

216

PATRICK BARNARD,
Administrator of the Estate
of J. T. Hampton, Deceased,

Plaintiff,

VS.

JOSIAH A. TEST, JR.;

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NO. _____.

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

WHEREAS, on the 12th day of August, 1935, Patrick Barnard, Administrator of the Estate of J. T. Hampton, Deceased, filed a complaint in the Circuit Court of Baldwin County, Alabama, claiming of Josiah A. Test, Jr., the sum of One Hundred Dollars (\$100.00), on which a summons has issued, and Patrick Barnard, Administrator of the Estate of J. T. Hampton, Deceased, having made affidavit that G. W. Robertson, Judge of Probate, is supposed to be indebted to or have in his possession or under his control, goods, effects or things in action belonging to the said Defendant, and that he believes process of garnishment against the said G. W. Robertson, Judge of Probate, is necessary to obtain satisfaction of said claim.

You are therefore commanded to summon the said G. W. Robertson, Judge of Probate, to be and appear before the Circuit Court of Baldwin County, Alabama, at the Court House thereof, within thirty days as required by law, then and there to answer on oath, whether he was indebted to the above named Defendant at the time of the service of the garnishment in the foregoing stated cause, or at the time of making his answer hereto, and in what sum or sums; and whether he will not be indebted in future to said defendant by a contract then existing or at the time of the service of this summons; and whether he has not in his possession or under his control real or personal property or things in action, belonging to the said Josiah A. Test, Jr., Defendant.

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

IN WITNESS WHEREOF, I have hereunto set my hand

and affixed the seal of the Court on this the 12 day of August,
1935.

Rupert S. Duck

Clerk of the Circuit Court.

Exhibited this 12th
day of August 1935
By serving a copy
of the within notice
on G. W. Robertson
probate judge

M. H. Wilkins

Rec. in office
8/12/35
M. H. Wilkins
Sheriff

Original

RECORDED
Duck
7-361

WRIT OF GARNISHMENT.

PATRICK BARNARD, Administrator
of the Estate of J. T. Hampton,
Deceased,

Plaintiff,

VS.

JOSIAH A. TEST, JR.,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NO. ____.

Dated this 12 day of August,
1935.

Robert S. Duck
J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

BALDWIN COUNTY

You are hereby commanded to summon Josiah A. Test, Jr., 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 same, then and there to answer the complaint of Patrick Barnard, the Administrator of the Estate of J. T. Hampton, Deceased.

Robert L. Deek
Circuit Clerk.

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Plaintiff,

JOSIAH A. TEST, JR.,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. _____.

J. B. T. Blackman.
Attorney for Plaintiff.

You are hereby notified that a Writ of Garnishment has been issued out of the Circuit Court of Baldwin County, Alabama, in this suit, in which G. W. Robertson, Judge of Probate has been named as garnisher.

Robert L. Dyer

Circuit Clerk.

Original

RECORDED

Duck
7-360

SUMMONS AND COMPLAINT.

PATRICK BARNARD, Administrator
of the Estate of J. T. Hampton,
Deceased,

Plaintiff,

VS.

JOSIAH A. TEST, JR.,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. _____.

Filed on this the 12th day of
August, 1935.

Robert S. Duck

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

BALDWIN COUNTY

You are hereby commanded to summon Josiah A. Test, Jr., 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 same, then and there to answer the complaint of Patrick Barnard, the Administrator of the Estate of J. T. Hampton, Deceased.

Ralph S. Welch
Circuit Clerk.

[illegible]

Plaintiff,

JOSIAH A. TEST, JR.,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

NO. _____

J. B. Blackburn
Attorney for Plaintiff.

You are hereby notified that a Writ of Garnishment has been issued out of the Circuit Court of Baldwin County, Alabama, in this suit, in which G. W. Robertson, Judge of Probate has been named as garnishee.

Copy

SUMMONS AND COMPLAINT.

PATRICK BARNARD, Administrator of
Estate of J. T. Hampton, De-
ceased,

Plaintiff,

VS.

JOSIAH A. TEST, JR.,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. ____.

Filed on this the 12th day of Aug-
ust, 1935.

Circuit Clerk.

Robert L. Brown

Robert S. Quaker

Circuit Clerk.

Mar. 1882.
DATED ON THIS THE 18TH DAY OF MAR-

WE FVN. AS. _____
BYEDWIN COOKING, WITNESS.
IN THE CIRCUIT COURT OF

Defendant.
JOSEPH A. LEE, JR.
AS.
Plaintiff.
Cessing.
HAROLD OF J. L. HAMBROOK, De-
FABRICK BARNARD, Administrator of

RECEIVED AND COMPLETED.

COBA

Patrick Barnard, Admr.)
Vs.)
Josiah A. Test, Jr.)

In The Circuit Court of Baldwin County.

It is agreed that the above entitled suit be settled
between the parties in the following manner:

1. The money now in the hands of G. W. Robertson, Garnishee be used in paying the costs of the suit which have accrued and the balance be equally divided between the Plaintiff and the Defendant.
2. That the Garnishee be discharged by agreement upon the money in his hands being paid into the hands of Robert S. Duck, Circuit Clerk. This agreement being the authority of both parties for the discharge of the garnishee and the settlement of the suit in this manner.

Dated this 15th day of ~~August~~ November, 1935.

Patrick Barnard Admr.
By J. B. Blackburn, atty.
Josiah A. Test Jr.

TO MR. ROBERT S. DUCK, CIRCUIT CLERK:

Mr. J. B. Blackburn has estimated that the Court costs in this suit will amount to \$9.65. This amount was deducted from the sum of \$59.52 in the hands of G. W. Robertson, Probate Judge, and Mr. Blackburn has given me his check for \$24.94 in payment of the balance due me, so please deduct the costs from the amount paid you by Judge Robertson and pay the balance to Mr. Blackburn.

Josiah A. Test Jr.

RECORDED

duck

7.361

Filed Nov 16-36
Ruth L. Smith

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF

No.

Judgment.

Term, 193

VS.

DEAR SIRs—At the

Term, 193, of the above Court

recovered a judgment against

for the sum of

Dollars,

besides

Dollars, costs of suit and execution

was duly issued thereon, commanding any Sheriff of the State that he cause to be made of the goods and chattels, lands and tenements of said

the amount of judgment and costs, and the Sheriff has returned said execution endorsed, "No Property Found," and the costs have not yet been paid. I herewith give below an itemized statement of the costs which have accrued in this cause, and respectfully request that you will, on receipt of this, remit the amount and save the additional expense of an execution against you. If I do not hear from you in a few days I will be forced to issue an execution for costs. Please return this with remittance. Respectfully yours,

Clerk.

CLERK'S FEES		Dollars	Cts	AMOUNT BROUGHT FORWARD		\$
Issuing Summons and Complaint	\$1 25	1	25	Transcript to Supreme Court, 15c per hundred words		
Copies of same, when over 200 words, 15c; per 100	30			Copies, 5c per hundred words		
Issuing Alias Summons and Complaint	1 25			Citation to Appellee in Appeal, 20c per hundred words		
Entering Sheriff's Return on Summons and Complaint	20			Certificate with Seal, 50c. Without Seal	25	
Docketing Cause 25c. Ent. Appearance 20c	45			Witness Certificate	25	
Subpoena for Witness	30			Taking Bond Not Above Mentioned	75	
Making Certificate of Judgment	50			Entering Order of Court not above named	30	
Filing	10			Administering Oath	25	
Trial and Incidents	75			Taking Bond for Costs of Non-Resident Plaintiff	75	
Entering Judgment, or copy of same	30			Copy of any paper not above named, 15c per hundred words		
Order for Continuance	10			Filing Writ of Prohibition and Entering Return	15	
Issuing Execution	50			Issuing Writ of Prohibition	75	
Docketing Execution	25			Issuing copies of same, 15c per 100 words		
Issuing copy of same	50			Filing Mandamus and Entering Return	15	
Entering Sheriff's Return on Execution, 15c per hundred words	20			Issuing Writ of Mandamus	75	
Final Record, 15c per hundred words				Issuing copies of same, 15c per 100 words		
Order for Alias Summons and Complaint	30			Total Clerk's Fees		
Order to Dismiss Cause	30			SHERIFF'S FEES		
Order to Set Aside Dismissal	30			Serving and Returning Summons	\$1 50	
Order Overruling Motion to Set Aside Dismissal	75			Serving and Returning Subpoenas	65	
Order Granting New Trial	30			Collecting Execution for Costs	1 50	
Order Overruling Motion for New Trial	30			Serving and Returning Sci. Fa. Notice, etc.	65	
Order Overruling Motion for Continuance	30			Executing Writ of Possession	2 50	
Order Overruling Motion to Set Aside Default	30			Levy Attachment	3 00	
Order for Notice to Non-Resident Defendant	30			Entering and Returning Attachment	25	
Issuing Notice for Publication and Copy, 20c per hundred words				Entering and Returning Execution	25	
Order to Give Security for Costs	30			Summoning and Returning Garnishee	1 50	150
Order to Give Additional Bond	30			Taking and Approving Garnishee Bond	75	
Order to Execute Writ of Inquiry	30			Serving and Returning Writs	1 50	
Order of Sale in Attachment	30			Serving and Returning Summons on Forcible Entry	1 00	
Order for Leave to Amend Complaint	30			Executing Writ of Restitution in such cases	2 00	
Order for Leave to Amend Pleas	30			Taking and Approving Bonds of Every Kind	1 00	
Order for Leave to Amend Writ of Process	30			Taking and Approving Claim Bond	1 00	
Order for Attachment for Witness	30			Taking and Approving Forthcoming Bond	1 00	
Filing Deposition	10			Taking and Approving Bail Bond	1 00	
Issuing Commission to Take Deposition	75			Taking and Approving Plaintiff's Detinue Bond	1 00	
Issuing copy of same, 15c per 100 words				Taking and Approving Defendant's Detinue Bond	1 00	
Issuing Copy of Interrogatories, 15c per hundred words, but not less than	50			Making Deed	2 50	
Endorsing each Pet. Deposition Opened	10			Serving Attachment for Contempt of Court	1 50	
Taking Bond in Garnishment on Summons	75			Collecting Money on Execution		
Summons to Garnishee	50			Empanelling Jury	75	
Copies of same, 20c per hundred words				Sheriff's Commission for Property Sold Under Attachment		
Notice to Defendant in Garnishee on Summons, and copy, 20c per 100 words				Seizing Personal Property on Writ of Detinue	3 00	
Swearing Garnishee and Recording Answer, 15c per hundred words but not less than	50			Total Sheriff's Fees		
Filing Attachment	10			RECAPITULATION		
Issuing Attachment Writ and Taking Bond	1 00			Judgment		
Issuing Copies of Attachment Writ, 15c per hundred words				Interest		
Filing Certiorari and Entering Return	15			Clerk's Fees		
Taking Certiorari Bond and Filing Same	75			Sheriff's Fees		
Issuing Writ of Certiorari	75			Justice's Fees		
Issuing copies of Same, 15c per 100 words				Constable's Fees		
Issuing Writ of Scieri Facias or Notice in Nature of	75			Witnesses' Fees		
Issuing copies of same, 15c per 100 words				Commissioner's Fees		
Taking Supersedeas Bond and filing same	75			Printer's Fees		
Taking Appeal Bond and filing same	75			Stenographer's Fees	5 00	
				Answer of Garnishee		
				Trial Tax	3 00	3.00
TOTAL FORWARDED				Total		\$

Received Payment this

ATTEST:

day of

193

Clerk Circuit Court, Baldwin County, Ala.

See Book H Page 199

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STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared Patrick Barnard, who, after being by me first duly and legally sworn, deposes and says: That he is Administrator of the Estate of J. T. Hampton, deceased; that Josiah A. Test, Jr., is indebted to the Estate of J. T. Hampton, deceased, in the sum of One Hundred Dollars (\$100.00), for the recovery of which he has commenced suit by Summons and Complaint in the Circuit Court of Baldwin County, Alabama, against the said Josiah A. Test, Jr.; that he believes that process of garnishment against G. W. Robertson, Judge of Probate, Baldwin County, Alabama, is necessary to obtain satisfaction of the said indebtedness, and the said G. W. Robertson, Judge of Probate, Baldwin County, Alabama, is supposed to be indebted to or have effects of the said Defendant in his possession or under his control.

Patrick Barnard

Sworn to and subscribed before me on this the 9th day of August, 1935.

J. B. Hushak, J.P.

Notary Public, Baldwin County, Alabama.

GARNISHMENT BOND.

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That we, Patrick Barnard, Administrator of the Estate of J. T. Hampton, Deceased, as Principal, and Patrick Barnard and E. F. Sanders, as Sureties, are held and firmly bound unto Josiah A. Test, Jr., in the sum of Two Hundred Dollars (\$200.00), for the payment of which well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated this 12 day of August, 1935.

The condition of the above obligation is such that whereas, the above bound Patrick Barnard, Administrator of the Estate of J. T. Hampton, Deceased, has brought a suit, now pending against the said Josiah A. Test, Jr., in the Circuit Court of Baldwin County, Alabama, to recover of the said Josiah A. Test, Jr., the sum of One Hundred Dollars (\$100.00), and has this day prayed that a Writ of Garnishment issue to G. W. Robertson, Judge of Probate, Baldwin County, Alabama, to answer what he is indebted to or what effects of the said Defendant he has in his possession or under his control, and the said Plaintiff having made oath and entered into this bond as required by law, has obtained said Writ of Garnishment, returnable to the next term of the said Court.

Now, if the said Plaintiff shall prosecute his said suit to effect and pay the defendant all such damages as he may sustain by the wrongful or vexatious suing out of said garnishment, then this obligation to be void, otherwise to remain in full force and effect.

Patrick Barnard (SEAL)

Administrator of the Estate of J. T. Hampton, Deceased.

Patrick Bamard (SEAL)

E. J. Sanders (SEAL)

Taken and approved this, 12 day of
August, 1935.

Robert L. Quirk

Circuit Clerk.

GARNISHMENT AFFIDAVIT AND BOND.

PATRICK BARNARD, Administrator
of the Estate of J. T. Hampton,
Deceased,

Plaintiff,

VS.

JOSIAH A. TEST, Jr.,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NO. ____.

Filed on this the 12 day of
August, 1935.

Patrick S. Deuch

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA