

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT. (LAW)

Sept. 24th

Term, 194

V. O. McMillen

No. 865 vs.

E. J. Day

BILL OF COSTS

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS, AND JUDGMENT.	AMOUNT
Fees in Circuit Court—		Fees and Costs in Circuit Court:	
Docketing Cause, One Fee only of.....	.25	Clerk's Fees	9 05
Issuing Summ. and Complt., each.....	1.25	Ex-Clerk's Fees	
Issuing Alias or Branch Summons & Complaint, each.....	1.25	Sheriff's Fees	
Making Copies Thereof, Minimum, each.....	.30	Ex-Sheriff's Fees	8 70
Making Copies Thereof, over 200 Words, per 100 words.....	.15	Witness Fees	
Entering Sheriff's Returns, each .....	.20	Commissioner's Fees	
Entering Appearances, each .....	.20	.....
Certifying Affidavits, each .....	.25	Garnishee's Fees	
Issuing Attachments with Bond, each	1.00	Publisher's Fees	
Orders of Publication, each .....	.50	.....
Copy of Same, each .....	.50	Court Reporter's Fees, Per Day or fraction thereof.....	5.00
Issuing Summ. to Garnishee, each .....	.50	Trial Tax	3 00
Copy of Same, Per 100 Words .....	.15	.....
Swearing Garnishee, Etc., Per 100 words, .15. Minimum .....	.50	.....
Release of Garnishee, each .....	.25	.....
Issuing Scire Facias or Similar Notice, each .....	.75	.....
Copies of Same, Per 100 Words.....	.15	.....
Making Copy of Interrogatories, Per 100 Words, .15; Minimum .....	.50	.....
Commission to Take Depositions, each .....	.75	Fees and Costs in Inferior Court:	
Filing Depositions, Each Pkg., .....	.10	Clerk of Inferior Court Fees	
Endorsing Each Package of Depositions Opened .....	.10	Sheriff's Fees	
Issuing Subpoenas, Each .....	.30	Justice of Peace Fees	
Issuing Witness Certificates, each.....	.25	Constable's Fees	
Entering Continuances, each .....	.10	.....
Filing Papers, each .....	.10	Fees and Costs in Inferior Court	
Other Orders of Court, each .....	.30	Total Fees and Costs	20.75
Trial and Incidents .....	.75	Judgment	
Entering Judgment, each .....	.30	10 Per Cent Damages	
Complete Record, Per 100 Words .....	.15	Interest	
Taking Bonds, each .....	.75	Total Judgment	
Certificate of Appeal .....	.25	Total Fees, Costs and Judgment	
Transcript to Supreme Court, Per 100 Words .....	.15	.....
Additional Copies of Same, Per 100 Words .....	.05	.....
Issuing Executions or Copy Thereof, each .....	.50	.....
Entering Sheriff's Return, Per 100 Words, .15; Minimum .....	.20	Total	
.....			
.....			
Total Clerk's Fees	9 05		
SHERIFF'S FEES:			
Serving and Returning Summons or Writ, each	1.50		
Levying Attachment, each	3.00		
Entering and Returning Same, each .....	.25		
Seizing Personal Property Under Writ of Detinue	3.00		
Taking and Approving Bonds, each.....	1.00		
Summoning Garnishee and Return, each	1.50		
Serving and Returning Sci. Fa. or Notice, Each	1.50		
Serving and Returning Subpoenas, each .....	.65		
Serving Contempt Attachment, each	1.50		
Impaneling Jury.....	.75		
Collecting Execution for Costs Only, each.....	1.50		
Coms. for Collecting Money on Executions			
Executing Writs of Possession, each.....	5.00		
Making Deed to Real Estate Sold, each.	2.50		
.....			
.....			
Total Sheriff's Fees	8.70		

V. O. McMILLAN,

Plaintiff,

VS.

E. J. DAY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

REPLEVY BOND OF PLAINTIFF

KNOW ALL MEN BY THESE PRESENTS: That V. O. McMillan as Principal, and the undersigned as sureties, are held and bound unto E. J. Day in the sum of Two Hundred Fifty Dollars (for the payment of which well and truly to be made we, jointly severally 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 19th day of 1944.

The condition of the above obligation is such that whereas the said V. O. McMillan did on the 12th day of June, 1944, sue out of the Circuit Court of Baldwin County, Alabama a writ detinue directed to any sheriff of the State of Alabama commanding him to take into his possession the following described property, to-wit: One cream colored Jersey Cow, marked crop split and bit in one ear and undersharpe or underslope in other, branded which said writ was placed in the hands of W. R. Stuart, as Sheriff of Baldwin County, Alabama on June 12, 1944 and executed by him on June 12, 1944 by taking into his possession the following described property, to-wit: One cream colored Jersey Cow, marked crop split and underbit in one ear and undersharpe or underslope in other branded (M) and

WHEREAS the said E. J. Day, the defendant in the said writ, has failed and neglected for the space of five days from execution of the said writ to give bond and take possession of said property as authorized by law:

NOW, if the said V. O. McMillan, upon his failing to do so in said suit, shall deliver the said property to the Defendant with

thirty days after judgment and pay damages for the detention of
property and costs of this suit, then this obligation to be void
otherwise to remain in full force and effect.

W. M. Millan

H. C. Crampton

W. H. Gail

Taken and approved this 20 day of
June, 1944.

W. R. Stewart

Sheriff, Baldwin County, Alabama.

REPLEVY BOND OF PLAINTIFF

V. O. McMillan,

Plaintiff,

VS.

E. J. Day,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Ind Jan 20/1944
W. J. Day

V. O. McMillan,)
Plaintiff,)

vs)

E. J. Day,)
Defendant.)

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

Now comes the defendant in the above entitled
cause and for answer to the complaint filed herein against
him by the plaintiff says as follows:

1. NOT GUILTY.

W E Smith
Attorney for the Defendant.

7121

6-14-44

R. S. Murch
Clerk.

The Plaintiff in this suit having made affidavit given bond as required by law, you are hereby commanded to take the property mentioned in the within complaint into your possession unless the said defendant give bond payable to the plaintiff with sufficient surety in double the value of the said property with condition that if the defendant is cast in the suit he will pay the costs of the plaintiff.

thirty days thereafter deliver the property to the Plaintiff and
pay all such costs and damages which may accrue from the detention
thereof.

Dated this 12th day of June, 1944.

R. S. Luck

Clerk of the Circuit Court.

execute & serve
12th 1944 by
serving copy of
the within return
summons, complaint
on E. J. Day and
taking with my
procession the
over recorded
here in
W. R. Street
By Susan May

SUMMONS AND COMPLAINT

V. O. McMillan,

Plaintiff,

VS.

E. J. Day,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Filed

6-12-44

S. S. Buck
Clerk

DETINUE BOND

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That we, V. O. McMillan, as Principal, and the undersigned as sureties, are held and bound unto E. J. Day, his heirs, executors and administrators, the sum of Twenty-five Dollars (\$25.00) for the payment of which jointly and severally, bind ourselves, our heirs, executors and administrators, firmly by these presents.

Sealed with our seals and dated this 12th day of 1944.

The condition of the above obligation is such that whereas the above bounden V. O. McMillan has on the 12th day of June, 1944, sued out from the office of the Clerk of the Circuit Court of Baldwin County, Alabama, a Writ of Detinue returnable to the Circuit Court against the said E. J. Day for the recovery of the following described personal property to-wit: One cream color Jersey Cow, marked crop split and underbit in one ear and under sharpe or underslope in other, branded (M).

Now, if the said V. O. McMillan shall fail in the suit and shall pay to the said E. J. Day the defendant in the writ, all such costs and damages as he may sustain by the wrong doing out thereof, then this obligation to be void, otherwise remain in full force and effect.

V. O. McMillan

W. M. Morgan

W. H. Fair

Taken and approved this 12th day of June, 1944.

R. S. Drick

Circuit Clerk.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, personally appeared V. O. McMillan, after being by me first duly and legally sworn, deposes and says That the property sued for in the complaint of V. O. McMillan, Plaintiff, vs. E. J. Day, Defendant, being the following personal property, to-wit: One cream colored Jersey Cow, marked crop star and underbit in one ear and undersharpe ear underslope in other, branded (M) belongs to the said V. O. McMillan, the said Plaintiff.

V. O. McMillan

Sworn to and subscribed before me
on this the 12 day of June, 1944.

J. B. Blackman

Notary Public, Baldwin County, Alabama.

DEFINITE BOND AND AFFIDAVIT

V. O. McMillan,

Plaintiff,

VS.

E. J. Day,

Defendant.

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

filed

6-12-44

R.S. Kline

clerk

865

The State of Alabama,

COUNTY.

No. 865

CIRCUIT COURT

Sept

Term, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You Are Hereby Commanded, That of the goods and chattels, lands and tenements of

P. J. Day Defendant
 you cause to be made the sum of *Property sued for* DOLL
 which *himself* Plaintiff

recovered of

on the *15th* day of *Jan*, 19*46* by the Judgment of our Circuit Court held for the Courtbesides the sum of *\$25.60 cost only* DOLL

costs of suit, and have the same to render to said and make return of this Writ

Interest from 19 to 19

Witness, my hand this *15th* day of *Jan*, 19*46**R. J. Duck*

CLERK'S FEES		Amount	SHERIFF'S FEES		Amount
Issuing..... Summons and Complaint.....	\$1.25	1 25	Serving and Returning..... Summons.....	\$1.50	1 50
Issuing..... copies of same.....	.30	3 0	Serving and Returning..... Writs.....	1.30	
Issuing..... Branch Summons and Complaint.....	1.25		Serving and Returning..... Subs. for..... Wit.....	.65	3 15
Issuing..... copies of same.....	.30		Levy..... Attachment.....	3.00	
Entering..... Sheriff's Return or copy of above.....	.20	2 0	Entering and Returning..... Attachment.....	.25	
Docketing Cause.....	.25	2 5	Summoning and Returning..... Garnishee.....	1.50	
Entering..... Appearances.....	.20	2 0	Serving and Returning..... Sci. Fas..... Notices.....	1.50	
Filing..... Pleas..... Demurrers.....	.10	6 0	Impaneling Jury.....	.75	
..... Affidavits, Certified.....	.25		Collecting Cost, Execution.....	1.50	1 50
..... Commissions to take Depositions.....	.75		Taking and Approving..... Replevin Bonds.....	1.00	
..... copies of Interrogatories.....			..... Claim Bonds.....	1.00	
..... Notices of Filing Interrogatories.....	.50		..... Garnishment Bonds.....	.75	
Filing..... Packages of Depositions.....	.10		..... Forthcoming Bonds.....	1.00	1 00
Inclosing..... Packages of Depositions.....	.10		..... Bail Bonds.....	1.00	
..... Orders in Court.....	.30	3 0	..... Detinue Bond.....	1.00	
..... Continuances.....	.10	1 0	Writ of Possession.....	5.00	
Issuing..... Subpoenas for..... Witnesses.....	.30	1 50	Making Deed.....	5.00	
Trail and Incidents.....	.75	7 5	Collecting Money on Execution.....		
Entering..... Judgment.....	.30	3 0	Writ of Restitution.....	2.00	
Issuing..... Execution.....	.50	5 0	Sheriff's Commissions.....		
Entering..... Sheriff's Return of Execution.....	.20	2 0	Sheriff's Deed.....		
Issuing..... Certiorari..... Sci. Fas.....	.75		Seizing Personal Property in Detinue.....	3.00	3 00
Filing..... Certiorari, etc.....	.15		Former Sheriff's Fees.....		
Issuing..... Notices.....	.75		Total Sheriff's Fees.....		1 00
Issuing..... copies of same.....	.50		WAIVER..... NO WAIVER.....		
Taking..... Bonds.....	.75		Recapitulation.....		
Filing..... Bonds.....	.10		Judgment for..... for <i>Property</i>		
Issuing..... Attachment Writ... and taking Bond.....	1.00	1 00	Interest from.....		
Filing..... Attachments.....	.10		Damages.....		
..... Summons of Garnishee.....	.50		Clerk's Fees.....		12 35
Swearing and Ent..... Answer of Garnishee.....			Sheriff's Fees.....		1 00
Complete Record, 15c per 100 words.....		4 00	Justice of Peace Fees.....		
Transcript to Supreme Court.....			Witness Fees in Justice of Peace Court.....		
Certificate of Appeal to Supreme Court.....	.75		Constable's Fees.....		
..... Notices of Appeal.....	.75		Commissioner's Fees.....		
..... Appeal Bond.....	.75		Commissioners Residence.....		
Certificate of Judgment.....	.50	5 0	Printer's Fees.....		
..... Witness Certificates.....	.25		Garnishee's Fees.....		
			Witness Fees in Circuit Court.....		
			Former Clerk's Fees.....		
			Trial Tax.....		3 00
Total Clerk's Fees.....		12 35	Total Fees.....		25 60

No. 863 - Page

THE STATE OF ALABAMA,
COUNTY.

CIRCUIT COURT.

V. D. McMillan

Plaintiff
VS.
E. J. Day
Defendant

CIVIL EXECUTION FOR COSTS AGAINST
DEFENDANT

Judgment for for \$
Interest from 19....., 19.....,
to 19....., \$
Damages \$
Costs \$ 25.60
Total \$ 25.60

Civil Fee Book Page
Execution Docket Page
Filed 19.....
R. D. Wicks
Clerk
J. B. Blackburn
Plaintiff's Attorney
Hydrant 5 Whason
Defendant's Attorney

COLLECT COSTS FROM
DEFENDANT
THE STATE OF ALABAMA,
COUNTY.

I hereby certify that the within Judgment and costs in this case are correct, and there was a waiver of exemption as to personal property under the Constitution and Laws of Alabama.

This day of 19.....
Clerk.

Received in Office
1-15-1946
C. E. Harrell
Sheriff

Sheriff's Execution Docket, page
Sheriff's Fee Book, page

Returned Feb. 18, 1946 to
Clerk Feb. 18, 1946 no
property found of
E. J. Day in Baldwin
County
C. E. Harrell, Sheriff

Sheriff

State of Alabama,
COUNTY.
by virtue of the within Execution, I have, at o'clock M., this day of 19.....

PLAINTIFF'S WITNESSES

Amount

DEFENDANT'S WITNESSES

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT
Case No. 865 Sept Term, 194

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Frank Johnson

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 there

of, by 10 o'clock of the forenoon, on the 25th day of Sept, 194 4

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 V. O. McKilla n Plaintiff

and E. J. Day Defendant.

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

Given under my hand and seal, this 25th day of Sept 194 4

R. S. Duck

Clerk

Received in office this 9/25 day of

Sept 9/25

194

14

W. D. Stewart

SHERIFF

I have executed this writ

Frank Johnson

ORIGINAL

No. 865

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

V. O. McMillan

Plaintiff

VS.

E. J. Day

Defendant

CIVIL SUBPOENA

Issued this 25th day of

Sept

194

W. D. Stewart

Grady Hall

SHERIFF

Clerk.

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 865
Sept. Term, 1944

CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Miss Lena Cook. Ernest Hanks

James Jones, Mrs James Jones,
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 there

of, by 10 o'clock of the forenoon, on the 25th day of Sept., 1944

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 V O McMillan. Plaintiff

and E J Day. Defendant.

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

Given under my hand and seal, this 23rd day of Sept. 1944


Clerk

Received in office this 9/23 day of

1944

W R Stuart

SHERIFF

I have executed this writ

9/23/44

Lena Cook

Ernest Hanks

Mr James Jones

James Jones

W R Stuart

SHERIFF

ORIGINAL

No. 865

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

V O McMillan,

Plaintiff

VS.

E J Day.

Defendant

CIVIL SUBPOENA

Issued this 23rd day of

Sept. 1944

R S Duck.

Clerk.