2223

DETINUE BOND (Box 618-2) MARSHALL & DRUCE

The State of Alabama, BALDWIN County

CIRCUIT COURT

Know all Men by these Presents, That we, J. A. MILLER, JR., HOWARD SCOTT, and R. E. MASSEY,

are held and firmly bound unto J. E. DUCK

in the sum of ONE HUNDRED AND NO/100 Dollars,

for which payment, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this ..... day of February, 19 54

The Condition of the above Obligation is such, That whereas, the above bound J. A. MILLER, JR.

has this day commenced suit in the Circuit Court of Baldwin County, against the said J. E. DUCK

for the recovery of the following property, to wit:

One 1952 CHEVROLET half ton pick-up truck, Motor No. 8XPF-8102

and having made affidavit that the property sued for belongs to him, and entering into this bond, has obtained an order requiring any Sheriff of the State aforesaid to take the said property sued for into his possession:

Now, if the said J. A. MILLER, JR. shall fail on said suit, and pay the Defendant all such costs and damages as he ~~may~~ sustain by the wrongful complaint, then this obligation to be void; otherwise to remain in full force and effect.

J. A. Miller (L. S.)

Howard Scott (L. S.)

R. E. Massey (L. S.)

(L. S.)

Approved this 2nd day of ~~February~~ April, 1954

Alice J. Henson, Clerk.

Code 1940, Title 7, Sec. 918.

AFFIDAVIT IN DETINUE

THE STATE OF ALABAMA, ... COUNTY

Before me, ROBERT H. MAXWELL, a Notary Public in and for the State of Alabama at Large, personally appeared J. A. MILLER, JR., who, having been by me duly sworn, deposes and says that the following property, to wit:

One 1952 CHEVROLET half ton pick-up truck, Motor No. 8XPF-8102

for the recovery of which he has instituted suit this day in the Circuit Court of Baldwin County against J. E. DUCK

is the property of him, the affiant.

J. A. Miller Jr.

Sworn to and subscribed before me this day of February, 1954.

Robert H. Maxwell

The State of Alabama, County.

CIRCUIT COURT

J. A. Miller

To

J. E. Duck

AFFIDAVIT AND BOND IN DETINUE

Filed day of, 19, Clerk.

FILED APR 2 1954 ALICE L. HICK, Clerk

(Box 618-2) MARSHALL & BRUCE

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

I certify that this is a good and sufficient bond in the amount of $100.00, and that the sureties thereon are well worth the amount of the said bond above their exemptions and if presented to me in my county, I would approve the same

B. B. Dunlap

Clerk, Circuit Court of Washington County, Alabama

J. A. MILLER JR.	)	IN THE CIRCUIT COURT OF
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA,
VS	)	AT LAW
J. E. DUCK	)	CASE NO._____
DEFENDANT	)	

STATE OF ALABAMA

BALDWIN COUNTY

TO THE SHERIFF OF SAID COUNTY, GREETING:

The Plaintiff having given bond and made affidavit as required by law, you are hereby required to take the property mentioned in the complaint into your possession, unless the defendant give bond payable to the plaintiff, with security in double the value of the property, conditioned that if the defendant is cast in the suit, he will, within thirty days thereafter, deliver the property to the plaintiff, and pay all costs and damages which may accrue from the detention thereof.

Witness my hand this 2 day of April, 1954.

Alice J. Duck
Clerk, Circuit Court, Baldwin County

Executed by serving a copy of the within summons and complaint on the defendant this 9 day of April, 1954.

Taylor Wilkins
Sheriff

By: Pat Sellers
Deputy Sheriff

Further executed by taking into my possession and storing at County Jail _____, property described within, naming 1952 Chevrolet ½ T Pick up truck as bailee.

This 9 day of April, 1954.

FILED
4-2-54
ALICE J. DUCK, Clerk

Taylor Wilkins
Sheriff

BY: Pat Sellers
Deputy Sheriff

The Defendant having failed to file bond in the time allowed by law, the Plaintiff files a good and sufficient bond and takes possession of the property sued for, on this ____ day of April, 1954.

&
Sheriff

By:
Deputy Sheriff

PLAINTIFF'S REPLEVY BOND IN ACTION OF DETINUE. (Box 619-2) 17839 MARSHALL & BRUCE-BIRMINGHAM

THE STATE OF ALABAMA, BALDWIN County. } Circuit Court.

Know all Men by these Presents, That we, J. A. MILLER, JR., ✓ HOWARD SCOTT, and ✓ R. E. MASSEY

are held and firmly bound unto J. E. DUCK

in the sum of TWO THOUSAND AND NO/100 Dollars, for which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals, and dated this day of , 19 54

The Condition of this Obligation is Such, That whereas, the above named J. A. MILLER, JR. commenced an action of Detinue against the said J. E. DUCK in the Circuit Court of said County, on the 1 day of February, 19 54, by the indorsement of the Clerk of said Court on the summons in said action, any Sheriff of the State of Alabama was commanded to take into his possession the following described property, to wit:

One 1952 CHEVROLET half ton pick-up truck, Motor No. 8XPF-8102.

which said summons, together with said indorsement thereon, was, on the day of February, 19 54, placed in the hands of Taylor Wilkins as Sheriff of said County, for due execution thereof, and on the day of , 19 54, was executed by said Sheriff taking possession of the following property, to wit:

One 1952 CHEVROLET half ton pick-up truck, Motor No. 8XPF-8102

FILED
4-19-54
ALICE J. DUCK, Clerk

and, whereas, the said J. E. DUCK the Defendant has neglected, for five days thereafter, to give bond and take possession of said property as authorized by law, and upon the execution of this Bond the said Sheriff

Code 1940 Tit. 7, Sec. 920

has delivered to the said ~~Defendant~~ Plaintiff the said property taken into his possession: Now, therefore, if

J. A. MILLER, JR.

the Plaintiff aforesaid, shall deliver the said property to J. E. DUCK

the said Defendant within thirty days after judgment, and pay damages for the detention of the property, and costs of suit, in case he shall fail in said suit, then this obligation to be void, otherwise to remain in full force. And we and each of us hereby waive all right of claim of exemption we or either of us have now, or may hereafter have, under the Constitution and laws of Alabama; and we hereby severally certify that we have property free from all incumbrance to the full amount of the above Bond.

Witness our hands and seals, this day of , 19 54

(Seal.)

(Seal.)

(Seal.)

(Seal.)

Approved 15th day of April, 19 54

Sheriff.

No. 22223

The State of Alabama,

County.

Court.

vs.

Plaintiff

Defendant

PLAINTIFF'S REPLEVY BOND IN ACTION OF DETINUE

Filed this 19th day of , 19 54

Clerk.

(Box 619-2) MARSHALL & BRUCE-BIRMINGHAM

To the Sheriff of Baldwin County, Alabama:

I certify that the attached is a good and sufficient bond in the amount of $2,000.00, and that the sureties thereon are well worth the amount of the said bond above their exemptions and if presented to me in my county, I would approve the same.

Clerk of the Circuit Court of Washington County, Ala.

PLAINTIFF'S REPLEVY BOND IN ACTION OF DETINUE. (Box 619-2) 17839 MARSHALL & BRUCE-BIRMINGHAM

THE STATE OF ALABAMA, BALDWIN County. } Circuit Court.

Know all Men by these Presents, That we, J. A. MILLER, JR., HOWARD SCOTT, and R. E. MASSEY

are held and firmly bound unto J. E. DUCK

in the sum of TWO THOUSAND AND NO/100 Dollars, for which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals, and dated this ..... day of ....., 19 54

The Condition of this Obligation is Such, That whereas, the above named J. A. MILLER, JR. commenced an action of Detinue against the said J. E. DUCK in the Circuit Court of said County, on the 1 day of February, 19 54, by the indorsement of the Clerk of said Court on the summons in said action, any Sheriff of the State of Alabama was commanded to take into his possession the following described property, to wit:

One 1952 CHEVROLET half ton pick-up truck, Motor No. 8XPF-8102.

which said summons, together with said indorsement thereon, was, on the ..... day of February, 19 54, placed in the hands of Taylor Wilkins as Sheriff of said County, for due execution thereof, and on the ..... day of ....., 19 54, was executed by said Sheriff taking possession of the following property, to wit:

One 1952 CHEVROLET half ton pick-up truck, Motor No. 8XPF-8102

FILED
4-19-54
ALICE J. DUCK, Clerk

and, whereas, the said J. E. DUCK the Defendant has neglected, for five days thereafter, to give bond and take possession of said property as authorized by law, and upon the execution of this Bond the said Sheriff

Code 1940 Tit. 7, Sec. 920

DEMURRERS

J. A. MILLER, JR., PLAINTIFF	)	IN THE CIRCUIT COURT OF
VS	)	BALDWIN COUNTY, ALABAMA,
J. E. DUCK DEFENDANT	)	AT LAW

Comes now the Plaintiff in the above styled cause and demurs to the Defendant's Pleas of set off and for grounds of demurrer says as follows:

1.

That Plea Two sounds in damages only and cannot be pleaded by way of set off.

2.

Plea Three sounds in damages only and cannot be pleaded by way of set off.

3.

Plea Four sounds in damages only and cannot be pleaded by way of set off.

4.

Plea Five is no defense to this suit.

FILED
7-27-54
ALICE J. DUCK, Clerk

Wilters & Brantley

BY: Delbert M Brantley
ATTorney for Plaintiff

2223

J. A. MILLER JR.

PLAINTIFF

VS

J. E. DUCK

DEFENDANT

DEMURRERS

FILED
JUL 27 1954
ALICE I. BUCK, Clerk

J. A. MILLER, JR.,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
J. E. DUCK,	)	AT LAW NO._____
Defendant.	)	

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and each and every count thereof separately and severally and assigns the following separate and several grounds, viz:

1. That said count does not state a cause of action.

2. That Count One of said Complaint is not in proper form.

3. That Count One in said Complaint is not in Code form.

Stone & Stone
Attorneys for Defendant.

Defendant demands a trial of this cause by jury.

Stone & Stone
Attorneys for Defendant.

FILED
4-10-54
ALICE J. DUCK, Clerk

DEMURRER

J. A. MILLER, JR.,

Plaintiff,

vs.

J. E. DUCK,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO. 2223

Filed this 10th day of April, 1954.

Alice J. Duck

Clerk.

J. A. MILLER, JR., Plaintiff,	X	
vs.	X	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW.
J. E. DUCK, Defendant.	X	

Comes the Defendant in the above styled cause and for plea to the Complaint filed in said cause and each and every count thereof separately and severally and pleads the following separate and several pleas, viz:

1. That the allegations of the Complaint are untrue.

2. That the truck sued for had been sold by the Defendant to the Plaintiff while the Defendant was employed by the Plaintiff and said truck was left with the Defendant to be used in connection with the business of the Plaintiff until the Defendant, because of serious illness, was compelled to quit the employment of the Plaintiff. That while such Defendant was employed by the Plaintiff the Defendant expended for repairs on such truck, at the request of the Plaintiff, the sum of Thirty Dollars ($30.00), which the Plaintiff refused to pay the Defendant when demand was made upon such Plaintiff by the Defendant therefor, and the Defendant claims of the Plaintiff by way of set-off the sum of Thirty Dollars ($30.00) due by the Plaintiff to the Defendant which sum of money together with interest thereon is due and unpaid.

3. The Defendant, as a defense to the action of the Plaintiff, saith that, at the time said action was commenced, the Plaintif was indebted to him in the sum of One Hundred Twenty-seven and 50/100 Dollars ($127.50) as storage for the truck sued for by the Plaintiff which he hereby offers to set off against the demand of the Plaintiff which sum of money together with interest thereon is due and unpaid.

4. The Defendant, as a defense to the action of the Plainti saith that, at the time said action was commenced, the Plaintiff was indebted to him in the sum of Ten Thousand Dollars ($10,000.00) as damages for the Plaintiff falsely and maliciously charging the Defen-

dant with being a thief by the Plaintiff speaking of and concerning the Defendant in the presence of divers persons in substance as follows: "You are a thief; you have stolen my truck.", which words were spoken by the Plaintiff to the Defendant in the repair shop where the Defendant was then employed in Bay Minette, Alabama, on, to-wit, July 18, 1953, which the Defendant hereby offers to set off against the demand of the Plaintiff and he claims judgment for the excess.

5. The Defendant says that on, to-wit, July 18, 1953, he offered to deliver the truck sued for to the Plaintiff and upon the Plaintiff's refusing to accept the same he stored said truck and no longer used the same. That later, the exact date being unknown to th Defendant, the Plaintiff's attorney, Tolbert Brantley, demanded that the Defendant surrender possession of the truck to the Plaintiff and the Defendant, through his attorney, John Chason, offered to deliver such truck to the Plaintiff but the Plaintiff refused to accept the same. That the Defendant has been able, ready and willing to deliver such truck to the Plaintiff at all times since July 18, 1953.

Chason and Stone
Attorneys for Defendant.

FILED
6-11-54
ALICE J. DUCK, Clerk

2223

PLEAS

J. A. MILLER, JR.,

Plaintiff,

vs,

J. E. DUCK,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Filed this 11th day of June, 1954.

Alice J. Leach

Clerk.

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summons J. E. DUCK to appear before the Circuit Court of Baldwin County 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 to or plead to the complaint of J. A. MILLER JR.

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

Witness my hand this 2nd day of April, 1954.

Alice J. Duck
Clerk of the Circuit Court

- -

J. A. MILLER JR.,	)	IN THE CIRCUIT COURT OF
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA,
VS	)	AT LAW
J. E. DUCK	)	CASE NO._____
DEFENDANT	)	
	)	

1.

The Plaintiff claims of the Defendant the following described personal property, to-wit:

A 1952 Chevrolet ½ ton pick up truck, Motor No. 8XPF-8102, with the value for the use and hire thereof from, to-wit, July 18, 1953.

2.

The Plaintiff claims of the Defendant NINE HUNDRED ($900.00) DOLLARS damages for wrongfully taking the following goods and chattels, the property of the Plaintiff, viz:

A 1952 Chevrolet ½ ton pick up truck, Motor No. 8XPF-8102.

Walter J. Brantley
by: Gilbert M. Brantley
Attorney for the Plaintiff

FILED
4-2-54

ALICE J. DUCK, Clerk

Received 2 day of April 1954
and on 7 day of april 1954
served a copy of the within
on
by service on J. E. Duck

TAYLOR WILKINS, Sheriff
By Pete Sellers D. S.

J. A. Milligan.
vs
J. E. Duck

FILED
APR 2 1954
ALICE J. DUCK, Clerk

COMPLAINT AS AMENDED

J. A. MILLER JR.,	)	IN THE CIRCUIT COURT OF
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA,
VS	)	AT LAW
J. E. DUCK	)	
DEFENDANT	)	

Comes now the Plaintiff in the above styled cause and amends Count One thereof to read as follows:

1.

The Plaintiff claims of the Defendant the following described personal property, to-wit:

A 1952 Chevrolet 1/2 ton pick up truck Motor No. 8XPF-8102, with the value for the hire or use thereof during the detention, to-wit, from the 18th day of July, 1953.

Wilters & Brantley

BY: Delbert M Brantley
Attorney for the Plaintiff

FILED
6-10-54
ALICE L. DUCK, Clerk

2223

J. A. MILLER JR.

PLAINTIFF

VS

J. E. DUCK

DEFENDANT

COMPLAINT AS AMENDED

FILED
JUN 10 1954
ALICE J. DUCK, Clerk

2233

SILVERHILL FARMERS ASSOCIATION, INC., A Corporation, Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
LOUIS R. PHILLIPS, Defendant.	)	AT LAW

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and each and every Count thereof separately and severally and assigns the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.

2. That it is affirmatively shown by Count One of said Complaint that it is barred by the Statutes of Limitations.

3. That it is affirmatively shown by Count Two of said Complaint that it is barred by the Statutes of Limitations.

4. That Count Three of said Complaint is not in Code form.

5. That Count Three of said Complaint fails to allege that said account was stated between the Plaintiff and the Defendant.

Mason & Stone
Attorneys for Defendant.

Defendant demands a trial of this cause by a jury.

Mason & Stone
Attorneys for Defendant.

FILED
7-21-54
ALICE J. DUCK, Clerk

Filed
7-21-54
alice J Duck, Clerk

No 2232

DEMURRER

SILVERHILL FARMERS ASSOCIATION,
INC., A Corporation,

Plaintiff,

vs.

LOUIS R. PHILLIPS,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Filed this 21 day of July, 1954.

Alice J. Heinck
Clerk.