

STATE OF ALABAMA,)
COUNTY OF BALDWIN.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JAMES SALAC 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 W. N. DYER.

WITNESS my hand this 13th day of January, 1936.

Robert L. Welch
Clerk.

W. N. DYER,
Plaintiff,
VS.
JAMES SALAC,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW.

The Plaintiff claims of the Defendant the following personal property, to-wit:

One CC Case Tractor, ^{and cultivation complete} together with the value of the hire or use thereof, during the detention, to-wit: the first day of November, 1935.

Richard Hall
Attorneys for Plaintiff.

The Plaintiff having given bond as required by law, the Sheriff is required to take the property mentioned in the accompanying complaint into his possession, unless the defendant give bond payable to the Plaintiff, with sufficient surety in double the value of the property, with condition that if the Defendant is cast in suit, he will in thirty days therefrom deliver the property to the Plaintiff and pay all costs and damages which may accrue from the detention thereof.

Robert Duck
Clerk of the Circuit Court of
Baldwin County, Alabama.

*We the jury find for the plaintiff
in this case with no rental for
tractor and cultivator during period
of possession by Salac. Tractor to
be returned to plaintiff*

Joe L. Llewellyn
Foreman

*Jury 237 RECORDED
Duck
7-409*

W. N. DYER,

Plaintiff,

VS.

JAMES SALAC,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

SUMMONS AND COMPLAINT.

Filed this 13 day of Jan.,
1936.

Robert Duck
Clerk.

*Executed Jan. 14, 1936
by serving copy of
the within writ on
James Salac and
taking into my possession
all the within mentioned
property except the
cultivator complete
which was not
found on the premises.*

*M. H. McIlhenny Shry
C. M. Lockman. D. S.*

*Rec'd in office
Jan 13 1936
msted-shry*

REPLEVY BOND OF DEFENDANT.

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That we, James Salac, as Principal and J. W. Bystricky and H. E. Marker, as Sureties, are held and firmly bound unto W. N. Dyer in the sum of Sixteen Hundred Dollars, for the payment of which well and truly to be made we, jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with out seals and dated this 20th day of January, 1936.

The condition of the above obligation is such that, whereas, the said W. N. Dyer did on the 13th day of January, 1936, sue out of the Circuit Court of Baldwin County, Alabama, a writ of detinue, directed to any sheriff of the said State, and commanding him to take into his possession the following property, to-wit: One C C Case Tractor and Cultivator complete; which said writ was placed in the hands of M. H. Wilkins, Sheriff of Baldwin County, Alabama on the 13th day of January, 1936, and executed by him on the 14th day of January, 1936, by taking into his possession the following property, to-wit:

One C C Case Tractor and Cultivator complete; and,

WHEREAS, the above bound James Salac, Defendant in said suit has, within five days from the execution of said writ entered into and executed this bond as required by law and thereby obtained possession of the said property seized under the said writ.

Now, if the said James Salac is cast in said suit, and within thirty days after judgment, deliver the property aforesaid to the Plaintiff and pay all costs and damages which may accrue from the detention thereof, then this obligation to be void, otherwise to remain in full force and effect.

James Salac (SEAL)

H. E. Marker (SEAL)

J. W. Bystricky (SEAL)

237

RECORDED

such
7-414

DEFENDANT'S REPLEVY BOND.

JAMES SALAC, et al,

-to-

W. N. DYER.

Filed this 30th day of Jan 36
J. B. Blackburn
Clerk-Register

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

STATE OF ALABAMA,
COUNTY OF BALDWIN.

Personally appeared before me, the undersigned, in and
for said County, in said State, W. H. DYER, who being duly sworn,
deposes and says, that the property sued for in the complaint here-
with, to-wit:

One CC Case Tractor and Cultivator complete,
together with the value of the hire or use
thereof, during the detention, to-wit: the
first day of November, 1935,

belongs to W. H. Dyer, the Plaintiff.

W. H. Dyer

Sworn to and subscribed before me
this the 12 day of January, 1936.

Hornstee
Notary Public, Baldwin County, Ala.

RECORDED

Ducks

7-410

W. N. DYER,

Plaintiff,

VS.

JAMES SALAC,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

AFFIDAVIT.

Filed this 13 day of Jan.,
1936.

Ruth S. Quoy

Clerk.

W. N. DYER,

Plaintiff,

-vs-

JAMES SALEC,

Defendant.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY.
NUMBER 237.

And now comes the defendant and for plea to this action
says:

ONE.

Defendant pleads in short by consent the general issue.

TWO.

Defendant denies the material allegations of the com-
plaint.

B. J. McCormick
Attorney for Defendant.

Defendant demands a jury trial.

B. J. McCormick
Attorney for defendant.

237 RECORDED
Duck
7-411

Dyn
vs
Alar

7th 36
Luther Duck

Case was returned unchanged

Transmitted for return

STATE OF ALABAMA, }
COUNTY OF BALDWIN. }

KNOW ALL MEN BY THESE PRESENTS, That I, W. N. DYER,

as Principal, and the undersigned, as Sureties, are held and firmly bound unto James Salac in the sum of Fifty (\$50.00) Dollars for the payment of which well and truly to be made, we bind ourselves and each of us and our and each of our heirs, executors and administrators, jointly and severally, and firmly by these presents.

Sealed with our seals and dated this _____ day of January, 1936.

The condition of the above obligation is such that whereas the above bound W. N. Dyer has this day commenced suit in the Circuit Court of Baldwin County, Alabama, against the said James Salac for the recovery of the following described personal property, to-wit:

One CC Case Tractor and Cultivator complete, together with the value of the hire or use thereof, during the detention, to-wit, the first day of November, 1935,

and having made affidavit that the property sued for belongs to him and entered into this bond, has obtained an order requiring the Sheriff of Baldwin County, Alabama, to take the property sued for into his possession.

Now if the said W. N. Dyer shall fail in said suit and pay the Defendant 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.

 (SEAL)
 (SEAL)
_____ (SEAL)

RECORDED

Duck
7-410

W. N. DYER,

Plaintiff,

VS.

JAMES SALAC,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW.

BOND.

Filed this 13 day of Jan.,
1936.

Robert L. Duck

Clerk.

Jury List First Week, April 13, 1936.

NO.	NAME	OCCUPATION	ADDRESS
1	Ambrose Hamburg,	Laborer,	Foley
2	Cecil Trawick,	Farmer,	Stapleton
3	Philip Fulford,	Oysterman,	Bon Secour
4	Allen Pilgrim,	Clerk,	Miflin
5	Otis Scott,	Farmer,	Stockton
6	Jacob Krischer,	Farmer,	Elberta
7	Will Younce,	Farmer,	Foley
8	Floyd Taylor,	Farmer,	Bay Minette
9	John W. Spalding,	Farmer,	Foley
10	Galen C. Berg,	Farmer,	Foley
11	Irby Heaton,	Naval Stores,	Bay Minette
12	Dupree McNeil,	Farmer,	Holman
13	Thomas L. C. Vail,	Printer,	Bay Minette
14	Clyde Robinson,	Farmer,	Beaufort
15	Jim Beck,	Clerk,	Beaufort
16	John Thompson,	Ice Man,	Foley
17	William Thomas,	Merchant,	Foley
18	James Parker,	Laborer,	Foley
19	Elbert Boone,	Oil Truck,	Foley
20	Ernest D. Swift,	Clerk,	Fairhope
21	Cleveland C. Gantt,	Merchant,	Little River
22	Hobson Bush,	Farmer,	Bay Minette
23	Joe C. Callaway,	Fisherman,	Bon Secour
24	William Lenz,	Garage,	Elberta
25	John H. Helmeir,	Mechanic,	Foley
26	Aubrey Allen,	Fisherman,	Bon Secour
27	Robert C. Gwaltney,	Clerk,	Robertsdale
28	Oscar Grubbs,	Farmer,	Robertsdale
29	Henry Bauer,	Farmer,	Point Clear
30	Frank Heidleberg,	Farmer,	Silverhill
31	Shelby Folmar,	Farmer,	Bay Minette
32	Carl White,	Farmer,	Bay Minette
33	Louis Bush,	Clerk,	Bay Minette
34	Gus Murphy,	Farmer,	Bay Minette
35	J. Mack Blackman,	Farmer,	Bay Minette
36	Virgil V. Rhodes,	Dairyman,	Bay Minette
37	Charles T. Sims,	Printer,	Bay Minette
38	Henry Miller,	Farmer,	Bay Minette
39	William A. Thompson,	Insurance,	Bay Minette
40	Verner Ray,	Printer,	Bay Minette

We, the jury find for the
Plaintiff for the property
sued for or its alternate
value of \$ 800 ⁰⁰/₋

We further find no rental
value for the use of the
tractor.

Geo D Salway
Foreman

4

The State of Alabama }
Baldwin County

CIRCUIT COURT

No.

Term, 193

To Any Sheriff of the State of Alabama--Greeting:

You are hereby commanded, That of the goods and chattels, lands and tenements of _____

Defendants,

you cause to be made the sum of \$66.00 or Sixty Six and 00/100 Dollars.

which 27 11 1958 Plaintiffs

recovered of Heinz on the 15 day of April 1936 by

the Judgment of our Circuit Court, held for the County of Baldwin, besides the sum of _____

- Dollars

costs of suit, and have the same to render to the said _____

and make return of this Writ and the execution thereof, according to law.

Interest from _____, 193____, to date of collection.

Witness my hand, this _____ day of _____, 193_____

-Clerk

[illegible]

See Book # Page 241 5/18/36

65-90

Jury List First Week, April 13, 1936.

NO. NAME OCCUPATION ADDRESS

1 Ambrose Hamburg, Laborer, Foley
 2 Cecil Trawick, Farmer, Stapleton
~~3 Philip Falford, Oysterman, Bon Secour~~
 4 Allen Pilgrim, Clerk, Miflin
 5 Otis Scott, Farmer, Stockton
 6 Jacob Krischer, Farmer, Elberta
~~7 Will Younce, Farmer, Foley~~
 8 Floyd Taylor, Farmer, Bay Minette
~~9 John W. Spalding, Farmer, Foley~~
 10 Galen C. Berg, Farmer, Foley
~~11 Irbey Heaton, Naval Stores, Bay Minette~~
 12 Dupree McNeil, Farmer, Holman
~~13 Thomas C. Hall, Printer, Bay Minette~~
~~14 Clyde Robinson, Farmer, Belforest~~
 15 Jim Beck, Clerk, Belforest
 16 John Thompson, Ice Man, Foley
 17 William Thomas, Merchant, Foley
~~18 James Parker, Laborer, Foley~~
 19 Elbert Boone, Oil Truck, Foley
 20 Ernest D. Swift, Clerk, Fairhope
 21 Cleveland C. Gantt, Merchant, Little River
 22 Hobson Bush, Farmer, Bay Minette
~~23 Joe C. Callaway, Fisherman, Bon Secour~~
 24 William Lenz, Garage, Elberta
 25 John H. Helmeir, Mechanic, Foley
~~26 Aubrey Allen, Fisherman, Bon Secour~~
 27 Robert C. Gwaltney, Clerk, Robertsdale
 28 Oscar Grubbs, Farmer, Robertsdale
~~29 Henry Bauer, Farmer, Point Clear~~
 30 Frank Heidleberg, Farmer, Silverhill
 31 Shelby Folmar, Farmer, Bay Minette
~~32 Carl White, Farmer, Bay Minette~~
 33 Louis Bush, Clerk, Bay Minette
~~34 Gus Murphy, Farmer, Bay Minette~~
~~35 J. M., Farmer, Bay Minette~~
 36 Virgil V. Rhodes, Dairyman, Bay Minette
~~37 Charles T. Sims, Printer, Bay Minette~~
 38 Henry Miller, Farmer, Bay Minette
~~39 W. L., Farmer, Bay Minette~~
 40 Verner Ray, Printer, Bay Minette

Dyer
Salace

The Court charges the jury that for the plaintiff ~~can~~ recover in this case he must show right to immediate possession at the time the suit was filed.

The court charges the jury that the burden of showing a right to immediate possession of the property is on the plaintiff.

The court charges the jury that if there was an absolute sale of the property sent for by the plaintiff to the defendant, the plaintiff cannot recover in this case, ~~the plaintiff cannot recover~~ unless you are reasonably satisfied from the evidence that through the parties mutually agreed that the title should be vested in the plaintiff.

Wm. H. ...

2/ I charge you Gentlemen of the jury
that if you believe the evidence in
this case you should find for the
Defendant on Count 2.

Refused (Carved by 2)

J.W. Lare
Judge

The Court charges the jury that if
plainiff paid the property under
for to defendant plaintiff can
not the after mistake in this
usually because defendant has not
paid the purchase price. ^{Refused}
J. W. Store Judge

I charge you gentlemen of the jury
that if you believe the evidence
in this case you will find for
the defendant on count one and
to Count 2 & 4 ^{Refused}
J. W. Store Judge

= B = ^{Refused}
J. W. Store Judge

The Court charges the jury
that that was enough that
was no completed sale, still
plaintiff could not be
covered unless he had money.