

Transcript of Civil Cases from Justice's Court of
J.M. Franklin, N.P. Ex-O.J.P
, Baldwin County, Ala.

69

ATTORNEYS	NAMES OF PARTIES	CAUSE OF ACTION	ITEMIZED BILL OF COSTS
Mr	M.R. Bethae, owner of Flomaton Motor Company	Suit on contract	JUSTICE'S FEES Issuing XXXXXX detinue summons \$ 50 Issuing XXXXXX writ 50 Issuing XXXXXX detinue bond, each affidavit 150 Issuing Execution and Taxing Cost 50 Issuing Summons to Garnishee and taking answer 50 Issuing Attachment Writ 50 Attachment Bond and Affidavit 1 50 Garnishment Bond and Affidavit 50 Appeal or Certiorari, including Bond. 1 00 appeal bond 50 Administering Oath and Certifying Same 25 Certificate not otherwise provided for 25 Docketing Cause 10 Judgment on Forthcoming Stay or Replevin Bond 50 Judgment on Summary Proceeding 75 Issuing Venue Facias 50 Transcript of Proceeding 50 Attending Trial or Right of Property 1 00 Sci. Fa. or notice in nature thereof 50 Making Return of Certiorari 50 Notice to Defendant 15 Release 25 Serving XXXXXX detinue summons 30 Serving XXXXXX writ 3 00 Serving Summons on Each Witness 25 Laying Attachment under \$50.00 1 00 Laying Execution under \$50.00 1 00 Making Money, 3 percent, not less than. 75 Notice, etc., on each party therein 25 Serving Sci Fa. or other like Notice 50 Taking Bail or other Bond 50 Keeping Property Levied on WITNESS: P.P.P.P. Trial by jury demanded.
H.M. Hall	Warren, D. Gause		
DATES	DISPOSITION OF CASE		
June 5th 1934	Bond and Affidavit Filed. May 29th 1934 Summons and Complaint Issued ret. May 29th 1934 Ret. executed by May 31st 1934 By M.B. Hamilton, Deputy Sheriff		
June 14th 1934	Hearing set for June 5th 1934 continued by agreement to June 14th 1934. Comes the said parties on the 14th day of June 1934 and the allegations and proof being heard, It is considered by the court that the said M.R. Bethae recover of said Warren, D. Gause one Chevrolet Fordor Sedan motor Number 775950 Serial number 83550 claimed in his complaint If the same is to be had, If not the said Car is not to be had, then he is to recover the sum of ninety dollars (\$90.00) the amount sued for and (\$7.35 cost (\$3.60 interest and (\$45.00) Rental. Notice of appeal given		

RECORDED

To the Clerk of the Circuit Court of Baldwin County:

I hereby certify that the foregoing is a full, complete, and exact transcript from my docket of the judgment and proceedings in the above cause, and I herewith send to the Clerk of the Circuit Court of Baldwin County, Alabama, all the original and other papers pertaining to said cause.

Given under my hand this 19th day of June 1934

J. M. Franklin N.P. Ex-Justice of the Peace.
Beat 4 Baldwin County Ala

Attest my hand and Seal
J. M. Franklin

Transcript of Civil Cases from Justice's Court of

J.M.Franklin, N.P.Ex-0.J.P

, Baldwin County, Ala.

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	Trial by jury demanded.		

Q m 2

The State of Alabama,
Baldwin County

Justice ~~CIRCUIT~~ COURT
No. one May 29th 1934

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon Warren D. Gause

at 10 a.m.
before me on the 5th day of June 1934 next at my office
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 M.R. Bethea ~~owner~~
of Flomaton Motor Company and then and there make return of this ~~sum~~
summons

Witness my hand this 29th day of May 1934

J. M. Franklin N.P. Ex-O-Clerk

COMPLAINT

M.R. Bethea ~~owner~~ of Flomaton

Motor Company Plaintiff versus Warren D. Gause Defendant.

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

One Chevrolet Fordor Sedan Motor Number 775950-Serial Number 83550

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

from December 29th 1933, to May 29th 1934

with interest at 8%

J. M. Franklin, N.P. Ex-O.J.P. ~~Plaintiff's Attorney~~

ORIGINAL RECORDED

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

Justice of the Peace CIRCUIT COURT

owner
M.R. Bethea, ~~EXX~~ of Flomaton

Motor Company

VS.

PLAINTIFFS

Warren D. Gause

DEFENDANTS

Detinue Summons and Complaint

Filed May 29th, 1934

J. M. Franklin N.P. Ex-Clerk

Plaintiff's Attorney

Defendant's Attorney

RECORDED

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 ~~ten~~ days thereafter, deliver the property to the Plaintiff, and pay all damages and costs which may accrue from the detention thereof.

J. M. Franklin

N.P. Ex-O.J.P.

Clerk

Executed 31st day of
May 1934 by serving
copy of within detinue
summons + complaint
on Warren D. Gause
and taking into my
possession the within
described property as
the property of Warren
D. Gause.

By

W.R. Stuart

D.S.

RECORDED

Defendant lives at

Stockton, Ala

Received in office

May 30th, 1934

W.R. Stuart

Sheriff

I have executed this summons

this 31st May 1934
by leaving a copy with

Warren D. Gause and

taking into my

possession the

within described

property as the

property of Warren

D. Gause

W.R. Stuart

Sheriff

W.R. Stuart

Deputy Sheriff

RECORDED

DETINUE BOND AND AFFIDAVIT

The State of Alabama }
Baldwin County

Know all men by these presents, That we, M.R. Bethea ^{owner} ~~XXX~~ of Flomaton motor company

~~and the undersigned~~

are held and firmly bound unto Warren D. Gause

of Baldwin County, in the sum of One hundred and eighty and No/100

Dollars, and costs to be paid by the said M.R. Bethea ^{owner} ~~XXX~~ of Flomaton motor company

heirs, executors, administrators or assigns; for which payment well and truly to be made, we bind ourselves,
and each of us, and each of our heirs, executors, administrators, jointly, severally and firmly, by these
presents.

Sealed with our seals and dated this 29th day of May 1934

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

M.R. Bethea ^{owner} ~~XXX~~ of Flomaton motor company

on the day of the date hereof, hath obtained at the suit of Detinue

a Summons and Complaint for the recovery of personal chattels in specie against
Warren D. Gause

and asks an endorsement by the Justice of the Peace, "That the ^{Sheriff} ~~Constable~~ is required to take the pro-
perty mentioned in said complaint into his possession," as required by law in such cases, which Sum-
mons and Complaint are returnable before the 5th day of June 1934,
and which endorsement is made upon the plaintiff entering into this Bond.

Now if the said Plaintiff shall fail in this suit and shall pay the Defendant all such costs and
damages as He may sustain by reason of the
wrongful complaint in said cause, then this obligation to be void; otherwise to remain in full force and
effect.

Approved this 30th

day of May 1934

J. M. Franklin J. P. Ex-O, J. P.

M.R. Bethea (Seal)
W.D. Gause (Seal)
W.D. Gause (Seal)

The State of Alabama
Baldwin County

RECORDED

69

J.M. Franklin, N.P. Ex-O.J.P

Before me, ~~XXXXXX of Flomaton motor company~~

owner

in and for said county personally appeared M.R. Bethea, XXXX of Flomaton motor Co

who being duly sworn, deposeth and said: That the property sued for in the complaint of

owner

M.R. Bethea, XXXX of Flomaton motor company

to-wit: One Chevrolet Fordor Sedan Motor Number 775950-Serial number

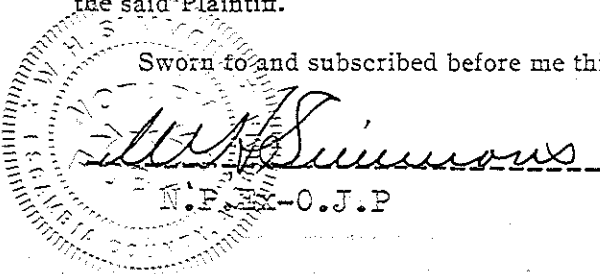
83550

M.R. Bethea, owner of

which XXXXXX belongs to Flomaton motor company

the said Plaintiff.

Sworn to and subscribed before me this 30th day of May 193 4



M.R. Bethea
~~XXXXXX~~

RECORDED

No. one

Definne Bond and Affidavit

owner

M.R. Bethea ~~XXXXXX~~ of Flomaton

Motor Company

Vs.

Warren, D. Gause

Moore Printing Co.

Circuit Court, Baldwin County

#69

M. R. Butler, Plaintiff

VS.

Warren D. Haug

PLAINTIFF

DEFENDANT

BILL OF COST

CLERK'S FEES

Issuing Summons and Complaint	\$1 25
Copies of same, when over 200 words, 15c per 100	30
Issuing Alias Summons and Complaint	1 25
Entering Sheriff's Return on Summons and Complaint	20
Docketing Cause 25c. Ent. Appearance, 20c	45
Subpoena for Witness	30
Making Certificate of Judgment	50
Filing	10
Trial and Incidents	75
Entering Judgment, or copy of same	30
Order for Continuance	10
Issuing Execution	50
Docketing Execution	25
Issuing copy of same	50
Entering Sheriff's Return on Execution, 15c per hundred words	20
Final Record, 15c per hundred words	30
Order for Alias Summons and Complaint	30
Order to Dismiss Cause	30
Order to Set Aside Dismissal	30
Order Overruling Motion to Set Aside Dismissal	75
Order Granting New Trial	30
Order Overruling Motion for New Trial	30
Order Overruling Motion for Continuance	30
Order Overruling Motion to Set Aside Default	30
Order for Notice to Non-Resident Defendant	30
Issuing Notice for Publication and Copy 20c per hundred words	30
Order to Give Security for Costs	30
Order to Give Additional Bond	30
Order to Execute Writ of Inquiry	30
Order of Sale in Attachment	30
Order for Leave to Amend Complaint	30
Order for Leave to Amend Pleas	30
Order for Leave to Amend Writ of Process	30
Order for Attachment for Witness	30
Filing Deposition	10
Issuing Commission to Take Deposition	75
Issuing copy of same, per hundred words	15
Issuing Copy of Interrogatories, 15c per hundred words, but not less than	50
Endorsing each Pet. Deposition Opened	10
Taking Bond in Garnishment on Summons	75
Summons to Garnishee	50
Copies of same, 20c per hundred words	20
Notice to Defendant in Garnishee on Summons, and copy, per hundred words	50
Swearing Garnishee and Recording Answer, 15c per hundred words, but not less than	10
Filing Attachment	10
Issuing Attachment Writ and Taking Bond	1 00
Issuing Copies of Attachment Writ, 15c per hundred words	15
Filing Certiorari and Entering Return	75
Taking Certiorari Bond and Filing Same	75
Issuing Writ of Certiorari	75
Issuing copies of same, 15c per 100 words	75
Issuing Writ of Scieri Facias, or Notice in Nature of	75
Issuing copies of same, 15c per 100 words	75
Taking Supersedeas Bond and Filing same	75
Taking Appeal Bond and Filing same	75
TOTAL FORWARDED	2 75

AMOUNT BROUGHT FORWARD

Transcript to Supreme Court, 15c per hundred words	
Copies, 5c per hundred words	
Citation to Appellee in Appeal, 20c per hundred words	
Certificate with Seal, 50c. Without Seal	25
Witness Certificate	25
Taking Bond Not Above Mentioned	75
Entering Order of Court not above named	30
Administering Oath	25
Taking Bond for Costs of Non-Resident Plaintiff	75
Copy of any paper not above named, 15c per hundred words	
Filing Writ of Prohibition and Entering Return	15
Issuing Writ of Prohibition	75
Issuing copies of same, 15c per 100 words	
Filing Mandamus and Entering Return	15
Issuing Writ of Mandamus	75
Issuing copies of same, 15c per 100 words	
Total Clerk's Fees	

SHERIFF'S FEES

Serving and Returning Summons	\$1 50
Serving and Returning Subpoenas	65
Collecting Execution for Costs	1 50
Serving and Returning Sci. Fa. Notice, etc.	65
Executing Writ of Possession	2 50
Levying Attachment	3 00
Entering and Returning Attachment	25
Entering and Returning Execution	25
Summoning and Returning Garnishee	1 50
Taking and Approving Garnishee Bond	75
Serving and Returning Writs	1 50
Serving and Returning Summons on Forcible Entry	1 00
Executing Writ of Restitution in such cases	2 00
Taking and Approving Bonds of Every Kind	1 00
Taking and Approving Claim Bond	1 00
Taking and Approving Forthcoming Bond	1 00
Taking and Approving Bail Bond	1 00
Taking and Approving Plaintiff's Detinue Bond	1 00
Taking and Approving Defendant's Detinue Bond	1 00
Making Deed	2 50
Serving Attachment for Contempt of Court	1 50
Collecting Money on Execution	
Empanelling Jury	75
Sheriff's Commission for Property Sold under Attachment	
Seizing Personal Property on Writ of Detinue	3 00
Total Sheriff's Fees	

RECAPITULATION

Judgment	
Interest	
Clerk's Fees	
Sheriff's Fees	
Justice's Fees	
Constable's Fees	
Witnesses' Fees	
Commissioners' Fees	
Printer's Fees	
Stenographer's Fees	5 00
Answer of Garnishee	
Trial Tax	3 00
Total	\$ 3 00

Received payment this day of 193

ATTEST

Clerk Circuit Court, Baldwin County, Ala.

P. A. D.
Circuit Court, Baldwin County

No. 64

VS.

Civil Cost Bill

Paid Sept 19 1934

Clerk.

MOORE PRINTING CO., DAY MINETTE, ALA.