

1226

MOTION FOR JUDGMENT BY DEFAULT

GOODYEAR TIRE & RUBBER COMPANY,  
INC.,  
A Delaware Corporation, duly  
authorized to transact business  
in the State of Alabama,  
Plaintiff

vs.

G. W. CHRISTIAN,  
Having done business as the  
Bessemer Home & Auto Supply Co.,  
Defendant

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

Comes the Plaintiff by its attorney and moves the Court to render Judgment by Default in the amount of ONE THOUSAND THREE HUNDRED TWENTY NINE & 57/100 DOLLARS (\$1,329.57), principal, plus interest from September 9, 1948.

There is attached to this Motion a statement sworn to by J. F. Bennett, Assistant Treasurer of the Goodyear Tire & Rubber Company, Inc., which shows that the Defendant is indebted to the Plaintiff in the amount of ONE THOUSAND THREE HUNDRED SEVENTY FIVE & 53/100 DOLLARS (\$1,375.53). However, since the date of this proof of claim the Plaintiff acknowledges receipt of the payment of FORTY FIVE & 96/100 DOLLARS (\$45.96), which reduces the amount to ONE THOUSAND THREE HUNDRED TWENTY NINE & 57/100 DOLLARS (\$1,329.57), the amount sued for in the Complaint.

*Forest A. Christian, Foley, Alabama*  
Forest A. Christian, Foley, Alabama  
Attorney for Plaintiff

FILED  
APR 1 1949  
CLERK OF COURT  
BALDWIN COUNTY, ALABAMA

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[illegible][illegible]

Figure 1. A schematic diagram of the experimental design. The subjects were divided into two groups: the control group and the experimental group. The control group was given a standard 10-item test, while the experimental group was given a 10-item test with a 10-item test. The results of the control group were compared with the results of the experimental group. The results of the control group were compared with the results of the experimental group. The results of the control group were compared with the results of the experimental group.

SUMMONS

THE STATE OF ALABAMA, )  
 )  
BALDWIN COUNTY. )

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

You are hereby commanded to summon G. W. CHRISTIAN, having done business as the Bessemer Home & Auto Supply Co., to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the Complaint of the GOODYEAR TIRE & RUBBER COMPANY, INC.; a corporation.

Witness my hand this the 25<sup>th</sup> day of August, 1948.

Deice J. Duck  
Clerk

.....

COMPLAINT

GOODYEAR TIRE & RUBBER COMPANY, INC.,  
INC.,  
A Delaware Corporation, duly authorized to transact business in the State of Alabama,  
Plaintiff

vs.

G. W. CHRISTIAN,  
Having done business as the  
Bessemer Home & Auto Supply Co.,  
Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW.

COUNT I

The Plaintiff claims of the Defendant the sum of ONE THOUSAND THREE HUNDRED TWENTY NINE & 57/100 DOLLARS (\$1,329.57), together with interest thereon, due from him by account, on, to wit: the 11th day of November, 1947, which sum of money, with interest thereon, is still unpaid.

COUNT II

The Plaintiff claims of the Defendant the sum of ONE THOUSAND THREE HUNDRED TWENTY NINE & 57/100 DOLLARS (\$1,329.57), together with interest thereon, due from him on account state between the Plaintiff and the Defendant on, to wit: the 11th day of November, 1947, which sum of money together with interest thereon is still unpaid.

COUNT III

The Plaintiff claims of the Defendant the sum of ONE THOUSAND THREE HUNDRED TWENTY NINE & 57/100 DOLLARS (\$1,329.57), together with interest thereon, due from him for merchandise, goods and chattels sold by the Plaintiff to the Defendant on, to wit: the 11th day of November, 1947, which sum of money with the interest thereon is still unpaid.

Forest K. Christian  
Forest K. Christian, Foley, Alabama  
Attorney for Plaintiff

The Defendant operates the  
Canal Cafe.

Received in Sheriff's Office  
this 24 day of Aug., 1948  
TAYLOR WILKINS, Sheriff

no 1226

RECORDED

SUMMONS & COMPLAINT

GOODYEAR TIRE & RUBBER COMPANY, INC.  
A Delaware Corporation, duly auth-  
orized to transact business in the  
State of Alabama,  
Plaintiff

vs.

G. W. CHRISTIAN,  
Having done business as the  
Bessemer Home & Auto Supply Co.,

Defendant

Filed 8-25-48  
Wm. J. Duck  
clerk

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

---

LAW OFFICE OF  
FOREST A. CHRISTIAN  
FOLEY, ALABAMA

Executed. 8-31<sup>st</sup>/1948  
By serving copy  
on G. W. Christian  
Taylor Wilkins Sheriff  
by A. R. Willis D.C.

GOODYEAR TIRE & RUBBER COMPANY, INC.,  
a Delaware Corporation,

Plaintiff,

vs.

G. W. CHRISTIAN,

Defendant.

and

THE TEXAS COMPANY, as

Garnishee

) IN THE CIRCUIT COURT  
)  
) OF BALDWIN COUNTY,  
) ALABAMA  
)

) NO. \_\_\_\_\_  
)  
)  
)  
)  
)  
)

NOW comes The Texas Company and for answer to the Writ of Garnishment heretofore served upon it in the above styled cause says as follows:

The defendant G. W. Christian did recover a judgment against this Garnishee in the United States District Court for the Southern Division of the Northern District of Alabama, on, to-wit: October 1, 1948, for the sum of \$7384.71. This Garnishee further avers, however, that a motion for a new trial has been filed by the Garnishee in said cause, and also a motion for a judgment non obstante veredicto, in favor of the Garnishee in said cause has also been filed. Said motions are still pending and undetermined by the Court. If said motions are overruled, it is contemplated that this Garnishee will appeal from this judgment to the United States Circuit Court of Appeals for the Fifth Circuit. It has not been determined whether said judgment is final, or whether or not it will be paid by this Garnishee, and whether or not this Garnishee is now indebted to the said G. W. Christian on said judgment. Except as stated herein, this Garnishee, at the time of the service of this Writ and at the time of making its answer, does not have in its

possession, or under its control any money or effects belonging to the defendant, and it is not indebted to said defendant and is not liable to him on any contract for the payment of money or the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

NOW, having fully answered this writ of garnishment, this Garnishee prays that this writ of garnishment may be dismissed as to it with reasonable costs in its behalf expended.

This the 13 day of November, 1948.

THE TEXAS COMPANY

By *Lee Davies*  
*Agent*

ATTORNEYS FOR THE TEXAS COMPANY

*Lee Davies*  
Davies & Williams

FILED  
NOV 19 1948  
CLERK OF COURT  
JEFFERSON COUNTY  
ALABAMA

STATE OF ALABAMA )  
JEFFERSON COUNTY )

Personally appeared before me, the undersigned authority in and for said County, in said State, ~~Ed. S. Crowley~~ *Lee Davies*, who, being by me first duly sworn, deposes and says that he is the agent and representative of The Texas Company with knowledge of the facts and with authority to make this affidavit, and that the foregoing averments are true and correct.

*Lee Davies*

Sworn to and subscribed before me, on this the \_\_\_ day of November, 1948.

\_\_\_\_\_  
Notary Public.

**SECRET**

[illegible]

1. The first step is to identify the problem. In this case, the problem is that the system is not working properly.

RECORDED

11-11-61  
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FILED

NOV 15 1948

ALICE J. DUCK, Clerk

*[The page contains extremely faint, illegible vertical text or markings.]*

[illegible]

NOTICE OF GARNISHMENT TO DEFENDANT

GOODYEAR TIRE & RUBBER COMPANY,  
INC.,

A Delaware Corporation, duly  
authorized to transact business  
in the State of Alabama,

Plaintiff

vs.

G. W. CHRISTIAN,  
Having done business as the  
Bessemer Home & Auto Supply Co.,

Defendant

THE TEXAS COMPANY,

Garnishee

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

You are hereby commanded to notify G. W. CHRISTIAN, having done business as the Bessemer Home & Auto Supply Co., that on the 26<sup>th</sup> day of October, 1948, a Writ of Garnishment in the above stated case was issued to the Texas Company, as Garnishee.

And you will return this Writ according to law.

WITNESS my hand this the 26<sup>th</sup> day of October, 1948.

Alice J. Luck  
Clerk

WIT I HAVE READ

OCT 28 1948

FILED

WIT

WITNESS MY HAND

IN THE CIRCUIT COURT OF

GOODYEAR TIRE & RUBBER COMPANY, INC.

Plaintiff

Bessemer Home & Auto Supply Co.,  
Having done business as the  
G. W. CHRISTIAN,

vs.

THE TEXAS COMPANY,

Garnishee  
State of Alabama,  
I hereby certify that the  
above named person is the  
owner of the property,  
GOODYEAR TIRE & RUBBER COMPANY, INC.

NOTICE OF GARNISHMENT TO DEFENDANT

WIT

The Defendant lives at  
Gulf Shores, Alabama



1226 1/2

NOTICE OF GARNISHMENT TO DEFENDANT

GOODYEAR TIRE & RUBBER COMPANY, INC.

A Delaware Corporation, duly authorized to transact business in the State of Alabama,

Plaintiff

vs.

G. W. CHRISTIAN,  
Having done business as the  
Bessemer Home & Auto Supply Co.,

Defendant

THE TEXAS COMPANY,  
Garnishee

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

FILED

OCT 26<sup>th</sup> 1948

ALICE J. DUCK, Clerk

RECEIVED BY THE CLERK OF THE COURT OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, OCTOBER 26, 1948, AT 10:00 A.M. THE FOLLOWING NOTICE OF GARNISHMENT TO DEFENDANT WAS FILED FOR RECORD AND SERVICE: GOODYEAR TIRE & RUBBER COMPANY, INC. A Delaware Corporation, duly authorized to transact business in the State of Alabama, Plaintiff vs. G. W. CHRISTIAN, Having done business as the Bessemer Home & Auto Supply Co., Defendant THE TEXAS COMPANY, Garnishee. IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. AT LAW. FILED OCT 26<sup>th</sup> 1948 ALICE J. DUCK, Clerk.

RECEIVED BY THE CLERK OF THE COURT OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, OCTOBER 26, 1948, AT 10:00 A.M. THE FOLLOWING NOTICE OF GARNISHMENT TO DEFENDANT WAS FILED FOR RECORD AND SERVICE: GOODYEAR TIRE & RUBBER COMPANY, INC. A Delaware Corporation, duly authorized to transact business in the State of Alabama, Plaintiff vs. G. W. CHRISTIAN, Having done business as the Bessemer Home & Auto Supply Co., Defendant THE TEXAS COMPANY, Garnishee. IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. AT LAW. FILED OCT 26<sup>th</sup> 1948 ALICE J. DUCK, Clerk.

1226

RECEIVED BY THE CLERK OF THE COURT OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, OCTOBER 26, 1948, AT 10:00 A.M. THE FOLLOWING NOTICE OF GARNISHMENT TO DEFENDANT WAS FILED FOR RECORD AND SERVICE: GOODYEAR TIRE & RUBBER COMPANY, INC. A Delaware Corporation, duly authorized to transact business in the State of Alabama, Plaintiff vs. G. W. CHRISTIAN, Having done business as the Bessemer Home & Auto Supply Co., Defendant THE TEXAS COMPANY, Garnishee. IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. AT LAW. FILED OCT 26<sup>th</sup> 1948 ALICE J. DUCK, Clerk.

DAVIES & WILLIAMS

ATTORNEYS AT LAW

FRANK W. DAVIES  
MARVIN WILLIAMS, JR.  
JOE R. WALLACE  
JOHN W. COOPER

November 10, 1948

WATTS BUILDING  
BIRMINGHAM 3, ALA.

Miss Alice J. Duck  
Clerk, Circuit Court, Baldwin County  
Bay Minette, Alabama

Re: Goodyear Tire & Rubber Company, Inc.,  
a Delaware Corporation, Plaintiff, vs.  
G. W. Christian, Defendant. and  
The Texas Company, as Garnishee

Dear Madam:

We enclose herewith answer of The Texas  
Company to the Writ of Garnishment in this case.

In the event there is any change in the  
status of the judgment recovered by Christian against  
The Texas Company an amended answer will be promptly  
filed. We would appreciate it if you would keep us  
advised from time to time as to when this matter  
will be set down for pleading, hearing, or otherwise.

Please acknowledge receipt of the within  
answer to the writ of garnishment.

Very truly yours,



F. W. DAVIES

FWD/vh

Enc.

LAW OFFICE OF  
FOREST A. CHRISTIAN  
FOLEY, ALABAMA

October 25, 1948

Mrs. Alice J. Duck  
Clerk of Court  
Bay Minette, Alabama

Re: Case # 1226  
Goodyear Tire & Rubber Co., Inc.  
vs: G. W. Christian

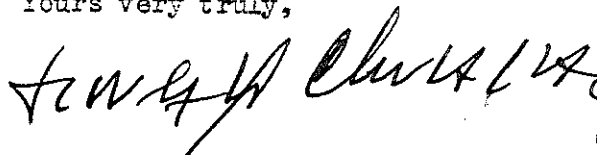
Dear Mrs. Duck:

Will you kindly write in the amount of the court costs in the enclosed Affidavit and Writ on Garnishment and have the Writ of Garnishment served on Mr. F. L. Matthews as agent for the Texas Oil Company, Birmingham, Alabama, and the Notice to Defendant served on Mr. G. W. Christian of Gulf Shores, Alabama.

I hope these papers are in order and if not, I will be glad to have your suggestions.

Yours very truly,

Enclosures

A handwritten signature in dark ink, appearing to read "Forest A. Christian", is written over the typed name.

NOTICE OF GARNISHMENT TO DEFENDANT

GOODYEAR TIRE & RUBBER COMPANY,  
INC.,  
A Delaware Corporation, duly  
authorized to transact business  
in the State of Alabama,

Plaintiff

vs.

G. W. CHRISTIAN,  
Having done business as the  
Bessemer Home & Auto Supply Co.,

Defendant

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

THE TEXAS COMPANY,

Garnishee

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

You are hereby commanded to notify G. W. CHRISTIAN, having done business as the Bessemer Home & Auto Supply Co., that on the 26<sup>th</sup> day of October, 1948, a Writ of Garnishment in the above stated case was issued to the Texas Company, as Garnishee.

And you will return this Writ according to law.

WITNESS my hand this the 26<sup>th</sup> day of October, 1948.

George J. Leuck  
Clerk

The Defendant lives at  
Gulf Shores, Alabama

Received in Sheriff's Office  
this 26 day of Oct, 1948  
TAYLOR WILKINS, Sheriff

Returned 13 day of Nov 1948  
Not found in my county after diligent search and in-  
quiry.

Taylor Wilkins, Sheriff  
By Freddie B. Griffin Deputy Sheriff

RECORDED

1226 1/2

NOTICE OF GARNISHMENT TO DEFENDANT

GOODYEAR TIRE & RUBBER COMPANY, INC.

A Delaware Corporation, duly author-  
ized to transact business in the  
State of Alabama,

Plaintiff

vs.

G. W. CHRISTIAN,  
Having done business as the  
Bessemer Home & Auto Supply Co.,

Defendant

THE TEXAS COMPANY,  
Garnishee

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

FILED

OCT 26 1948

ALICE J. DUCK, Clerk

LAW OFFICE OF  
FOREST A. CHRISTIAN  
FOLEY, ALABAMA

WRIT OF GARNISHMENT ON JUDGMENT

THE STATE OF ALABAMA, )  
BALDWIN COUNTY. )

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

WHEREAS, Forest A. Christian has made affidavit as required by law that on October 7, 1948, the Goodyear Tire & Rubber Company, Inc., a Delaware Corporation, duly authorized to transact business in the State of Alabama, in the Circuit Court of Baldwin County recovered a judgment against G. W. Christian, having done business as the Bessemer Home & Auto Supply Co., for the sum of ONE THOUSAND THREE HUNDRED TWENTY NINE & 57/100 DOLLARS (\$1,329.57), and the further sum of Eleven and 75/100 DOLLARS (\$11.75), cost of suit; and that he believes the process of garnishment is necessary to obtain satisfaction of said judgment, and that the Texas Company has or is believed to have in its possession or under its control, money or effects belonging to the defendant, or that it is or is believed to be indebted to the defendant, or to liable to him on a contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

THESE ARE THEREFORE TO COMMAND YOU, that you summon the said Texas Company to be and appear at the next Session of Circuit Court in Baldwin County to be holden for said County, within thirty days after the service of this Writ of Garnishment, then and there to answer on oath, whether at the time of the service of this writ, or at the time of making its answer, it has now in its possession, or under its control any money or effects belonging to the defendant; and whether it is indebted to said defendant, or is liable to him on any contract for the payment of money or the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

WITNESS, Alice J. Duck, Clerk of said Court at office, this the 26<sup>th</sup> day of October, A. D., 1948.

Alice J. Duck  
Clerk

Received in Sheriff's Office  
this 24 day of Oct, 1948  
TAYLOR WILKINS, Sheriff  
1948 OCT 28 AM 8:54

Executed this the 28 day of Oct 1948  
on The Texas Co  
by paying a copy of within with  
Holt A. McDowell  
of said company.  
HOLT A. McDOWELL, Sheriff  
Jefferson County, Alabama  
By J. R. McDowell

X

RECORDED

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WRIT OF GARNISHMENT ON JUDGMENT

GOODYEAR TIRE & RUBBER COMPANY, INC.

A Delaware Corporation, duly author-  
ized to transact business in the  
State of Alabama,

Plaintiff

vs.

G. W. CHRISTIAN,  
Having done business as the  
Bessemer Home & Auto Supply Co.,

Defendant

3300. 5th Ave. S.E.  
X THE TEXAS COMPANY,  
Garnishee  
J. R. McDowell Agent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

X R. E. G. Filed Oct 26 - 1948  
FILED

LAW OFFICE OF  
FOREST A. CHRISTIAN  
FOLEY, ALABAMA

10-28-48-1022 02 312  
ALICE J. DUCK, Clerk  
Saves

AFFIDAVIT FOR GARNISHMENT ON JUDGMENT

THE STATE OF ALABAMA, )  
 )  
BALDWIN COUNTY. )

Personally appeared before me, Alice J. Duck, Clerk of the Circuit Court in and for said County, Forest A. Christian, who being duly sworn, deposes and saith that on October 7, 1948, in the Circuit Court of Baldwin County the Goodyear Tire & Rubber Company, Inc., a Delaware Corporation, duly authorized to transact business in the State of Alabama, recovered a judgment against G. W. Christian, having done business as the Bessemer Home and Auto Supply Co., for the sum of ONE THOUSAND THREE HUNDRED TWENTY NINE & 57/100 DOLLARS (\$1,329.57) and the further sum of Eleven and 75/100 DOLLARS (\$11.75) cost of suit, and that he believes the process of garnishment is necessary to obtain satisfaction of said judgment, and that the Texas Company has or is believed to have in its possession or under its control, money or effects belonging to the defendant, or is liable to him on a contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

Forest A. Christian  
Affiant

Sworn to and subscribed before me, this the 26 day of October, 1948.

Alice J. Duck  
Clerk of Circuit Court of Baldwin  
County, Alabama



RECORDED

12 26 1/2

AFFIDAVIT FOR GARNISHMENT ON

JUDGMENT

GOODYEAR TIRE & RUBBER COMPANY, INC.

A Delaware Corporation, duly authorized to transact business in the State of Alabama,

Plaintiff

vs.

G. W. CHRISTIAN,  
Having done business as the  
Bessemer Home & Auto Supply Co.,

Defendant

THE TEXAS COMPANY,  
Garnishee

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

---

LAW OFFICE OF  
FOREST A. CHRISTIAN

FOLEY, ALABAMA  
**FILED**

OCT 26 1948

ALICE J. DUCK, Clerk

# The Goodyear Tire & Rubber Company, Inc., Akron 16, Ohio

## PROOF OF CLAIM

State of Ohio  
County of Summit

ss.

J F BENNETT

being first duly sworn

..... of THE GOODYEAR  
on oath, says: That he is the..... Assistant Treasurer.....

TIRE & RUBBER COMPANY, INC., a corporation doing business under and by virtue of the laws of the State  
of Delaware: that the annexed statement of account against.....

of..... Bessemer, Alabama..... is for goods, wares and merchandise sold and delivered  
to said..... G W CHRISTIAN, DBA  
BESSEMER HOME & AUTO SUPPLY STORE.....

same is just, true and correct; that there is now due and owing thereon, after allowing all just Credits, deductions  
and set-offs the sum of..... THIRTEEN HUNDRED SEVENTY-FIVE ..... Dollars

and..... FIFTY-THREE ..... cents, and no part thereof is for usurious interest

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

....., A. D. 1948

Notary Public

Please address all communications to Law Dept.

The Goodyear Tire & Rubber Company, Inc., Akron 16, Ohio