

MOTION FOR REHEARING

HERRON STEADHAM,	)	
	)	
Plaintiff	)	IN THE JUSTICE COURT OF
	)	
-vs-	)	THOMAS VONASHEK, JUSTICE OF PEACE,
	)	
WALTER SHARRETTTS,	)	BEAT 9, Robertsedale, Alabama.
	)	
Defendant.	)	

Comes now Orvis M. Brown, Attorney for the Plaintiff in the above styled cause and files this his motion for and in behalf of the Plaintiff for a rehearing in the above styled cause which was held in the above Court on October 27th, 1938 at 10:00 A.M. and asks this rehearing for the purpose of proving the alternate value in the Writ of Detinue and also the entering of the proper form of judgment.


ORVIS M. BROWN:
Attorney for Plaintiff.

State of Alabama

Detinue Bond and Affidavit

BALDWIN COUNTY

Know all Men By these Presents, That We, H. Steadham

are held and firmly bound unto Walter Sharretts

heirs, executors and administrators, in the sum of one ^{and} ~~Hundred~~ no/100 ----- Dollars, for the payment of which, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 22nd day of October A. D. 1923.

The Condition of the above Obligation is such, That whereas the above bounden H. Steadham

has, on the 22 day of Oct. 1923 sued out from the office of the Justice Thomas Vonashek ~~Clerk of the Circuit Court of Baldwin County~~, in the State of Alabama, a writ of Detinue, returnable fourth Monday in 192 of said Circuit Court of Baldwin County against the said

Walter Sharretts, for the recovery of the following described property to- wit: 1 Heifer Yearling Jersey, light-color with small sharp horns about 2 1/2 years old; One brown Jersey with dark ears and black circles around eyes with curved horns to front.

Now, if the said H. Steadham shall fail in said suit, and shall pay to the said Walter Sharretts the defendant in said writ, all such costs and damages as he may sustain by the wrongful suing out of said Writ of Detinue, then this obligation to be void, otherwise to remain in full force and benefit.

H. Steadham [L. S.]

J. B. Childress [L. S.]

John A. Spivey [L. S.]

State of Alabama

Detinue Affidavit

BALDWIN COUNTY

Personally appeared before me, Thomas vonashek, Justice of Peace
Robertsdale Baldwin County, Alabama, H. Steadham

Who, being duly sworn, deposes and says.

that property sued for in the complaint of H. Steadham vs Walter

Sharretts to-wit: 1 Heifer Yearling Jersey,

light color with small sharp horns about 2 1/2 years old; 1 Brown Jersey
with dark ears and black circles around eyes with curved horns to
front.

belongs to H. Steadham the said plaintiff

Sworn to and subscribed the 22 day

of October 1928 before me.

Clerk.

Justice of Peace.

Filed April 16, 1939
R. S. DUCK
clerk, - register
By *Andrew H. Thompson*
Deputy

RECORDED

KNOW ALL MEN BY THESE PRESENTS, That we, WALTER SHARRETTTS, as Principal, and the undersigned as Sureties, are held and firmly bound unto H. Steadham in the sum of One Hundred (\$100.00) Dollars, for the payment of which well and truly to be made, we bind ourselves and each of us and each of our heirs, executors, and administrators, jointly and severally.

Sealed with our seals and dated this 31 day of October, 1938.

The condition of the above obligation is such that on the 27th day of October, 1938, Thomas Vonashek, a Justice of the Peace, in and for said County, rendered a judgment in favor of the said H. Steadham against the said Walter Sharretts, for the following described personal property, to-wit:

One light yellow jersey heifer about 2 $\frac{1}{2}$ years old;
One dark brown jersey heifer about 2 $\frac{1}{2}$ years old,

and costs of proceeding, from which judgment the said Walter Sharretts has applied for and obtained an appeal to the Spring Term of the Circuit Court of Baldwin County, Alabama; if the said Walter Sharretts shall prosecute said appeal to effect, or if he fail in said appeal, shall pay such judgment both as to debt and costs as may be rendered against him by the said Circuit Court of Baldwin County, Alabama, then in either of said events, this obligation to be void, otherwise to remain in full force and effect.

Walter J. Sharretts (SEAL)
H. S. Sharretts (SEAL)
L. H. Stevens (SEAL)

Taken and approved this 31st
day of October, 1938.

Thomas Vonashek
Justice of the Peace.

RECORDED

APPEAL BOND.

Filed April 6, 1939
R. S. DUCK
clerk - register

By W. H. Thompson
Deputy

Stockton & Harbette

No 513

513

Jury List, First Week, April 8, 1940

1. Dennis L. Thompson, Farmer, Stockton.
2. ~~Ludie N. Scarborough, Farmer, Bay Minette.~~
3. Julius Hilary Brown, Cobbler, Bay Minette.
4. ~~Ira V. Guess, Carpenter, Bay Minette.~~
5. Robert L. Godwin, Water Company, Bay Minette.
6. Virgil V. Rhodes, Farmer, Bay Minette.
7. ~~Ort H. Ertzinger, Insurance, Bay Minette.~~
8. ~~Charles A. Bodden, Mgr. Ala. Power Co., Bay Minette.~~
9. ~~John E. Quinley, Laborer, Bay Minette.~~
10. William S. McMillan, Clerk, Bay Minette.
11. Wilton J. Stapleton, Farmer, Bay Minette.
12. ~~John B. Stuart, Contractor, Bay Minette.~~
13. J. Floyd Bryars, Pressing Club, Bay Minette.
14. ~~Wilbur W. Quinley, Farmer, Bay Minette.~~
15. ~~James D. Morris, Jr., Farmer, Gateswood.~~
16. ~~Thomas L. Baggett, Farmer, Gateswood.~~
17. ~~John W. Pittman, Farmer, Gateswood.~~
18. Jack R. Downer, Farmer, Gateswood.
19. ~~John H. Shumate, Mechanic, Robertsedale.~~
20. ~~C. Red Anderson, Farmer, Silverhill.~~
21. ~~Nathan O. Smith, Farmer, Foley.~~
22. Alex V. Lazari, Farmer, Daphne.
23. Charles X. Guarisco, Tailor, Daphne.
24. Augustine X. Guarisco, Farmer, Daphne.
25. ~~Connie A. Gaston, Editor, Fairhope.~~
26. Charles M. Guthrie, Farmer, Fairhope.
27. ~~J. Ernest Duck, Mechanic, Bay Minette.~~
28. ~~Claude S. Woodson, Furniture, Bay Minette.~~
29. ~~Paul E. Teter, Abstracts, Bay Minette.~~
30. Thomas J. Davidson, Butcher, Bay Minette.
31. ~~Virgil O. McMillan, Turpentine Operator, Bay Minette.~~
32. ~~Hunter H. Mixon, Hardware, Bay Minette.~~
33. ~~Clyde N. Little, Mechanic, Bay Minette.~~
34. ~~J. Frank Knowles, Newport, Bay Minette.~~
35. ~~Clinton L. White, Cashier, Bay Minette.~~
36. ~~P. Grey Cane, Oil Agent, Bay Minette.~~
37. ~~Edward J. Lemerise, Tar Plant Operator, Bay Minette.~~
38. ~~George F. Stevenson, Oil Agent, Bay Minette.~~
39. ~~Walter D. White, Merchant, Bay Minette.~~
40. ~~S. S. Baggett, Naval Stores, Bay Minette.~~
41. ~~Sidney K. Smith, Merchant, Bay Minette.~~

	1	2	3	4	5	6	7	8	9	10	11	12	13
16	40	4	9	14	17	34	7	9	30	11	20		
41	38	25	8	12	29	37	36	19	27	35	21	31	

The State of Alabama

Baldwin County

JUSTICE COURT OF THOMAS VONASHEK

~~XXXXXXXXXXXX~~

No. _____ Term, 1938

To Any Sheriff of the State of Alabama:

You are hereby commanded to seize and deliver to _____

H. Steadham

the following personal property, to-wit:

1 Heifer Yearling Jersey, light color with small sharp horns about 2½ years old;

1 Brown Jersey with dark ears and black circles around eyes with curved horns to front.

which the said H. Steadham

on the _____ day of _____ 1938 by the judgment of our

Justice Court at Robertsdale, Baldwin County, Alabama

~~XXXXXXXXXX~~ held for the ~~XXXXXXXXXX~~ recovered of _____Walter Sharrettsif the same can be had; if not, you are hereby commanded that of the goods and chattels, lands and tenements of the said Walter Sharrettsyou cause to be made the sum of fifty - - - - - Dollars,

the alternate value of the personal property, viz:

1 Heifer Yearling Jersey, light color with small sharp horns about 2½ years old

1 Brown Jersey with dark ears and black circles around eyes with curved horns to front.

Also the further sum of _____ Dollars

for the detention of the said property by the said Walter Sharretts

besides _____ Dollars,

costs of suit; and make return of this writ and the execution thereof according to law.

Witness my hand, this 22 day of October 1938Thomas Vonashek ~~CLERK~~

JUSTICE OF PEACE.

Dollars Cts.

Dollars Cts.Dollars Cts.

Page

Baldwin County.

Plaintiff;

vs.

Defendants

Filed September 6, 1939

Issued **NOV 20 1993**

JOE, 193
clerk, - register

By Arthur J. [Signature] Clerk.

RECEIVED IN ORIGINALITY

193.

Sheriff.

I have executed this Writ

this October 2nd, 1938

by

James S. Walstead Deputy Sheriff.

The State of Alabama, {

Baldwin County

KNOW ALL MEN BY THESE PRESENTS, That we, Walter Sharrett

and _____

are held and firmly bound unto H. Sturtham

in the sum of One hundred ⁰⁰/₁₀₀ 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 our seals and dated this 24 day of October 1938

The condition of the above obligation is such that whereas the said H. Sturtham

_____ did, on the 22 day of October 1938 sue out of the Justice of Peace Court of Thomas

Uneshuk a writ of detinue directed to any Sheriff of the State of Alabama commanding him to take into his possession the following property, to-wit: One heifer speaking light

color with small sharp horns about 24 yrs. old and
one brown jersey with dark ears and black circles about eyes
with mixed horns to front

which said writ was placed in the hands of Homer Walter Constable

Sheriff of Baldwin County, Alabama, on the 22 day of October, 1938,

and executed by him on the 24 day of October, 1938, by taking into his possession the following property, to-wit:

And whereas the said _____ Defendant in said writ, has failed and neglected for the space of five days from the execution of said writ to give bond and take possession of said property as authorized by law.

Now if the said Walter Sharrett upon his failing in said suit shall deliver the said property to the Defendant within thirty days after judgment and pay all damages for the detention of the property and costs of suit, then this obligation to be void, otherwise to remain in full force and effect.

Walter J. Sharrett (SEAL)

Bob Hubbard (SEAL)

S.W. 1/4 of N.E. 1/4 Sec. 33 T.6 R. 4 - 40 acres (SEAL)

Taken and approved this 24 day of October 1938

Thomas Uneshuk
Sheriff, Baldwin County, Ala.

J. J. P.

RECORDED

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Circuit Court, Baldwin County

REPLEVY BOND
OF PLAINTIFF

vs.

Taken and approved this _____

day of _____, 193____

Filed April 6, 1939
R. S. DUCK

clerk, - register

By *Andrie Morgan*
Deputy

The State of Alabama, } JUSTICE COURT OF THOMAS VONASHEK
 Baldwin County. } No. October 22nd, 1938

To any Sheriff of the State of Alabama:

You are hereby commanded to summon Walter Sharretts

five days from the service of this writ, in the Justice Court of Thomas Vonashek
his office in Robertsdale, Alabama under No. 27-38 at 10 A.M.
~~XXXXXX~~ at ~~XXXXXX~~ then and there to answer the complaint of

H. Steadham

Witness my hand this 22nd day of October 1938

Thomas Vonashek
 Justice of Peace.

COMPLAINT

H. STEADHAM

WALTER SHARRETT

Plaintiff Versus Defendant

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

- 1 Heifer Yearling Jersey, light color with small sharp horns
about 2½ years old;
- 1 Brown Jersey with dark ears and black circles around eyes
with curved horns to front.

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

from October 8th 1938, to October 22nd 1938

H. Steadham Plaintiff's Attorney.

No. _____ Page _____

State of Alabama,
Baldwin County.

Circuit Court

vs. Plaintiffs

Defendants

Detinue Summons and Complaint

Filed _____ 192__

Clerk.

Filed April 6, 1939

R. S. DUCK

clerk, - register

By *Matthew Thompson*
Deputy

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.

I have Executed this writ per personal service of the Dept. Walter Shanotte.

This Oct. 24 1938

Thomas S. Walters

Deputy Sheriff

We the Jury find for the defendant

*Tecuman
J. S. Bryan Jr*

Defendant lives at

Received in office

192__

Sheriff

I have executed this summons

192__

this

by leaving a copy with

SHERIFF.

DEPUTY SHERIFF.

Transcript of Civil Cases from Justice's Court of Thomas Umeshell, Robert L. L., Baldwin County, Ala.

ATTORNEYS	NAMES OF PARTIES	CAUSE OF ACTION	ITEMIZED BILL OF COSTS
O. M. Brown	N. Steadham	Detention	JUSTICE'S FEES Issuing Summons..... \$ 50 Issuing..... Alias Summons..... 50 Issuing..... Subpoena..... for each witness.. 15 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 Bond..... 50 Administering Oath and Certifying Same..... 25 Certificate not otherwise provided for..... 25 Docketing Cause..... 10 Judgment on Forfeiting 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 Set. Ra. or notice in nature thereof..... 50 Making Return of Certiorari..... 50 Notice to Defendant..... 15 Release..... 25 CONSTABLE'S FEES CIVIL CASES Serving..... Summons..... 1 00 Serving..... Summons on Each Witness..... 25 Serving..... Garnishment..... 25 Levying Attachment under \$50.00..... 1 00 Levying Execution under \$50.00..... 1 00 Making Money, 3 per cent, not less than..... 75 Serving..... Notice, etc., on each party therein..... 25 Serving Set. Ra. or other like Notice..... 50 Taking Bail or other Bond..... 50 Keeping Property Levied on..... WITNESS' FEES Witness..... Days..... 50 Garnishee's Fee.....
October 22-1938	Bond and Affidavit Filed.		
	Summons and Complaint Issued ret. October 27-1938		
	Ret. executed by B. F. Kucera, deputy sheriff		
	Leave the parties into court and upon hearing of the evidence		
	the court orders and adjourns that the plaintiff have and		
	serve the two higher copies now in possession of Mr. Sheriff		
	and that the defendant be charged with the cost of these proceedings		
	Witness may be heard this 27 day of October 1938		
	Thomas Umeshell, J. P.		

T. L. L.

22 105

IN JUSTICE COURT OF

The State of Alabama, }
Baldwin County

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

day of

19

Justice of the Peace.

Filed April 6, 1939
R. S. DUCK
clerk - register

By *W. H. H. H. H. H.*
Deputy

Herren Steadham

^B
Mitt J Sheretts

And Now Comes The Defendants
And for answer to Plaintiffs
Claim and each Count
They separately and severally
Plead the General Issue —

Graves Hall
Atty for Def

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.

Case No. 513

CIRCUIT COURT

Spring Term, 1940

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Mrs. Walter Sharrette, Mrs. J. P. Lambert, Chas. Davidson, Ed. Harrison, John A. Wynn, John Zigler, Chas. Stevens

if to be found in your County, at the instance of the Dependant
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,
by 9:30 o'clock of the forenoon, on the 11 day of April — 1940 193..
and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to
say, in a certain cause pending, wherein Herron Steadham Plaintiff
and Walter Sharrette Defendant.

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

Given under my hand and seal, this 29 day of April 1940

R. S. Duck Clerk.

Received in office this.....day of

193.....

Sheriff.

I have executed this writ *by serving*

a copy on the
Walter named this the
10th day of April 1940

W R Stuart Sheriff
By M B Hamilton

Sheriff.

ORIGINAL

No. *513*

Page.....

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Hermon Stralhan

Plaintiff

VS.

Walter Sharretta

Defendant

CIVIL SUBPOENA

Issued this.....day of

193.....

Clerk.

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.

Case No. 513

CIRCUIT COURT

Spring, 1940 Term, 193

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Mrs. Otis Steadham, Roy Hastings, Buck Steadham, Mr. King, Otis Steadham (Summerdale) Mrs. C. Henry (Foley) Rodney Feal (Foley) Alex Mitchell, Jack Lowe (Robertsdale)

if to be found in your County, at the instance of the Plaintiff

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof, by 8:30 o'clock of the forenoon, on the 11th day of April, 1940 193

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain cause pending, wherein HERRON STEADHAM, Plaintiff

and WALTER SHARRETTES Defendant.

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

Given under my hand and seal, this 29th day of March, 1940 193

R. S. Duck Clerk.

Received in office this..... day of

MAR 30 1940

193.....

W.R. Stuart

Sheriff.

I have executed this writ

Atis Steadham *Atis Steadham*

3/30/40

A.P.P.

Aly Mitchell

Roy Hastings *Bureau*

Jack Lowe - 4-5-40

Mrs C. Henry - 4-5-40

Rodney Foll - 4-5-40

Roy Hastings

Mr King - 4-8-40

Buck Steadham - 4-1-1940

ORIGINAL

No. 513

Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

HERRON STEADHAM,

Plaintiff

VS.

WALTER SHARRETTS

Defendant

CIVIL SUBPOENA

Issued this..... 29th..... day of

March, 1940

193.....

Sheriff.

Clerk.

W.R. Stuart

B.H. Green

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.

Case No. 513

CIRCUIT COURT

August Term, 1939

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Mrs. Otis Shadham (Summerdale) Ray Hastings

(S'dale) Buck Shadham (S'dale) Mrs. C. Henry (Foley) Alex Mitchell (R'dale)
Jack Low (R'dale)

if to be found in your County, at the instance of the plaintiff

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 22nd day of August 1939

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein Vernon Shadham Plaintiff

and Walter Sharretta Defendant.

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

Given under my hand and seal, this 17 day of August 1939

R. S. DUCK

clerk, - register

Clerk.

Pauline Shadham
Deputy

Received in office this 17th day of

Aug 1939

W.R. Stuart
Sheriff.

I have executed this writ this 18th

day of August 1939
by serving copy on
Mrs Otis Steadham
Roy Hastings, Bunch
Steadham and
Mrs C. Keeney
Jack Low
Alex Mitchell

W.R. Stuart
Sheriff.

(Plaintiff)

ORIGINAL

No. 513 Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Herron Steadham

Plaintiff

VS.

Walter Sharvett

Defendant

CIVIL SUBPOENA

Issued this day of

193

Clerk.