

2283

MRS. LILLIE ARDIS and  
JAMES P. ARDIS,

Plaintiffs,

vs.

LUKE HADLEY,

Defendant.

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

Comes now the Plaintiff, James P. Ardis, and for answer to the Interrogatories propounded to him by the Defendant in the above styled cause on July 6, 1954, says as follows:

1. His name is James P. Ardis, he is twenty-seven years of age, his present address is Star Route A, Box 159, Atmore, Alabama, and his occupation is farmer and welder at Alabama Dry Docks.
2. The land is a sandy loam with clay sub-soil.
3. 6.7 acres.
4. Approximately eight acres.
5. Approximately one and one-fourth acres.
6. No.
7. One-half acre.
8. None.
9. One-half interest.
10. Approximately one bushel of corn, 74 pounds of cotton seed, 30 pounds of peanuts and 7 pounds of butter-beans.
11. We used 4-10-7 fertilizer and we do not have the exact amount of fertilizer used under each crop. We also used soda.
12. The corn was approximately a month old and the rest of the crops were approximately three weeks old.

James P. Ardis

STATE OF ALABAMA

BALDWIN COUNTY

Before me, John A. Ardis, a Notary Public, in and for said County in said State, personally appeared James P. Ardis, who is known to me and who, after being by me first duly and legally

sworn, did depose and say under oath as follows:

That his name is James P. Ardis and his name is signed to the foregoing answers to the Interrogatories propounded to him by Luke Hadley and that he has read said answers and that they are true and correct.

Dated this 30 day of August, 1954.

James P. Ardis  
James P. Ardis

Sworn to and subscribed before  
me this 30 day of August, 1954.

John H. Henson  
Notary Public, Baldwin County, Alabama

MRS. LILLIE ARDIS and  
JAMES P. ARDIS,

PLAINTIFFS,

VS

LUKE HADLEY,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

INTERROGATORIES PROPOUNDED BY DEFENDANT TO PLAINTIFFS:

Comes now the Defendant by his Attorney, and Affidavit having been made by C. LeNoir Thompson, as Attorney for Luke Hadley, as required by law, propounds the following interrogatories to the Plaintiffs, Mrs. Lillie Ardis and James P. Ardis.

As to Mrs. Lillie Ardis:

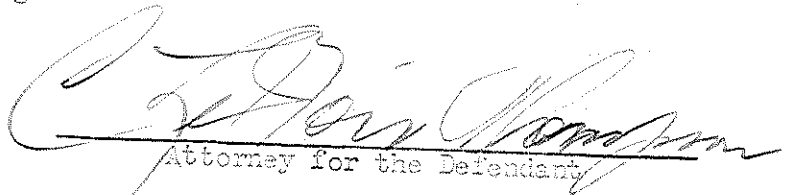
1. Please state your full name, age, present address and occupation.
2. Please describe the land occupied by the crops alleged to have been damaged in your complaint.
3. Please state the exact acreage planted in cotton.
4. Please state the exact acreage planted in corn.
5. Please state the exact acreage planted in peanuts.
6. Please state if these peanuts are planted under a peanut allotment.
7. Please state the exact acreage planted in butterbeans.
8. Please state your exact interest in the land on which these crops are planted.
9. Please state your exact interest in each crop named herein.
10. Please state the exact amount of seeds used in planting each of the crops named herein.
11. Please state the analysis of fertilizer and the exact amount used on each crop.

12. Please state the age of each crop named herein at the time the cattle overran the field as alleged.

AS TO JAMES P. ARDIS:

1. Please state your full name, age, present address and occupation.
2. Please describe the land occupied by the crops alleged to have been damaged in your complaint.
3. Please state the exact acreage planted in cotton.
4. Please state the exact acreage planted in corn.

5. Please state the exact acreage planted in peanuts.
6. Please state if these peanuts are planted under a peanut allotment.
7. Please state the exact acreage planted in butter-beans.
8. Please state your exact interest in the land on which these crops are planted.
9. Please state your exact interest in each crop named herein.
10. Please state the exact amount of seeds used in planting each of the crops named herein.
11. Please state the analysis of fertilizer and the exact amount used on each crop.
12. Please state the age of each crop named herein at the time the cattle overran the field as alleged.

  
Attorney for the Defendant

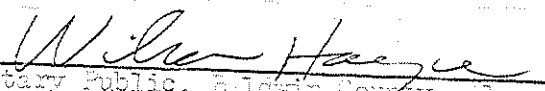
STATE OF ALABAMA

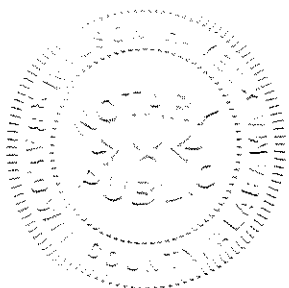
BALDWIN COUNTY

Before me Wilson Hayes, a Notary Public, in and for said County in said State, personally appeared C. LeNoir Thompson, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That he is the attorney of record for the Defendant in the above styled cause and that if the foregoing Interrogatories propounded to the Plaintiffs therein are truly answered that the answers thereto will be material evidence in said cause.

Sworn to and subscribed before me this 6th day of July, 1954.

  
Notary Public, Baldwin County, Ala.



MRS. LILLIE ARDIS and  
JAMES P. ARDIS,

Plaintiffs,

vs.

LUKE HADLEY,

Defendant.

I

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

I

AT LAW.

I

I

Comes now the Plaintiff, Mrs. Lillie Ardis, and for answer to the Interrogatories propounded to her by the Defendant in the above styled cause on July 6, 1954, says as follows:

1. Her name is Mrs. Lillie Ardis, she is fifty-eight years of age, her present address is Star Route A, Box 159, Atmore, Alabama, and her occupation is farmer and housewife.

2. The land is a sandy loam with clay sub-soil.

3. 6.7 acres.

4. Approximately eight acres.

5. Approximately one and one-fourth acres.

6. No.

7. one-half acre.

8. Owner.

9. One-half interest.

10. Approximately one bushel of corn, 74 pounds of cotton seed, 30 pounds of peanuts and 7 pounds of butter-beans.

11. We used 4-10-7 fertilizer and we do not have the exact amount of fertilizer used under each crop. We also used soda.

12. The corn was approximately a month old and the rest of the crops were approximately three weeks old.

Mrs Lillie Ardis

STATE OF ALABAMA

BALDWIN COUNTY

Before me, John A. Adams, a Notary Public, in and for said County in said State, personally appeared Mrs. Lillie Ardis, who is known to me and who, after being by me first duly and

legally sworn, did depose and say under oath as follows:

That her name is Mrs. Lillie Ardis and her name is signed to the foregoing answers to the Interrogatories propounded to her by Luke Hadley and that she has read said answers and that they are true and correct.

Dated this 30 day of August, 1954.

Mrs. Lillie Ardis  
Mrs. Lillie Ardis

Sworn to and subscribed before

me this 30 day of August, 1954.

J. B. Hudson  
Notary Public, Baldwin County, Alabama

MRS. LILLIE ARDIS and  
JAMES P. ARDIS,  
  
PLAINTIFF,  
  
VS  
  
LUKE HADLEY,  
  
DEFENDANT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
  
AT LAW

Comes the Defendant in the above styled cause and for answer to the complaint filed in said cause shows unto this Honorable Court as follows:

1.

Not guilty.

2.

That Plaintiffs waived damages in the release of three cattle in the settlement of the said detinue suit heretofore filed in said cause; in that claim of damage was set out as a defense and said cause having been settled between the parties.

3.

Comes the Defendant, Luke Hadley, and claims of Plaintiffs, Mrs. Lillie Ardis and James P. Ardis the sum of Twelve Hundred Fifty (\$1250.00) Dollars damages for that, heretofore, on, to-wit, 9th day of May, 1954, that the said Mrs. Lillie Ardis and James P. Ardis had possession of thirteen (13) head of cattle, property of the Defendant, which cattle are identified by the following marks and brands, crop and half crop in one ear and two swallow forks and underbit in other, branded twenty-six; and that of the said thirteen (13) head of cattle the said Plaintiffs having possession of same did dispose of ten (10) head of said cattle unlawfully, all to the damage of your defendant.

4.

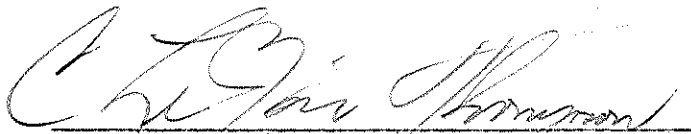
That the said Plaintiffs are indebted to the said Defendant and without, in any way, confessing Plaintiffs' claim and demand as a defense to the action of the Plaintiffs, says: At the time said action was commenced the Plaintiffs were indebted to the Defendant in the sum of Twelve Hundred Fifty (\$1250.00) Dollars for this; that on to-wit, May 9, 1954, the conversion by the Plaintiffs of ten head of cattle marked or branded as follows: crop and half crop in one ear and two swallow forks and underbit in other, branded twenty-six, which cattle were property of the Defendant, for all of which the Defendant hereby offers to set off against the demand of the said

Plaintiffs and he claims judgment of the excess.

BOOK 001 PAGE 397

5.

That said Plaintiffs are indebted to the said Defendant herein the sum of Twelve Hundred Fifty (\$1250.00) Dollars for the conversion of ten (10) head of cattle marked or branded: crop and half crop in one ear and two swallow forks and underbit in other, branded twenty-six, property of the Defendant, which cattle by the said Plaintiffs in which amount is now due and unpaid and which the Defendant hereby offers to set off against the demand of the Plaintiffs, and he claims judgment for the excess.

  
Attorney for the Defendant.

FILED

7-24-54

ALICE L. DUCK, Clerk



AMENDED ANSWER

MRS. LILLIE ARDIS and  
JAMES P. ARDIS,  
  
PLAINTIFFS,  
  
VS  
  
LUKE HADLEY,  
  
DEFENDANT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
  
AT LAW

Comes the Defendant and amends his answer heretofore filed in said cause to read as follows:

MRS. LILLIE ARDIS and  
JAMES P. ARDIS,  
  
PLAINTIFFS,  
  
VS  
  
LUKE HADLEY,  
  
DEFENDANT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
  
AT LAW

Comes the Defendant in the above styled cause and for answer to the complaint filed in said cause shows unto this Honorable Court as follows:

1.

✓ Not guilty.

2.

Comes the Defendant, Luke Hadley, and claims of Plaintiffs, Mrs. Lillie Ardis and James P. Ardis, the sum of Twelve Hundred Fifty (\$1250.00) Dollars damages for that, heretofore, on, to-wit, 9th day of May, 1954, that the said Mrs. Lillie Ardis and James P. Ardis had possession of thirteen (13) head of cattle, property of the Defendant, which cattle are identified by the following marks and brands; crop and half crop in one ear and two swallow forks and underbit in other, branded twenty-six; and that of the said thirteen (13) head of cattle the said Plaintiffs having possession of same did dispose of ten (10) head of said cattle unlawfully, all to the damage of your Defendant.

3.

✓ That the said Plaintiffs are indebted to the said Defendant and without, in any way, confessing Plaintiffs' claim and demand as a defense to the

action of the Plaintiffs, says: At the time said action was commenced the Plaintiffs were indebted to the Defendant in the sum of Twelve Hundred Fifty (\$1250.00) Dollars for this; that on, to-wit, May 9, 1954, the conversion by the Plaintiffs of ten head of cattle marked or branded as follows: Crop and half crop in one ear and two swallow forks and underbit in other, branded twenty-six, which cattle were property of the Defendant, for all of which the Defendant hereby offers to set off against the demand of the said Plaintiffs and he claims judgment of the excess.

4.

That the Plaintiffs are indebted to the said Defendant, and without in anyway confessing Plaintiffs' claim and demand as a defense to the action of the Plaintiffs' says, at the time said action was commenced the Plaintiffs were indebted to the Defendant in the sum of Twelve Hundred Fifty (\$1250.00) Dollars for this: That on, to-wit, May 9, 1954, the said Plaintiffs after having denied the Defendant possession of said cattle did allow or permit said cattle to depart from the premises where held on the Plaintiffs' land by said Plaintiffs; which cattle are marked as follows: Crop and half crop in one ear and two swallow forks and underbit in other, branded twenty-six, to the loss of said Defendant, which cattle were property of the Defendant for all of which the Defendant hereby offers to set off against the demand of the said Plaintiffs and he claims judgment therefor.

5.

That the Plaintiffs notified the Defendant by written notice of the taking, by the Plaintiffs, of thirteen (13) head of cattle on, to-wit, May 9th, 1954, which cattle were marked as follows: Crop and half crop in one ear and two swallow forks and underbit in other, branded twenty-six, and that the said Plaintiffs failed or refused to report the escape of said cattle as provided in Section 41, Title 3 of the Code of Alabama of 1940, all to the loss of said Defendant, which cattle were the property of said Defendant, to the value of Twelve Hundred Fifty (\$1250.00) Dollars, for all of which said Defendant hereby offers to set off against the demand of the said Plaintiffs and claims judgment therefor.

BOOK 001 PAGE 399



MRS. LILLIE ARDIS and  
JAMES P. ARDIS,  
  
PLAINTIFFS,  
  
VS  
  
LUKE HADLEY,  
  
DEFENDANT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
  
AT LAW

Comes the Defendant in the above styled cause and demurs to the replication of the Plaintiffs filed by the Plaintiffs in said cause on September 8, 1954, separately and severally, and assigns the following separate and several grounds, viz:

1.

That said replication does not state a defense to the said amended Plea Three.

2.

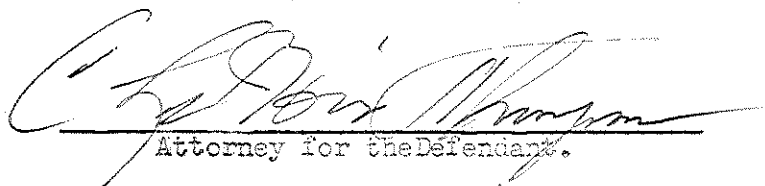
That said replication is in the alternative.

3.

That the allegation, the Plaintiffs have not derive any benefit is but a conclusion of the pleader.

4.

That a multiplicity of statements are set up under one count.

  
Attorney for the Defendant.

FILED

9-9-54

ALICE J. DUCK, Clerk

MRS. LILLIE ARDIS and  
JAMES P. ARDIS,  
  
PLAINTIFFS,  
  
VS  
  
LUKE HADLEY,  
  
DEFENDANT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
  
AT LAW

Comes the Defendant in the above styled cause and for demurrer to said complaint, and each allegation therein, separately and severally says as follows:

1.

That for aught alleged in said complaint there are no allegations as to how many acres of cotton was damaged.

2.

That for aught alleged in said complaint there are no allegations as to how many acres of corn was damaged.

3.

That for aught alleged in said complaint there are no allegations as to how many acres of peanuts were damaged.

4.

That for aught alleged in said complaint there are no allegations as to how many acres of butter beans were damaged.

5.

That said complaint fails to state a cause of action.

6.

That said complaint fails to state the interest of each plaintiff to said cause in crops alleged.

7.

That said complaint fails to state whether or not said peanuts are grown under the allotment or only for feed.

FILED

6-29-54

ALICE J. DUCK, Clerk.

*[Signature]*  
Attorney for the Defendant.

MRS. LILLIE ARDIS and  
JAMES P. ARDIS,

Plaintiffs,

vs.

LUKE HADLEY,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Come the Plaintiffs in the above styled cause and demur to Pleas 2, 3, 4, 5, and 6, filed by the Defendant in said cause on August 25, 1954, separately and severally, and assign the following separate and several grounds, viz:

1. That said Plea does not state a defense to the cause of action.
2. That Plea 2 is not a proper plea of set-off.
3. That Plea 2 sounds in damages merely and is not allowed by the laws of the State of Alabama as provided in Title 7, Section 350 of the 1940 Code of Alabama.
4. For aught that appears from Plea 2 the Defendant now has possession of the cattle referred to therein.
5. That said Plea does not allege when the Plaintiffs disposed of such cattle.
6. That Plea 3 is a plea of set-off and sounds in damages merely and is not allowed by the laws of the State of Alabama.
7. For aught that appears from Plea 3 the Defendant now has possession of the cattle referred to therein.
8. That Plea 4 sounds in damages merely and is not a proper set-off against Plaintiffs' demand.
9. That the allegation in Plea 4 that the Plaintiffs allowed or permitted the cattle to depart from their premises is but a conclusion of the Pleader and does not state a defense to the cause of action.

10. For aught that appears from Plea 4 the Defendant took possession of the cattle when they departed from the premises of the Plaintiffs.

11. That Plea 5 is a plea of set-off which sounds in damages merely and is not allowed by the laws of the State of Alabama.

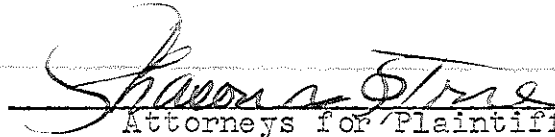
12. That the allegation in Plea 5 that the Plaintiffs failed or refused to report the escape of the cattle is but a conclusion of the Pleader and does not allege that the Defendant was caused any damages thereby.

13. For aught that appears from Plea 5 Plaintiffs were not required to give the notice referred to therein.

14. That Plea 6 is but a conclusion of the Pleader and states no defense to the cause of action.

15. For aught that appears from Plea 6 the Plaintiffs are not restricted by the Section of the Code referred to therein from proceeding as they have in this case.

16. That Plea 6 is vague and indefinite.

  
Attorneys for Plaintiffs.

FILED

9-1-54

ALICE L. DUCK, Clerk

MRS. LILLIE ARDIS and  
JAMES P. ARDIS,

Plaintiffs,

vs.

LUKE HADLEY,

Defendant.

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

Come the Plaintiffs in the above styled cause and demur to pleas 2, 3, 4, and 5 filed by the Defendant in the above styled cause separately and severally and assign the following separate and several grounds, viz:

1. That said plea does not state a defense to the cause of action.
2. That said plea is vague and indefinite.
3. That plea 2 fails to properly set out reference to the detinue suit.
4. That plea 2 is not a proper plea of res judicata.
5. That said plea is not a proper plea of set-off.
6. That plea 3 fails to allege how the Plaintiffs disposed of the cattle referred to therein.
7. That said plea fails to allege that the Defendant does not have possession of said cattle at this time.

FILED

7-26-54

ALICE J. DUCK, Clerk

*Robert J. Stone*  
Attorneys for Plaintiffs.



MRS. LILLIE ARDIS and  
JAMES P. ARDIS,

PLAINTIFF,

VS

LUKE HADLEY,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA


AT LAW.

Comes the Defendant in the above styled cause and joins issue on  
the replication filed by the Plaintiffs in said cause.

FILED

9-9-54

ALICE J. DUCK, Clerk

  
Attorney for the Defendant.



STATE OF ALABAMA }  
BALDWIN COUNTY }

IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Luke Hadley 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 same, then and there to answer the complaint of Mrs. Lillie Ardis and James P. Ardis.

Witness my hand this 31st day of May, 1954.

Reice J. Leake  
Clerk.

MRS. LILLIE ARDIS and JAMES  
P. ARDIS,

Plaintiffs,

vs.

LUKE HADLEY,

Defendant.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

COUNT ONE:

The Plaintiffs claim of the Defendant the sum of One Thousand Dollars (\$1,000.00) as damages and such Plaintiffs aver that they are the joint owners of an outstanding crop of cotton, corn, peanuts and butter beans, situated upon the West half of the Northeast Quarter and West half of East half of Northeast Quarter of Section Two, Township One North, Range Four East, in Baldwin County, Alabama, and that the Defendant is the owner and has the custody and control of the following described cattle, to-wit: thirteen (13) head of range cattle, marked crop and half crop in one ear and two swallow forks and underbit in the other ear, branded 26, and that the said Defendant, on, to-wit, May 8, 1954, did permit said cattle to go uncontrolled upon said crop of the Plaintiffs and

said cattle did then and there tramp down and destroy said crop of the Plaintiffs, to the Plaintiffs' damage in the sum of One Thousand Dollars (\$1,000.00) for which the Plaintiffs bring this suit.

  
Attorneys for Plaintiffs.

Plaintiffs demand a trial  
of this cause by a jury.

  
Attorneys for Plaintiffs.

FILED

5-31-54

ALICE J. DUCK, Clerk

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# JURY LIST

Fall Term, September 13th, 1954

NO. NAME OCCUPATION ADDRESS

~~1 George Garner, reserve flt., Stockton~~

2 B. Gilbert, mechanic, Bay Minette

~~3 Carol Dennis, fisherman, Bon Secour~~

~~4 Max Davis, merchant, Foley~~

~~5 James Nelson, fisherman, Bon Secour~~

6 J. W. Nelson, mechanic, Daphne

~~7 Arthur Clink, dairyman, Fairhope~~

~~8 Charles Bishop, slaughter pen, Fairhope~~

9 Elmer Kinsey, Jr., mechanic, Foley

10 Jesse Burke, merchant, Fairhope

~~11 Hiram C. Taylor, farmer, Bay Minette~~

12 Clarence V. Dryer, pottery, Daphne

~~13 Dorris Dukes, restaurant, Foley~~

14 John R. Soesbe, mechanic, Foley

~~15 Mutt Roberson, laborer, Robertsdale~~

~~16 Roy Mahathy, defense, Stapleton~~

17 Vincent J. Kline, garage owner, Fairhope

~~18 A. C. Allegri, Jr., bookkeeper, Loxley~~

~~19 Alton Crane, mechanic, Stockton~~

~~20 Frank J. Lentner, clerk, Summerdale~~

21 Einer Mikkelson, farmer, Summerdale

~~22 G. O. Votava, farmer, Robertsdale~~

~~23 Charlie Barnett, farmer, Gateswood~~

~~24 Thomas K. Jackson, farmer, Daphne~~

25 A. L. Craft, farmer, Daphne

26 Pete Fulford, fisherman, Bon Secour

~~27 A. W. Murrah, U. S. Govt., Bay Minette~~

28 Carl F. Yenne, farmer, Point Clear

29 Anthony Smith, bank clerk, Foley

~~30 Chester Jones, Western Auto, Robertsdale~~

~~31 Sherman F. Lemler, utilities mgr., Foley~~

~~32 D. O. Stuart, auditor, Foley~~

~~33 James T. Haden, salesman, Robertsdale~~

~~34 Joseph L. Luman, farmer, Lottie~~

~~35 W. B. Culver, nursery, Bay Minette~~

~~36 John A. Norris, farmer, Foley~~

~~37 A. C. Talbot, Filling Station, Bay Minette~~

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