

"MOTION TO REQUIRE SECURITY FOR COST"

BOYLE-MIDWAY, INC.,

Plaintiff

VS

C. H. BYRNE, individually, and for
formerly d/b/a MINETTE GROCERY CO.

IN THE CIRCUIT COURT OF

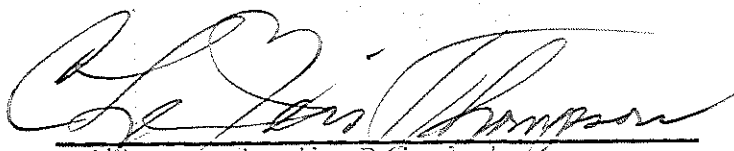
BALDWIN COUNTY, ALABAMA

AT LAW.

CASE NO. 1637

TO THE HONORABLE TRIPAIR J. MASHBURN, JUDGE OF THE CIRCUIT
COURT, BALDWIN COUNTY, ALABAMA.

Now comes the Defendant in the above entitled cause and moves
the Court to compel, by order, the Plaintiff, a non-resident
corporation of the State of Alabama, to give a good and sufficient
security for the cost in the above styled cause in accordance with
Title 11 Section 59 of the 1940 Code of Alabama.

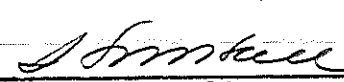

Attorney for the Defendant

STATE OF ALABAMA
BALDWIN COUNTY

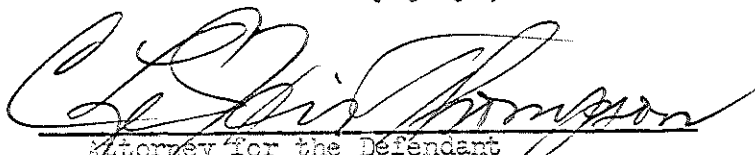
Before me, , in and for said county
and state, personally appeared C. LeNoir Thompson, known to me, who
being duly sworn, deposes and says that he is of counsel for the defendant
in the foregoing cause, and as such has knowledge of the facts set out
to be not a corporation organized under the laws of the State of
Alabama.



Sworn to and subscribed before
me this 20 day of April, 1951.


Notary Public

(Should said costs be secured, defendant demands trial by jury.)


Attorney for the Defendant

BOYLE-MIDWAY, INC.
SOUTH AVE. & HALE ST. BOX 280
CRANFORD, N. J.

Minette Grocery Company
P. O. Box 345
Bay Minette, Alabama

DATE	CHARGES	CREDITS	BALANCE
June 28, 1950	\$300.00		----- \$300.00

W. R. STUART

PROBATE JUDGE

No. 3529

Bay Minette, Ala., 4-5, 1952

Received of Mrs. Duck

No.		Deed Tax		Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
	<i>Banks - Medicine Inc.</i>						<i>50</i>		<i>50</i>
	<i>W. H. Birney Ind.</i>								
	<i>D/B/a Bay Minette Grocery</i>								

FOR RECORD

TOTAL \$ 50

W. R. Stuart

Judge of Probate.

RECORDED

BOYLE-MIDWAY, INC.,

PLAINTIFF

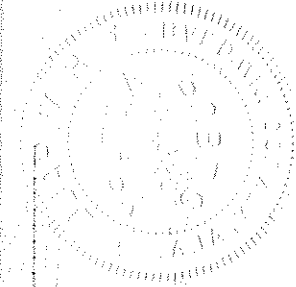
VS

C. H. BYRNE, individually, and
formerly d/b/a MINETTE GROCERY
CO.

MOTION TO REQUIRE SECURITY FOR COST.

FILED
APR 20 1951
ALICE J. DUCK, Register

From the law offices of
C. LeNoir Thompson
Bay Minette, Alabama



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

No. 1637.

Boyle-Midway, Inc.,

Plaintiff,

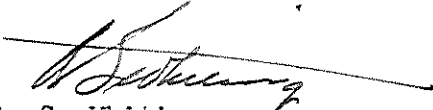
vs.

C. H. Byrne, individually and
formerly d/b/a Minette Grocery
Company,

Defendant.

separately and severally
Now comes the plaintiff and moves/for an order of this Court
striking Pleas Two and Three of the defendant filed to the
complaint herein, on the following separate and several grounds, viz:

1. For aught appearing from said pleas they fail to contain
an element of valid defense to the cause of action herein.
2. For aught appearing, said pleas are irrelevant.
3. For aught appearing, said pleas are frivolous.
4. For that said pleas are filed too late.
5. For that said pleas are filed without permission of the Court.
6. For that prior to the filing of said pleas the defendant had joined
issue with the plaintiff on the cause of action herein.


A. S. Whiting,
Attorney for the Plaintiff,
Suite 708-9 Annex First National Bank Bldg.,
Mobile, Alabama.

RECORDED

Worship, 11/1/51.
Suits 108-2 Annex First National Bank filed
returned for the Plaintiff.
A. S. 11/1/51.

File 10-19-51
Aris J. Lenc
Clark

leave with the Plaintiff on the cause of action herein.

Q. For that basis to the filing of said plea the defendant had joined

2. For that said plea are filed without permission of the Court.

W. For that said plea are filed for said.

3. For that defendant, said plea are filed.

5. For that defendant, said plea are filed.

on element of said defense to the cause of action herein.

1. For that defendant, said plea are filed to consist

comprising herein on the following separate and several grounds: And:

existing from the time of the defendant filed to the

Now comes the Plaintiff and moves for an order of this Court
adversely and severally

Defendant.

Complainant.

Complainant 5/1/51 Plaintiff 5/1/51

O. S. 11/1/51 Plaintiff 11/1/51

As:

Plaintiff.

Boyle-Higman, Inc.

No. 1033.

IN THE CIRCUIT COURT OF THE STATE OF FLORIDA, IN AND FOR THE COUNTY OF DALLAS.

BOYLE-MIDWAY, INC.,

Plaintiff

vs

C. H. BYRNE, individually, and
formerly d/b/a MINETTE GROCERY CO.

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

CASE NO. 1637

Comes the Defendant and amends his answer filed in the above styled
cause as follows:

ONE

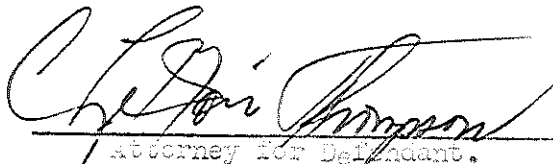
As to Count one, denies the allegations thereof.

TWO

That the Defendant ~~does~~ not own, and is not connected with Minette
Grocery Company.

THREE

That the said Minette Grocery Company is in the hands of a Trustee
and Bankruptcy for the United States District Court of South Alabama
in Mobile, Alabama.


Attorney for Defendant.

RECORDED

BOYLE-MIDWAY, INC.,

Plaintiff

VS

C. H. BYRNE, individually, and
formerly d/b/a MINETTE GROCERY CO.

FILED
OCT 10 1951
ALICE J. BROWN, Clerk

From the law offices of
C. Lemoir Thompson
City Minette, Alabama

March 26, 1952.

Honorable Almur S. Whiting,
Attorney and Counselor at Law,
Suite 602 Annex First National Bank Bldg.,
Mobile 6, Alabama.

Re: Boyle-Midway, Inc.

vs

C. H. Byrne, Individually
and formerly d/b/a MINETTE
GROCERY COMPANY.
Case No. 1637.

Dear Mr. Whiting:

I am this day filing as attorney for C. H. Byrne stipulation agreeing to a consent judgment against the Defendant with the understanding that you have a claim filed on this same account in the United States Bankrupt Court at Mobile, it is also my understanding that Mr. C. H. Byrne shall be given credit for any monies recovered in this bankrupt claim, and that the present judgment will not be collected until after the Bankruptcy has been completed, and you have received for your client a payment from said bankrupt credit. It is my further understanding that you credit Mr. Byrne with this payment on the Circuit Court records at Bay Minette, Ala.

Sincerely,



CLT/alm

Copy to Honorable Telfair Mashburn Jr.,
Judge of 28th Judicial Circuit
Bay Minette, Alabama.

BOYLE-MIDWAY, INC.

Plaintiff

VS

C. H. BYRNE, individually, and
formerly d/b/a MINETTE GROCERY CO.

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

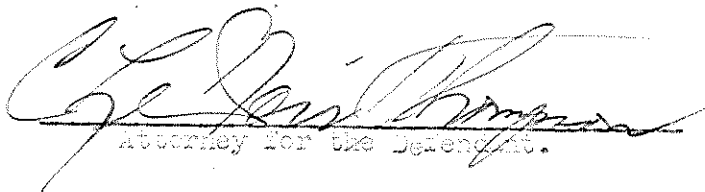
AT LAW.

CASE NO. 1637

INTERROGATORIES TO THE PLAINTIFF, BOYLE-MIDWAY, INC.,

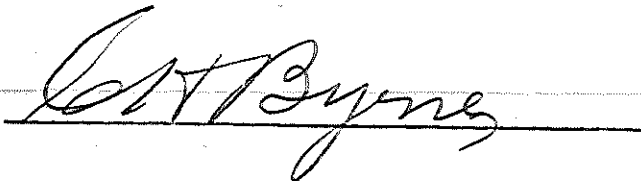
Comes the Defendant in the above styled cause desiring the testimony of the Plaintiff, Boyle-Midway, Inc., and propounds the following interrogatories to be answered by said Plaintiff:

1. State the date shipment of goods by Boyle-Midway Inc., in route to Minette Grocery Company was actually delivered to a common carrier.
2. State the name and address of the common carrier to which delivery of goods shipped Minette Grocery Company was delivered.
3. State routing of said shipment and by which common carriers same was to be handled.

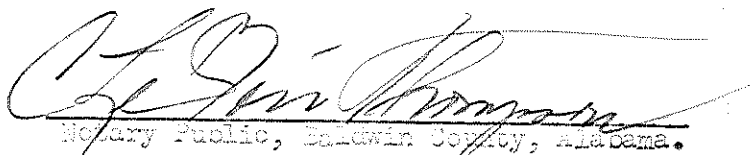

Attorney for the Defendant.

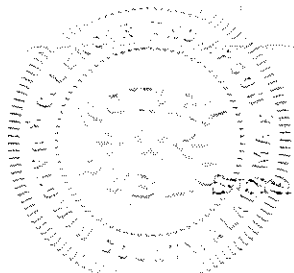
STATE OF ALABAMA
BALDWIN COUNTY

Before me, C. LeHoir Thompson, a Notary Public, in and for said County in said State, personally appeared C. H. Byrne, known to me, who, being by me first duly sworn, deposes and says: That he is the Defendant in the above styled cause; that the answers to the foregoing interrogatories, if truthfully made, will be material evidence for the Defendant in the trial of said cause.



to and subscribed before me this 10 day of January, 1952.


Notary Public, Baldwin County, Alabama.



ROYLE-MIDWAY, INC.

Plaintiff

vs

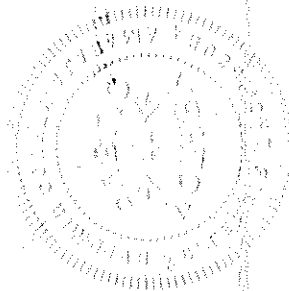
C. H. BIRNE, individually, and
formerly d/b/a LINETTE GROCERY CO.

Defendant

INTERROGATORIES

FILED
JAN 11 1952
ALICE A. DUCK, Clerk

From the law offices of
C. LeNoir Thompson
Bay Minette, Alabama



BOYLE-MIDWAY, INC.,

Plaintiff,

-vs-

C. H. BYRNE, Individually
and Formerly d/b/a MINETTE
GROCERY COMPANY,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN

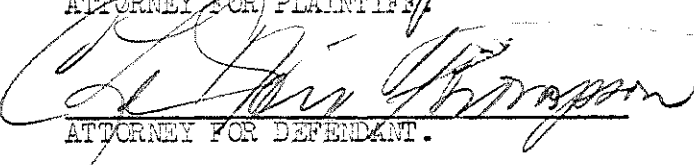
COUNTY, ALABAMA. AT LAW.

CASE NO. 1637.

It is hereby stipulated and agreed by and between the parties hereto by their respective counsel of record, that the demand for jury trial heretofore entered herein is hereby withdrawn by the defendant, with the concurrence of the plaintiff; that the defendant is justly indebted to the plaintiff, as set out in the complaint filed herein in the sum of \$300.00 principal indebtedness and \$31.50 interest, aggregating the sum of \$331.50, for which let the Court enter judgment herein by the consent of the defendant, together with the cost of this action.

Dated this 26 day of March, 1952.


ATTORNEY FOR PLAINTIFF


ATTORNEY FOR DEFENDANT.

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

CASE NO. 1037.

BOYLE-MIDWAY, INC.,
Plaintiff,

-vs-

C. H. BRYAN, Individually
and Formerly o/s MINETTE
GROCERY COMPANY,
Defendant.

It is hereby stipulated and agreed by and between the parties hereto

by their respective counsel of record, that the demand for jury trial
entered herein is hereby withdrawn by the defendant, with the consent of
the plaintiff; that the defendant is justly indebted to the plaintiff in
set out in the complaint filed herein in the sum of \$300.00 principal
debtedness and \$31.50 interest, aggregating the sum of \$331.50, for which

let the Court enter judgment herein by the consent of the defendant, together
with the cost of this action.

Dated this 26 day of March, 1952.

ATTORNEY FOR PLAINTIFF

ATTORNEY FOR DEFENDANT

FILED
MAR 26 1952
AUG 1, 1952, Clerk

ALMUR S. WHITING
ATTORNEY AND COUNSELOR AT LAW
SUITE 602 ANNEX FIRST NATIONAL BANK BUILDING
MOBILE 6, ALABAMA

TELEPHONES:
OFFICE: 2-3604
RESIDENCE: 6-6226

P. O. BOX 988

April 6, 1951.

Hon. Alice J. Duck,
Circuit Clerk
Bay Minette, Ala.

Dear Mrs. Duck:

Re: Boyle-Midway, Inc.
Vs: C.H. Byrne.

Enclosed herewith please find complaint and copy in the above case. Please docket same and deliver to your sheriff for service of process. Will you let me know when service is had on the defendant.

With kind personal regards, I remain,

Yours very truly,

A. S. Whiting
emj

W/em
Encl.

1637

Boyle Midway Inc
vs.

A.W. Byrne, individually
and d/b/a Bay Minette, Ge.

on account

FILED

APR 7 1951

ALICE J. DUCK, Clerk

ALMUR S. WHITING
ATTORNEY AND COUNSELOR AT LAW
SUITE 602 ANNEX FIRST NATIONAL BANK BUILDING
MOBILE 6, ALABAMA

TELEPHONES:
OFFICE: 2-3604
RESIDENCE: 6-6226

P. O. BOX 988

January 26, 1952

Hon. Alice J. Duck,
Clerk of Circuit Court,
Bay Minette, Alabama.

Dear Mrs. Duck:

Re: Case No. 1637 - Law.
Boyle-Midway, Inc. vs.
C. H. Byrne, etc.

Enclosed please find original and duplicate original
of answers of the plaintiff to interrogatories propounded to it
by the defendant.

Yours truly,

enc. 2.
w.

A handwritten signature, likely of Almur S. Whiting, is written over a horizontal line. The signature is in cursive and appears to be "A. S. Whiting".

BOYLE-MIDWAY INC.

Household Products

SOUTH AVENUE & HALE STREET • CRANFORD, N. J.

Phone | CRANFORD 6-3906
RECTOR | 2-8360

BOYLE - MIDWAY, INC.

Plaintiff

VS

C. H. BYRNE, individually, and
formerly d/o/a MINETTE GROCERY CO.

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 1637

ANSWERS TO INTERROGATORIES

1. - On June 26th, 1950, 51 cases of Autobrite weighing 616 lbs. were picked up in our Chamblee, Georgia Plant by the Atlanta-New Orleans Motor Freight Co., a common carrier.
2. - Atlanta-New Orleans Motor Freight Company, P. O. Box 1222, Atlanta, Georgia.
3. - Atlanta - New Orleans Motor Freight Company to connecting carrier, Caton Transfer Company of Andalusia, Alabama.

BOYLE - MIDWAY, INC.

C. K. Thompson
Comptroller

STATE OF NEW JERSEY
UNION COUNTY

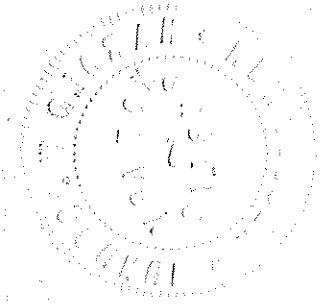
Before me, H. W. Soukup, a Notary Public, in and for said County in said State, personally appeared, C. K. Thompson, known to me, who, being by me first duly sworn, deposes and says: That he is an officer of Boyle - Midway, Inc.; that the answers to these interrogatories are truthfully made.

C. K. Thompson
C. K. Thompson

Sworn to and subscribed before me this 22nd day of January, 1952.

Harold W. Soukup
Notary Public, Union County, New Jersey
NOTARY PUBLIC OF N. J.
My Commission Expires Dec. 30, 1952

EXECUTIVE OFFICES
22 E. 40th STREET
NEW YORK 16, N. Y.



FILED
JAN 28 1952
ALICE J. DUCK, Clerk

STATE of . . . NEW JERSEY . . .)
CITY . . . CRANFORD . . .) (s. s.
COUNTY of . . . UNION . . .)

. WILLIAM A. HURLEY being duly sworn, doth
depose and say that

(1) he is . . . CREDIT MANAGER . . . of . . . BOYLE - MIDWAY, INC. . .
a corporation organized, existing and doing business under and by virtue
of the laws of the State of . . . DELAWARE . . .

~~(2) he is a partner in the partnership doing business under the
firm name, style and description of . . .~~

~~composed of the following partners, to wit: . . .~~

~~(3) he is sole trader doing business as . . .~~

that the annexed statement of the account of . . .
MINETTE GROCERY COMPANY . . .

lately doing business at . . . BAY MINETTE . . .

in the State of . . . ALABAMA . . . is just, true and correct, that there
is now due . . . BOYLE - MIDWAY, INC. . . the sum of \$300.00 . . .

. . . Three Hundred and 00/100- . . . Dollars,

that no part thereof has been paid or satisfied, and that there are no set
offs, or counter-claims thereto to the knowledge or belief of deponent. NONE.

BOYLE - MIDWAY, INC. - Cranford, N.J.

Subscribed and sworn to before me . . .
and under my seal of office this Affiant Credit Manager

~~Sworn to before me this~~ 28th . . . day)

of . . . March . . . , 1951 . . .)

Notary

NOTARY PUBLIC OF N.J.
My Commission Expires Dec. 30, 1952

OLD ENGLISH • 3-IN-ONE • PLASTIC WOOD • AEROWAX • AEROMIST • BLACK FLAG • WIZARD WICK • FLYDED • MOTHDED • ANTROL • DRI BRITE

BOYLE-MIDWAY INC.

SOUTH AVE. & HALE ST.-BOX 280-CRANFORD, N. J.

OUR NO. **BM-199992**

DATE SHIPPED

6-26-50-A

PPED TO:
BLANK SAME
OLD TO)

MINETTE GROCERY COMPANY

D TO:

BAY MINETTE, ALABAMA

CLAIMS FOR CONCEALED LOSS OR DAMAGE
CANNOT BE CONSIDERED WITHOUT INSPECT-
ION REPORT FROM TRANSPORTATION AGENT
AND FREIGHT BILL SHOWING THE SHORTAGE
OR DAMAGE NOTATION.

ORDER DATE		YOUR ORDER NO.		AREA	TERMS:	HOW SHIPPED	
/21/50				M 19	2% 10 DAYS-NET 30 DAYS	☒ PREPAID	☐ COLLECT
DOZEN	OUR STOCK NO.	CASES	DESCRIPTION			PRICE PER DOZ.	NET AMOUNT
0	844	50	12 OZ. AUTOBRITE			6.00	300.00
	844	1	12 OZ. AUTOBRITE			N/C	

SECURE OUR PERMISSION BEFORE RETURNING ANY MATERIAL TO US
ALL ORDERS SUBJECT TO ACCEPTANCE BY BOYLE-MIDWAY INC. AT ITS PRINCIPAL OFFICE SOUTH AVE. & HALE ST., CRANFORD, N. J.
OR SHIPPING POINTS WHERE TITLE PASSES TO THE PURCHASER ON SHIPMENT

DUPLICATE INVOICE

BOYLE-MIDWAY, INC.,

Plaintiff,

-vs-

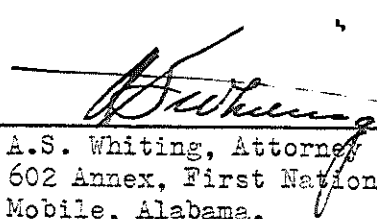
C. H. BYRNE, individually, and
formerly d/b/a MINETTE GROCERY CO.,
Defendant.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

NO. 1637

COUNT ONE.

Plaintiff claims of the defendant the sum of \$300.00 due by
defendant to plaintiff on account on to-wit: June 28, 1950, as shown by
itemized statement of account, verified by affidavit hereto annexed,
which said sum with the interest thereon is still unpaid.


A.S. Whiting, Attorney for Plaintiff.
602 Annex, First National Bank Building,
Mobile, Alabama.

FILED
APR 4 1951
CLERK

RECEIVED

IN THE CIRCUIT COURT OF BALTIMORE

COUNTY, ALABAMA.

BOYLE-MIDWAY, INC.,

Plaintiff,

-vs-

NO. 1637

C. H. BRYANT, Individually, and
Formerly d/b/a MINUTEMAN GROCERY CO.,

Defendant.

COUNT ONE.

Plaintiff claims of the defendant the sum of \$300.00 due by

defendant to plaintiff on account on to-wit: June 28, 1950, as shown by

itemized statement of account, verified by affidavit hereto annexed.

which said sum with the interest thereon is still unpaid.

FILED
APR 7 1951
ANGE L. DUCK, Clerk

A. S. Whiting, Attorney for Plaintiff,
602 Annex, First National Bank Building,
Mobile, Alabama.

1637

1637

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

No. 1637

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon C. H. Byrne, individ ally and d/b/a

Bay Minette Grocery

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against C. H. Byrne individually
and d/b/a/ Bay Minette Grocery, Defendant

by Boyle- Midway Inc

Plaintiff

Witness my hand this 7th day of April 1951....

Alfred. Ruck, Clerk

No. 1637

Page

RECORDED

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

BOYLE-MIDWAY INC

Plaintiffs

vs.

C. H. BYRNE, individually and d/b/a

BAY MINETTE GROCERY

Defendants

SUMMONS and COMPLAINT

Filed 4-7-1951

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

April 7, 1951

Taylor Wilkins Sheriff

I have executed this summons

this 4-7-1951

by leaving a copy with

C. H. Byrne

Taylor Wilkins Sheriff

H. F. Hall Deputy Sheriff