

540

B. S. EDWARDS,

Plaintiff :

versus

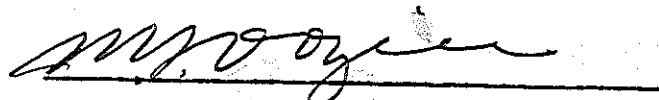
PEOPLES FERTILIZER COMPANY, : IN THE CIRCUIT COURT OF  
a corporation, : BALDWIN COUNTY, ALABAMA

Defendant.

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

One strawberry-roan stallion, named Prince, nine  
years old.

with the value of the hire or use thereof during  
the intention, viz; from the 19th day of September, 1939.



ATTORNEY FOR PLAINTIFF

TO HON. W. R. STUART, Sheriff of Baldwin County, Alabama:

The Plaintiff in the above styled cause, having made affidavit and bond, as required by law, you will take the above described property into your 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 the suit, it will, within thirty days thereafter, deliver the property to the Plaintiff, and pay all costs and damages which may accrue from the detention thereof.

WITNESS my hand this the 19th day of September, 1939.

R. S. DUCK, Clerk of the  
Circuit Court.

BY: Shelley Thompson Deputy

8-387

Filed September 19, 1939  
 W. S. DUCK  
 clerk, - register  
 By Arthur H. Morgan  
 Deputy.

THE STATE OF ALABAMA,  
 EDWIN ~~MOBILE~~ County

## DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That we, B. S. Edwards, Edwards  
Brothers Furniture Company, and W. D. Edwards

are held and firmly bound unto Peoples Fertilizer Company, a corporation  
 heirs, executors and administrators, in the  
 sum of Four Hundred and no/100, (\$400.00) 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 \_\_\_\_\_ day of \_\_\_\_\_, A. D., 193\_\_\_\_

The Condition of the above Obligation is such, That whereas the above bounden \_\_\_\_\_

B. S. Edwards has, on  
 the \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_ sued out from the office of the  
Bay Minette  
 Clerk of the Circuit Court of ~~MOBILE~~, in the State of Alabama, a Writ of Detinue, returnable to the  
 Monday of \_\_\_\_\_ 193\_\_\_\_ of said Circuit Court

Bay Minette  
 of ~~MOBILE~~ against the said Peoples Fertilizer Company, a corporation

for the recovery of the following property,

to-wit: One strawberry-roan stallion named Prince, nine years old.

NOW, if the said B. S. Edwards shall fail

in said suit, and shall pay to the said Peoples Fertilizer Company

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.

J. S. Edwards (SEAL)  
Edward Bros Furniture Co (SEAL)  
By B. S. Edwards  
W. D. Edwards (SEAL)

THE STATE OF ALABAMA,  
Baldwin ~~MOBILE~~ County,

DETINUE AFFIDAVIT.

Notary public in and for said State and C  
PERSONALLY appeared before me, ~~NOTARY PUBLIC, CLERK OF THE CIRCUIT COURT OF MOBILE COUNTY,~~

M. F. Dozier

who, being duly sworn, deposes and says, that the property sued for in the complaint of

B. S. Edwards versus Peoples Fertilizer Company, a corporation

to-wit: One strawberry-roan stallion named Prince, nine years old.

belongs to B. S. Edwards the said Plaintiff.

Sworn to and subscribed the \_\_\_\_\_ day

of \_\_\_\_\_, 193\_\_\_\_, before me.

Notary Public

RECORDED

Circuit Court

BALDWIN ~~MOBILE~~ COUNTY

No. \_\_\_\_\_

Detinue Affidavit  
and Bond.  
VS.

Filed 19 day of September, 1932

R. S. Duch  
Clerk Circuit Court ~~MOBILE~~ County.

By Paul H. Hanger - Baldwin

M. F. Dozier  
Attorney.

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. 540

CIRCUIT COURT

January Term, 1940

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon H. M. Parson

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

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 30 day of January 1940

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 B. S. Edwards Plaintiff

and Peoples Fertilizer Co. Defendant.

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

Given under my hand and seal, this 27 day of January 1940

R. S. Dorch Clerk.

Received in office this 27 day of

January 1940  
W.R. Stewart  
Sheriff.

I have executed this writ

by serving  
H.M. Pearson June 27-1940

ORIGINAL

No. 540

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THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

B.S. Edwards

Plaintiff

VS.

Proper Fertilizer Co.

Defendant

CIVIL SUBPOENA

Issued this \_\_\_\_\_ day of

193  

Clerk.

Sheriff.

W.R. Stewart  
(By M.B. Hamilton)

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. 540

CIRCUIT COURT

January Term, 1940

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon ARTHUR EILPATRICK, W. R. STUART, W. J. HALL,

S. F. HOLMES and G. W. ROBERTSON

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

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 30th day of January, 1940

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 B. S. EDMONDS is Plaintiff

and PEOPLES FERTILIZER COMPANY, is Defendant.

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

Given under my hand and seal, this 19th day of January, 1940

R. S. Dush Clerk.

Received in office this 19th day of

January 1940

W.R. Stuart

Sheriff.

I have executed this writ by serving a copy on

W.R. Stuart 1-19-40

G.W. Robertson 1-19-40

Arthur Kilpatrick 1-24-40

S.F. Holmes 1-20-40

W.J. Hall 1-20-40

of

W.R. Stuart

Warrant D.S.

Sheriff.

ORIGINAL

No. 540

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THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

B. S. EDMONDS,

Plaintiff

VS.

PEOPLES FERTILIZER COMPANY,

Defendant

CIVIL SUBPOENA

Issued this 19th day of

January, 1940

X193XX

R. S. DUCK,

Clerk.



B. S. EDWARDS,

Plaintiff,

vs.

PEOPLES FERTILIZER COMPANY,  
a Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.


And now comes the Defendant, and for answer to the Plaintiff's complaint and to each allegation therein contained, separately and severally, says:

1. Not guilty.

2. That the Defendant claims the said property, to-wit:

One strawberry-roan stallion, named "Prince",  
nine years old,

under a mortgage from Henry Barton to the Defendant, dated March 30, 1939,  
for Fifty-one and 40/100 (\$51.40) Dollars, and payable on August 15, 1939,  
together with interest thereon and all expenses, including a reasonable  
attorney's fee, as provided in said note.

  
Attorneys for Defendant.

RECORDED

8-384

ANSWER:

B. S. EDWARDS,

Plaintiff,

VS.

PEOPLES FERTILIZER COMPANY,  
a Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

Filed Oct. 12, 1939

R. S. DUCK

clerk - register

By *Handwritten Signature* Deputy

THE STATE OF ALABAMA,  
Baldwin County.

No. 540  
} Term, 1930

CIRCUIT COURT

To Any Sheriff of the State of Alabama, Greeting :

You are hereby commanded, That of the goods and chattels, lands and tenements of \_\_\_\_\_ Plaintiff.....in the suit,

you cause to be made the sum of \_\_\_\_\_ Dollars,

costs of suit, created by said Plaintiff....., for that, whereas, on the \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_, the said Plaintiff\_\_\_\_ recovered by the Judgment of the said Circuit Court of said County, against \_\_\_\_\_ Defendant.....

to the suit, the sum of \_\_\_\_\_ Dollars,

besides \_\_\_\_\_ Dollars, costs of suit ;

upon which Judgment an Execution has been issued and returned by the Sheriff, "No property found."

AND HAVE YOU THAT MONEY ready to render to \_\_\_\_\_ Clerk of said Court, and make return of this Writ and the Execution thereof, according to law.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_

CLERK'S FEES			SHERIFF'S FEES		
	Dollars	Cts		Dollars	Cts
For every Summons and Complaint.....	\$1	25	For Levying an Attachment.....	\$3	00
Each copy thereof .....	30	30	Entering and Returning Attachment .....	25	
Entering a Sheriff's Return.....	20	20	Summoning Garnishee .....	1	50
Docketing.....	25	25	Serving Summons on Writ.....	1	50
Entering Appearance .....	20		Serving Notice Sci. Fa. Notice, etc. ....	65	
Filing.....	10	30	Serving..... Subpoenas .....	65	
Every Order made in Court .....	30	30	Empanelling Jury .....	75	
Copy thereof .....	25		Entering and Returning Execution.....	25	
Every Trial with or without Jury.....	75		Collecting Costs Execution.....	1	50
Entering up Judgment or copy thereof.....	30		Executing a Writ of Possession.....	2	50
Issuing Execution .....	50		Taking and Approving Bonds.....	1	00
Docketing Execution .....	25		Commissions .....		
Entering Return on Execution .....	20		Sheriff's Commission for Property Sold Under Attachment .....		
Issuing Subpoenas.....	30	80	Seizing Personal Property on Writ of Detinue.....	3	00
Administering Oath .....	25				
Issuing Each Attachment Taking Bond	1	00			
Filing Attachment .....	10				
Each Summons for Garnishee .....	50				
Each copy .....	50				
Notice to Deft. in Garnishee on Summons and Copy, per 100 words.....	20				
Commissions to take Depositions or copy	75				
Order to Execute Writ of Inquiry .....	30				
Copy of Interrogators, 15c per hundred words or.....	50				
Filing each Deposition and endorsing same .....	20				
Final Record, per hundred words.....	15	25			
Every Certificate .....	50				
Taking Bond not otherwise provided for	75				
Witness Certificates.....	25				
Continuance.....	10				
Certificate of Judgment .....	50				
Order of Publication .....	1	00			
	6	75			

RECAPITULATION		
Clerk's Fees .....		675
Sheriff's Fees.....		875
Justice's Fees .....		
Witness Fees in Justice of Peace Court		
Constable's Fees .....		
Commissioner's Fees.....		
Printer's Fees .....		
Witness Fees in Circuit Court.....		
Former Clerk's Fee .....		
Stenographers's Fees .....	5	00
Trial Tax .....	3	00
	18	50

B. S. EDWARDS,

Plaintiff,

VS.

PEOPLES FERTILIZER  
COMPANY, a Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW,

NO. 540.

Now comes Henry Barton, and by leave of the Court first had and obtained, files this as his complaint in intervention in the above styled cause, and as the ground of his intervention alleges:

That the property involved in the above styled cause, to-wit:

One strawberry-roan stallion, named "Prince", nine years old, otherwise known and described as a light bay stud horse, nine years old, weight about 1200 lbs.,

is the property of your intervenor, Henry Barton, subject only to a mortgage given by your intervenor to Peoples Fertilizer Company, dated March 30th, 1939, and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 80, page 186, for Fifty-one and 40/100 (\$51.40) Dollars, together with interest from August 15th, 1939, together with attorney's fees and collection charges; that said horse is not the property of the Plaintiff, B. S. Edwards, and the said B. S. Edwards has no right, title or interest in said horse or any encumbrance against the same;

That the said B. S. Edwards, Plaintiff in the above styled cause, has made bond and gotten, and has the possession of said property, subject to the final determination of the above styled cause.

WHEREFORE, the premises considered, your intervenor prays that this Honorable Court will enter an order and decree that the said horse, to-wit:

One strawberry-roan stallion, named "Prince", nine years old, otherwise known and described as a light bay stud horse, nine years old, weight about 1200 lbs.,

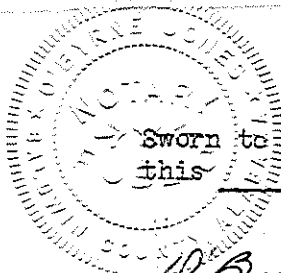
belongs to and is the property of your intervenor, Henry Barton, subject only to the above described mortgage to the Peoples Fertilizer Company, and that the said B. S. Edwards be required to return the said horse to your intervenor, together with damages for the detention thereof during the time that he has had the possession of said horse, from to-wit, September 19th, 1939; that in the event that the said B. S. Edwards does not return the said horse, with the damages for the detention thereof, that this Honorable Court also ascer-

tain and determine the alternate value of said horse and that in the event the said B. S. Edwards does not return the same, together with damages for the detention thereof, that a judgment be entered against him for the alternate value of said horse and in favor of your intervenor; that this Honorable Court also ascertain and determine the amount due by virtue of the said mortgage executed by your intervenor, Henry Barton, to the Peoples Fertilizer Company.

H Barton  
Intervenor.

STATE OF ALABAMA,  
BALDWIN COUNTY.

Before me, the undersigned authority, in and for said County, in said State, personally appeared Henry Barton, who having been first duly sworn, deposes and says, that he has carefully read over and understands the above complaint in intervention; that the facts therein alleged are true.



Sworn to and subscribed before me  
this \_\_\_\_\_ day of January, 1940.

D Byrne Jones  
Notary Public, Baldwin County, Ala.

Henry Barton

STATE OF ALABAMA,  
BALDWIN COUNTY.

The foregoing complaint in intervention having been this day presented to me, in open court, and leave asked to file the same by Hubert M. Hall, Attorney for Henry Barton, named therein, it appearing that good cause exists therefor, it is ordered that leave be and hereby is granted to file the same and that said Henry Barton be permitted to intervene in said cause.

Done this 29<sup>th</sup> day of January, 1940.

J. W. Hare  
Judge.

RECORDED

COMPLAINT IN INTERVENTION

B. S. EDWARDS,

Plaintiff,

VS.

PEOPLES FERTILIZER COMPANY,  
a Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW,

NO. 540.

STATE OF ALABAMA, {  
County of Mobile. }

KNOW ALL MEN BY THESE PRESENTS, That we, B. S. EDWARDS,  
as Principal, and W. D. EDWARDS and Furniture Co., <sup>Edwards Bros.</sup> as Sureties, are held and firmly bound  
unto PEOPLES FERTILIZER COMPANY, a corporation

in the sum of Four Hundred Dollars, (\$400.00)  
for the payment of which well and truly to be made we, jointly and severally, bind ourselves and  
each of us, our heirs, executors and administrators. Sealed with our seals and dated this  
day of September in the year of our Lord, one thousand, nine hundred and thirty-nine.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the said  
B. S. EDWARDS  
did, on the    day of September, 1939, sue out in the Circuit Court  
Baldwin  
of Mobile County, Alabama, a writ in detinue, direct to any Sheriff of the State of Alabama, com-  
manding him to take into his possession the following described property, to-wit:

One Strawberry-roan stallion, named Prince,  
about nine years old.

which said writ was placed in the hands of W R Stuart  
Sheriff of the County of Baldwin Mobile, on the 20<sup>th</sup> day of September, 1939, by taking into his  
possession the following described property, to-wit:

One Strawberry-roan stallion, named Prince,  
about nine years old.

and whereas the said Peoples Fertilizer Company  
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 is the said B. S. Edwards

upon his failing in said suit, shall deliver the said property to the defendant within thirty days af-  
ter judgment, and pay damages for the detention of the property and costs of suit, then this ob-  
ligation to be void, otherwise to remain in full force and effect.

B. S. Edwards (SEAL)  
W. D. Edwards (SEAL)  
W. D. Edwards (SEAL)

Taken and approved this the 28 day of Sept, 1939  
W R Stuart  
Sheriff, Mobile County, Alabama  
Baldwin

This bond is signed by  
last great and sufficient  
sureties and if the  
same were presented to  
me it would be  
accepted, 9/27/39  
A. J. Williams  
Shirley, Mobile Ala.

RECORDED

No. \_\_\_\_\_

MOBILE COUNTY

COURT

VS. } Delinquent Forfeiting  
Bond by Plaintiff

Filed September 28, 1939

R. S. Buckley, Clerk  
By - Justice Chapman Deputy Clerk



540

THE STATE OF ALABAMA,  
Baldwin County.

No. \_\_\_\_\_ CIRCUIT COURT

\_\_\_\_\_ Fall \_\_\_\_\_ 193 9

To Any Sheriff of the State of Alabama :

You are hereby commanded to summon PEOPLES' FERTILIZER COMPANY, a  
Corporation,

to appear and plead, answer or demur, within thirty day from the service hereof, to the Complaint filed in  
the Circuit Court of Baldwin County, State of Alabama at Bay Minette, Ala., against PEOPLES' FERTILIZER  
COMPANY, a Corp., Defendant by \_\_\_\_\_

B. S. EDWARDS,

Plaintiff \_\_\_\_\_

Witness my hand this 19th day of September 193 9

R. S. Duck Clerk.  
By: Madison Thompson Deputy

COMPLAINT

Plaintiff versus \_\_\_\_\_

The Plaintiff claims of the Defendant \_\_\_\_\_

\_\_\_\_\_ Dollars, due by

Plaintiff's Attorney.