason.

J. E. Perkins, Jr.

Filed Feb 5-1941

Proctor  
Clerk.

SUMMONS AND COMPLAINT

Moore Printing Co., Bay Minette

**THE STATE OF ALABAMA,**  
BALDWIN COUNTY

IN THE JUSTICE COURT OF  
G. E. Perkins

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETINGS:

Summon Dr. Walter Dunn

to appear before me on the 27th. day of November 1940 193\_\_\_, next, at my office in  
Fairhope, at 2.p.m. Baldwin County, Alabama, to answer the complaint of

W. C. Mason

and then and there make a return of this summons.

Issued the 23th. day of November 1940 193\_\_\_

G. E. Perkins Justice of the Peace

COMPLAINT

W. C. Mason

VS.

Dr. Walter Dunn

Plaintiff

Defendant

The Plaintiff claims of the Defendant the sum of Ninteen and 18/100 \$19.18 Dollars  
Plaintiff claims of the Defendant the sum of \$15.75 principal  
Tax 30%, Interest \$3.15, total \$19.18, balance on Merchndise sold  
to the Defendant on a joint account between the Defendant and his  
Farhter in law Mr. Foster, Plianiff claims of the Defendant, the  
sum of \$19.18 the same being past due and unpaid. The Defendant  
Dr. Walter Dunn, assumed the payment of the entire amount of the  
account to the Plaintiff

W. C. Mason Plaintiff's Attorney.

Executed by personal service and notice of Gar-

nishment an H. Walter  
Dunn

this 23rd day of Nov. 1940

J. H. Little Constable

By                      D. C.

RECORDED

No.                      Page                     

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN THE JUSTICE COURT OF

E. E. Perkins

Nov. 27th Term, 1940

SUMMONS AND COMPLAINT

W. C. Maron

PLAINTIFF

VS.

Dr. Walter Dunn

DEFENDANT

The Defendant is hereby notified that  
Writ of Garnishment has been served on

J. P.

Location:                     

Filed December 13, 1940

R. S. Duck, Register

THE STATE OF ALABAMA, } No. 632 } CIRCUIT COURT  
 Baldwin County }

September Term, 1941

To Any Sheriff of the State of Alabama, Greeting:

You are hereby commanded, That of the goods and chattels, lands and tenements of

~~DR. WALTER DUNN~~ DR. W. C. MASON Plaintiff in the suit,

you cause to be made the sum of \$14.90 Dollars,

costs of suit, created by said Plaintiff, for that, whereas, on the 29th, day of

September 1941, the said Plaintiff recovered by the Judgment of the said Circuit Court

of said County, against DR. WALTER DUNN

Defendant

to the suit, the sum of \$14.90 Dollars,

besides Dollars, costs of suit;

upon which Judgment an Execution has been issued and returned by the Sheriff, "No property found."

AND HAVE YOU THAT MONEY ready to render to R. S. DUCK  
 Clerk of said Court, and make return with this Writ and the Execution thereof, according to law.

Witness my hand this 17th day of December 1941

Clerk

CLERK'S FEES		\$	Cts	SHERIFF'S FEES		\$	Cts
For every Summons and complaint	\$1.25			For Levying an Attachment	\$3.00		
Each copy thereof	30			Entering and Returning Attachment	25		
Entering a Sheriff's Return	20			Summoning Garnishee	1.50		
Docketing	25			Serving Summons on Writ	1.50		
Entering Apperance	20			Serving Notice Sci. Fa. Notice, etc.	65		
Filing	10			Serving Subpoenas	65		
Every Order made in Court	30			Empanelling Jury	75		
Copy thereof	25			Entering and Returning Execution	25		
Every Trial with or without Jury	75			Collecting Costs Execution	1.50	1	50
Entering up Judgment or copy threof.	30			Executing a Writ of Pessionion	2.50		
Issuing Execution	50			Taking and Approving Bonds	1.00		
Docketing Execution	25			Commissions			
Entering Return on Execution	20			Sheriff's Commission for Property			
Issuing Subpoenas	30			Sold Under Attachment			
Administering Oath	25			Seizing Personal Property on Writ			
Issuing Each Attachment Taking Bond	1.00			of Detinue	3.00	&	
Filing Attachment	10					1	50
Each Summons for Garnishee	50			RECAPITULATION			
Each copy	50			Clerk's Fees		4	90
Notice to Deft. in Garnishee on Sum-				Sheriff's Fees		1	50
mons and Copy, per 100 words	20			Justice's Fees Perkins		5	50
Commissions to take Depositions or				Witness Fees in Justice of Peace Court			
copy	75			Constable's Fees			
Order to Execute Writ of Inquiry	30			Commissioner's Fees			
Copy of Interrogators, 15c per hundred				Printer's Fees			
words or	50			Witness Fees in Circuit Court			
Filing each Deposition and endorsing				Former Clerk's Fees			
same	20			Stenographer's Fees	5.00		
Final Record, per hundred words	15	2	00	Trial Tax	3.00	3	00
Every Certificate	50					14	90
Taking Bond not otherwise provided							
for	75						
Witness Certificate	25						
Continuance	10						
Certificate of Judgment	50						
Order of Publication	1.00						
		4	90				

THE STATE OF ALABAMA,  
Baldwin County.

By virtue of the within execution, I have at

o'clock, M., this day of 194 levied

Returned this 11th day of April 1942 by collecting the within cost, \$14.90 from the plaintiff, and turning this amount over to the Clerk, of the Circuit Court.

W.R. Stuart, Sheriff, Baldwin County  
BY *Rucina & Hamilton* Deputy Sheriff

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 property under the Constitution and Laws of Alabama.

This day of 194  
Clerk.

Received in office

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Sheriff

Sheriff's Execution Docket, Page

Sheriff's Fee Book, Page

No. 632

Page

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT

W. W. C. MASON

Plaintiff

vs.

DR. WALTER DUNN

Defendant

Civil Execution for Costs  
Against Plaintiff

Costs - - - - \$ 14.90

Civil Fee Book Page

Execution Docket Page

Filed *January 31*, 1942  
*W. R. Stuart* Clerk.

Plaintiff's Attorney

Defendant's Attorney

Received in Sheriff's Office

this *31* day of *Jan*, 1942  
W. R. STUART, Sheriff

Transcrip of Civil Cases from Justice Court of Baldwin County, Ala.

W. C. Mason

V. S.

Dr: Walter Dunn

Cause of Action

Suit one Account

Summons and Complaint isshured to W. C. Mason

Returnable to Justice Court

Come the Plaintiff and Defendant into Cout, the Defendant denying the indebtiness, the Court after hearing the evidence, renders a verdict in favor of the Plaintiff, for the amount of Complaint \$19.18/100 and all cost of Court\$5.50 the Defendant gave notice of Appael to the Circuit Court of Baldwin County, Alabam

Witnesses for the Plaintiff

W. C. Mason

Zenith Mason

Witness my hand and seal this 3th. day of  
Dec. 1940.

*G. E. Perkins, J. P.*  
G. E. Perkins, Justice of the  
Peace.

Fees	
Summons and Complaint	50¢
Appeal and Bond	\$1.00
Oath	.25¢
Docketing	.10
Judgement on Proceedings	75¢
Transcrip	50¢
Attending Trial	1.00
Dept S.H. Fee	
Serving summons and Comp/	1.50

*85-8-0*

Transcript

Filed December 13, 1940  
R. J. Korb, Clerk.



APPEAL BOND

Moore Printing Co. Bay Minette, Ala.

THE STATE OF ALABAMA, }  
Baldwin County.

That we, Dr. Walter Dunn and the undesigns  
are held and firmly bound unto W. C. Mason  
in the sum of Thirty Eight \$38.00 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---  
Dr. Walter Dunn shall prosecute to effect an appeal by him taking this day to  
the next term of the Circuit Court of Baldwin County from a judgment  
rendered against him in favor of said W. C. Mason  
by G. E. Perkins a justice of the peace for said county, for the  
sum of Nineteen and 18/100 \$19.18 Dollars, 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 then, in either  
of said event, this obligation to be void, otherwise to remain in full force and effect.

Given under our hands and seals, this the 30th day of November 1940 193---

Approved:

Dr. Walter Dunn (L. S.)  
Dr. G. E. Perkins (L. S.)  
J. P. John Perkins (L. S.)

W. C. MASON

Plaintiff,

vs

DR. WALTER DUNN

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 the said cause and as grounds therefor says:

FIRST:

That said Complaint does not state a cause of action.

SECOND:

That said Complaint is vague and indefinite.

THIRD:

That said Complaint fails to state when the merchandise was sold to the Defendant.

FOURTH:

That said Complaint fails to state when the account became due.

FIFTH:

That said Complaint fails to state that the goods were bought by the Defendant or that he authorized the making of said account.

SIXTH:

That said Complaint attempts to charge the Defendant with the account of another, and fails to show that he has entered into any promise in writing or memorandum whereby he agrees to pay the account of another.

SEVENTH:

That said Complaint states that the Defendant assumed the payment of the entire amount of the account, but fails to state that such agreement was in writing and signed by the Defendant or any one duly authorized by him.

*Hyatt & Ransom*  
Attorneys for Defendant.

RECORDED

DEMURRER

W. C. MASON,

Plaintiff,

vs

DR. WALTER DUNN,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

FILED JANUARY 20<sup>th</sup>, 1941.

R. S. Duck

Register.

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G. E. PERKINS  
JUSTICE OF THE PEACE  
FAIRHOPE, ALA.

Dec. 11th. 1940

Mr. Duck Clerk  
Circuit Court,  
Bay Minette, Ala.

Dear Sir;-

Inclosed papers in Suit, of W. C. Mason, V. S.  
Dr. Walter Dunn. Out of the proper Trascrips, and should this  
not be satisfactory, please mail me a regular copy and I will  
fill it out and return to you. Thanking you, I am

Yours Very Truly

  
G. E. Perkins