Circuit Court, Baldwin County

9425

A.R. Me Farlance J. G. Raybon

PLAINTIFF

DEFENDANT

			BILL	OF COST	.,	
CLERK'S FEES/	į	Dollars	Cts.	AMOUNT BROUGHT FORWARD	s	Cts.
Issuing Summons and Complaint	25	4	(manage)	Transcript to Supreme Court, 15c per	4	Cts.
Copies of same, when over 200 words,				hundred words		
	30		60	Copies, 5c per hundred words	2	Section 1
Issuing Alias Summons and Complaint	25	y).nig	1	Citation to Appellee in Appeal, 20c per		
Entering Sheriff's Return on Summons				hundred words	-	
and Complaint (3-1)	20			Certificate with Seal, 50c. Without Seal 25	H	
	45 30		65			
Malring Certificate of Indoment	50			Taking Bond Not Above Mentioned 75		
Filing 7) 3-K (130) Trial and Incidents	10	earther, frequencial control of	10	Entering Order of Court not above named 30 Administering Oath 25		
Trial and Incidents	75		75	Taking Bond for Costs of Non-Resident		
Entering Judgment, or copy of same	30		N 5	Plaintiff 75		
Order for Continuance 5 1.4-16=12	10		50	Copy of any paper not above named, 15c		
	50		20	per hundred words		
	25		25	Filing Writ of Prohibition and Entering		
Issuing copy of same Entering Sheriff's Return on Execution,	50			Return 15		
	20		20	Issuing Writ of Prohibition 75		
15c per hundred words V Final Record, Toc per hundred words	-0	2	اسر	Issuing copies of same, 15c per 100 words Filing Mandamus and Entering Return. 15		
	30	, J.	75	Issuing Writ of Mandamus 75	ľ	
Order to Dismiss Cause	30			Issuing copies of same, 15c per 100 words		
	30			Total Clerk's Fees	COMPLETE	U (
Order Overruling Motion to Set Aside	[Í	Sheriff's fees	Ì	
	75			Serving and Returning Summons\$1 50	٦	Pol
31	30 30			Serving and Returning Subpoenas 65	_	i i
	30			Collecting Execution for Costs W 1 50	1	25
Order Overruling Motion to Set Aside	<i>y</i>			Serving and Returning Sci. Fa. Notice, etc. 65		
	30			Executing Writ of Possession 2 50		
Order for Notice to Non-Resident De-				Levying Attachment 3 00 Entering and Returning Attachment 25		
	30 🍹			Entering and Returning Execution 25		
Issuing Notice for Publication and Copy	9		Mindered and an artist of the second	Summoning and Returning Garnishee 1 50		
20c per hundred words				Taking and Approving Garnishee Bond. 75		
O.u.c. 14 mile	30 # 30 #			Serving and Returning Writs 1 50		
	30]			Serving and Returning Summons on		
	30 I	Ì		Forcible Entry 1 00		
	50 l			Executing Writ of Restitution in such cases 2 00		
Order for Leave to Amend Pleas	30 J			Taking and Approving Bonds of Every Kind 1 00		
3.1.1.	30 g			Taking and Approving Claim Bond 1 00		
	50 J	j) E	A COLUMN	Taking and Approving Forthcoming Bond 1 00		
	0		Ĭ	Taking and Approving Bail Bond 1 00		
· · · · · · · · · · · · · · · · · · ·	5			Taking and Approving Plaintiff's Deti-		
Issuing Copy of Interrogatories, 15c per	J		-	nue Bond		A CONTRACTOR OF THE CONTRACTOR
	0	P		Taking and Approving Defendant's Deti-		
	0	9		nue Bond 1 00 Making Deed 2 50		
	5			Serving Attachment for Contempt of Court 1 50		
Calling	50 J		. 7	Collecting Money on Execution		
Copies of same, 20c per hundred words	ZCOZ		· ·	Empanelling Jury		
Notice to Defendant in Garnishee on Sum-	0	200		Sheriff's Commission for Property Sold		844
mons, and copy, per hundred words 2 Swearing Garnishee and Recording An-	.0		-	under Attachment		
swer, 15c per hundred words, but not			Ž	Seizing Personal Property on Writ of		
	0			Detinue 3 00		
Filing Attachment I	0	25.00		Total Sheriff's Fees	Lugh	157
Issuing Attachment Writ and TakingBond 1 0	0	12.		RECAPITULATION		
Issuing Copies of Attachment Writ, I5c				Judgment Interest		
per hundred words	_	100 Mary 100		Clerk's Fees (- 4 30) 5 2 20 (D - 3 4)	10	60
	5			Sheriff's Fees(W-1.12) 5-3.00	•	
	5	. 9	C.	Justice's Fees	4	130
Issuing copies of same, 15c per 100 words)	The state of the s	NJ STATE OF THE ST	Constable's Fees		
Issuing Writ of Scieri Facias, or Notice		2000		Witnesses' Fees		STATE OF THE PERSON NAMED IN COLUMN NAMED IN C
in Nature of 7	5			Commissioners' Fees		1000
Issuing copies of same, 15c per 100 words				Printer's Fees		T. AVEC
Taking Supersedeas Bond and Filing same 7	5			Stenographer's Fees 5 00 Answer of Garnishee		
Taking Appeal Bond and Filing same 7	5		,	Trial Tax	7	00
TOTAL FORWARDED		/ () I	60	Total\$	<u> </u>	
	150				1 %	1/0
•						

Received payment thisday of	
-----------------------------	--

Circuit Court, Baldwin County No. 9425

R. R. mc Jarlane

J. G. Rayhow

Civil Cost Bill

Clerk.

Cay museul de Caux Simust planty con Harit aletoral Court More falforally and followeller aulas grandes Kerefry But the Conference of the state The think of the think the think 21.12 marcha lefalith detine Tops Cheiner Chy Bury and Kalman Bull of Hell Os Cey mine

4425

John grie 8,01/90 Cheh

Levery Continue Hand The plainty of the and The man of A soo is for a they that Describe how them to have before my of my order ten out much along a production very to less in talprin leave & Olympia to the prince ly of your 1491 as he had a regulation do The defendent Police de Estable When the best blacker of the transfer believes of following the by the defendance by the way on a little Let your Made and of free to be described from the form of the second of in the Oftender of them & minds for the month of which is They have for the contract of mobile of minutes the land of the first of t of Place Lift - The war in a complete the contraction of the contracti Lycense of amende they Charles were I have been witness to the first of the second witness of the second witnes Les The Acres of God william Ingention of

9423

Felix st 1925.

R. R. McFARLANE,) IN THE CIRCUIT COURT OF

Plaintiff,

BALDWIN COUNTY, ALABAMA,

COY MIXON ET AL,

Defendant

Comes the Defendant, Coy Mixon, and for further plea to the Plaintiff's complaint says:

- 1. That this cause of action as against him was barred by the statuate of limitation of one year.
- 2. Comes Coy Mixon, Defendant in the above styled cause and for separate answer to Plaintiff's complaint says that the action sued on was barred by the statuate of limitation of one year before the commencement of this suit against him.

9420

Felia april 8 et 1930 Hettel Such 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 Coy Mixon to appear before me 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 R. R. McFarlane.

Witness my hand this ______ day of January, 1934.

Clerk.

R. R. MCFARLAUE,

.Plaintisfg

-SY-

1° G' BYABOM'

• tasbastel

Now comes the Plaintiff in the afore said cause and amends his Complaint to read as follows:-

Plaintiff,

-SA-

H. H. MCFARLANE,

J. G. RAYBON and COY

Defendants.

Plaintiff claims of the Defendants the sum of Five HunLars (\$500.00) for that, heretofore, to-wit, on or about
day of April, 1951, the Defendant, J. G. Raybon, was the

BALDWIN COUNTY.

AMARAIA TO FIATS.

BALDWIN COUNTY.

STATE OF ALABAMA,

IN THE CIRCUIT COURT-LAW SIDE

IN THE CIRCUIT COURT-LAW SIDE

s no .smsds.lA .MeerO asyd to diron elim eno iniog s is .tiw-ot condition, was engaged in running said car along a public highway date afforesaid the said Coy Mixon while still in an intoxicated its management to the said Coy Mixon, and while, on the day and lic highways of Baldwin County, Alabama, at will, and entrusted -dug ent gaols Legord of moxim tot biss ent of res biss sid betaer vet, with the knowledge of such facts the Defendant, J. G. Raybon, car in the said Coy Mixon's care was a dangerous and deadly agency; facts were known to the Defendant, J. G. Raybon, so that said biss doinw , moitibnoo betsoixotai as ai sew aso biss to gaitner antemperate habits and a habitual drunkard, and at the time of the To mem a .need bed grol bas, and long aste edt no nowiw vol Coy Mixon, to operate, and Plaintiff further avers that the said tanguage of to the transported which he rented to the Defendant. the lst day of April, 1951, the Defendant, J. G. Raybon, was the dred Dollars (\$500.00) for that, heretofore, to-wit, on or about

Beldwin County, Alabama, the said Coy Mixon so negligently, heed-

public highway leading from Bay Minette to Perdido, Alabama, in

(page two)

lessly, wrecklessly, wrongfully and indifferently conducted himself, with respect to said car, that he ran the same against the automobile of the Plaintiff, which then and there the Plaintiff was driving lawfully along said highway. Plaintiff further avers that his automobile was damaged and that the damage complained of was the proximate result of the negligence of the Defendant, J.

G. Raybon, in permitting the said Coy Mixon to operate said automobile, and the negligence of the said Coy Mixon in running said automobile into and against Plaintiff's said automobile.

Aybomeys for Plaintiff.

R. R. MCFARLANE,

Plaintiff,

BALDWIN COUNTY, ALABAMA.

IN THE CIRCUIT COURT OF

AT LAW.

VS.

+ 1

J. G. RAYBON,

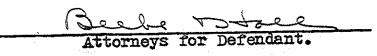
Defendant.

Comes the defendant in the above styled cause and demurs to the plaintiff's complaint filed in this cause, and for grounds of demurrer to COUNT NO. 1 says:

- 1. That said Count does not state a cause of action.
- 2. That said Count does not allege any facts showing any duty owing from the defendant to the plaintiff.
 - 3. That said Count is vague, indefinite and uncertain.
- 4. That said Count fails to allege that at the time of the accident the said Coy Mixon was the agent of the said J. G. Raybon or acting within the line and scope of his authority.

And for grounds of demurrer to COUNT NO. 2 says:

- 1. That said Count does not state a cause of action.
- 2. That said Count does not allege with sufficient particularity where the accident occurred.
- 3. That said Count does not allege any facts showing a duty owing from the defendant to the plaintiff.
- 4. That said Count does not allege who was operating the automobile at the time of the accident.
- 5. That said Count does not allege how or in what manner plaintiff's automobile was damaged.



R. R. MCFARLANE,

Plaintiff.

VS.

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

J. G. RAYBON,

Defendant.

Comes the Defendant, and for answer to the Complaint heretofore filed in this cause and each Count thereof, separately and severally, says:

- 1. That he is not guilty.
- 2. That the Plaintiff at the time of the alleged accident was guilty of negligence, which proximately contributed to his alleged injury.
- 5. That the Plaintiff was guilty of negligence, which contributed proximately to his alleged damages, in that he was at the time of the alleged injury operating his automobile upon the highways of the State of Alabama during the period from one-half hour after sunset to one-half hour before sunrise with only one lighted lamp displayed on the front of his automobile.
- 4. That the plaintiff was guilty of negligence, which contributed proximately to his alleged damages, in that he was at the time of the alleged accident operating his automobile upon the highways of the State of Alabama during the period from one-half hour after sunset to one-half hour before sunrise with only one head-light.
- 5. That the plaintiff was guilty of negligence, which proximately contributed to his alleged damages, in that at the time of the accident he was operating his automobile upon the highways of the State of Alabama at a time when there was not sufficient light to render clearly discernible a person on the highways at a distance of two hundred feet ahead with only one lamp displayed on the front of his automobile.
- 6. That the plaintiff was guilty of negligence, which proximately contributed to his alleged damages, in that at the

time of the accident he was operating his automobile upon the highways of the State of Alabama at a time when there was not sufficient light to render clearly discernible a person on the highways at a distance of two hundred feet ahead with only one head-light.

- 7. That the plaintiff was guilty of negligence, which proximately contributed to his alleged damages, in that at the time of the alleged accident the two cars were proceeding in opposite directions on the public highway leading from Bay Minette to Perdido in Baldwin County, Alabama, and the plaintiff attempted to pass defendant's car without giving or allowing the defendant's car at least one-half of the main traveled roadway.
- 8. That the plaintiff was guilty of negligence, which proximately contributed to the alleged damages, in that at the time of the alleged accident he was operating his car upon the highway leading from Bay Minette to Perdido in Beldwin County, Alabama, a two-way highway, on the left half of said highway, and thereby causing his car to collide with that of the defendant, which was proceeding on the right half of said highway in an opposite direction.
- 9. That the plaintiff was guilty of negligence, which proximately contributed to the alleged damages, in that at the time of the alleged accident he was operating his car upon the highway leading from Bay Minette to Perdido in Baldwin County, Alabama, a two-way highway, on the left half of said highway.
- 10. That the plaintiff was guilty of negligence, which proximately contributed to the alleged damages, in that at the time of the alleged accident he was operating his car upon the Bay Minette-Perdido highway in Baldwin County, Alabama, a two-way highway, on the wrong side thereof.
- Il. That the plaintiff was guilty of negligence, which proximately contributed to the alleged damages, in that he was at the time of the alleged accident operating a motor vehicle upon the Bay Minette-Perdido highway, a public highway of this state,

recklessly, in that it was at night and said motor vehicle which he was operating had only one head-light displayed.

- 12. That the plaintiff was guilty of negligence, which proximately contributed to the alleged damages, in that he was at the time of the alleged accident operating a motor vehicle upon the Bay Minette-Perdido highway, a public highway of this state, recklessly, in that it was at night and said motor vehicle which he was operating had only one head-light burning.
- proximately contributed to the alleged accident, in that at the time of the alleged accident he was operating a motor vehicle upon the Bay Minette-Perdido highway, a public highway of this state, recklessly, in that he was at that time operating his said motor vehicle upon the left or wrong side of said highway.

Beele + 34ale
Attorneys for Defendant.

STATE OF ALABAMA.

IN THE CIRCUIT COURT-LAW SIDE

BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. G. Raybon 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 R. R. McFarlane. Witness my hand this _____ day of June, 1931.

COMPLAIME

R. R. MCFARLANE.

Plaintiff.

-vs-

J. G. RAYBON,

Defendant.

IN THE CIRCUIT COURT-LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY

COUNT NO. 1

Plaintiff claims of the Defendant the sum of FIVE HUNDRED DOLLARS (\$500.00), for that heretofore, to-wit, on or about the lst day of April , 1931, the Defendant was the owner of a Chevrolet automobile, which he rented to one Coy Mixon hands was a dangerous and deadly agency. Yet, with knowledge of such facts the Defendant rented his said car to the said Coy Mixon such facts the Defendant rented his said car to the said Coy Mixon to propel along the public highways of Baldwin County, Alabama, at will and intrusted its management to him, and while on the date and day aforesaid the said Coy Mixon was engaged in running said car along a public highway, to-wit, at a point one mile north of Dyas Creek, Alabama, on a public highway leading from Bay Minette to Perdido, Alabama, in Baldwin County, Alabama, the said Coy Mixon so negligently, heedlessly, recklessly, wrongfully and indifferently conducted himself with respect to said car that he ran the same against the automobile of the Plaintiff, which then and there the against the automobile of the Plaintiff, which then and there the Plaintiff was driving lawfully along the said highway. Plaintiff further avers that his automobile was damaged, and that the damages complained of were the approximate result of the negligence of the said Defendant in permitting the said Coy Mixon to operate said automobile, and the negligence of the said Coy Mixon in running said automobile into and against Plaintiff's said automobile.

COUNT NO. 2.

The Plaintiff claims of the Defendant the sum of FIVE HUNDRED DOLIARS (\$500.00), in this, that while he, the Plaintiff, was operating his automobile along a public highway in Baldwin County, Alabama, ontto-wit, the 19 31 as he had a right to do, the Defendant's automobile which was then and there being operated by the Defendant through his agents, servants or employees, and while acting within the line and scope of

(page one)

their duties as such, (employees being Coy Mixon and Watson Heaton an inexperienced boy about eighteen years of age) ran Defendant's automobile into and against Plaintiff's automobile in such a negligent manner that as an approximate consequence thereof, Plaintiff's automobile was badly damaged in the sum afore mentioned.

The Plaintiff demands a trial by jury.