

THE STATE OF ALABAMA }
Baldwin County - Circuit Court }

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the 2nd
Monday in March, 1954, in a cer-
tain cause in said Court wherein Ayres C. Little and Clyde Little
Plaintiff, and
B. F. Sutton Defendant, a judgment was rendered against said
B. F. Sutton
to reverse which Judgment, the said B. F. Sutton
applied for and obtained from this office an APPEAL, returnable to the next
Term of our Court of Appeals Court of the State of Alabama, to be held at Montgomery,
on the _____ day of _____, 1954 next, and the necessary bond
having been given by the said B. F. Sutton
with B. F. Sutton, sureties,

Now, You Are Hereby Commanded, without delay, to cite the said Ayres C. Little
and Clyde Little or C. LeNoir Thompson
_____, attorney, to appear at the next Term of our
said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 5th
day of April, A. D., 1954.

Attest:

Alice J. Duck, Clerk.

CIRCUIT COURT
Baldwin County, Alabama

Vs. } Citation in Appeal

Issued day of, 194.....

Received day of 19.....
and on 17 day of April 1954
I served a copy of the within
on of
.....

By service on James V. Thompson
TAYLOR WILKINS, Sheriff
By Robert Williams

Ayres C. Little & Clyde Little,
a partnership, d/b/a Little
Motor Company,

Plaintiff

Vs


B. F. Sutton

Defendant

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In the Circuit Court of
Baldwin County, Alabama
At Law, Case No. 2010

I hereby announce myself as surety for costs on the appeal
of the above styled cause to the Alabama Court of Appeals.


B. F. Sutton

Ayres C. Little, et al

Plaintiff

Vs

B. F. Sutton

Defendant

Security for costs

FILED

APR 8 1954

ALICE A. BUCK, Clerk

Ayres C. Little, et al.

Plaintiff

Vs

B. F. Sutton

Defendant

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In the Circuit Court of
Baldwin County, Alabama
At Law, Case No. 2010

Now comes the Defendant in the above styled cause, by his Attorney and gives notice of appeal of said cause, on the record to the Alabama Court of Appeals.



Attorney for the Defendant

Ayres C. Little, et al.
Plaintiff

Vs

B. F. Sutton
Defendant

Notice of Appeal

FILED

APR 2 1954

ALICE J. DUCK, Clerk

Ayres C. Little, et al.

Plaintiff

Vs

E. W. Sutton

Defendant

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In the Circuit Court of
Baldwin County, Alabama
At Law, Case No. 2910

Now comes the Defendant in the above styled cause, by his
Attorney and gives notice of appeal of said cause, on the record
to the Alabama Court of Appeals.

Ayres C. Little, et al.

Vs

E. W. Sutton

Plaintiff

Defendant



Attorney for the Defendant

Case No. 2910

to be, either, a copy

referred

or

noted in the

submitted

to find the world and in the ground
underneath. The ground is not
solid, it is a mass of
atoms, of cells, of
molecules, of atoms.

the way to the world is not at the bottom of the world
but at the top of the world. The world is not a mass
of atoms, it is a mass of cells, of molecules, of atoms.

Ayres C. Little, et al.

Plaintiff

Vs

B. F. Sutton

Defendant

Notice of Appeal

[Handwritten signature]
FILED

APR 2 1954

ALICE A. DICK, Clerk

AYRES C. LITTLE and
CLYDE LITTLE, a partnership,
d/b/a LITTLE MOTOR COMPANY,

PLAINTIFFS,

VS

B. F. SUTTON,

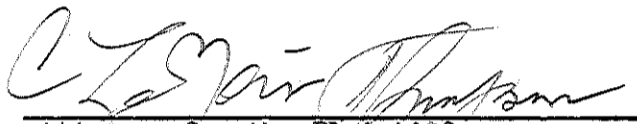
DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 2010

Comes the Plaintiffs in the above styled cause and moves to strike
Count Three of said answer as res adjudicata.


Attorney for the Plaintiffs

(10)
AYRES C. LITTLE and GLYDE LITTLE,
A Partnership d/b/a LITTLE MOTOR
COMPANY,

PLAINTIFFS

VS

B. F. SUTTON,

DEFENDANT

RECORDED

*Filed 3-10-54
Bridgman
Clerk*

Ayres C. Little & Clyde Little,
a partnership, d/b/a Little
Motor Company

Plaintiff

Vs

B. F. Sutton

Defendant

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In the Circuit Court of
Baldwin County, Alabama
At Law, No. 2010

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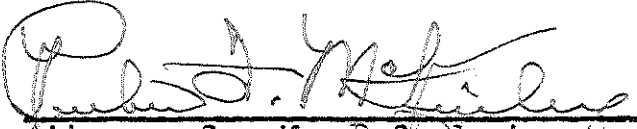
The Defendant for answer to the complaint saith that he is
Not Guilty of the matters alleged therein.

2.

The Defendant as a defense to said action of the Plaintiff says
that there was a want and failure of consideration for the debt
alleged to be due from the Defendant to the Plaintiff in said action,
in that the note sued on in Count 1 was a note for the purchase price
of a 1947 Jeep from the Plaintiffs by the Defendant, which said jeep
the Plaintiffs warranted verbally was in good order and repair and
which said Jeep was worn out and the brakes and crankshaft were
beyond repair, which knowledge was available to the Plaintiffs and
was not to the Defendant.

3.

The Defendant as a further defense to Count 3 of the said complaint
says that the consideration for the debt alleged to be due in Count 3
failed, in that this was a debt for repair to the brakes and motor
and crankshaft of a 1947 Jeep bought from the Plaintiffs by the Defend-
ant and which Jeep the Plaintiffs had warranted to be in good order
and repair. Said repair on the brakes would not last over a day or two
at a time and the repair on the crankshaft and motor caused a piston
pin to cut a hole through the block of said jeep, thereby damaging the
Jeep more than the amount of the repair bill.


Attorney for the Defendant

9

2010

Ayres, C. Little & Clyde Little,
a partnership d/b/a Little
Motor Company

Plaintiff

Vs

B. F. Sutton

Defendant

Amended Plea

FILED

FEB 10 1954

Alice I. Duck, Clerk

AYRES C. LITTLE & CLYDE LITTLE
a partnership d/b/a
LITTLE MOTOR COMPANY,

PLAINTIFF,

VS

B. F. SUTTON,

DEFENDANT.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 2010

Now comes the Plaintiff in the above styled cause and demurs to the plea filed and separately and severally to each count thereof, and for ground of demurrer assigns separately and severally as follows:

I.

That for aught that appears, it is not alleged with sufficient certainty as to how the carelessness and negligence of the Plaintiff damaged the Defendant.

II.

That Count Two of said plea and the averments of the negligence therein are merely conclusion of the pleader with no facts alleged in support thereof.

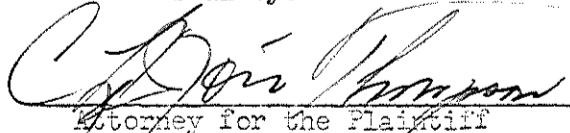
III.

That the damages alleged in Count Two of said plea filed November 25, 1953, were adjudicated in a jury trial in the Fall Term of 1953 of this Honorable Court.

AND FURTHER as to the amended plea filed December 2, 1953, the averments of want and failure of consideration are conclusion of the pleader.

IV.

That the allegation of want and failure of consideration in said plea as last filed is not set forth with sufficient certainty.


Attorney for the Plaintiff

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RECORDED

Filed Jan 19, 1954
Hunt
Jury

Ayres C. Little & Clyde Little
a partnership, d/b/a
Little Motor Company

Plaintiff

Vs

B. F. Sutton

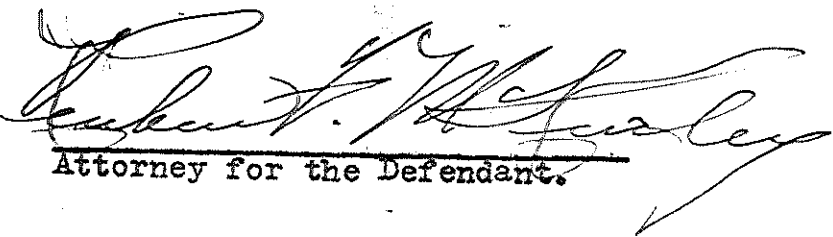
Defendant

In the Circuit Court of
Baldwin County, Alabama
At Law
No. 2010

Now comes the Defendant in the above styled cause by his
Attorney, Reuben F. McKinley and further amends the plea filed
in said cause by adding paragraph 3 thereto namely:

3.

The Defendant as defense to said action of the Plaintiff
says that there was a want and failure of consideration for the
debt alleged to be due from the Defendant to the Plaintiff in
said action.


Attorney for the Defendant.

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2010
Ayres C. Little & Clyde Little
a partnership, d/b/a
Little Motor Company

Plaintiff

Vs

B. F. Sutton

RECORDED

Defendant

Amended Plea

FILED

DEC 2 1953

ALICE J. GUCK, Clerk

AYRES C. LITTLE and CLYDE LITTLE,
a partnership, d/b/a
LITTLE MOTOR COMPANY,

Plaintiff,

vs.

E. F. SUTTON,

Defendant.

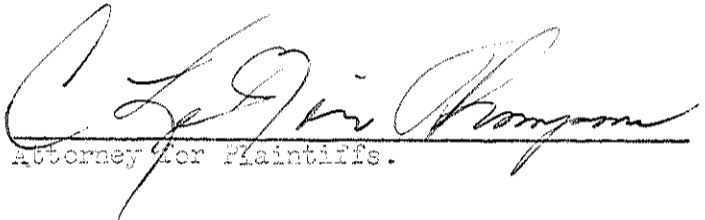
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NC. 2010

MOTION TO STRIKE

Come the plaintiffs and move to strike Count Two as having been adjudicated by a decision of this Honorable Court, and same being res adjudicata may not be a defense in this action.

9 Plea filed 11/15/10

Attorney for Plaintiffs.

① 2010
AYRES C. LITTLE and CLYDE LITTLE,
a partnership, d/b/a
LITTLE MOTOR COMPANY,
Plaintiff,

vs.

E. F. SUTTON,
Defendant.

RECORDED

MOTION TO STRIKE

FILED
NOV 27 1953
ALICE J. DUCK, Clerk

From the Law Office of
C. LeNoir Thompson
Attorney at law

Ayres C. Little & Clyde Little,
a partnership, d/b/a
Little Motor Company,

Plaintiff,

Vs.

B. F. Sutton,

Defendant.

In the Circuit Court of
Baldwin County, Alabama
At Law
No. 2010

1.
The Defendant for answer to the complaint, saith that he is *not guilty*
of the matters alleged therein.

2.
The Defendant, ~~as~~ a defense to the action to the Plaintiff
saith that at the time said action was commenced the Plaintiffs
were indebted to him in the sum of \$412.00 as damages suffered,
due to the carelessness and negligence of the Plaintiff in the
repair of the automobile of the Defendant, which he hereby offers
to set off against the demand of the Plaintiff and hereby claims
~~damages~~ judgment for the excess.


Attorney for the Defendant.

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2010

Ayres Little & Clyde Little
a partnership, d/b/a
Little Motor Company

Plaintiff

RECORDED
Vs

B. F. Sutton

Defendant

FILED

NOV 23 1900

ALICE J. DUCK, Clerk

Amended Plea

Ayres C. Little & Clyde Little,
A Partnership, d/b/a Little
Motor Company,

Plaintiff

vs
B. F. Sutton

Defendant

In the Circuit Court of
Baldwin County, Alabama
At Law.

Now comes the Defendant in the above styled cause by his Attorney, Reuben F. McKinley and demurs to the amended complaint in said cause and to each count thereof, both seperately and severally and for grounds for said demurrer assigns the following;

1.
Count 1 affirmatively shows that the said note sued for was indorsed by Plaintiff "for valuable consideration".

2.
Said count 1 affirmatively shows that Plaintiff received a valuable consideration for indorsing said note.

3.
Said count alleges that the Plaintiff paid said note, yet alleges that it is unpaid.

4.
Said count 2 does not show any obligation of defendant to pay plaintiff an Attorneys' fee.

5.
Said count 1 does not show any obligation owed Plaintiff by the Defendant.

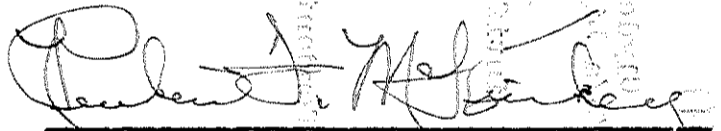
6.
The allegation of the Plaintiff in said count 2 that a reasonable Attorney's fee is \$25.00 is only a conclusion of the pleader.

7.
The complaint affirmatively shows that the causes of action alleged therein did not arise out of the same transaction.

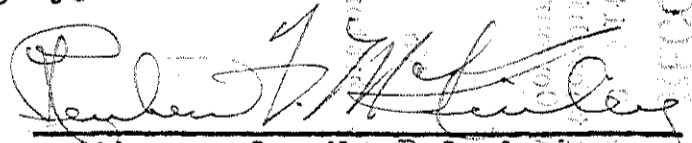
8.
The complaint affirmatively shows that there is a misjoinder of causes of action.

9.
Said count 1 affirmatively shows that the Baldwin County Bank was the payee of said note and not the Plaintiff.

10.
Said count 1 affirmatively shows that the plaintiff/against the defendant for matters alleged therein. has no claim


Attorney for the Defendant

Defendant demands a trial by jury.


Attorney for the Defendant

RECORDED

Ayres C. Little & Clyde Little,
a partnership, d/b/a Little
Motor Company

Plaintiff

Vs

B. E. Sutton

Defendant

Demurrers
to Amended Complaint

FILED

SEP 20 1953

WILLIAM J. RUCK, CLERK

A M E N D E D C O M P L A I N T

AYRES C. LITTLE & CLYDE LITTLE,
a partnership, d/b/a
LITTLE MOTOR COMPANY,

Plaintiff,

Vs.

B. F. SUTTON,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

1.

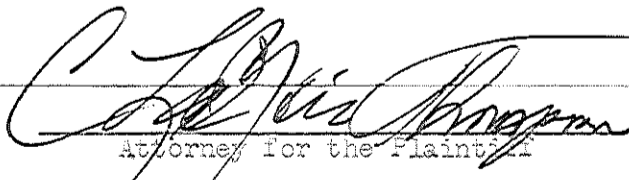
The plaintiff claims of the defendant the sum of \$82.50, the balance due on a promissory note originally for \$300.00 made by the defendant on January 20, 1951, and indorsed by the plaintiff for valuable consideration, said note being payable to the Baldwin County Bank on February 20, 1951, on which date it was duly extended from time to time until on, to-wit, February 29, 1952, said note was paid by the plaintiff herein, and together with interest thereon is still due and unpaid.

2.

The plaintiff avers that in and by the terms of the said note, the defendant waived all rights of exemption as to this debt, and agreed to pay a reasonable attorney's fee for the collection of same, which attorney's fee the plaintiff alleges to be \$25.00, and which it herewith claims.

3.

The plaintiff claims of the defendant \$119.42 due the 1st day of April, 1951, for work and labor done for the defendant by the plaintiff on, to-wit, the 28th day of March, 1951, at his request, which sum of money, with interest thereon, is still unpaid.


Attorney for the Plaintiff

RECORDED Jury
for for the Plaintiff
in the sum of

82.50 on note
11942 on a/c
25.00 for attorney fee
226.92 Total

plus interest at
6% on note & account

M & White

Ferron

From the Law Office of
C. Leamon Thompson
Attorney at Law

Alice J. Duck, Clerk

SEP 1 1963

FILED

APPROVED - COMPLAINT

Defendant,
B. F. SWITTON,

v.

Plaintiff,
AYRES C. LITTLE & CLYDE LITTLE,
a partnership, d/b/a
LITTLE MOTOR COMPANY,

2018

(11)

~~We the Jury~~
~~find for the~~
~~Plaintiff on all~~
~~three counts~~
~~as shown in~~
~~Complaint~~
~~plus interest~~
~~6% rate~~
~~M & White~~
~~Ferron~~

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* In the Circuit Court of
* Baldwin County, Alabama
* At Law.

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Attorney for the Defendant

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RECORDED

Ayres C. Little & Clyde Little,
a partnership d/b/a Little
Motor Company

Plaintiff

Vs

B. F. Sutton

Defendant

Demurrers

FILED

JUN 17 1953

ALICE J. DUCK, Clerk

STATE OF ALABAMA
BALDWIN COUNTY

Your are hereby commanded to summon B. F. SUTTON 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 AYRES C. LITTLE & CLYDE LITTLE, a partnership d/b/a LITTLE MOTOR COMPANY.

Witness my hand, this 5th day of June, 1953.

David J. Smith
Clerk

AYRES C. LITTLE & CLYDE LITTLE,
a partnership, d/b/a
LITTLE MOTOR COMPANY

PLAINTIFF

VS

B. F. SUTTON

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

1.

The Plaintiff claims of the Defendant Eighty Two & 50/100 (\$82.50) Dollars, due on a promissory waive note on the 20th day of January, 1951, said promissory note being endorsed to the Plaintiff and not being paid at maturity, protest being waive thereon, said note with damages and interest thereon is still unpaid.

2.

The Plaintiff claims of the Defendant One Hundred Nineteen & 42/100 (\$119.42) Dollars due the 1st day of April, 1951, for work and labor done for the Defendant by the Plaintiff on, to-wit, the 28th day of March, 1951, at his request; which sums of money with interest thereon is still unpaid.

The Plaintiff claims of the Defendant a reasonable attorney's fee for the collection of the note referred to in count one agreed to by the Defendant in said note.

David J. Smith
Attorney for the Plaintiff.

202010
AREYES C. LITTLE & CLYDE LITTLE,
a partnership, d/b/a
LITTLE MOTOR COMPANY

PLAINTIFF

RECORDED

B. F. SUTTON

DEFENDANT

SUMMONS AND COMPLAINT

FILED
JUN 5 1953
ALICE J. DUCK, Clerk

Received in Sheriff's Office
this 5 day of June, 1953
TAYLOR WILKINS, Sheriff

Received _____ day of _____ 19____
and on 8 day of June 1953
I served a copy of the within _____
on _____
By service on B. F. Sutton
TAYLOR WILKINS, Sheriff
By J. Wilkins D.S.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term, 19 54

To the Clerk of the Circuit Court of Baldwin County, Greeting:

Whereas, the Record and Proceedings of the Circuit Court of said County, in a certain cause lately pending in said Court between

B. F. Sutton, Appellant,

and

Ayres Little and Clyde Little, doing business as Appellee,

wherein by said Court, at the Little Motor Company Term, 19, it was considered adversely to said appellant, were brought before our Court of Appeals, by appeal taken, pursuant to law, on behalf of said appellant.


Now, it is hereby certified, That it was thereupon considered by our Court of Appeals on the 11th day of November 19 54

, that the said appeal be and stand dismissed; and that it was further considered that the appellant, and B. F. Sutton

sureties on the appeal bond

pay the costs accruing on said appeal in this Court and in the Court below

Witness Charles Bricken, Jr., Clerk of the Court
of Appeals of Alabama, at the Capitol, this the
11th day of November 1954



Clerk of the Court of Appeals of Alabama.

2010

THE COURT OF APPEALS OF ALABAMA

October Term, 19 54

1st Div. No. 692

B. F. Sutton

Appellant.....

v.

Ayres Little and Clyde Little
doing business as Little
Motor Company

Appellee.....

From Baldwin Circuit Court

No opinion

CERTIFICATE OF DISMISSAL
dismissed for want of prosecution

The State of Alabama,

Baldwin County.

} Filed

this 13 day of Nov 19 54

Eric J. French
Clerk

2010

Div. No. _____ **CERTIFICATE OF APPEAL (Civil Cases)**

No. 2010 Baldwin County, Circuit Court.

AYRES C. LITTLE & CLYDE LITTLE

Plaintiff

vs.

B. F. SUTTON

Defendant

I, Alice J. Duck, Clerk of Circuit Court,
of Baldwin County, Alabama, hereby certify that in the cause of
AYRES C. LITTLE & CLYDE LITTLE Plaintiff____,
vs.

B. F. SUTTON

Defendant____,

which was tried and determined in this Court, on the 11th day of March 1954
in which there was a judgment for \$226.92 Dollars, in favor of the Plaintiff,
(or judgment for Defendant), the Defendant on the 2nd day of April
1954 took an appeal to the Appeal Court of Alabama to be holden of and for said State.

I further certify that B. F. Sutton filed
security for cost of appeal, to the Appeal Court, on the 2nd day of April
1954, and that B. F. Sutton

are sureties on the appeal bond.

I further certify that notice of the said appeal was, on the _____ day of _____
19_____, served on _____ as attorney of record for said
appellee, and that the amount sued for was \$201.92 Dollars.
(or certain lands) (or personal property)

Witness my hand and seal of this Court, this the 5th day of April 19 54

Clerk of the Circuit Court of

County, Alabama

2016