

Term, 1944

vs.

Mobile Cigar & Tobacco Co.

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS, AND JUDGMENT	AMOUNT
<b>Fees in Circuit Court—</b>		<b>Fees and Costs in Circuit Court:</b>	
Docketing Cause, One Fee only of.....	25	Clerk's Fees .....	11 35
Issuing Summ. and Complt., each.....	1.25	Ex-Clerk's Fees .....	3 00
Issuing Alias or Branch Summons & Complaint, each	1.25	Sheriff's Fees .....	
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	<b>Fees and Costs in Inferior Court:</b>	
Commission to Take Depositions, each .....	75	Clerk of Inferior Court Fees .....	
Filing Depositions, Each Pkg., .....	10	Sheriff's Fees .....	
Endorsing Each Package of Depositions Opened ....	10	Justice of Peace Fees .....	
Issuing Subpoenas, Each .....	30	Constable's Fees .....	
Issuing Witness Certificates, each.....	25	.....	
Entering Continuances, each .....	10	.....	
Filing Papers, each .....	10	<b>Fees and Costs in Inferior Court</b> .....	17, 35
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	.....	
Certificate of Appeal .....	25	<b>Total Judgment</b> .....	
Transcript to Supreme Court, Per 100 Words .....	15	<b>Total Fees, Costs and Judgment</b> .....	17 35,
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	.....	
.....		<b>Total</b> .....	
<b>Total Clerk's Fees</b> .....	11 35		
<b>SHERIFF'S FEES:</b>			
Serving and Returning Summons or	2		
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		
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, each.....	2.50		
.....			
<b>Total Sheriff's Fees</b> .....			

THE STATE OF ALABAMA

BALDWIN COUNTY.

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

You are hereby Commanded to summon Mobile Cigar & Tobacco Company, a Corporation, and United States Fidelity & Guaranty Company, a Corporation, to appear before the Circuit Court of Baldwin County, Alabama, in and for said County, at the place of holding the same, within thirty days from the service of this summons and complaint, then and there to demur or plead to the complaint of W. E. Dees. /

And you are hereby commanded to execute this process instanter and make return as required by law.

WITNESS MY HAND this 8<sup>th</sup> day of October, 1941.

R. S. Duich  
Clerk.

C O M P L A I N T:

The State of Alabama,  
Baldwin County.

W. E. DEES,

Plaintiff,

-VS-

In the Circuit Court  
of Baldwin County,  
Alabama.  
MOBILE CIGAR & TOBACCO  
COMPANY, a Corp. and  
UNITED STATES FIDELITY  
& GUARANTY COMPANY,  
a Corp.,  
Defendants.

The Plaintiff claims of the defendants the sum of FOUR HUNDRED (\$400.00) DOLLARS for the breach of the conditions of a bond made by the defendants, Mobile Cigar & Tobacco Company, a Corporation, as principal and United States Fidelity & Guaranty Company, a Corporation, as surety, on, to-wit: 18th day of October, 1938, payable to the plaintiff in the sum of FOUR HUNDRED <sup>FIFTY AND 36/100</sup> (\$450.36) DOLLARS, said bond being in words and figures as follows:

THE STATE OF ALABAMA  
MOBILE COUNTY.

KNOW ALL MEN BY THESE PRESENTS: That we, Mobile Cigar & Tobacco Company, as principal, and the United States Fidelity & Guaranty Company, as surety, of the County of Mobile, are well and firmly bound unto W. E. Dees, doing business as the Dees Mercantile Company, Robertsdale, Alabama, in the sum of FOUR HUNDRED FIFTY AND 36/100 (\$450.36) DOLLARS, to be paid to the said W. E. Dees, doing business as the Dees Mercantile Company, his certain Attorney, executors, Administrators or assigns, for which payment, well and truly to be made, we bind ourselves and our heirs, executors or administrators, jointly and severally, firmly by these presents.

SEALED WITH OUR SEALS and dated this 18th day of October, in the year of our Lord, one thousand nine hundred and thirty eight.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that, whereas, the above bounden Mobile Cigar & Tobacco Company, a corporation, hath the day of the date hereof, prayed a summons of Garnishment at the suit of Mobile Cigar & Tobacco Company, a Corporation, against the estate of the above named W. E. Dees, doing business as Dees Mercantile Company, in the hands of Hartford Fire Insurance Company, and the Baldwin County Bldg. & Loan Ass'n for the sum of TWO HUNDRED TWENTY-FIVE and 18/100 DOLLARS, and hath obtained the same returnable to the Circuit Court of Baldwin County, to be held on the \_\_\_\_\_ Monday after the \_\_\_\_\_ Monday in \_\_\_\_\_, 1938.

NOW, if the said Mobile Cigar & Tobacco Co. shall prosecute its suit to effect and pay to the said W. E. Dees, doing business as Dees Mercantile Company, all such damages as he may sustain by the wrongful or vexatious suing out thereof, then the above obligation to be void; otherwise to remain in full force and effect.

MOBILE CIGAR & TOBACCO COMPANY,  
a Corp., (Seal)  
By: E. E. STEVENS (Seal)  
UNITED STATES FIDELITY &  
GUARANTY CO. (Seal)  
NEVILLE LYONS, (Seal)  
Attorney in Fact.

And Plaintiff avers that said garnishment proceedings were not prosecuted to force and effect in said Court, and Plaintiff further avers that said writ of garnishment was wrongfully and vexatiously sued out against the Plaintiff and that in addition thereto the Plaintiff further avers that he has incurred expenses attending Court and in employing attorneys for the purpose of having said garnishment writ dissolved in the sum of ONE HUNDRED (\$100.00) DOLLARS, and that he has been damaged in the

sum aforementioned - hence this suit.

Plaintiff demands a trial by jury.

*Robert A. Hester*  
Attorney for Plaintiff

RECEIVED IN OFFICE  
OCT 14 1941  
G. A. SMITH, Sec'y

EXHIBITED BY DELIVERING

copy of the within

October 14, 1941

TO *Frank W. Hester*

AS *Attorney for Plaintiff*

OF THE *State of Ala.*

AND SAID *Frank W. Hester*

WAS SUCH WHEN SO SERVED

*W. A. Hester*

Sherriff Montgomery County

*W. A. Hester*

Deputy Sherriff

original

SUMMONS AND COMPLAINT.

W. E. DAVIS,

Plaintiff,

vs.

Mobile Cigar & Tobacco Co.,  
et al,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

FILED *8* DAY OF OCTOBER, 1941

*R. S. Hester Clerk*

869

RECEIVED IN OFFICE  
OCT /4 1941  
G. A. MOSLEY, Sheriff

Civil 711

original

SUMMOND AND COMPLAINT.

W. E. DEES,  
Plaintiff,

vs.

Mobile Cigar & Tobacco Co.,  
et al,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

FILED 8<sup>th</sup> DAY OF OCTOBER, 1941

R. S. Ruch, Clerk

EXECUTED BY DELIVERING  
<sup>2 copies</sup>  
~~a copy~~ of the within  
October 14. 1941  
TO Frank N. Julian  
AS Superintendent of Insurance  
OF THE State of Ala  
AND SAID Frank N. Julian  
WAS SEEN WHEN SO SERVED  
G. A. Mosley  
Sheriff Montgomery County  
R. J. V. H.  
Deputy Sheriff

THIS ALSO SERVED - BALDWIN COUNTY, ALA.  
JULIAN, SUPERINTENDENT OF INSURANCE  
JULIAN, SUPERINTENDENT OF INSURANCE

Frank N. Julian  
Superintendent of Insurance

THE STATE OF ALABAMA, )  
BALDWIN COUNTY. )

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

You are hereby commanded to summon MOBILE CIGAR & TOBACCO COMPANY, a Corporation, and UNITED STATES FIDELITY & GUARANTY COMPANY, a Corporation, to appear before the Circuit Court of Baldwin County, Alabama, in and for said county, at the place of holding the same, within thirty days from the service of this summons and complaint, then and there to demur or plead to the complaint of W. E. DEES.

And you are hereby commanded to execute this process instanter and make return as required by law.

WITNESS MY HAND this 8thday of October, 1941.

*R. S. Huch*

Clerk.

COMPLAINT.

THE STATE OF ALABAMA, )

BALDWIN\* COUNTY. )

W. E. DEES, Plaintiff. )

VS. )

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY ALABAMA. (

( MOBILE CIGAR & TOBACCO COMPANY,  
( A CORP. AND UNITED STATES  
( FIDELITY & GUARANTY COMPANY,  
( A CORP., Defendants.

The Plaintiff claims of the defendants the sum of FOUR HUNDRED (\$400.00) DOLLARS for the breach of the conditions of a bond made by the defendants, Mobile Cigar & Tobacco Company, a Corporation, as surety, on, to-wit: 18th day of October, 1938, payable to the plaintiff in the sum of FOUR HUNDRED FIFTY AND 36/100 (\$450.36) DOLLARS, said bond being in words and figures as follows:

THE STATE OF ALABAMA,

MOBILE COUNTY.

KNOW ALL MEN BY THESE PRESENTS: That we, Mobile Cigar & Tobacco Company, as principal, and the united States Fidelity & Guaranty Company, as surety, of the County of Mobile, are held and firmly bound unto W. E. Dees, doing business as the Dees Mercantile Company, Robertsdale, Alabama, in the sum of FOUR HUNDRED FIFTY AND 36/100 (\$450.36) DOLLARS, to be paid to the said W. E. Dees, doing business as the Dees Mercantile Company, his certain Attorney, executors, Administrators or assigns, for which payment, well and truly to be made, we bind ourselves and our heirs, executors or administrators, jointly and severally, firmly by these presents.

SEALED WITH OUR SEALS and dated this 18th day of October, in the years of our Lord, one thousand nine hundred and thirty eight.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that, whereas, the above bounden Mobile Cigar & Tobacco Company, a corporation, hath the day of the date hereof, prayed a summons of Garnishment at the suit of Mobile Cigar & Tobacco Company, a Corporation, against the estate of the above named W. E. Dees, doing business as Dees Mercantile Company, in the hands of Hartford Fire Insurance Company, in the

and the Baldwin County Bldg. & Loan Ass'n, for the sum of Two Hundred Twenty-Five and 18/100 Dollars, and hath obtained the same returnable to the Circuit Court of Baldwin County, to be held on the \_\_\_\_ Monday after the \_\_\_\_ Monday in \_\_\_\_, 1938.

NOW, if the said Mobile Cigar & Tobacco Co. shall prosecute its suit to effect and pay to the said W. E. Dees, doing business as Dees Mercantile Company, all such damages as he may sustain by the wrongful or vexatious suing out thereof, then the above obligation to be void; otherwise to remain in full force and effect.

MOBILE CIGAR & TOBACCO COMPANY  
A CORP., (SEAL)  
BY: G. R. STEVENS (SEAL)

UNITED STATES FIDELITY &  
GUARANTY CO. (SEAL)  
NEVILLE LYONS,  
Attorney in Fact. (SEAL)

And Plaintiff avers that said garnishment proceedings were not prosecuted to force and effect in said Court, and Plaintiff further avers that said writ of garnishment was wrongfully sued out against the plaintiff and that in addition thereto the plaintiff further avers that he has incurred expenses in attending Court and in employing attorneys for the purpose of having said garnishment writ dissolved in the sum of ONE HUNDRED (\$100.00) DOLLARS, and that he has been damaged in the sum aforementioned- hence this suit.

Plaintiff demands a trial by jury.

HYBART & CHASON,

Attorney for Plaintiff.

OCTOBER 1938  
FILED THIS 8TH DAY OF

*[Signature]*

BALDWIN COUNTY, ALABAMA

IN THE CIRCUIT COURT OF

PLAINTIFF

MOBILE CIGAR & TOBACCO CO.

VS.

DEFENDANT

W. E. DEES

BYRON & COMPANY

SUMMONS & COMPLAINT.

W. E. DEES,

Plaintiff,

vs.

MOBILE CIGAR & TOBACCO CO.,

ET AL., Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

FILED THIS 8th DAY OF  
OCTOBER, 1931.

*A. S. Hurd* Clerk.

Attorney for Plaintiff.

HYBART & CHASON,

Plaintiff demands a trial by jury.

sum aforementioned- hence this writ.  
the sum of ONE HUNDRED (\$100.00) DOLLARS, and that he has been damaged in the  
employing attorneys for the purpose of having said garnishment writ dissolved in  
plaintiff further avers that he has incurred expenses in attending Court and in  
was wrongfully sued out against the plaintiff and that in addition thereto the  
and effect in said Court, and Plaintiff further avers that said writ of garnishment  
And Plaintiff avers that said garnishment proceedings were not prosecuted to force

Attorney in fact.  
NEWELL LYONS,  
GUARANTY CO.  
UNITED STATES FIDELITY &  
(SEAL)

BY: G. R. STEVENS  
(SEAL)  
A CORP.,  
(SEAL)  
MOBILE CIGAR & TOBACCO COMPANY

then the above obligation to be void; otherwise to remain in full force and effect.  
such damages as he may sustain by the wrongful or vexatious suing out thereof,  
and pay to the said W. E. Dees, doing business as Dees Mercantile Company, all  
NOW, if the said Mobile Cigar & Tobacco Company shall prosecute its writ to effect

Baldwin County, to be held on the \_\_\_\_\_ Monday after the \_\_\_\_\_ Monday in \_\_\_\_\_, 1931.  
and 18/100 Dollars, and hath obtained the same returnable to the Circuit Court of  
and the Baldwin County Bldg. & Loan Ass'n, for the sum of Two Hundred Twenty-Five



W. E. Dees

Plaintiff

vs.

Mobile Cigar & Tobacco  
Company, a Corporation  
and United States Fidelity  
& Guaranty Company  
a Corporation  
Defendants

In the  
District Court  
of Baldwin  
County, Ala.

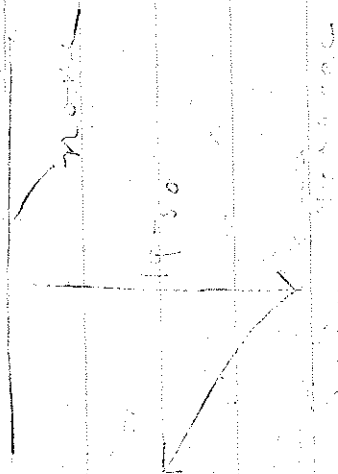
No. 711

Now comes the defendant in the  
above style Cause and for answer  
to the Complaint filed in said Cause,  
says:

1. That the allegations of the  
Complaint are not true.

D. R. Tolley Jr.  
attorney for Defendants

211



Feb 27 1943  
R. S. [unclear]  
[unclear]

W. E. DEES,

Plaintiff,

vs.

MOBILE CIGAR & TOBACCO  
COMPANY, a corporation,  
and UNITED STATES  
FIDELITY & GUARANTY  
COMPANY, a corporation,

Defendants.

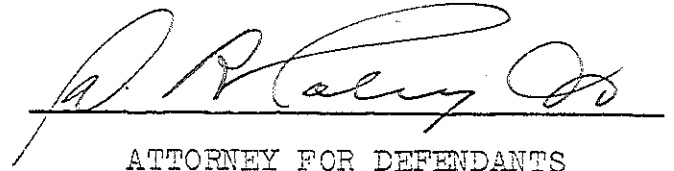
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

No. 711

Now come the Defendants, and move the  
Court to set aside and vacate the judgment of nil dicit  
entered in this cause on, to-wit, February 4th, 1942,  
and as grounds therefor says:

1: That the cause was on the jury docket;  
that an appearance had been filed therein by the Defendants;  
and that said judgment was prematurely taken.



ATTORNEY FOR DEFENDANTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

No. 711

---

W. E. DEES,  
Plaintiff,

vs.

MOBILE CIGAR & TOBACCO  
COMPANY, et al.,

Defendants.

---

MOTION TO SET ASIDE  
JUDGMENT OF NIL DICIT

---

*Filed Oct 26 1942*  
*R. D. Coley*  
*Deed*

D. R. COLEY, JR.,  
ATTORNEY FOR DEFENDANTS.

W. E. DEES,

Plaintiff,

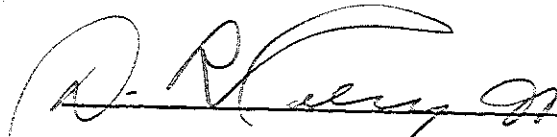
vs.

MOBILE CIGAR & TOBACCO  
COMPANY, a corporation,  
and UNITED STATES FIDELITY  
& GUARANTY COMPANY, a  
corporation,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

Now comes D. R. Coley, Jr., and appearing  
for Mobile Cigar & Tobacco Company and United States  
Fidelity & Guaranty Company, Defendants in this cause,  
reserves the right to plead, answer or demur further.

  
ATTORNEY FOR DEFENDANTS

7 11  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

W. E. DEES,

Plaintiff,

vs.

MOBILE CIGAR & TOBACCO COMPANY,  
et al.,

Defendants.

APPEARANCE

*Filed at 31 1941*  
*R. R. Coley, Jr.*

D. R. COLEY, JR.,

ATTORNEY FOR DEFENDANTS

THE STATE OF ALABAMA

BALDWIN COUNTY.

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

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And you are hereby commanded to execute this process instantler and make return as required by law.

WITNESS MY HAND this 8<sup>th</sup> day of October, 1941.

R. E. Hunt  
Clerk.

C O M P L A I N T:

The State of Alabama,  
Baldwin County.

W. E. DEES,

Plaintiff,

-VS-

{ In the Circuit Court  
{ of Baldwin County,  
{ Alabama.  
{ MOBILE CIGAR & TOBACCO  
{ COMPANY, a Corp. and  
{ UNITED STATES FIDELITY  
{ & GUARANTY COMPANY,  
{ a Corp.,  
{ Defendants,

The Plaintiff claims of the defendants the sum of FOUR HUNDRED (\$400.00) DOLLARS for the breach of the conditions of a bond made by the defendants, Mobile Cigar & Tobacco Company, a Corporation, as principal and United States Fidelity & Guaranty Company, a Corporation, as surety, on, to-wit: 18th day of October, 1938, payable to the plaintiff in the sum of FOUR HUNDRED <sup>FIFTY AND 36/100</sup> / (\$450.36) DOLLARS, said bond being in words and figures as follows:

THE STATE OF ALABAMA  
MOBILE COUNTY.

KNOW ALL MEN BY THESE PRESENTS: That we, Mobile Cigar & Tobacco Company, as principal, and the United States Fidelity & Guaranty Company, as surety, of the County of Mobile, are held and firmly bound unto W. E. Dees, doing business as the Dees Mercantile Company, Robertsdale, Alabama, in the sum of FOUR HUNDRED FIFTY AND 36/100 (\$450.36) DOLLARS, to be paid to the said W. E. Dees, doing business as the Dees Mercantile Company, his certain Attorney, executors, Administrators or assigns, for which payment, well and truly to be made, we bind ourselves and our heirs, executors or administrators, jointly and severally, firmly by these presents.

SEALED WITH OUR SEALS and dated this 18th day of October, in the year of our Lord, one thousand nine hundred and thirty eight.

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NOW, if the said Mobile Cigar & Tobacco Co. shall prosecute its suit to effect and pay to the said W. E. Dees, doing business as Dees Mercantile Company, all such damages as he may sustain by the wrongful or vexatious suing out thereof, then the above obligation to be void; otherwise to remain in full force and effect.

MOBILE CIGAR & TOBACCO COMPANY,  
a Corp., (Seal)  
By: G. E. STEVENS (Seal)

UNITED STATES FIDELITY &  
GUARANTY CO. (Seal)  
NEVILLE LYONS, (Seal)  
Attorney in Fact.

And Plaintiff avers that said garnishment proceedings were not prosecuted to force and effect in said Court, and Plaintiff further avers that said writ of garnishment was wrongfully and vexatiously sued out against the Plaintiff and that in addition thereto the Plaintiff further avers that he has incurred expenses attending Court and in employing attorneys for the purpose of having said garnishment writ dissolved in the sum of ONE HUNDRED (\$100.00) DOLLARS, and that he has been damaged in the



sum aforementioned - hence this suit.

Plaintiff demands a trial by jury.

Hybart & Rason  
Attorney for Plaintiff

Received in Sheriff's Office  
this 8 day of Oct 1941  
W. R. STUART, Sheriff

Received 10 Day of Oct 41  
and on 20 Day of Oct 1941  
I served a Copy of the within Summons & Complaint  
on Mobile Cigar & Tobacco Co.,  
et al  
by service on Wm. P. Rollings, Mgr.  
W. H. HOLCOMBE, Sheriff  
By M. Bensten D.S.

711

Ord 711  
SUMMONS AND COMPLAINT.

W. E. DEES,

Plaintiff,

vs.

MOBILE CIGAR & TOBACCO  
CO, ET AL,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

FILED 8<sup>th</sup> DAY OF OCTOBER, 1941.

R. S. Buck  
clerk

LAW OFFICES  
HYBART & CHASON  
BAY MINETTE, ALABAMA

*[Signature]*



JOHN BRANDON

STATE OF ALABAMA  
OFFICE OF SECRETARY OF STATE  
MONTGOMERY

October 9, 1941

Mr. R. S. Duck,  
Bay Minette, Alabama.


Dear Sir:

Replying to your inquiry of the 8th, wish to  
advise the Foreign corporation records disclose -

U. S. FIDELITY & GUARANTY COMPANY,

a Maryland Corporation, of Baltimore, Maryland, and in  
pursuance of Title 28, Section 65 of the Code of 1940, the  
Superintendent of Insurance is the Attorney for Service of  
Process in case of suit. If there is any other agent  
appointed, such information will be on file with the Bureau  
of Insurance.

Yours very truly,

  
John Brandon,  
Secretary of State.

B/s