

George Bowen Cleveland
ATTORNEY-AT-LAW
60 St. Emanuel St. P. O. Box 704
MOBILE, ALA.

Dec. 7th, 1931.

Mr. T. W. Richardson, Clerk Circuit Court,
Bay Minette, Ala.

Dear Sir:-

I do not understand that a motion for a new trial (filed after the end of the term) acts as a supercedeas. Why do you not issue execution on the judgment in re Sibley vs. Chas. Gable? He has two bondsmen on his appeal bond and the money should be easily made.

Yours truly,
George Bowen Cleveland, *GBC*

6-9 Libby vs Chas Good

The jury found for
the plaintiff and assessed
the damages at \$100.00
of which \$81.44 is with a
waiver of exemptions of \$1866
on open of interest waiver
of exemptions.

Shirley
Farnham

Clarence E. Sibley
vs
Chas W. Gabel.

State of Alabama,)

Mobile County.)

:- Before Justice of the Peace

Precinct, Baldwin Co., Ala.

To any lawful officer, Greeting:-

Summon

Charles Gable

to appear before me on the

day of *14th* July,

1931, next, *at 3:30 Pm.* at my office in Fairhope, Baldwin county, Alabama,

to answer the complaint of Clarence E. Sibley, and then and there make a return of this summons.

Issued the *27th* day of *June*, A.D., 1931.

B. L. West
Justice of the Peace.

Complaint.

Clarence E. Sibley, Plaintiff,)

vs.

Charles Gable)

1. Plaintiff claims of the defendant the sum of \$*18.00*, due from him by account on the ___ day of ___ 193___, which sum, with interest is still unpaid.

2nd. Plaintiff claims of the defendant the further sum of \$_____, due by account stated between the Peoples Co-Operative Store, Inc., and the defendant on the ___ day of ___ 19___, which sum, with interest, is due and unpaid.

3rd. Plaintiff claims of defendant the further sum of \$_____, for goods sold-, merchandise and chattels sold by predecessors in interest of the plaintiff to the defendant, which sum, with interest, is due and unpaid.

4. Plaintiff claims of the defendant the sum of \$*60.00*, due by promissory note made by him on the *15th* day of *February* 19*26*, and payable on the *16th* day of *May*, 19*26*, with interest thereon.

Gary Bowen Chambers
Attorney for plaintiff.

(60 St. Emanuel St., Mobile, Ala.)

Accepted by serving copy on the herein named Charles Gable - 7/17/31

Filed Aug 24th / 93,
D. W. McIlwain
Clerk

Recorded

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C.E.Sibley,Plaintiff,)

vs.

:-In the Circuit Court of Baldwin Co.,Alabama.

Charles Gable,Defendt.)

.....:

Comes the plaintiff, by counsel , and moves the Court to strike the motion for a new trial ~~for~~,because:-

- 1.It was not filed in time.
- 2.It was not called to the attention of the Court,or Judge,in time.
- 3.It was filed after the adjournment of the Court for the term at which the judgment was rendered.
- 4.It was ^{not} acted on within thirty days after the rendition of the judgment.
- 5.It was not called to the attention of the Court, or presented,within thirty days after the judgment was rendered.
- 6.It was not specially continued within the time allowed by law.
- 7.It was not specially continued to a particular date,or at all.
- 8.It was not specially continued within thirty days from the rendition of the judgment.
- 9.It is without merit and its allegations not sufficient.
- 10.The judgment is not within control of the Court.

B. B. Chalkley
Attorney for plaintiff.

RECORDED

Hand Dec 14/93

Received

Chy

RECORDED

CLARENCE E. SIBLEY,

Plaintiff,

VS.

CHARLES GABEL,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 9504.

MOTION TO SET ASIDE JUDGMENT.

Now comes the Defendant in the above entitled cause by his attorney, J. B. Blackburn, and shows unto the Court that he is informed that a judgment was rendered against him on to-wit, September 15, 1931;

That on to-wit, August 15, 1931, the said cause was tried in the Justice Court of A. L. West, Justice of Peace in and for Beat 10 in Baldwin County, Alabama; that on to-wit, August 20, 1931 the Defendant filed an appeal bond with the said Justice of Peace which was approved by him and demanded a trial by jury; that all of the record in the said cause was sent to the Circuit Court of Baldwin County, Alabama, and filed with the Clerk thereof on to-wit, August 24th and 25th, 1931, which was after the day set for settling pleadings for cases to be tried at the jury term of the Circuit Court of Baldwin County, Alabama, which said jury term commenced on September 14, 1931; that the pleadings in the said cause had not been settled and that the case was not at issue on September 15, 1931, when the judgment was rendered therein, and the Defendant, who was not represented by an attorney at that time had no knowledge that the case would be set for trial on September 15, 1931, and was not present at that time;

That Section 6694 of the 1923 Code of Alabama provides as follows:

"No case shall be set for trial, nor witnesses summoned therein, unless otherwise ordered by the court or judge, or provid-

ed for by rules of court spread on the minutes until the pleadings have been settled; but this section shall not apply in circuits composed of only one county having two or more judges."

That the Rules and Regulations established by the Judge of the 21st Judicial Circuit of Alabama provide in part as follows:

"The Circuit Clerks in the several counties of the Circuit shall strictly comply with the mandate of Section 6694 of the Code of 1923; they shall set no civil cases for trial, nor issue any subpoena for witnesses therein, unless otherwise specially ordered by the court or judge, until the pleadings in such case have been settled, and the cause marked "at issue" by the judge."

That the Defendant is informed and believes that he has a good legal defense to the Plaintiff's demands in the above entitled cause.

WHEREFORE, the Defendant moves the Court that the judgment which was rendered in the above entitled cause be set aside, that the attorneys for the respective parties be required to settle the pleadings in the said cause at the next regular term for settling pleadings in jury cases, and that the said case be set for trial at the next regular jury term of the Circuit Court of Baldwin County, Alabama, and that such other orders may be made as may be requisite and proper in the premises.



Attorney for Defendant.

C.E.Sibley, Plaintiff,)

vs.

:-In the Circuit Court of Baldwin Co., Alabama.

Chas. Gabel, Defendant.)

Comes the plaintiff, by counsel, and moves the

Court to dismiss the motion filed herein by the defendant to set aside the judgment rendered herein on September 15, 1931, and for grounds states:-

1. Because said motion was not specially continued during the thirty days next after ~~its~~ ^{the} rendition of the judgment.
2. Because it was not acted on by the Court within thirty days after the rendition of the judgment, nor specially continued.
3. Because no entry was made specially continuing the cause within thirty days after the rendition of the judgment.
4. That the Court has no control over the judgment.
5. If said motion is filed under the statute allowing four months in which to file motions for new trials "when a party has been prevented from making his defense by surprise, accident, mistake, or fraud, without fault on his part", plaintiff moves to dismiss the same because:-
6. Said motion was not presented to the Judge within four months ^{after rendition of the judgment} and filing the same with the Clerk is unavailing.
7. Because the Judge made no order of supercedeas, nor was a bond made for double the amount of the judgment.
8. Because the statute was not followed.
9. Because there was no notice of ten days given by the defendant to the plaintiff, or his attorney, of the Judge before whom the application would be made, the time when and place where it would be made. (30 off. 478-5781-2)
10. Because no notice was given the defendant, or attorney, of the time, place and before whom it would be presented, nor was it presented to the Judge within four months of the rendition of the judgment.

George Brown Cleveland,
Attorney for plaintiff.

Filed Feb 25th 1932
D.W. Ricummon
Clerk

2/25/32; The above motion is ordered
overruled -
D.W. Hare
Judge

PEOPLES CO-OPERATIVE STORE, Inc.

PAY CASH AND SAVE THE DIFFERENCE

BELL PHONE 905

HOME 762

Branch No. 11/20

Mr.

NO.

ACCOUNT

Account Forwarded

1		
2	5.70	2.40
3	6.50	5.00
4	2.00	2.00
5	2.40	1.00
6		2.50
7		1.00
8	Check 5.90	2.50
9	3.40	1.50
10		1.00
11	Bal 2.44	1.50
12		1.00
13		1.50
14		1.00
15		1.00

PEOPLES CO-OPERATIVE STORE, Inc.

PAY CASH AND SAVE THE DIFFERENCE

BELL PHONE 905

HOME 762

Branch No. 11/20

Mr.

NO.

ACCOUNT

Account Forwarded

1		
2	4.50	4.50
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

PEOPLES CO-OPERATIVE STORE, Inc.

PAY CASH AND SAVE THE DIFFERENCE
 TEL. PHONE 9115
 HOME 762

Mobile, Alabama

No. 11/19

10 CASH PURCHASE

Account
Forwarded

1	Apples	2.00
2	Bananas	1.00
3	Oranges	1.00
4	Apples	1.00
5	Bananas	1.00
6	Oranges	1.00
7	Apples	1.00
8	Bananas	1.00
9	Oranges	1.00
10	Apples	1.00
11	Bananas	1.00
12	Oranges	1.00
13	Apples	1.00
14	Bananas	1.00
15	Oranges	1.00
		2.00
		5.00

PEOPLES CO-OPERATIVE STORE, Inc.

PAY CASH AND SAVE THE DIFFERENCE
 TEL. PHONE 9115
 HOME 762

Mobile, Alabama

No. 11/19

10 CASH PURCHASE

Account
Forwarded

1	Apples	2.00
2	Bananas	1.00
3	Oranges	1.00
4	Apples	1.00
5	Bananas	1.00
6	Oranges	1.00
7	Apples	1.00
8	Bananas	1.00
9	Oranges	1.00
10	Apples	1.00
11	Bananas	1.00
12	Oranges	1.00
13	Apples	1.00
14	Bananas	1.00
15	Oranges	1.00
		2.00
		5.00

PEOPLES CO-OPERATIVE STORE, Inc.

PAY CASH AND SAVE THE DIFFERENCE

BELL PHONE 9115
HOME 1874

Mobile, Alabama

Mr.

Chas. L. Lible

NO. 10
PEOPLES CO-OPERATIVE STORE, Inc.

Account
Forwarded

1	Wheat	10
2	Barley	10
3	Oats	10
4	Spaghetti	10
5	Beans	10
6	Onions	10
7	Carrots	10
8	Apples	10
9	Oranges	10
10	Peaches	10
11	Chickens	10
12	Eggs	10
13	Butter	10
14	Cheese	10
15	Meat	10

PEOPLES CO-OPERATIVE STORE, Inc.

PAY CASH AND SAVE THE DIFFERENCE

BELL PHONE 9115
HOME 1874

Mobile, Alabama

Mr.

Chas. L. Lible

NO. 10
PEOPLES CO-OPERATIVE STORE, Inc.

Account
Forwarded

1		4.33
2		2.50
3		
4		
5		
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PEOPLES CO-OPERATIVE STORE, Inc

PAY CASH AND SAVE THE DIFFERENCE

TELEPHONE 9116

HOME 762

Birmingham, Alabama

1/30

M. Chas. Baker

No. 1

Lat 10.00

More 2.40

1

2

3

4

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7

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15

PEOPLES CO-OPERATIVE STORE, Inc

PAY CASH AND SAVE THE DIFFERENCE

TELEPHONE 9116

HOME 762

Birmingham, Alabama

1/25

M. Chas. Baker

No. 1

10.00

2.40

34.50

1

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14

15

Account Forwarded

10.00

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34.50

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This electron micrograph shows a cross-section of a myofibril. A prominent Z-line is visible on the right side, with myofibrillar filaments extending from it. The image is labeled 'Fig. 1' in the bottom right corner.

1268

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