

The State of Alabama,
BALDWIN COUNTY.

Circuit Court

No.

Office Term 1918

To Any Sheriff of the State of Alabama :

You are hereby commanded to summon J. W. Ferrell

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against him Defendant.

by C. P. Conway

Plaintiff

Witness my hand this 1st day of January 1918.

D. W. Robinson Clerk.

COMPLAINT

C. P. Conway,J. W. Ferrell,

Plaintiff Versus

Defendant.

The Plaintiff claims of the Defendant the sum of Five Hundred and 00/100

(\$500.00)

Dollars due by

sight draft made by him on the 3rd day of December, 1918, drawn on Taylor, Lowenstein & Co., Mobile, Alabama, which was due and payable at sight, with interest thereon.

2. The plaintiff claims of the defendant the sum of Five Hundred and 00/100 (\$500.00) Dollars due by an instrument in writing which instrument is in words and figures as follows: Taylor, Lowenstein & Co. Naval Stores Factors, Dec 3-1918. At sight pay to the order of C. P. Conway----\$500.00 for (T) One Saw Mill----- value received, and charge to account of J. W. Ferrell.

To Taylor, Lowenstein & Co.,

Mobile, Alabama.

Plaintiff alleges that the above sum of money with interest thereon is still due and unpaid and that the said draft belongs to and is the property of plaintiff.

PAGE & MOORE,

Plaintiff's Attorney.

102
Original

No.

State of Alabama,

BALDWIN COUNTY.

Circuit Court

O. P. CONWAY,

vs.

Plaintiffs

J. W. Ferrell.

Defendants

SUMMONS AND COMPLAINT

Filed 11 1917

J. W. Ferrell Clerk
Defendant lives at

Plaintiff's Attorney

Defendant's Attorney

Times Print, Bay Minette.

Received in office

J. W. Ferrell 1917
J. W. Ferrell Sheriff

I have executed this Writ
this 28 th June 1917
by leaving a copy of the within summons and complaint with

J. W. Ferrell
Shirley Williams
204th

A. J. Richardson Sheriff

W. R. Stuart Deputy Sheriff.

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

THE STATE OF ALABAMA, }
BALDWIN COUNTY. }

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You are hereby commanded to summon

J. M. Goodwin

if to be found in your county, at the instance of the *Dept*
to appear before the honorable Circuit Court, of Baldwin County at the Court House thereof, on
the *19th* day of *May* 191*9*, then and there to testify,
and the truth to say, in a certain case pending, wherein

Le P. Conway

Plaintiff,

J. B. Burrell

Defendant,

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ.

Witness my hand this

8th

day of

April

A. D., 191*9*.

ATTEST:

T. W. Rimmer

Clerk.

Copy

No.

THE STATE OF ALABAMA

Baldwin County.

W. P. Conway

Vs.

SUBPOENA FOR

J. W. Finney

Circuit Court

WITNESSES:

J. M. Godwin

SET FOR TRIAL

19 day of *May* 191*7*

Times Print—Bay Minette.

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

THE STATE OF ALABAMA, }
BALDWIN COUNTY. }

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You are hereby commanded to summon

Walter Racine,
Haynes Byrum, J. M. Goodwin

if to be found in your county, at the instance of the *Deft*
to appear before the honorable Circuit Court, of Baldwin County at the Court House thereof, on
the *19th* day of *May* 191*9*, then and there to testify,
and the truth to say, in a certain case pending, wherein

C. P. Conway

Plaintiff,

J. W. Ferrell

Defendant,

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ.

Witness my hand this

8th

day of

April

A. D., 191*9*.

ATTEST:

D. W. Williams Clerk.

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

THE STATE OF ALABAMA, }
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You are hereby commanded to summon

Walter Racinier,
Raymond Rypman, J.M. Goodwin

if to be found in your county, at the instance of the

Deft

to appear before the honorable Circuit Court, of Baldwin County at the Court House thereof, on
the *19th* day of *May* 191*9*, then and there to testify,

and the truth to say, in a certain case pending, wherein

E. P. Conway
J. W. Ferrell

Plaintiff,

Defendant,

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ.

Witness my hand this *8th* day of *April* A. D., 191*9*.

ATTEST:

W. H. McCarver
Clerk.

CIVIL SUBPOENA.

In case the witness shall wish to charge for attendance he will please produce to the clerk in term this copy of his Subpoena, or within five days after adjournment of court, else he will be barred.

The State of Alabama, }
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

George E. Etridge.
Ans. State. Charles Head

if to be found in your county, at the instance of the

Peff

to appear before the honorable Circuit Court of Baldwin County at the Court House thereof, on the

19th

day of

May

19*19*,

then and there to testify, and the truth to say, in a certain case

pending, wherein

C. P. Conway.

Plaintiff,

J. W. Furrell.

Defendant,

and there remain during said Court until discharged by due course of law.

Herein fail not, and have you then and there this Writ.

Witness my hand this

29th

day of

April

A. D., 19*19*.

ATTEST:

T. W. Richardson

Clerk.

Original

No.

The State of Alabama,
Baldwin County.

H. P. Conway.

VS.

SUBPOENA FOR

J. W. Furrell

Circuit Court

WITNESSES:

George Eldridge,
Gus Steele,
Charles Head,

SET FOR TRIAL

19th day of *May* 19*17*

BALDWIN TIMES PRINT

*Executed in full May 17th 1917
O. O. Johnson Sheriff*

C. P. Conway, Plaintiff,

vs.

J. W. Ferrel, Defendant.

CIRCUIT COURT, SPRING TERM,

1919.

Now comes the plaintiff and demurs to the 4th plea and assigns the following separate ground of demurrer:

1.

Said plea is a mere conclusion of the pleader.

2.

Said plea fails to set up any contract between the plaintiff and defendant.

3.

Said plea is a conclusion of the pleader in failing to set out any contract between the plaintiff and defendant and a breach of said contract by the ~~defendant~~ plaintiff.

4.

Said plea fails to set out a contract between the plaintiff and defendant and a breach of the contract by ~~defendant~~ plaintiff to the damages of the ~~defendant~~ defendant.

And the plaintiff demurs to the third plea and assigns the following separate grounds of demurrer thereto:

1. Said plea fails to set out a state of facts showing a right on the part of the defendant to rescind the sale of the saw mill.

2. Said plea tries to rescind a contract of sale and purchase of a saw mill by the defendant from the plaintiff and fails to aver or show a contract between the plaintiff and defendant authorizing him to rescind said sale.

3. The allegations in said plea "As a condition precedent" is a mere conclusion of the pleader and the plea fails to aver what was a "condition precedent."

4. - The defendant fails to set out in his said plea legal

reasons why he did not accept the said machinery.

5. Said plea purports to answer a complaint on a note and the complaint is based on a bill of exchange or sight draft and not a note.

6. Said facts as set out in the said plea would not give this defendant a right to rescind the purchase of the saw mill, but only a right of action for damages for a breach of a contract between the plaintiff and defendant.

7. Said plea fails to set out in facts showing an agreement made and entered into by and between the plaintiff and defendant wherein the plaintiff agreed with the defendant that in the event he failed to load said saw as it is averred in said plea that he agreed to load the saw mill, that ~~sixty~~ defendant would have the right to rescind the said purchase.

Page 8 Hoover,

Attorneys for plaintiff.

C. P. Conway, Plaintiff,

IN THE CIRCUIT COURT OF

Vs.

BALDWIN COUNTY, ALABAMA.

J. M. Ferrill, Defendant.

Now comes the plaintiff and by leave of the Court first had and obtained amends his complaint by adding thereto the following counts:

A.

The plaintiff claims of the defendant the further sum of Five Hundred Dollars due by an account on, to-wit: December 3rd, 1918, which amount with the interest thereon is due and unpaid.

B.

The plaintiff claims of the defendant the further sum of five Hundred Dollars for merchandise, goods and chattels sold by plaintiff to the defendant on, to-wit: December 3rd, 1918, which amount with the interest thereon is due and unpaid.

C.

The plaintiff claims of the defendant the further sum of Five Hundred Dollars by him on an account stated between the plaintiff and defendant on, to-wit: December 3rd, 1918, which amount together with the interest thereon is due and unpaid.

PAGE & MOORE,

Attorneys for Plaintiff.

C P Conway

VS

DEFENDANTS PLEAS.

J W Ferrel

FIRST.

Defendant for plea to each count of the complaint severally and separately pleads NOT GUILTY.

SECOND.

Defendant for answer to each count of complaint severally and separately pleads that he is not indebted.

THIRD.

Defendant for answer to each count of complaint severally and separately says that the note sued on was given as the consideration of a conditional sale for one saw mill, the plaintiff agreed with defendant as a condition precedent that for said consideration he would load the said saw mill on the Rail Road cars according to the rules of the Rail Road and in such a manner that it would be accepted by the Rail Road for transportation, or that the person in authority representing the Rail Road would accept the same for transportation ; and defendant alleges that plaintiff failed or refused so to load said saw mill that it would be accepted by the person in authority of said Rail Road or by the rail road, and that it was not accepted by said Rail Road, or said person in authority by reason of the failure of complainant to comply with his agreement , and that for said reason said saw mill was never accepted by defendant and the consideration failed.

FOURTH.

Defendant for plea to each count of complaint severally and separately says that by reason of the failure of complainant to load said saw mill as he agreed to do, so that it would be accepted by the Rail Road or the person in authority of said rail road for shipment, that defendant was damaged in the sum of Five Hundred Dollars which defendant offers to set off against the claims of complainant.

Defendant demands a trial by Jury.

Stone & Stone

Attys for defendant.

~~Defendant demands a trial by Jury~~

Conway

vs

Ferrel

PLEA OF DEFENDANT

Filed May 6th. 1919

T.W. Dickinson
CLK.