

1997

WRIT

CLAUDE L. BUXTON,

Plaintiff,

VS.

HUDOLPH VINSON,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. \_\_\_\_\_

TO FRANK P. PROPST, JUSTICE OF THE PEACE FOR BALDWIN COUNTY:

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We, being willing for certain causes to be certified of a certain  
cause pending before you wherein Claude L. Buxton is Plaintiff and Rudolph Vinson  
is defendant, do therefore command you to send up to the present term of the Circuit  
Court of Baldwin County, Alabama, on the 16<sup>th</sup> day of June, 1953, all of  
the original papers in said cause, together with a statement signed by you of the said  
cause and the judgment therein rendered by you, that we may further cause to be done  
thereupon what of right, according to the Constitution and laws of this State, ought  
to be done.

Witness my hand this the 27<sup>th</sup> day of May, 1953.

David L. Smith  
Clerk of the Circuit Court.

Received in office \_\_\_\_\_, 1953.

\_\_\_\_\_  
Sheriff

Executed by serving a copy of the within on Frank P. Propst, Justice  
of the Peace of Baldwin County, Alabama.

\_\_\_\_\_  
Sheriff

\_\_\_\_\_  
Deputy Sheriff



Civil

Transcript of Criminal Cases from Justice Court of Baldwin County, Ala.

ATTORNEYS	CASE	CHARGE
Rowden F. McKinley	THE STATE OF ALABAMA	# Simmons & Complaint issued
No.	VS.	#99 <sup>00</sup> & Interest due and
Brantley & Withers	Claude Burton	unpaid on Account
	Rudolph Vinson	

DISPOSITION OF CASE	FEE'S	AMOUNT
Affidavit made and Warrant Issued to	JUDGE'S FEES	
Returnable	Warrant at 50c, Affidavit at 20c	1 00
Witness—For State	Bond at 50c, Sci. Fa. at 50c	1 50
March 21-1953 - Appeared the defendant - After hearing evidence judgement was rendered in favor of Plaintiff to amount of \$99 <sup>00</sup> - Pt Costs assessed to defendant -	Witnesses' Recognizances at 25c	10
April 22-1953 Fi Fa issued to Sheriff -	Subpoena or Notice at 25c	25
	Continuance at 25c	
	Trial of Misdemeanor at \$1.00	
	Mittimus at 25c	
	Judgment on Forfeited Bond at 25c	29 5
	Taking Bond, etc., on Appeal at \$1.00	
	Execution of costs at 25c	
	CONSTABLE'S FEES	
	Subpoena or Notice at 25c	
	Carrying Defendant before Justice, each mile for himself and guard at 10c	
	Arrest, 50c	
	SHERIFF'S FEES	150
	Arrest, \$2.00; Bond \$1.00; Sci. Fa., 50c	
	Committing, \$1.00; Releasing, \$1.00	
	Subpoenas at 25c Day's Board at 30c	
	WITNESS FEES	
	Days at 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	DEFENDANT'S COSTS	
	Witnesses' Recognizance at 25c	
	Subpoenas at 25c	
	Executing Subpoenas	4 10

Frank P. Probst Jr.  
President  
Baldwin Co

EX PARTE: RUDOLPH VINSON

IN THE CIRCUIT COURT OF

CLAUDE L. BUXTON

BALDWIN COUNTY, ALABAMA.

TO THE HONORABLE H. M. HALL, JUDGE OF SAID COURT:

Your Petitioner, Rudolph Vinson, respectfully shows unto Your Honor that on the 21st day of March, 1953, a judgment was rendered against him in favor of one Claude L. Buxton by Frank P. Propst, a Justice of the Peace of said County in the sum of NINETY-NINE (\$99.00) DOLLARS, together with ELEVEN AND 53/100 (\$11.53) DOLLARS, in a suit pending before said Justice wherein the said Claude L. Buxton is Plaintiff and your Petitioner is Defendant.

Your Petitioner avers that said judgment is erroneous, unjust and unwarranted in this viz., in that the Petitioner is not indebted to Claude L. Buxton in the amount sued for nor in any amount, and that your Petitioner did not appeal said case within the time prescribed by law because he did not know, and without any fault on his part, until more than five days had elapsed that a judgment had been rendered against him.

Wherefore, your Petitioner prays that your Honors will order a writ of certiorari to issue in said cause to the Honorable Frank P. Propst, Justice of the Peace in and for precinct number \_\_\_\_\_, Baldwin County, Alabama, returnable to the Circuit Court of Baldwin County, Alabama, as required by law in order that justice may be done in the premises.

Rudolph Vinson  
Petitioner

Sworn to and subscribed before me this the 18 day of May, 1953.

Albert M. Brantley  
Notary Public, Baldwin County, Alabama.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

EX PARTE: RUDOLPH WINSTON

CLAUDE L. BUNTON

TO THE HONORABLE H. M. HALL, JUDGE OF SAID COURT:

Your Petitioner, Rudolph Winston, respectfully shows unto Your Honor

that on the 21st day of March, 1953, a judgment was rendered against him in favor

of one Claude L. Bunton by Frank P. Probst, a Justice of the Peace of said County

in the sum of FIFTY-NINE (\$59.00) DOLLARS, together with FIFTEEN AND 62/100 (\$15.62)

DOLLARS, in a suit pending before said Justice wherein the said Claude L.

Plaintiff and your Petitioner is Defendant.

Your Petitioner avers that said judgment is erroneous, unjust and

unwarranted in this case, in that the Petitioner is not indebted to Claude L.

in the amount sued for nor in any amount, and that your Petitioner did not appear

said case within the time prescribed by law because he did not know, and without

any fault on his part, until more than five days had elapsed that a judgment had

been rendered against him.

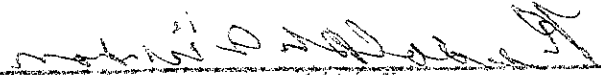
Therefore, your Petitioner prays that your Honor will order a writ

of certiorari to issue in said cause to the Honorable Frank P. Probst, Justice of

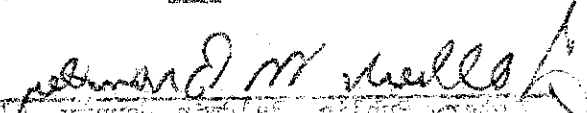
the Peace in and for precinct number \_\_\_\_\_, Baldwin County, Alabama, returnable

to the Circuit Court of Baldwin County, Alabama, as required by law in order that

justice may be done in the premises.

  
Petitioner

Sworn to and subscribed before me this 18 day of May, 1953.

  
Notary Public, Baldwin County, Alabama.

FILED  
MAY 18 1953  
Alice J. Dick, Register

THE STATE OF ALABAMA, }  
Baldwin County

In the Justice Court of  
FRANK P. PROPST

To Any Lawful Officer of said County, GREETINGS:

Summon Rudolph Vinson

to appear before me on the 21 day of March <sup>9:30 A.M.</sup>, 1953, next, at my office in

Bay Minette, Baldwin County, Alabama, to answer the complaint of

Claude L. Buxton

and then and there make a return of this summons.

Issued the 10 day of March, 1953

Frank P. Propst Justice of the Peace.

COMPLAINT

Claude L. Buxton

Rudolph Vinson

VS.

Plaintiff

Defendant

The Plaintiff claims of the Defendant the sum of Ninety nine and 00/100----- Dollars

due from him for merchandise, goods and chattels sold by the Plaintiff to the Defendant and work and labor done by the Plaintiff for the Defendant, on to-wit the 15th day of September, 1950, which sum of money with the interest thereon is still unpaid.

Robert H. McElroy Plaintiff's Attorney

Rt. 1.  
Bay Minette 1521  
No. 985 Page 985

State of Alabama,

Baldwin County.

In the Justice Court of

FRANK P. PROPST

March Term, 1953

Summons and Complaint

Claude L. Buxton

Plaintiff

vs.

Rudolph Vinson

Defendant

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

J. P.

Location:

Executed by personal service and notice

of Garnishment

Rudolph Vinson

this 12 day of March 1953

Jay Russell Wilkins, Constable

By P. B. Seiler, D. C.

NOTICE OF STATUTORY CERTIORARI

CLAUDE L. BUXTON,

Plaintiff,

VS.

RUDOLPH VINSON,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. \_\_\_\_\_.

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

You are hereby commanded to notify Claude L. Buxton that on the 28<sup>th</sup> day of May, 1953, a writ of certiorari in the above stated case was issued to Frank P. Propst, Justice of the Peace for Precinct No. 4, Baldwin County, Alabama.

And you will return this writ according to law.

Witness my hand this the 27<sup>th</sup> day of May, 1953.

Richard Nichols  
Clerk

Received in office \_\_\_\_\_, 1953.

\_\_\_\_\_  
Sheriff

Executed by serving a copy of the within on Claude L. Buxton, this the \_\_\_\_\_ day of \_\_\_\_\_, 1953.

\_\_\_\_\_  
Sheriff

\_\_\_\_\_  
Deputy Sheriff



NO 1927

Claude L. Bryant  
vs.

Rudolph Vinson

Received \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
and on 29 day of May 1953  
I served a copy of the within \_\_\_\_\_  
on \_\_\_\_\_

By service on Claude L. Bryant

TAYLOR WILKINS, Sheriff

By R. W. Wilkins D.S.

Filed 5-27-53  
R. W. Wilkins  
clerk

Claude L. Buxton

Plaintiff

Vs

Rudolph Vinson

Defendant

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In the Circuit Court of  
Baldwin County, Alabama  
At Law

Now comes the Plaintiff in the above styled cause by his Attorney, Reuben F. McKinley and moves this Honorable Court to deny the petition for certiorari filed in the cause by the Defendant and for grounds for this motion assigns the following:

1.

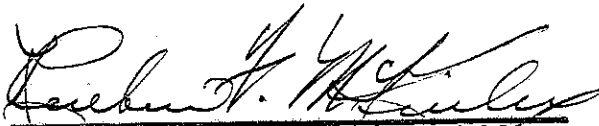
This cause was tried in open court in the Justice court of Hon. Frank P. Propst, the plaintiff and Defendant both being present and upon hearing the evidence, Judge Propst gave judgment for the Plaintiff.

2.

The Defendant had a remedy by appeal within five days after said judgment and neglected to avail himself of it.

3.

Plaintiff believes that unless great injustice be done to one of the parties to a suit by a judgment and if the laws have been followed in obtaining a judgment, that judgment should stand, in order that one may be certain after a sufficient period that the litigation is at an end.

  
Attorney for the Plaintiff

1997

Claude L. Buxton

Plaintiff

Vs

Rudolph Vinson

Defendant

Motion

Filed 7-1-53  
Reich  
Clerk

BOND

STATE OF ALABAMA

BALDWIN COUNTY

Know All Men By These Presents, That we, Rudolph Vinson, S.W. Jacobs  
A.H. Lee are held and firmly bound unto  
\_\_\_\_\_ in the sum of TWO HUNDRED AND  
FIFTY (\$250.00) DOLLARS, for the payment of which, sell and truly to be made,  
we bind ourselves and each of us, our heirs, executors and administrators, jointly  
and severally.

Sealed with our seals and dated the 22nd day of May, 1953.

The condition of the above obligation is such that, whereas, the said  
Claude L. Buxton has obtained a judgment before the Honorable Frank P. Propst, a Justice  
of the Peace for Precinct 4th of said County, on the 21st day of March,  
1953, against the said Rudolph Vinson for the sum of NINETY-NINE (\$99.00) DOLLARS,  
and costs, concerning which judgment the said Rudolph Vinson, has obtained a writ  
of certiorari returnable to the Circuit Court of said county for the removal of a  
certain judgment rendered against him and in favor of Claude L. Buxton, by Frank P.  
Propst, a justice of the peace in and for said county:

Now, therefore, if the said Rudolph Vinson shall pay such judgment as  
may be rendered against him by the said court to which said cause is removed, then  
this obligation to be void; otherwise to remain in full force and effect.

Rudolph Vinson (SEAL)  
S.W. Jacobs (SEAL)  
A.H. Lee (SEAL)

Approved this the 25th day of May, 1953.

Archie French  
Circuit Clerk