

(623)

TRANSCRIPT OF CIVIL CASES FROM JUSTICE'S COURT OF W. W. DeWOLF,  
BEAT 10, BALDWIN COUNTY, ALABAMA

H. B. THOMAS

CAUSE OF ACTION

vs.

H. A. TURNER

To recover of the defendant one electric pump with motor, plus value of the hire or use thereof during the detention, to-wit: \$5.00 from about April, 1940. to October, 1940, plus court costs.

Demeree & Smith Attorneys for plaintiff; E. C. Rickaby for defendant.

Witnesses: H. B. Thomas, plaintiff; H. A. Turner, defendant, did not testify.

DISPOSITION OF CASE

Summons and Complaint Issued October 21, 1940.

Return Executed by J. H. Titus, Constable, October 21, 1940.

November 2--Came the parties before me and after hearing the evidence it is considered by the court that the plaintiff recover of the defendant one electric pump with motor and the sum of \$5.00 for hire or use of same, plus court costs.

November 4--Defendant's attorney filed bond for appeal.

ITEMIZED BILL OF COSTS

Justice's Fees

Issuing Summons.....	\$ 1.50
Attachment Bond and Affidavit.....	1.50
Docketing Cause.....	.10
Administering Oath (2).....	.20
Trial of Case.....	2.00
Entering Judgment.....	.25
Appeal, including Bond.....	1.00
	<u>\$5.55</u>

Constable's Fees

Levying Attachment.....	\$3.00
Entering and Returning Attachment.....	.25
Milage.....	2.00
	<u>\$5.25</u>
Total Costs.....	<u>\$10.80</u>

Filed November 13, 1940  
R. S. Duck, Clerk

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THE STATE OF ALABAMA  
BALDWIN COUNTY

No. 623

CIRCUIT COURT

Judgment

Term, 19~~58~~<sup>59</sup>

VS.

DEAR SIRs: At the

Term, 1933, of the Circuit Court of said County,

recovered a judgment against Mr. Luman for property loss 2 upon a H. D. order  
for the sum of taxed with costs Dollars

besides \_\_\_\_\_ Dollars, cost 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, land and tene-  
ments of said \_\_\_\_\_

\_\_\_\_\_ the amount of the judgment and costs, and the Sheriff has returned said exception indorsed, "No Property Found," and the costs have never been paid. In order to save you the additional expense of an execution against you, I herewith inclose an itemized statement of the costs which have accrued in said cause, and respectfully request that you will, on receipt of this, remit the amount. If I do not hear from you in a few days I will forward the execution to the Sheriff of your County for collection.

Respectfully yours, \_\_\_\_\_, Clerk.

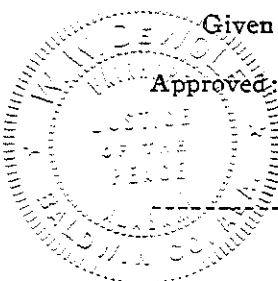
	CLERK'S FEES	@	Amount	SHERIFF'S FEES	@	Amount
1	Issuing Summons and Complaint,	\$1.25		1	Levying Attachment,	\$3.00
2	Issuing copies thereof,	30		2	Entering and returning Attachment,	25
3	Making every copy thereof, when over 200 words, per 100 words	15		3	Summoning garnishee and return,	1.50
4	Entering Sheriff's return or copy thereof	20	25	4	Serving Summons and Return,	1.50
5	Docketing cause, to be charged but once,	25	29	5	Serving Subpoenas,	65
6	Entering Appearance	20		6	Impaneling jury,	75
7	Filing pleas, demurrer and other pleadings, for each,	10	50	7	Making deed,	2.50
8	Every trial, with or without jury, and its incidents, not including judgments by default, or nil dicit,	75	75	8	Serving Summons, forcible entry, etc.,	1.50
9	Entering Continuance, (each)	10		9	Executing writ of restitution or possession,	5.00
10	Entering Judgment, (each)	30	30	10	Collecting, execution for cost	1.50
11	Entering any other order of Court (each)	30		11	Serving Sci. Fa. notices, etc.,	1.50
12	Issuing Scire Facias, or notice in the nature thereof, (each)	75		12	Serving any summons not provided for and return,	1.50
13	Issuing Execution or copy thereof; (each)	50		13	Serving attachment for contempt,	1.50
14	Entering return, or copy thereof, for each 100 words, 15 cents; but in no case less than	20		14	Taking and approving bond,	1.00
15	Recording award of arbitrators, referees, auditors, etc., for each 100 words,	15		15	Seizing personal property in detinue.	3.00
16	Issuing execution or attachment thereon, and entering return,	1.00		16	Collecting money under execution, 5% first \$200.00; 4% to \$500.00; 3% all over \$500.00,	
17	Taking bond for certiorari supersedeas, or appeal, or copy thereof and filing same,	75		17	Selling property attached, same for selling under execution,	
18	Issuing Subpoenas for Witness, (each)	30		18	Former Sheriff's fees,	
19	Administering an oath, not relating to a trial pending and certifying the same,	25			Total Sheriff's Fees,	
20	Issuing Attachment and taking bond, (ea.)	1.00			RECAPITULATION	
21	Filing papers in attachment, (each)	10		1	Clerk's Fees,	5 00
22	Issuing Summons for garnishee, (each)	50		2	Clerk's Fees,	
23	Swearing and taking examination for Garnishee and recording same, for each 100 words 15 cts; but not less than	50		3	Sheriff's Fees,	
24	Order to advertise, or order of survey, or copy thereof,	50		4	Sheriff's Fees,	
25	Certificate of Judgment,	50		5	Witness Fees in Circuit Court,	
26	Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than,	25		6	Justice of the Peace Fees, <i>W.S.P. Bonds</i>	10 80
27	Issuing Commission to take depositions, or copy thereof,	75		7	Witness Fees, in Justice of the Peace Court	
28	Making copy of interrogatories accompanying commission,	50		8	Commissioner's Fees,	
29	Or for each 100 words,	15		9	Commissioner's Residence,	
30	Filing packages of depositions, (each)	10		10	Constable's Fees	
31	Indorsing package of deposition, opened (each),	10		11	Garnishee's Fees,	
32	Issuing writ of ad quod damnum or writ in the nature thereof,	75		12	Printer's Fees,	40
33	Recording the return and inquest thereon,	50		13	Stenographer's Fees,	50
34	Or for each 100 words,	15		14	Trial Tax,	
35	Issuing Writ of certiorari prohibition, mandamus, or writ in the nature therof,	75				
36	Filing the same and entering return,	15				
37	Making a complete record of a cause or copy thereof, for each 100 words,	15	3 00			
38	Making copy of any paper not herein provided for, for each 100 words,	15				
39	Making each certificate requiring the seal of office, and affixing seal,	50				
40	Taking any bond not otherwise provided for,	75				
41	Making necessary certificates not otherwise provided for, (each witness),	25				
42	For certifying abstract, in lieu of fees for transcript under section 2851 of the Code,	5.00				
43	Record for Supreme Court, for each 100 words	15				
44	Each additional copy thereof, each 100 words	05				
45	Collecting money on judgments wherein said judgment has not been paid within 30 days after rendition, one half the per cent allowed sheriffs for same services for collecting money on executions,		5-00			
	Total Clerk's Fees,				Total Fees,	423 80
				15	Judgment,	
				16	Date,	
				17	Interest,	
				18	Damages,	
					Total Judgment,	
					Interest and Damages,	
					Grand Total,	

THE STATE OF ALABAMA, }  
Baldwin County.

That we, H. A. Turner  
are held and firmly bound unto H. B. Thomas  
in the sum of Fifty 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---  
H. A. Turner shall prosecute to effect an appeal by him taking this day to  
the next term of the Circuit Court of Baldwin County from a judgment  
rendered against him in favor of said H. B. Thomas  
by W. W. DelWolf a justice of the peace for said county, for the  
sum of \_\_\_\_\_ Dollars, debt  
in said appeal, shall pay such judgment, both as to debt and costs as may be rendered against him by the  
said Circuit Court then, in either  
of said event, this obligation to be void, otherwise to remain in full force and effect.

Given under our hands and seals, this the 24th day of November 1934

Approved:



W. W. DelWolf

J. P.

H. A. Turner (L. S.)  
W. W. DelWolf (L. S.)  
M. J. Carney (L. S.)

RECORDED

623

Filed November 13 1940

R. S. Durb, Clerk

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

Page \_\_\_\_\_

The State of Alabama,  
Baldwin County.

**APPEAL BOND**

Justice Court of

W. W. De Wolf

H. B. Thomas

Plaintiff.

Jim Turner

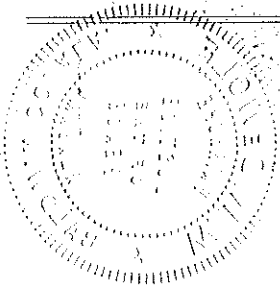
Defendant

Filed this

day of

Nov

1940



H. B. THOMAS vs. H. A. TURNER

To the Clerk of the Circuit Court of Baldwin County, Alabama:

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 Circuit Court of Baldwin County, Alabama. all the original and other papers pertaining to the said cause.

Given under my hand, this 11th day of November, 1940.

W. W. Self  
Justice of the Peace

# The State of Alabama, { Baldwin County

KNOW ALL MEN BY THESE PRESENTS, That we, H B Thomas

Battles Wharf Alabama

are held and firmly bound unto Mr. Turner- (Plumber in Battles Wharf)  
in the sum of Twenty-five DOLLARS.

for the payment of which, well and truly to be made, we jointly and severally bind ourselves, our heirs executors, and administrators, jointly and severally. And for the payment of the above bond, we waive our right of exemption to personal property under the Constitution and Laws of the State of Alabama.

Sealed with our seals and dated this 21st day of October 1940

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas a Writ of Attachment issued by W W De Wolf- Justice of Peace

at the suit of said H B Thomas against the

estate of the above named Mr. Turner, Justice of the  
returnable before the said W W De Wolf

Peace as aforesaid, at his office on the 28th day of October 1940, for the  
sum of Twenty-five DOLLARS,

has been placed in the hands of Jack Titus, Constable  
in and for the said County, and has been levied by him upon the following property, to-wit:

One electric pump with a motor on the residence of Mr.  
Turner said pump now in operation pumping water out of  
a well together with a small tank formerly connected  
with the pump. ( If Titus wants Thomas to do so, he  
will point out and identify the property)

and whereas the property has been delivered to the said Mr. Thomas

on his entering into this bond  
NOW, THEREFORE, If the Defendant shall fail in said action, he or his securities shall return the specific property attached and above mentioned to the said Constable within ten days after judgment against said Defendant in this suit, then this obligation is to be void, otherwise to remain in full force and effect.

Taken and approved this

21st

day of October, 1940.

W. W. De Wolf  
Justice of the Peace

H. B. Thomas

L. S.

L. S.

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**The State of Alabama,**  
Baldwin County.

JUSTICE COURT

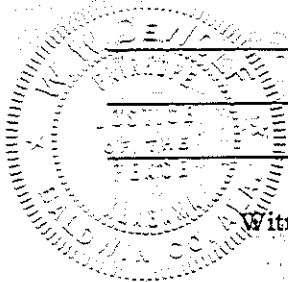
No. \_\_\_\_\_

October 21, 1934

To Any Lawful Officer of said County, Greetings :

You are hereby commanded to summon Mr. Turner

to appear within ten days from the service of this writ, in the Justice Court to be held for said County at the place of holding the same, then and there to answer the complaint of H B Thomas



Witness my hand this 21st day of October, 1934

W. W. DeWolf J. P.

COMPLAINT

H B Thomas

Mr Turner

Plaintiff versus Defendant

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

One Electric pump with motor located on the

residence of Mr. Turner, a plumber at Battles Wharf Ala;

said pump being in operation pumping water out of a well

together with a small tank formerly connected with the

pump. (If Titus wants Thomas to do so, he will point out

and identify the property.)

*Plaintiff claims \$30 twice paid for the pump sold to Defendant which sum is due and has not been paid*

with the value of the hire or use thereof during the detention, to-wit: \$5.00

from about April 1940

, 193, to October 1940

, 193

DEMERE & SMITH

By

Plaintiff's Attorney



Filed November 13, 1940  
R. S. Duck, Clerk

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

**THE STATE OF ALABAMA,**  
Baldwin County.

**JUSTICE COURT**

*H. B. Thomas*

Plaintiff \_\_\_\_\_  
Vs.

*Mr. Turner*

Defendant \_\_\_\_\_

**Detinue Summons and Complaint**

Filed \_\_\_\_\_, 193 \_\_\_\_\_

\_\_\_\_\_, J. P.

**RECORDED**

100

\_\_\_\_\_  
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 ten days thereafter, deliver the property to the Plaintiff, and pay all damages and costs which may accrue from the detention thereof.

*W. W. DeWolf*  
J. P.

Defendant lives at \_\_\_\_\_

Received in office \_\_\_\_\_

193 \_\_\_\_\_

\_\_\_\_\_, Sheriff.

I have executed this summons

this *Oct 21*, 193 \_\_\_\_\_

by leaving a copy with

*Mrs. Turner*

\_\_\_\_\_, Sheriff.

*J. H. [Signature]*  
Deputy Sheriff.

**THE STATE OF ALABAMA,**  
**Baldwin County.**

IN JUSTICE COURT OF

{ W W De Wolf- Fairhope Alabama

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETING:

H B Thomashaving complained on oath before me, W W De Wolfa Justice of the Peace in and for Precinct No. 10 Baldwin County, Alabama, thatMr. Turneris justly indebted to him in the sum of Twenty-five

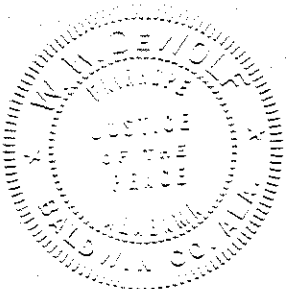
( ) Dollars, and has made affidavit and given bond as required by law; you are

hereby commanded to attach so much of the estate of Mr. Turner

as will be of value sufficient to satisfy the complaint and costs; and such estate, unless replevied you will so secure that the same may be liable to further proceedings thereon, to be had before me on the

28th day of October 19340, at my office at Fairhope

, Alabama, when and where you must make return how you have executed this writ.

Witness my hand this the 21st day of October 19340.W. W. De Wolf  
Justice of the Peace.Precinct 10 Baldwin County, Alabama

**RECORDED**

*Filed November 13, 1940*  
*R.S. Bush, Clerk*

**WRIT OF ATTACHMENT**

*H. B. Thomas*

Plaintiff.....

VS.

*Mr. Turner*

Defendant.....

**Justice Court of**

*W. W. DeWolf*

at

*Fairhope,*

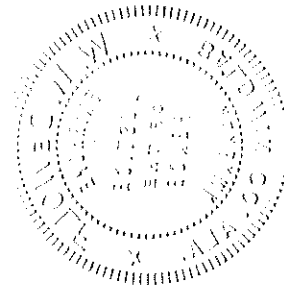
Alabama.

Issued *21st* day of *October* 19*40*.

*W. W. DeWolf*

Justice of Peace.

Moore Printing Co.



RECORDED

Filed November 13, 1940

R.S. Duck, Clerk

## WRIT OF ATTACHMENT

H. B. Thomas

Plaintiff

VS.

Mr. Turner

Defendant

Justice Court of

W. W. DeWolf

at

Fairhope,

Alabama.

Issued 21st day of October 1940.

W. W. DeWolf

Justice of Peace.

Moore Printing Co.

