

BERT L. MADDEN
Box 376, Fairhope, Alabama

PLAINTIFF

VS

TAYLOR WILKINS
Baldwin County, Ala., Court House,
Bay Minette, Alabama, in his
official capacity as Sheriff and also
as an individual

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO: 9759

DEMURRER

Comes the Defendant, Taylor Wilkins, and demurs to the Complaint in the above styled cause, and each count thereof, separately and severally, and assigns the following separate and several grounds of demurrer, to-wit:

I.

That the Complainant has failed to state a cause of action in his complaint.

II.

For that the Complaint is indefinite, vague and are mere conclusions of the pleader.

III.

For that said Complainant claims damages in the way of legal fees to which he is not entitled.

IV.

Said Complaint attempts to charge the Sheriff of Baldwin County with acknowledging the summons and complaint which he is not required by law to perform.

V.

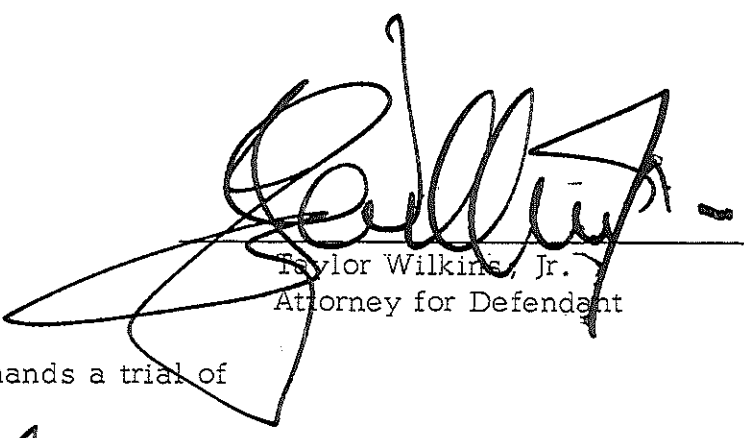
For aught that appears, said Complaint fails to show the summons and complaint was received by the Defendant for service thereon.

VI.

For aught that appears, the Code of Ethics of the Mobile Bar Association is irrelevant to the trial of this cause in Baldwin County, Alabama.

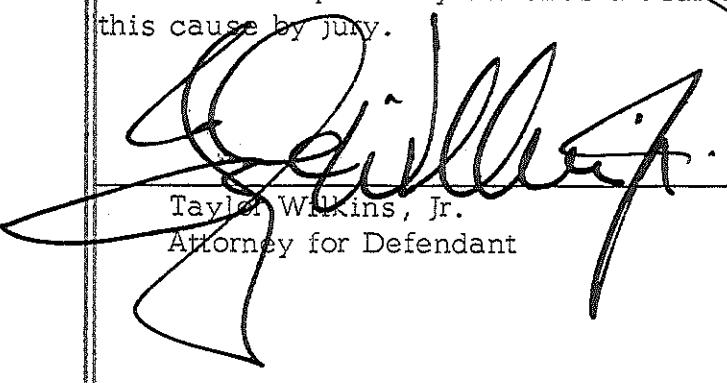
VII.

For aught that appears from said complaint, the pleader has failed to show when the Sheriff of Baldwin County received said complaint made the basis of this case.



Taylor Wilkins, Jr.
Attorney for Defendant

Defendant respectfully demands a trial of this cause by jury.



Taylor Wilkins, Jr.
Attorney for Defendant

Filed 4-12-71
Ernie B. Blackmon
clerk.

BERT L. MADDEN
Box 376, Fairhope, Alabama

PLAINTIFF

VS

TAYLOR WILKINS, Baldwin County
Alabama, Court House, Bay Minette,
Alabama, in his official capacity as
Sheriff, and also as an individual

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

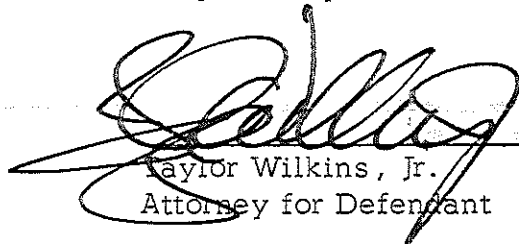
AT LAW

CASE NO: 9759

MOTION

Comes the Defendant, Taylor Wilkins, in the above styled cause and
moves this Honorable Court to set down for hearing, to test the sufficiency
thereof, the demurrer heretofore filed in this cause by the Defendant.

Respectfully submitted,


Taylor Wilkins, Jr.
Attorney for Defendant

FILED

FEB 10 1972

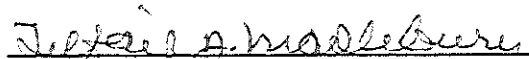
EUNICE B. BLACKMON CIRCUIT
CLERK

ORDER

The foregoing motion having been presented unto this Court for considera-
tion thereof, it is, therefore,

ORDERED, ADJUDGED AND DECREED that the demurrer is set down to
test the sufficiency thereof at 9:00 o'clock, A M, on the 9th day of
March, 1972.

DONE this the 10th day of February, 1972.


Honorable Telfair J. Mashburn
Circuit Judge
Baldwin County, Alabama

RECEIVED
CLERK'S OFFICE
FEB 10 1972

DO NOT WRITE IN THESE SPACES

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

VS.

TAYLOR WILKINS, Sheriff, Baldwin County, Alabama, Court House, Bay Minette, Alabama, in his official capacity as Sheriff, and also as an individual

Case # 9759

MOTION & ORDER

BERT L. MADDEN

VS:

TAYLOR WILKINS, Baldwin County
Alabama, Court House, Bay Minette,
Alabama, in his official capacity as
Sheriff, and also as an individual

Case # 9759

MOTION & ORDER

FEB 10 1972

TAYLOR WILKINS
SHERIFF

Taylor Wilkins, Jr.
Attorney for Defendant

Received 10 day of Feb. 1972
and on 11 day of FEB. 1972
I served a copy of the within Mot. & Order
on Bert L. Madden
By service on Bert L. Madden

Sh. # 70 Initial # 700
Ten Cents per copy fee
TAYLOR WILKINS, Sheriff
W. Crook

TAYLOR WILKINS, Sheriff
W. Crook

original

1 - of 3 pages

Bert L. Wadden
Box 376 Fairhope Ala.
Plaintiff

v

Taylor Wilkins
Baldwin County, Ala.
Court House

Bay Minette, Ala.
in his official capacity
as Sheriff and also
as an individual
Defendant

In the Circuit Court
of Baldwin County
Case No 9759

Complaint

a Sheriff has the authority and the duty
to serve a summons and complaint.
On the 3rd day of September 1970 the
plaintiff filed case No 9476 in the
Circuit Court of Baldwin County, Alabama,
against the American Civil Liberties Union.
The Summons and Complaint has not yet
been served on or acknowledged by the
defendant.

Original

2

The failure to carry out his official duties, as was decided by the United States District Court in Jackson, Miss., "deprives citizens of their federally guaranteed rights." The defendant has broken his oath to preserve, protect, and defend, the Constitution of the United States.

The United States District Court in N.Y. City convicted a process server for failure to serve a summons. He can be sentenced to one year in prison plus a fine of \$1000.00.

Further, failure to serve this summons has interrupted a constitutional rights trial and this interruption still continues. The plaintiff is caused needless expense, loss of time and both physical and mental distress.

The plaintiff claims damages of \$25000.00 plus legal expenses calculated according to the Code of Ethics of the Mobile Bar Association plus treble punitive damages. The right to prompt jury trial is expected.

original

3

Verification

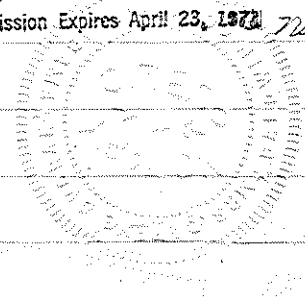
I, the plaintiff, wrote the above complaint
and believe that all matters asserted are true.

Sworn and subscribed before me this 16th
day of March, 1971.

Bert L. Madden

Daphne Dvorak

My Commission Expires April 23, 1973



FILED

MAR 22 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No.....9759.....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to SummonTaylor Wilkins.....

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.....

.....Taylor Wilkins..... .. Defendant.....

byBert L. Madden.....

..... Plaintiff.....

Witness my hand this.....22nd.....day of.....March..... 19..71.

Ernie S. Blackmon Clerk

No.....9759....

Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

.....BERT L. MADDEN.....

.....
Plaintiffs

vs.

.....TAYLOR WILKINS.....

.....
Defendants

SUMMONS AND COMPLAINT

Filed .. March 22nd 19 71 ..

..... Eunice B. Blackmon Clerk

..... none

.....
Plaintiff's Attorney

.....
Defendant's Attorney

Defendant lives at

.....
Recieved In Office

..... Mar. 23 1971

..... (Taylor Wilkins) Sheriff

I have executed this summons

this 19.....

by leaving a copy with

*Servise accepted
by Taylor Wilkins Sheriff
3-24-71
Taylor Wilkins
Sheriff*

..... Sheriff

..... Deputy Sheriff