

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT. (LAW)

Now

Term, 1942

James E. Stewart

No. 730 vs.

33 Fr article

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	25	Clerk's Fees	6 00
Issuing Summ. and Complt., each.....1.25	1 25	Ex-Clerk's Fees	4 35
Issuing Alias or Branch Summons & Complaint, each 1.25		Sheriff's Fees	
Making Copies Thereof, Minimum, each30	30	Ex-Sheriff's Fees	
Making Copies Thereof, over 200 Words, per 100 words .15		Witness Fees	
Entering Sheriff's Returns, each20	20	Commissioner's Fees	
Entering Appearances, each20	40	Garnishee's Fees	
Certifying Affidavits, each25		Publisher's Fees	
Issuing Attachments with Bond, each1.00		Court Reporter's Fees, Per Day or fraction thereof .5.00	
Orders of Publication, each50		Trial Tax3.00	3 00
Copy of Same, each50			
Issuing Summ. to Garnishee, each50			
Copy of Same, Per 100 Words15			
Swearing Garnishee, Etc., Per 100 words, .15, Minimum50			
Release of Garnishee, each25			
Issuing Scire Facias or Similar Notice, each75			
Copies of Same, Per 100 Words..... .15			
Making Copy of Interrogatories, Per 100 Words, .15; Minimum50			
Commission to Take Depositions, each75			
Filing Depositions, Each Pkg.,10			
Endorsing Each Package of Depositions Opened10			
Issuing Subpoenas, Each 530	1 50		
Issuing Witness Certificates, each25			
Entering Continuances, each10			
Filing Papers, each10	30		
Other Orders of Court, each30			
Trial and Incidents75			
Entering Judgment, each30	30		
Complete Record, Per 100 Words15	1 50		
Taking Bonds, each75			
Certificate of Appeal25			
Transcript to Supreme Court, Per 100 Words15			
Additional Copies of Same, Per 100 Words05			
Issuing Executions or Copy Thereof, each50			
Entering Sheriff's Return, Per 100 Words, .15; Minimum20			
Total Clerk's Fees	6 00		
SHERIFF'S FEES:			
Serving and Returning Summons or Writ, each1.50	150		
Levying Attachment, each3.00			
Entering and Returning Same, each25			
Seizing Personal Property Under Writ of Detinue ..3.00			
Taking and Approving Bonds, each.....1.00			
Summoning Garnishee and Return, each1.50			
Serving and Returning Sci. Fa. or Notice, Each1.50			
Serving and Returning Subpoenas, each 565	3 85		
Serving Contempt Attachment, each1.50			
Impaneling 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, each2.50			
Total Sheriff's Fees	4 75		

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED to summon S. E. TRAWICK 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 the same, then and there to answer the complaint of LIZZIE R. STUART.

Witness my hand this 11th day of February, 1942.

R. S. Duck
Clerk.

LIZZIE R. STUART, Plaintiff,

VS.

S. E. TRAWICK, Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

1.

The Plaintiff claims of the Defendant, FIVE THOUSAND (\$5,000.00) DOLLARS, as damages, for that heretofore, on to-wit, January 14, 1942, the Plaintiff was a guest in an automobile riding along a public highway commonly known as the Montgomery—Mobile highway, at a point approximately eleven (11) miles South of Bay Minette, in Baldwin County, Alabama; Plaintiff avers that the Defendant so negligently operated an automobile, or automobile truck, on said highway as to cause it to run into, or against, the automobile in which the Plaintiff was riding, and as a proximate result thereof, the Plaintiff was seriously injured, as follows: Her left arm, side, leg, and hip were injured; her chest was injured, and she was otherwise injured about the body; that as a proximate consequence of said injuries, the Plaintiff suffered much physical pain and mental anguish, and will continue to suffer such physical pain and mental anguish, for a long time to come; that she was caused to lose much time; that she was permanently injured; that she incurred heavy expenses for medicines and medical services, all to the damage of the Plaintiff in the sum herein sued for; Plaintiff avers that said injuries of the Plaintiff were proximately caused by the negligence of the Defendant in so operating an automobile, or automobile truck, as to cause it to run into or against the automobile in which the Plaintiff was riding.

2.

The Plaintiff claims of the Defendant, FIVE THOUSAND (\$5,000.00) DOLLARS, as damages, for that heretofore on to-wit, January 14, 1942, the

Plaintiff was a guest in an automobile riding along a public highway commonly known as the Montgomery—Mobile highway, at a point eleven (11) miles South of Bay Minette, in Baldwin County, Alabama; Plaintiff avers that the Defendant, at said time and place negligently drove his automobile into or against the automobile in which the Plaintiff was riding and as a proximate result thereof, the Plaintiff suffered serious bodily injuries; that her left side, hip and leg were injured; that she was injured in the chest; that she suffered much physical pain and mental anguish, and will continue to suffer such physical pain and mental anguish for a long time to come; that she was caused to lose much time; that she was permanently injured; that she incurred heavy expenses for medicine and medical attention, all to the damage of the Plaintiff in the sum sued for;

Plaintiff avers that Plaintiff's injuries and damages were proximately caused by the negligence of the Defendant in driving the automobile which he was then and their driving, into the automobile in which the Plaintiff was then and their riding.

Beebe & Hare
Attorneys for Plaintiff.

736

encl

LIZZIE R. STUART, Plaintiff,

VS.

S. E. TRAWICK, Defendant.

RECORDED

SUMMONS AND COMPLAINT

Rec'd July 11, 1942
Back

BEEBE & HALL, LAWYERS,
Bay Minette, Alabama

Received in Sheriff's Office

this 11 day of *July*, 1942

W. R. STUART, Sheriff

Executed *July 13, 1942*

by serving copy of within Summons () and
Complaint on

De Trawick

W. R. Stuart Sheriff

By *W. R. Stuart* Deputy Sheriff

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT
Case No. 736. Nov, Term, 1942

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon J B Stewart. Stuart. / Dr L D Newman.

D J Thigpen W E Strickland. Audrey Moorner.

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

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

of, by 8 o'clock of the forenoon, on the 5th day of November., 1942

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 Lizzie Stuart. Plaintiff

and S. E Trawick. Defendant.

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

Given under my hand and seal, this 20th day of Oct. 1942

OCT 20 1942

Clerk

R. S. DUCK

Received in office this 23 day of

October

1942

W B Stuart

SHERIFF

I have executed this writ

10/23/42

serving subpoena on
J. B. Stuart.

Dr L. D. Newman

W. J. Thigpen

W. E. Strickland

Audrey Strickland

W B Stuart

SHERIFF

ORIGINAL

No. 736.

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Lizzie Stuart.

Plaintiff

VS.

S E Trawick.

Defendant

CIVIL SUBPOENA

Issued this 20th day of

Oct. 1942

1942

R. S. DUCK JUN 21 1942

Clerk.

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

Comes the Defendant in the above styled cause and demurrs to each count of the Complaint filed in said cause, separately and severally on the following separate and several grounds, viz:-

FIRST:

That said Complaint does not state a cause of action.

SECOND:

That said Complaint fails to state with certainty where the collision is supposed to have occurred.

THIRD:

That said Complaint fails to allege any duty owed by the Defendant to the Plaintiff.

FOURTH:

That said Complaint fails to show that the Plaintiff was injured as a proximate result of any unlawful or negligent act of the Defendant.

FIFTH:

That said Complaint fails to state when and where the Defendant negligently operated an automobile.

SIXTH: *

That said Complaint does not state that the Defendant negligently operated an automobile on said highway at the time and place that it is alleged that the Plaintiff was riding as a guest in another automobile.

SEVENTH:

That said Complaint fails to state that the Plaintiff's injuries were inflicted by reason of the negligence of the Defendant.

(page two)

EIGHTH:

That said Complaint fails to state in what manner the Plaintiff was permanently injured.

NINTETH:

That the allegation in the Complaint that the Plaintiff was caused to lose much time is vague and indefinite.

Hybart & Shaso
Attorneys for Defendant.

Defendant demands a trial by Jury.

Hybart & Shaso
Attorneys for Defendant.

RECORDED

DEMURRER.

LIZZIE R. STUART,
Plaintiff,

VS.

S. E. TRAVICK,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

FILED MARCH 6, 1942.

R. D. Smith
Clerk.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

736