

3115

BOOK 018

J. H. POSEY,  
Plaintiff

vs.

TAYLOR WILKINS, as Sheriff  
of Baldwin County, Alabama;  
TAYLOR WILKIN, individually  
and JOHN DOE, whose name is  
otherwise unknown, but when  
ascertained will be added by  
amendment.  
Defendants

) IN THE CIRCUIT COURT,  
)  
) TWENTY-FIRST JUDICIAL  
)  
) CIRCUIT OF ALABAMA,  
)  
) BALDWIN, COUNTY.  
)  
)  
)  
)  
)  
)

COUNT ONE: The plaintiff claims of the defendants the sum of Seventeen Hundred Fifty Dollars (\$1750.00) for that on, to-wit, the 1st of June, 1952, and at the time of the matter and things herein complained of, the defendant, Taylor Wilkins, was Sheriff of Baldwin County, Alabama, and as such Sheriff did commission in writing on, to-wit, 1st of June, 1952, the plaintiff as his subordinate, to-wit, a deputy sheriff of Baldwin County, Alabama, and agreed orally to pay him a salary of to-wit: \$100.00 per month for the first two or three months and thereafter \$150.00 per month, plus \$50.00 a month for automobile expenses until plaintiff's commission was revoked; and the plaintiff says that, although he has complied with all the provisions of said agreement and commission on his part, the defendant sheriff on June 17, 1953, revoked plaintiff's said commission and has failed to comply with the following provisions thereof, viz: He has failed to pay plaintiff's salary and automobile expense, as agreed, except that he did pay plaintiff one one occasion the sum of \$50.00 and also paid \$3.00 for the transfer of the license tag on plaintiff's said automobile, and the sum of Seventeen Hundred Fifty Dollars (\$1750.00) remains due and unpaid.

COUNT TWO: The plaintiff claims of the defendants the sum of Seventeen Hundred Fifty Dollars (\$1750.00) due from them for work and labor done for the defendants by the plaintiff during the following period of time from, to-wit; June 1, 1952, to, to-wit: June 17, 1953, at their request, which sum of money,

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with the interest thereon, is still unpaid.

COUNT THREE: The plaintiff claims of the defendants the sum of Seventeen Hundred Fifty Dollars (\$1750.00) due from them by account stated on to-wit: June 17, 1953, which sum of money with the interest thereon is due and unpaid.

*Dick Jordan*

DICK JORDAN, Plaintiff's Attorney  
1921 Third Avenue  
Bessemer, Alabama

For the trial of this cause the plaintiff demands a trial by Jury.

*Dick Jordan*

DICK JORDAN, Plaintiff's Attorney  
1921 Third Avenue  
Bessemer, Alabama

Defendant's Address:

Sheriff Taylor Wilkins  
Bay Minette, Alabama.

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA ) IN THE CIRCUIT COURT, TWENTY-FIRST  
BALDWIN COUNTY ) JUDICIAL CIRCUIT OF ALABAMA, BALDWIN  
COUNTY.

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

You are hereby commanded to summon Taylor Wilkins, as Sheriff of Baldwin County, Alabama; Taylor Wilkin, individually and John Doe, whose name is otherwise unknown, but when ascertained will be added by amendment, to appear before the Circuit Court, in and for said County at the place of holding same, within thirty days from the service of this Summons and Complaint, and there to answer, plead or demur to the complaints thereto annexed of J. H. Posey.

Witness my hand this 28 day of Dec 1956

Reice J. Luck  
Clerk

COMPLAINT IN THE CIRCUIT COURT

J. H. POSEY

PLAINTIFF

VS

TAYLOR WILKINS, AS  
SHERIFF OF BALDWIN  
COUNTY, ALABAMA, et al,

DEFENDANT

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

Comes now the Defendant in the above styled cause and for answer to the Plaintiff's Complaint says as follows:

1.

That the contract referred to in Count 1, not being in writing, is void under the Statute of Frauds.

2.

The Defendant for answer to Counts 1, 2, and 3 of the Complaint says that each count thereof is barred by the Statutes of Limitations of three years.

3.

For answer to Count 1 the Defendant says he did not enter into the contract set out in this count.

4.

For answer to Counts 1, 2, and 3 the Defendant says that he is not guilty of the matters alleged therein.

5.

For further answer to counts 1, 2, and 3 the Defendant says that he does not owe the Plaintiff the amount sued for nor any amount.

6.

For further answer to Count 3 the Defendant specifically denies that the Plaintiff rendered him an account for the amount set out therein on the date set out therein.

7.

For answer to Counts 1, 2, and 3 the Defendant says, not guilty.

*Taylor Wilkins*

STATE OF ALABAMA

BALDWIN COUNTY

Before me the undersigned authority personally appeared Taylor Wilkins, who after being first duly sworn deposes and says: I have read the foregoing pleas and they are true to the best of my knowledge, information and belief.

Taylor Wilkins

Sworn to and subscribed before me this 18 day of January, 1957.

Robert M. Brandy  
Notary Public,

J. H. POSEY

PLAINTIFF

VS

TAYLOR WILKINS, AS SHERIFF  
of Baldwin County, Alabama;  
TAYLOR WILKINS, individually  
and JOHN DOE, whose name is  
otherwise unknown, but when  
ascertained will be added by  
amendment,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

No. 3115

Comes now the Defendant, Taylor Wilkins, and demurs to the Plaintiff's  
complaint and each and every count thereof and for grounds of demurrers says:

1.

The Complaint fails to state a cause of action.

Wilters & Brantley

BY:

*Robert M. Brantley*  
Attorneys for the Defendant