

GULIE CUMBIE

Plaintiff

VS

MELVIN DUKES and  
WILBUR WALTERS

Defendants

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 4368

Comes Melvin Dukes, defendant in the above styled cause and moves to quash said complaint and as grounds for said motion shows unto this Honorable Court as follows:

-1-

That said complaint is not prepared and completed in accordance with the requirements of the Code of Alabama of 1940 as amended.

-2-

That the said items complained of are evidence of violation of the fish and game laws of the State of Alabama and the said plaintiff herein is a defendant in this Honorable Court on a criminal charge involving said plaintiff's use of the said Winchester shotgun in taking the turkey alleged in this cause.

-3-

That the said action will not lie to remove evidence concerning a cause in this Honorable Court from any officer holding said evidence and further that the said complaint was not executed as required by law.

Wherefore this motion to quash.

THOMPSON & WHITE

BY: 

Attorneys for defendant, Melvin Dukes

FILED

SEP 1 1960

ALICE J. DUCK, Clerk

DETINUE SUMMONS AND COMPLAINT

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT

No. \_\_\_\_\_

19\_\_\_\_

To Any Sheriff of the State of Alabama:

You Are Hereby Commanded to Summon Melvin Dukes and Wilbur Walters

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 \_\_\_\_\_

Gulie Cumbie

Witness my hand this 2nd day of August, 1960

Alice J. Duck, Clerk.

COMPLAINT

Gulie Cumbie

Melvin Dukes and Wilbur

Plaintiff Versus Walters Defendant <sup>S</sup>

The plaintiff \_\_\_\_\_ claims of the defendant the following personal property, to-wit:

One Winchester shotgun and turkey

with the value of the hire or use thereof during the detention, to-wit:

from April 22, 1960, to July 15, 1960

Albert M. Brantley, Plaintiff's Attorney.

No. 4368

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THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT

Gulie Cumbie

Plaintiff.

VS.

Melvin Dukes and

Wilbur Walters

Defendant.

DETINUE SUMMONS AND COMPLAINT

Filed Aug - 2, 1960

Alice J. Duck, Clerk.

Plaintiff's Attorney

Defendant's Attorney

To The Sheriff of Said County:

Whereas, the Plaintiff in the within stated cause has made affidavit and given bond as required by law you are hereby required to take the property mentioned in Complaint into your possession unless the Defendant gives bond payable to the Plaintiff with sufficient surety in double the amount of the value of the property, with condition that if the Defendant is cast in the suit he will within thirty days thereafter, deliver the property to the Plaintiff, and pay all damages and costs which may accrue from the detention thereof.

Clerk.

Defendant lives at

8/5/60

Received in office

19

Sheriff.

I have executed this summons

this 8-8, 1960  
by leaving a copy with

Melvin Dukes  
Not found as  
to Wilbur Walters

Waylon Wilkins Sheriff

Deputy Sheriff

235

STATE OF ALABAMA

Baldwin COUNTY

IN THE CIRCUIT COURT OF

Baldwin COUNTY

Before me, \_\_\_\_\_, a Notary Public in and for said County,  
 personally appeared Gulie Cumbie who being by me  
 duly sworn deposes and says that the property sued for in the complaint of  
Gulie Cumbie filed in said Court, to-wit:  
A Winchester shotgun and turkey

belongs to Gulie Cumbie, the plaintiff.

Sworn to and subscribed before me this 27

day of July, 1960

Frank H. Home  
 Notary Public

STATE OF ALABAMA

Baldwin COUNTY

IN THE CIRCUIT COURT OF

Baldwin COUNTY

KNOW ALL MEN BY THESE PRESENTS, That we, Gulie Cumbie

\_\_\_\_\_, Principal, and  
 \_\_\_\_\_, Sureties, are held and  
 firmly bound unto Melvin Dukes and Wilbur Walters, <sup>their</sup> ~~his~~ heirs, executors and admin-  
 istrators in the sum of One Hundred (\$100.00) Dollars,  
 for the payment of which we jointly and severally bind ourselves, our heirs, executors and adminis-  
 trators.

Sealed with our seals and dated the 27 day of July, 1960

The condition of the above obligation is such that whereas, the above bound

Gulie Cumbie has on the 15 day of

July, 1960 sued out a writ of detinue in the Circuit Court of Baldwin

County, returnable to the said Circuit Court against the said

Melvin Dukes and Wilbur Walters for the recovery of the following  
 described property, to-wit:

A Winchester shotgun and turkey

Now, if the said Gulie Cumbie shall fail in said suit

and shall pay to the said Melvin Dukes and Wilbur Walters, the defendant in  
 said suit, 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.

Taken and approved this 2nd day of

Aug-, 1960

Alice D. Duck  
 Clerk, Circuit Court

(SEAL)

(SEAL)

(SEAL)