

W. C. HOLMES
Plaintiff,

vs.

Mr. & Mrs. Randolph Nelson,
Defendant.

IN THE JUSTICE COURT OF JEROME PRICE,
Justice of the Peace in and for Beat
14, Baldwin County, Alabama

ANSWER OF GARNISHEE

Comes now Farmers & Merchants Bank of Foley and for answer to the writ of garnishment heretofore served on it and says:

That it is not indebted to either of said defendants at time of the service of said writ or at the time of making this answer and that it will not be indebted in the future by a contract now existing and that it has not in its possession or under its control personal or real property or things in action belonging to said defendants or either of them.

That it does have in its possession the sum of ONE HUNDRED & 00/100 (\$100.00) DOLLARS on deposit in the name of Eloise Nelson and is informed and believes that Eloise Nelson is the same person as Mrs. Randolph Nelson.

Wherefore, having fully answered said Farmers & Merchants Bank of Foley prays that it may go hence without day and have judgment for its costs herein expended.

FARMERS & MERCHANTS BANK OF FOLEY

By

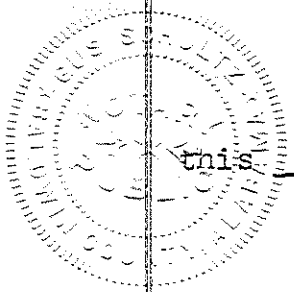

Cashier

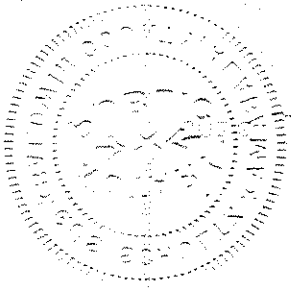
STATE OF ALABAMA)
BALDWIN COUNTY)

E. F. Sanders being first duly sworn on oath deposes and says that he is cashier of Farmers & Merchants Bank of Foley; that he has read and knows the contents of the foregoing answer and the facts therein set forth are true.

Subscribed in my presence and sworn to before me
this 9th day of May, 1939.


Notary Public.





Case No. 1338

Appeal from the Circuit Court of the County of ...

Plaintiff, ...

Defendant, ...

... of ...

... of ...

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RECORDED

W. C. HOLMES, Plaintiff,

vs.

MR. & MRS. RANDOLPH NELSON,
Defendant.

ANSWER OF GARNISHEE

Handwritten: June 13, 1934
R. S. DUCK

clerk, - register

Handwritten: By Handwritten: Deputy

LLOYD A. MAGNEY
Attorney at Law
Foley, Alabama.

(23)

Transcript of Civil Cases from Justice's Court of _____ County, Ala.

ATTORNEYS

NAMES OF PARTIES

CAUSE OF ACTION

ITEMIZED BILL OF COST

Dr. W. C. Holmes

vs

Eloise Nelson

Suit on account.

DISPOSITION OF CASE

Bond and Affidavit Filed May 6th 1939.

Summons and Complaint Issued Ret. Jerome Price J.P.

Ret. Executed By Special Constable R. S. Givins

Came the Defendant and after hearing the evidence the Court gave the Plaintiff judgment for Fifty Two + 00 against the Defendant and Court cost against the Defendant.

JUSTICE'S FEES

Issuing Summons <i>over \$50.00</i>	\$ 50	1.00
Issuing ... Alias Summons	50	
Issuing ... Subpoena .. for each witness	15	
Issuing ... Execution and Taxing Cost	50	50
Issuing ... Summons to Garnishee and taking answer	50	50
Issuing ... Attachment Writ	50	
Attachment Bond and Affidavit	50	1.00
Garnishment Bond and Affidavit	50	50
..... Appeal or Certiorari, including Bond	1 00	1.00
..... Bond	50	
Administering Oath and certifying same	50	
..... Certificate not otherwise provided for	25	
Docketing Cause	10	10
Judgment on Forthcoming Stay or Replevin or Replevin Bond	50	
Judgment on Summary Proceeding	75	
Issuing ... Venire Facias	50	50
Transcript of Proceeding	50	
Attending Trial or Right of Property	1 00	1.00
Sci. Fa. or notice in nature thereof	50	50
Making Return of Certiorari	50	
..... Notice to Defendant	15	
Release	25	25

CONSTABLE'S FEES
Civil Cases

Serving ... Summons	100	1.00
Serving ... Summons on Each Witness	25	
Serving ... Garnishment	25	25
Levying Execution under \$50.00	1 00	
Levying Attachment under \$50.00	1 00	
Making Money, 3 per cent, not less than	75	
Serving 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' FEES

..... Witness	Days	50
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Garnishee's Fee

RECORDED

Filed April 13, 1939

R. S. DUCK

clerk, - registered

By *Santhia Thompson*
Deputy

The State of Alabama, {
Baldwin County

KNOW ALL MEN BY THESE PRESENTS :

That we, Dr W C Holmes

are held and firmly bound unto

Mrs & Mr Randolph Nelson in the sum of
One Hundred Eighty Six & 00/100 Dollars and costs, to be paid to the said
Mrs & Mr Randolph Nelson his heirs, executors, admin-
istrators and assigns; for which payment, well and truly to be made, we bind ourselves and each of
us, our heirs, executors and administrators, joint y, severally and firmly by these presents.

Sealed with our seals and dated this 6th day of May in the year of our
Lord, One Thousand, Nine Hundred 1939

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

W.C. Holmes has on the day of the
above date, commenced suit in the court of Jerome Price, J. P. returnable on
the 13th day of May 1939, to recover of said
Mrs & Mr Randolph Nelson
the sum of Ninety Three & 00/100 Dollars
and the said plaintiff has prayed a Garnishment in said case, as provided by law.

Now, if said Plaintiff shall prosecute this suit to effect, and pay all such damages and costs to
Defendant as he may sustain by the wrongful suing out of said Garnishment, this obligation to be
void, otherwise to remain in full force and effect.

Approved this 6th day of May 1939 } W. C. Holmes (Seal)
by Ronald L. Finch (Seal)
Jerome Price J. P. Lena Ogles (Seal)

The State of Alabama {
Baldwin County

Personally Appeared Before Me, Jerome Price a Justice of the Peace for
the County and State aforesaid, Ronald L. Finch agt
who, being duly sworn, deposeth and saith that Mrs & Mr Randolph Nelson
is justly indebted to W C Holmes
in the sum of Ninety Three & 00/100 Dollars
and that he has commenced suit by summons and complaint returnable on the 13th day of
May 1939, in the Court of Jerome Price J. P., and believes the
process of Garnishment is necessary to obtain satisfaction of said debt, that
Farmers & Merchants Bank is or is supposed to be indebted to the said
Mrs & Mr Randolph Nelson, or has effects or money of
the said Defendant in his hands.

Sworn to and subscribed before me this 6th
day of May 1939
Jerome Price J. P.

RECORDED

No. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County.

**Garnishment Bond and
Affidavit**

Justices Court of

Plaintiff

Vs.

Defendant

Garnishee.

Filed in office _____ day of

193_____

Filed June 13/1933 Justice of Peace.

R. S. DUCK Moore Ptg Co.

clerk, - register

By *Pauline Thompson*
Deputy

THE STATE OF ALABAMA, {
Baldwin County }

TO ANY LAWFUL OFFICER OF SAID COUNTY. GREETINGS:

Summon Mr + Mrs Randolph Nelson

to appear before me on the 13th day of May 1939 next, at my office in

Foley (at 11 a.m.) Baldwin County, Alabama, to answer the complaint of

Dr W.C. Holmes.

and then and there make a return of this summons.

Issued the 6th day of May 1939
Jerome Priel Justice of Peace.

COMPLAINT

<u>Dr W.C. Holmes</u>	VS.	<u>Mrs Randolph Nelson</u>
<u>Plaintiff</u>		<u>Mrs Randolph Nelson</u>
		<u>Defendant</u>

The Plaintiff claims of the Defendant the sum of Ninty Three & 00/100 Dollars

for services rendered.

W.C. Holmes by Russell D. Smith Plaintiff's Attorney.

RECORDED

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN THE JUSTICE COURT OF

Term, 193

SUMMONS and COMPLAINT

Plaintiff

VS

Defendant

The Defendant is hereby notified that Writ of

Garnishment has been served on

Filed June 12, 1939
R. S. DUCK
clerk, - register

By *James H. Hargis* Deputy

J. P.

Location

Executed by personal service and notice of

Garnishment

this *6* day of *May* 193*9*

Rogers L. Davis Sheriff's Constable

By _____ D. C.

DR. W. C. HOLMES

PHYSICIAN AND SURGEON

FOLEY, ALA.

Mrs. Randolph Nelson

Yupon, Alabama

Statements Rendered Monthly

Interest after 60 days

MEMORANDUM OF ACCOUNT

June 3, 1939

Professional Services To \$ 52.00

Paid On Account \$

DR. W. C. HOLMES
PHYSICIAN AND SURGEON
FOLEY, ALA.

Mr. Randolph Nelson, Jr.,

Yupon, Alabama

Statements Rendered Monthly
Interest after 60 days

MEMORANDUM OF ACCOUNT

June 3, 193 9

Professional Services To \$ 5.00

Paid On Account \$

DR. W. C. HOLMES

PHYSICIAN AND SURGEON

FOLEY, ALA.

Mr. Randolph Nelson

Yupon, Alabama

Statements Rendered Monthly

Interest after 60 days

MEMORANDUM OF ACCOUNT

June 3 1939

Professional Services To \$ 36.00

Paid On Account \$

DR. W. C. HOLMES

PHYSICIAN AND SURGEON

FOLEY, ALA.

Mr. & Mrs. Randolph Nelson & Family

Yupon, Alabama

Statements Rendered Monthly

Interest after 60 days

MEMORANDUM OF ACCOUNT

June 3

193.9

Professional Services To

\$ 88.00

Paid On Account

\$

CONFIDENTIAL - NO. 001

Mr. Randolph Nelson
Mrs. Randolph Nelson
Nelson Children

\$ 33.50
52.00
2.50
<hr/>
\$88.00

By *[Signature]*
Deputy
clerk, - regis
R. S. DUCK
3. 12. 1939

The State of Alabama, {
Baldwin County.

That we, ELOISE NELSON as Principal and
are held and firmly bound unto W. C. HOLMES
in the sum of ONE HUNDRED and TWENTY, Dollars,
for the payment of which, well and truly to be made, we bind ourselves and each of us, our and each of
our heirs, executors and administrators, jointly and severally. But upon condition, that if the above
bound Eloise Nelson shall prosecute to
effect an appeal by him taken this day to the next term of the CIRCUIT Court of
Baldwin County from a judgment rendered against him in favor of said W. C. Holmes
..... by JEROME PRICE,
a justice of the peace for said county, for the sum of FIFTY-TWO
..... Dollars, debt in said appeal, shall pay such judgment, both as to
debt and costs as may be rendered against him by the said Justice Court of
Baldwin County, then, in either of said events, this obligation to be void, otherwise to remain in full
force and effect.

Given under our hands and seals, this the 6th day of June, 19 39.

Approved:

Eloise Nelson (L. S.)

E. Sanders (L. S.)

J. P. (L. S.)

Jerome Price

RECORDED

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

APPEAL BOND

JUSTICE'S COURT OF

JEROME PRICE

W. C. HOLMES,

PLAINTIFF

VS.

ELOISE NELSON et al

DEFENDANT

Filed this _____ day of _____ 19____

Filed June 12, 1939
R. S. DUCK
clerk, - register

By *Samuel Thompson*
Deputy

The State of Alabama, }
Baldwin County.

Whereas, Dr. W. C. Holmes has filed a complaint before me,
Jerome Price, a Justice of the Peace for said county, upon which
a Summons has been issued by me returnable on the 13th day of May 1939
at Foley, Ala., against Mr & Mrs Randolph Nelson
for the sum of Ninty Three & 00/100 Dollars, and has given bond as required
by law and has made affidavit that the said Mr & Mrs Randolph Nelson is indebted
to him in the sum of Ninty Three & 00/100 Dollars; that he believes that process
of garnishment is necessary to obtain satisfaction of said claim, and that Farmers &
Merchants Bank at Foley Ala. is supposed to be indebted to said Defendant Mrs Randolph Nelson
Dr. W. C. Holmes or has effects of said Defendant in his possession or under
his control. You are, therefore, commanded to summon the said Farmers & Merchants
Bank to be and appear before me on the said 13th day of
May 1939, at 11 a.m. Foley Ala. then and there to answer,
on oath, whether and to what amount he was indebted to said Defendant at the time of the service
of this Writ of Garnishment, or at the time of making this answer, and whether he will not be in-
debted in future to him by contract then existing, and whether he has not in his possession or
under his control personal or real property, or things in action, belonging to the Defendant.

Witness, this 6th day of May 1939

Jerome Price
Justice of Peace.

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The State of Alabama,
Baldwin County

WRIT OF GARNISHMENT
On Summons And Complaint

JUSTICE COURT OF

Vs.

Filed June 12, 1939
R. S. DUCK DEFENDANT
clerk, - register

By *Paul D. Thibault*
Deputy GARNISHEE

*I have executed this writ by
handing a copy of same to the
agent of the writ in named
garnish on this 6th day of
May 1939 *Paul D. Thibault*
Moore Printing Co. *Paul D. Thibault**

R. S. DUCK

Register and Clerk Of The
Circuit Court, Baldwin County

Bay Minette, Alabama

FEBRUARY 7th, 1940.

Received of R. S. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, the sum of \$56.00, in full payment of the Judgement rendered in my favor, against Mrs. Eloise Nelson, in Civil Number 521. I hereby authorize R. S. Duck, as such Clerk to cancel said Judgment on the records of this Court.

W C Holmes
Dr. Wm. C. Holmes.

Paid by Check No. 860

Received of R. S. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, the sum of \$56.00, in full payment of the Judgement rendered in my favor, against Mrs. Eloise Nelson, in Civil Number 521. I hereby authorize R. S. Duck, as such Clerk to cancel said Judgment on the records of this Court.