

G. H. JACKSON

PLAINTIFF

VS

D. H. BARVILLE

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 1258

Now comes the Defendant and for answer to the Plaintiff complaint and to each count thereof says:

1.

For answer to count one he says that he does not have in his possession the property therein alleged to-wit:

One 1942 Chevrolet $1\frac{1}{2}$ ton Truck, Motor No. AG 794191.

2.

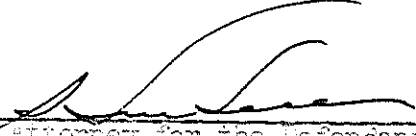
For answer to count two he says: that said claim alleged under count one of the complaint is barred by the statutes of limitation.

3.

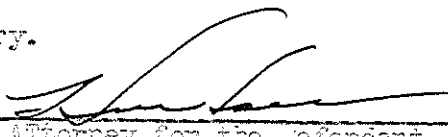
For answer to count three he says: that the facts therein alleged are untrue.

4.

For answer to count 4 he says: that the facts therein alleged are untrue.


Attorney for the Defendant

The defendant demands a trial by jury.


Attorney for the Defendant

G. H. JACKSON

PLAINTIFF

VS

D. H. HARVILLE

DEFENDANT

ANSWER

RECORDED

FILED

AUG 8 1951

ALICE L. DUCK, Clerk

Garnishment on Judgment.

The State of Alabama,
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

OCT.

TERM, 19 51

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular Oct. Term, 19 51, of the Circuit Court of Baldwin County,
to-wit: On the 15 day of Oct., 19 51, being a regular day of
said term,

G. H. JACKSON

recovered judgment against

D. H. HARVILLE

for the sum of Three Hundred Eighty One and 08/100 (\$381.08) Dollars, and cost of suit,
and affidavit having been made by REUBEN MCKINLEY
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the
following named persons or corporations, viz:

ALABAMA DRY DOCK AND SHIPBUILDING CORPORATION

has or is believed to have in their possession, or under their control money
or effects belonging to said defendant D.H. Harville or that he is, or
is believed to be indebted to said defendant D.H. Harville or to be liable to them, or to one of them 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.

You Are Therefore Hereby Commanded to Summon

ALABAMA DRY DOCK AND SHIPBUILDING CORPORATION

to be and appear before the honorable Judge of the Circuit Court for Baldwin County, at the Court House
thereof, in the city of Bay Minette, on the within 30 days Monday in A. D. 19 ,
then and there within the three first days of the term, to answer on oath, whether at the time of the service
of the garnishment, or at the time making their answer, or at any time intervening the time of serv-
ing the garnishment, and making the answer that was indebted to said defendant
D.H. Harville and whether they will not be indebted in future to said defendant
D.H. Harville by a contract then existing, and whether by a contract then existing
is, or are, liable to said defendants for the delivery of personal property, or for the payment of money which
may be discharged by the delivery of personal property, or which is payable in personal property, and
whether Alabama Dry Dock & Shipbuilding, their possession or under their control money or
effects belonging to the defendant D.H. Harville

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

Witness, ALICE J. DUCK, Clerk of said Court, this 15 day of August, A.D., 19 55

Issued 15 day of August A. D., 19 55.

ATTEST:

Alice J. Duck, Clerk.

Received in Court Office
this 15 day of Aug, 1955
TAYLOR WILKINS, Sheriff

EXECUTED

This 17 day of August, 1955
by serving a copy of the within on
RAY D. BRIDGES, Sheriff
By J. W. Martin D. S.

1322

121

RECORDED

Circuit Court, Baldwin County

No. 1258 ¹/₂ A

G. H. JACKSON

VS. } Garnishment On Judgment

D. H. HARVILLE

Issued 15 day of August 1955.

Returnable day of 19

X 17 M

Reuben McKinley

Attorney

STATE OF ALABAMA,
BALDWIN COUNTY }

TO D. H. HARVILLE Defendant ..:

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of.....

..... G. H. JACKSON Plaintiff.....

versus D. H. HARVILLE Defendant.....

now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which.....

..... ALABAMA DRY DOCK & SHIPBUILDING CORPORATION
.....

has been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the...15.....

day of August 1945.

..... *Alice J. Alcock*
Clerk of the Circuit Court.

1258 1/2 A

NOTICE

TO DEFENDANT OF GARNISHMENT

BY

CLERK OF CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

TO

G. H. JACKSON

Plaintiff

VS.

D. H. HARVILLE

Defendant

Received 15 day of Aug 1955

and on 2 day of Sept. 1955

I served a copy of the within Garnishment

by service on D. H. Harville

TAYLOR WILKINS, Sheriff

By J. H. H. H. D. S.

**THE STATE OF ALABAMA }
Baldwin County**

CIRCUIT COURT

No. _____
October _____ 1948

To Any Sheriff of the State of Alabama:

You Are Hereby Commanded to Summon D.H. Harville

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 the same, then and there to answer the complaint of _____

G.H. Jackson

Witness my hand this 29th day of October 1948

Arice J. Duck, Clerk.

COMPLAINT

G.H. Jackson

D.H. Harville

Plaintiff Versus Defendant

The plaintiff claims of the defendant the following personal property, to-wit:

One 1942 Chevrolet One and a Half ton Truck, Motor no. A.C. 794191

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

from October 1st 1948, to October 1948

[Signature] Plaintiff's Attorney.

No. 1258 Page _____

STATE OF ALABAMA
Baldwin County
CIRCUIT COURT

G.H. Jackson

Plaintiff...

vs.

D.H. Harville

Defendant...

Detinue Summons and Complaint

Filed 10-29, 1948

Alice J. Luck, Clerk

RECORDED

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

Alice J. Luck Clerk.

Received in Sheriff's Office
this 30 day of oct, 1948
TAYLOR WILKINS, Sheriff

Defendant lives at

Received in office

30 oct, 1948

Taylor Wilkins, Sheriff.
I have executed this summons

this Nov 17, 1948
by leaving a copy with

D. H. Harville

The within described property was not found

Taylor Wilkins, Sheriff
_____, Deputy Sheriff

G. H. JACKSON,)
Plaintiff,) IN THE CIRCUIT COURT OF
VS.) BALDWIN COUNTY, ALABAMA
DANIEL HARVILL,) AT LAW NO. 1258½
Defendant.)

ANSWER OF GARNISHEE

Now comes Bacon-McMillan Veneer Company, a corporation, the garnishee named in the above entitled cause, and for answer to the said garnishment says:

It was not indebted to the defendant at the time of the service of the said writ of garnishment upon it, it is not now indebted to the defendant, and it will not be indebted to the defendant in the future by any contract now in existence.

Having fully answered the said writ of garnishment it prays that it be discharged as such garnishee with its reasonable costs in this behalf expended.

Dated this 7 day of December, 1954.

BACON-McMILLAN VENEER COMPANY,
A corporation,

By Thomas M. McMillan

As its President.

Sworn to and subscribed before me on
this the 7 day of December, 1954.

Laurens H. Jones

Notary Public, State of Alabama at Large.

ANSWER OF GARNISHEE
G. H. JACKSON,
Plaintiff,
VS.
DANIEL HARVILL,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 1258 $\frac{1}{2}$

FILED
DEC 8 1954
ALMA J. HICK, Clerk

G. H. JACKSON,)
Plaintiff,) IN THE CIRCUIT COURT OF
VS.) BALDWIN COUNTY, ALABAMA
DANIEL HARVILL,) AT LAW NO. 1258½
Defendant.)

ANSWER OF GARNISHEE

Now comes Bacon-McMillan Veneer Company, a corporation, the garnishee named in the above entitled cause, and for answer to the said garnishment says:

It was not indebted to the defendant at the time of the service of the said writ of garnishment upon it, it is not now indebted to the defendant, and it will not be indebted to the defendant in the future by any contract now in existence.

Having fully answered the said writ of garnishment it prays that it be discharged as such garnishee with its reasonable costs in this behalf expended.

Dated this 7 day of December, 1954.

BACON-McMILLAN VENEER COMPANY,
A corporation,

By Thomas M. McMillan

As its President.

Sworn to and subscribed before me on
this the 7 day of December, 1954.

Laurens H. Jones

Notary Public, State of Alabama at Large.

G. H. Jackson
Plaintiff

Vs

Dan Harville
Defendant
and

Bacon McMillian Veneer Mfg. Co.
Garnishee

1

1

1

1

1

In the Circuit Court of
Baldwin County, Alabama
At Law

More than thirty days having elapsed since service of a Writ of Garnishment in the above styled cause upon Bacon McMillian Veneer Mfg. Co. as garnishee and upon failure of said garnishee to answer said garnishment, Plaintiff moves this Honorable Court to render a Conditional Judgment against said garnishee for the amount of said Judgment and costs as provided in Title 7, Section 1019, 1940 Code of Alabama.


Attorney for the Plaintiff

G. H. Jackson

Plaintiff

Vs

Dan Harville

Defendant

and

Bacon McMillian Veneer Mfg.
Company

Garnishee

Motion for Judgment Nisi

FILED
MAY 2 1955
ALICE J. DUCK, Clerk

STATE OF ALABAMA:

COUNTY OF ~~MOBILE~~ Baldwin

G. H. Jackson PLAINTIFF

D. H. Harville DEFENDANT

Your # 1258

VS:

ALABAMA DRY DOCK & SHIPBUILDING COMPANY, Garnishees:

Before the Circuit

Court of ~~Mobile~~ in and for said County and State:

Baldwin County

And now comes the Alabama Dry Dock and Shipbuilding Company, through and by

H. H. Wilson its agent duly authorized by it to make
this answer, and for answer to the garnishment in this cause says:

That at the service of this writ of garnishment and at the time of making
its answer thereto, it is indebted to said defendant in the sum of
Seventy Seven & 04/100 Dollars, (\$ 77.04)
being wages, salary or compensation for personal services rendered by defendant,
who is a resident of the State of Alabama, and that neither at the time of the
service of said writ, nor at any time since has it been indebted to said defendant
in any other and further sum; and that it will not be indebted in the future to
said defendant by a contract now or previously existing; and that is not liable to
said defendant by a contract now or previously existing for the delivery of personal
property or for the payment of money which may be discharged by the delivery of
personal property or which is payable in personal property; and that it has not now
in its possession or under its control any money or effects belonging to said de-
fendant, and that it has not had in its possession or under its control since the
service of said writ any money belonging to said defendant, and that it does not
know or believe that any other person is indebted to said defendant; and that it
does not know or believe that any other person has effects of said defendant in his
possession or under his control.

~~The above stated amount having been collected on this Garnishment before the defend-
ant was terminated for failure to report for work, dropped from payroll 9-30-55~~

And having answered said Garnishment, prays to be hence dismissed with its reasonable
costs in his behalf expended.

ALABAMA DRY DOCK & SHIPBUILDING CO.

 Agent
H. H. Wilson

Subscribed and sworn to before me, this

2nd. day of November 19 55


NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

refer to our # 796

1258⁵/₂

Ans.
Harrishree

FILED
NOV 3 1955
ALICE J. DUCK, Clerk

G. H. JACKSON,

Plaintiff,

VS.

DANIEL HARVILLE,

Defendant,

BACON McMILLAN MANUFACTURING
COMPANY,

Garnishee.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 1258½

ANSWER OF GARNISHEE

Now comes Bacon McMillan Veneer Manufacturing Company,
a partnership, the Garnishee named in the above entitled cause and
for answer to the said garnishment says:

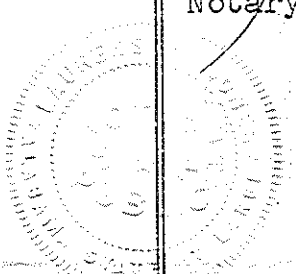
That there is no firm, partnership or corporation by the
name of Bacon McMillan Manufacturing Company and that at this
time and at the time of the service of the writ of garnishment
herein Bacon McMillan Manufacturing Company was not indebted to
the said Defendant.

BACON McMILLAN VENEER MANUFACTURING
COMPANY, a Partnership,

By *Roman M. McJr.*
As a partner thereof.

Sworn to and subscribed before me
on this 16 day of May, 1955.

James H. Jones
Notary Public, State of Alabama, at Large.



ANSWER OF GARNISHEE

G. H. JACKSON,

Plaintiff,

VS.

DANIEL HARVILLE,

Defendant,

BACON McMILLAN MANUFACTURING
COMPANY,

Garnishee.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 1258½

FILED

MAY 21 1955

ALICE J. DUCK, Clerk

BOND

The State of Alabama, }
Baldwin County

CIRCUIT COURT

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, _____

are held and firmly bound unto _____

in the sum of _____ DOLLARS,

to be paid to the said _____

heirs, executors, administrators or assigns, for which payment well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators jointly, severally and firmly by these Presents.

Sealed with our seals, and dated this _____ day of _____, 19____

THE CONDITION OF THE ABOVE OBLIGATION IN SUCH, That whereas, the above bound

ha_____ commenced suit in the Circuit Court of said County by summons and complaint, which have issued from said Court, to recover of said _____

the sum of _____ Dollars,

and ha_____ on the day of the date hereof, prayed that Writ of Garnishment issue out of said Court to

summoning h_____ to answer what _____ indebted to said Defendant, or what effects of said Defendant _____ ha_____ in _____ possession, or under _____ control; and said Plaintiff having made oath as required by law in such cases, said Writ is about to issue out of said Court, returnable to the next Term of the Circuit Court, to be holden for Baldwin County.

NOW, if the said Plaintiff _____ shall prosecute the Garnishment to effect, and pay the Defendant all such costs and damages as _____ may sustain, by reason of the wrongful or vexatious suing out of this Garnishment, then this obligation to be void; otherwise to remain in full force and effect.

AND WE, and each of us, hereby waive all rights of claim of exemption we, or either of us have now, or may hereafter have, under the Constitution and laws of Alabama, and _____ hereby severally certify that _____ have property free from all incumbrance, to the full amount of the above bond.

(Seal)

(Seal)

(Seal)

Approved this _____ day of _____ A. D., 19____

Clerk.

The State of Alabama
Baldwin County

Before me, ALICE J. DUCK, Clerk of Circuit Court,

in and for said County, personally appeared

Robert F. McFarley

who, being duly sworn, doth depose and say that

Daniel Harville is

indebted to *G. H. Jackson* in the sum of *Three hundred Ninety Nine and 25/100* Dollars,

and that *he* has commenced on suit by summons and complaint on said indebtedness

against the said *Daniel Harville and has obtained*

judgment against him

and that *Alabama Dry Dock and Shipbuilding*

Corporation is

supposed to be indebted to the said Defendant, or to have effects of the said Defendant, in *its*

possession, or under *its* control, and that *he* believe that process of Garnishment against the said

Daniel Harville

is necessary to obtain satisfaction of said claim; and that the said *Ala. Dry Dock & Shipbuilding Corp.*

is believed to be chargeable as Garnishee in said cause; and that this Writ is not sued out for the purpose

of vexing or harassing said Defendant, or other improper motives.

Robert F. McFarley

Sworn to and subscribed before me this *8* day of *Aug* 19 *55*

Alice J. Duck, Clerk Circuit Court.

RECORDED
No. 12362A

THE STATE OF ALABAMA
Baldwin County.

CIRCUIT COURT

G. H. JACKSON

Plaintiff

TO

D. H. HARVILLE

Defendant

Bond and Affidavit in Garnishment
on Summons

Filed this *8* day of *Aug*, 19 *55*

Alice J. Duck, Clerk.

BOND

THE STATE OF ALABAMA
Baldwin County.

CIRCUIT COURT.

KNOW ALL MEN BY THESE PRESENTS:

THAT WE,

are held and firmly bound unto

in the sum of DOLLARS,

to be paid to the said

heirs, executors, administrators or assigns; for which payment well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators jointly, severally and firmly by these Presents.

Sealed with our seals, and dated this day of 19.....

THE CONDITION OF THE ABOVE OBLIGATION IN SUCH, That whereas, the above bound

ha..... commenced suit in the Circuit Court of said County by summons and complaint, which have issued from said Court, to recover of said

the sum of Dollars,

and ha on the day of the date hereof, prayed that Writ of Garnishment issue out of said Court to.....

summoning h..... to answer what indebted to said Defendant, or what effects of said Defendant ha..... in possession, or under control; and said Plaintiff having made oath as required by law in such cases, said Writ is about to issue out of said Court, returnable to the next Term of the Circuit Court, to be holden for Baldwin County.

NOW, if the said Plaintiff..... shall prosecute the Garnishment to effect, and pay the Defendant all such costs and damages as may sustain, by reason of the wrongful or vexatious suing out of this Garnishment, then this obligation to be void; otherwise to remain in full force and effect.

AND WE, and each of us, hereby waive all rights of claim of exemption we, or either of us have now, or may hereafter have, under the Constitution and Laws of Alabama, and hereby severally certify that have property free from all incumbrance, to the full amount of the above bond.

..... (Seal)

..... (Seal)

..... (Seal)

Approved this day of A. D., 19.....

..... Clerk.

The State of Alabama,
BALDWIN COUNTY.

Before me, ALICE J. DUCK, Clerk of Circuit Court,

in and for said County, personally appeared

Robert F. McKinley, Attorney for
G. H. Jackson

who, being duly sworn, doth depose..... and say..... that *One, Daniel Harville*
is

indebted to *G. H. Jackson* in the sum of *Three hundred Ninety Nine & 23/100* Dollars,
and that *he* has commenced on suit by summons and complaint on said indebtedness

against the said *Daniel Harville and obtained judgment*
against him
and that *Bacon, McMillan Veneer Co. is*

supposed to be indebted to the said Defendant....., or to have effects of the said Defendant....., in *his*
possession, or under..... control, and that..... believe that process of Garnishment against the said

Daniel Harville
is necessary to obtain satisfaction of said claim; and that the said *Bacon, McMillan Veneer Co*
is believed to be chargeable as Garnishee in said cause; and that this Writ is not sued out for the purpose of vexing or
harassing said Defendant....., or other improper motives.

Sworn to and subscribed before me this *16* day of *Nov* 19 *54*

Robert F. McKinley
Alice J. Duck
Clerk Circuit Court.

116.

No.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT

G. H. Jackson

Plaintiff.....

TO

Daniel Harville

Defendant.....

Bond and Affidavit in Garnishment on Summons

Filed this *16* day of *Nov* 19 *54*

Alice J. Duck
Clerk.

Printed by the Baldwin Times, Bay Minette, Alabama.

July 19

BOND

BOOK 003 PAGE 381

The State of Alabama, }
Baldwin County

CIRCUIT COURT

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, _____

are held and firmly bound unto _____

in the sum of _____ DOLLARS,

to be paid to the said _____

heirs, executors, administrators or assigns, for which payment well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators jointly, severally and firmly by these Presents.

Sealed with our seals, and dated this _____ day of _____, 19____

THE CONDITION OF THE ABOVE OBLIGATION IN SUCH, That whereas, the above bound

ha _____ commenced suit in the Circuit Court of said County by summons and complaint, which have issued from said Court, to recover of said _____

the sum of _____ Dollars,

and ha _____ on the day of the date hereof, prayed that Writ of Garnishment issue out of said Court to

summoning h _____ to answer what _____ indebted to said Defendant, or what effects of said Defendant _____ ha _____ in _____ possession, or under _____ control; and said Plaintiff having made oath as required by law in such cases, said Writ is about to issue out of said Court, returnable to the next Term of the Circuit Court, to be holden for Baldwin County.

NOW, if the said Plaintiff _____ shall prosecute the Garnishment to effect, and pay the Defendant all such costs and damages as _____ may sustain, by reason of the wrongful or vexatious suing out of this Garnishment, then this obligation to be void; otherwise to remain in full force and effect.

AND WE, and each of us, hereby waive all rights of claim of exemption we, or either of us have now, or may hereafter have, under the Constitution and laws of Alabama, and _____ hereby severally certify that _____ have property free from all incumbrance, to the full amount of the above bond.

(Seal)

(Seal)

(Seal)

Approved this _____ day of _____ A. D., 19____

Clerk.

The State of Alabama
Baldwin County

12-13 1936
BRIEF in ~~the~~ ~~MILLER~~ DUCK, Clerk of Circuit Court,

in and for said County, personally appeared

Robert F. McFarley Attorney for

who, being duly sworn, doth depose S and say S that

One, Daniel Harville

indebted to *G. H. Jackson* in the sum of *Three hundred Ninety Nine and 23/100* Dollars,

and that *he* has commenced on suit by summons and complaint on said indebtedness

against the said *Daniel Harville and obtained judgment*

against him

and that *Bacon McMillan Manufacturing Co., is*

supposed to be indebted to the said Defendant, or to have effects of the said Defendant, in *his*

possession, or under *his* control, and that believe that process of Garnishment against the said

Daniel Harville

is necessary to obtain satisfaction of said claim; and that the said *Bacon McMillan Mfg. Co.*,
is believed to be chargeable as Garnishee in said cause; and that this Writ is not sued out for the purpose
of vexing or harassing said Defendant, or other improper motives.

Robert F. McFarley

Sworn to and subscribed before me this _____ day of _____ 19____

_____, Clerk Circuit Court.

RECORDED
116

No. _____

THE STATE OF ALABAMA
Baldwin County.

CIRCUIT COURT

G. H. Jackson

Plaintiff

TO

Daniel Harville

Defendant

Bond and Affidavit in Garnishment
on Summons

Filed this *12-16-36* day of

_____, 19____

Devin French
Clerk.

Printed by Moore Ptg. Co.

The State of Alabama,
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

TERM, 19

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular October Term, 1951, of the Circuit Court of Baldwin County,
to-wit: On the 15th day of October, 1951, being a regular day of
said term,

G. H. Jackson

recovered judgment against Daniel Harville

for the sum of Three Hundred Ninety-Nine and 23/100 Dollars, and cost of suit,
and affidavit having been made by Reuben F. McKinley
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the
following named persons or corporations, viz:

The Bacon McMillan Manufacturing Co.

has or is believed to have in Their possession, or under their control money
or effects belonging to said defendant Daniel Harville or that Bacon McMillan Mfg. Co. is, or
is believed to be indebted to said defendant Daniel Harville to be liable to them, or to one of them 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.

You Are Therefore Hereby Commanded to Summon

Bacon McMillan Manufacturing Co.

to be and appear before the honorable Judge of the Circuit Court for Baldwin County, at the Court House
thereof, in the city of Bay Minette, on the withing 30 days Monday in December A. D. 1951,
then and there within the three first days of the term, to answer on oath, whether at the time of the service
of the garnishment, or at the time making their answer, or at any time intervening the time of serv-
ing the garnishment, and making the answer they ~~were~~ indebted to said defendant
Daniel Harville and whether they will not be indebted in future to said defendant
Daniel Harville by a contract then existing, and whether by a contract then existing they
~~are~~ are, liable to said defendants for the delivery of personal property, or for the payment of money which
may be discharged by the delivery of personal property, or which is payable in personal property, and
whether they ~~are~~ not in their possession or under their control money or
effects belonging to the defendant Daniel Harville

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

Witness, ALICE J. DUCK, Clerk of said Court, this 16th day of December, A. D., 1951Issued 15th day of December A. D., 1951

ATTEST:

Alice J. Duck, Clerk.

RECORDED

Circuit Court, Baldwin County

No. 1258 $\frac{1}{2}$

G. H. JACKSON

VS. } Garnishment On Judgment

DANIEL NARVILLE

BACON MCMILLAN MANUFACTURING CO.
Garnishee

Issued 15th day of December 19 54

Returnable day of 19

Attorney

Printed by Moore Ptg. Co.

Received 16 day of Dec 19 54
31 day of Dec 31
on judgment Garnishment

By Norman M. Dennis
Bacon McMillan Mfg Co.
TAYLOR WILKINS, Sheriff
By J. P. Horn D. S.

Garnishment on Judgment.

The State of Alabama,
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

TERM, 19

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular Term, 19, of the Circuit Court of Baldwin County,
to-wit: On the 15th day of October, 1951, being a regular day of
said term,

G. H. Jackson

recovered judgment against Daniel Harvill

for the sum of Three hundred Ninety-Nine & 23/100 Dollars, and cost of suit,
and affidavit having been made by Reuben F. McKinley
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the
following named persons or corporations, viz:

Bacon McMillan Veneer Co. is

has or is believed to have in their possession, or under ~~his~~ their control money
or effects belonging to said defendant Daniel Harville or that Bacon McMillan Veneer Co. or
is believed to be indebted to said defendant ~~to~~ or to be liable to them, or to one of them 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.

You Are Therefore Hereby Commanded to Summon Bacon McMillan Veneer Co.

to be and appear before the honorable Judge of the Circuit Court for Baldwin County, at the Court House
thereof, in the city of Bay Minette, on the within 30 days Monday in A. D. 19, 54,
then and there within the three first days of the term, to answer on oath, whether at the time of the service
of the garnishment, or at the time making their answer, or at any time intervening the time of serv-
ing the garnishment, and making the answer they were indebted to said defendant
Daniel Harville and whether they will not be indebted in future to said defendant
Daniel Harville by a contract then existing, and whether by a contract then existing they
is, or are, liable to said defendants for the delivery of personal property, or for the payment of money which
may be discharged by the delivery of personal property, or which is payable in personal property, and
whether they have ~~not~~ their possession or under their control money or
effects belonging to the defendant Daniel Harville

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

Witness, ALICE J. DUCK, Clerk of said Court, this 17th day of November, A. D., 1954

Issued 17th day of November A. D., 1954

ATTEST:

Alice J. Duck, Clerk.

Circuit Court, Baldwin County

No. 12581

G. H. JACKSON

VS. } Garnishment On Judgment

DANIEL HARVILLE

Issued 17th day of November 1954

Returnable day of 19

Reuben F. McKinley

Attorney

G. H. JACKSON

PLAINTIFF

VS

DANIEL H. HARVILLE

DEFENDANT

ALABAMA DRY DOCK AND
SHIPBUILDING CORPORATION,

GARNISHEE

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW,

CASE NO. 1258 *fx*

ORDER

It appearing to the Court that the Defendant in this cause, in the original suit, entered a Plea casting the burden on the Plaintiff and made a demand for trial by jury. It further appearing to the Court that a Judgment nil dicat was entered in this cause in favor of the Plaintiff and against the Defendant. It further appearing that the files and records in this cause fails to show a withdrawal of this plea and a withdrawal of a demand for a jury trial. It further appearing that the minute entry in this cause fails to show a withdrawal of this plea and a withdrawal of a demand for a jury trial.

It is the opinion of the Court that the Judgment in this cause is void.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. The judgment in this cause be and it is hereby declared void.
2. The Defendant's motion to quash be and it is hereby granted.
3. The Alabama Dry Dock & Shipbuilding Corporation, garnishee, forthwith pay the Defendant, D. H. Harville, the monies they have withheld under this garnishment proceeding.

4. The original suit in this matter styled G. H. Jackson, Plaintiff Vs Daniel H. Harville, Defendant, Case No. 1258, be restored to the docket for further proceedings.

Done this the 24th day of January, 1956.

Robert M Brantley
Special Judge

RECORDED

1258

FILED

JAN 24 1956

ALICE J. DUCK, Clerk

1258-10-10-10

AMENDED COMPLAINT

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to Summon D. H. HARVILLE 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 the same, then and there to answer the complaint of G. H. JACKSON.

WITNESS my hand this 29th day of June, 1951.

W. J. Jackson
Register.

G. H. JACKSON

PLAINTIFF

VS

D. H. HARVILLE

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

COUNT ONE

The Plaintiff claims of the defendant the following personal property, to-wit: One 1942 Chevrolet One and a Half ton Truck, Motor no. A.G. 794191, with the value of the hire or use thereof during the detention, to-wit: from October 1st, 1948, to date.

COUNT TWO

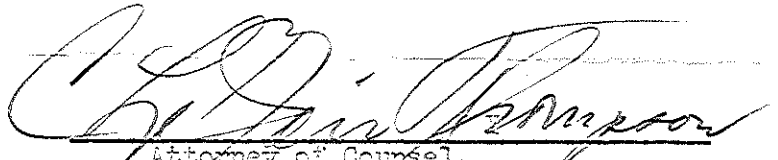
The Plaintiff claims of the Defendant Two Hundred Sixty-four and 20/100 (\$264.20) Dollars with interest thereon as damages for the conversion by him on to-wit the 13th day of August, 1948, of the following chattels; One 1942 Chevrolet, one and a half ton truck, motor number A.F. 794191, the property of the Plaintiff.

COUNT THREE

The Plaintiff claims of the Defendant Two Hundred Sixty-four and 20/100 (\$264.20) Dollars due by promissory note made by him on the 12th day of July, 1948, and payable on the 13th day of August, 1948, with interest thereon.

COUNT FOUR

The Plaintiff claims of the Defendant a reasonable attorney's fee for the collection of the note referred to in count three as agreed to by the Defendant in said note.


Attorney of Counsel.

Received in Sheriff's Office
this 3rd day of June 1951
TAYLOR WILKINS, Sheriff

125-8

Exceeded by serving
copy on D.S.

G. H. JACKSON

PLAINTIFF

VS

D. H. HARVILLE

DEFENDANT

Harville on 14th
Day of July 1951

Taylor Wilkins Sheriff
George Hartley D.S.

RECORDED

AMENDED COMPLAINT

JUN 29 1951
ALICE J. DUCK, Clerk

From the law offices of
C. LeNoir Thompson
Bay Minette, Alabama.

Robam

G. H. JACKSON,

Plaintiff,

vs.

DANIEL H. HARVILLE,

Defendant

and

ALABAMA DRYDOCK &
SHIPBUILDING CORPOR-
ATION,

Garnishee

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 1258 $\frac{1}{2}$ A

MOTION TO QUASH

Comes now the Defendant in the above styled cause, by his attorneys, and respectfully moves this Honorable Court to quash the writ of garnishment heretofore issued out of this Court at the instance of the attorney for the Plaintiff on, to-wit: August 8, 1955, and as grounds for said motion assigns the following separately and severally:

1. That the Plaintiff has failed to make affidavit as required by law.

2. That the judgment alleged to have been rendered in favor of the Plaintiff and against the Defendant is void.

3. That the judgment which is the basis of the writ of garnishment heretofore issued out of this Court and which is the basis for said writ of garnishment is void.

4. That the judgment upon which said writ of garnishment is based is void in that it is a judgment nil dicit in the following form:

"10-15-51

Judgment, nil dicit, in favor of the Plaintiff and against the Defendant on Count Three of the amended complaint, for \$264.20 principal, \$66.88 for interest and \$50.00 attorney's fee. Total amount of Judgment \$381.08.

(signed) Telfair J. Mashburn, Jr.
Judge",

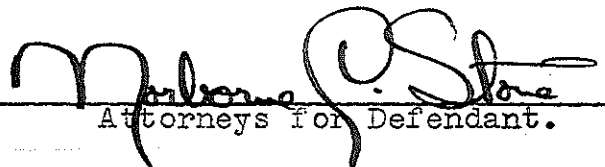
and the Defendant was represented by counsel who on August 8, 1951, and within thirty days after the service upon him of the amended complaint containing Count Three referred to in the judgment entry noted

above, filed an answer to said complaint and to each count thereof, and also demanded, in writing, a trial by jury, which demand was not withdrawn by the Defendant or with the consent of the Defendant or by agreement of the Defendant and the Plaintiff, or their counsel and that said judgment nil dicit, which is recorded in Minute Book 9, at page 510, was improperly and improvidently entered and is void.

WHEREFORE, your Defendant respectfully moves this Honorable Court to quash said writ of garnishment and to declare said judgment void and further moves this Honorable Court to fix a day for the hearing of this motion and to give notice of the filing of the same to the attorney of record for the Plaintiff, Honorable Reuben F. McKinley, of Bay Minette, Alabama, by service upon him of a copy of this motion and of an order fixing a day for the hearing of the same.

Respectfully submitted,

CHASON & STONE

By: 
Attorneys for Defendant.

RECORDED

G. H. JACKSON,

Plaintiff,

vs.

DANIEL H. HARVILLE,

Defendant

and

ALABAMA DRYDOCK & SHIPBUILDING
CORPORATION,

Garnishee

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 1258¹/₂A

MOTION TO QUASH

FILED

SEP 7 1955

ALICE L. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

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1258 1/2

RECORDED

G. H. Jackson

Plaintiff

Vs

Daniel H. Harville

Defendant

and

Alabama Drydock and Ship-
building Corporation

Garnishee

Motion to Recuse

FILED

SEP 12 1955

ALICE J. WUCK, Clerk

G. H. Jackson

vs

D. H. Harville

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In The Circuit Court

of

Baldwin County, Alabama

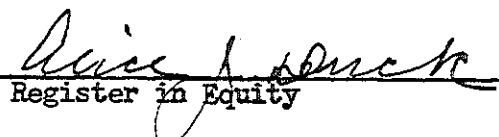
At Law No. 1258 $\frac{1}{2}$

WHEREAS, it has been made known to me that Hon. Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, has declared himself incompetent to try, hear, or render judgment in the above styled cause because of his having been counsel to one of the parties hereto, at one time in reference to matters now in dispute, and does declare such incompetency and recuses himself from presiding upon hearing of said cause,

WHEREAS, Hon. Tolbert M. Brantley possesses the qualifications of a Circuit Judge as provided in the law, and is a proper person to be appointed as Judge to hear said cause,

I, therefore appoint Hon. Tolbert M. Brantley to preside as Judge in this said cause which is set down for hearing October 10th. at 10:00 O'clock.

Witness my hand this 20th. day of September, 1955.


Register in Equity

1258 1/2
Order for
Special ~~order~~
~~7~~ judge

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RECORDED

7th day of Sept 1952
10 day of Sept 1952
served a copy of the within Order
n _____
by service on Reuben F. McFarley
TAYLOR WILKINS, Sheriff
By J. P. H. H. H. D. S.

G. H. JACKSON,
Plaintiff,
vs.
DANIEL H. HARVILLE,
Defendant
and
ALABAMA DRYDOCK & SHIPBUILDING
CORPORATION,
Garnishee

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 1258 $\frac{1}{2}$ A

ORDER

FILED
Sep 7 1953
ALICE J. DUCK, Register
LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

STATE OF ALABAMA,
Baldwin County. }

KNOW ALL MEN BY THESE PRESENTS, That We, G. H. Jackson and

as principal, and _____

as surety, are held and firmly bound unto Daniel Harville alias D.H. Harville

in the sum of FIFTY AND NO-100 DOLLARS,

to be paid to the said Daniel Harville alias D.H. Harville, his heirs, executors, administrators or assigns; for which payment, 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 and firmly, by these presents. Sealed with our seals, and dated this 28 day of October in the year of our Lord, 1948.

The condition of the above obligation is such, That whereas the above bound _____

G. H. Jackson

_____, on the day of the date hereof hath obtained at the suit of

G. H. Jackson

vs.

Daniel Harville alias D.H. Harville

a summons and complaint for the recovery of personal property in specie against said defendant and asks an endorsement by the Clerk of this Court "That the Sheriff is required to take the property mentioned in said complaint into his possession," as required by law in such cases, which summons and complaint are returnable to the next term of the Circuit Court of said County, and which said endorsement is made upon the plaintiff entering into this bond.

Now, if the said Plaintiff shall fail in this suit, and shall pay the Defendant all such costs and damages as he may sustain by reason of the wrongful complaint in said case, then this obligation to be void, otherwise to remain in full force and effect.

G. H. Jackson (L. S.)

Frank Cannon (L. S.)

_____, (L. S.)

Approved this 29 day of Oct 1948

Miss J. Wuch
Clerk.

No. 1258 Page _____

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

W. W. Jackson

Plaintiff _____

vs.

W. W. Harville

Defendant _____

DETINUE BOND

Filed 12-29 1948

Alice J. Much Clerk

RECORDED

Plaintiff's Attorney

Defendant's Attorney

STATE OF ALABAMA:

COUNTY OF ~~MOBILE~~: Baldwin

G. H. Jackson PLAINTIFF

D. H. Harville DEFENDANT

VS:

Your # 1258

ALABAMA DRY DOCK & SHIPBUILDING COMPANY, Garnishees:

Before the Circuit Court, Baldwin County
~~XXXXXX MOBILE~~ in and for said County and State:

And now comes the Alabama Dry Dock and Shipbuilding Company, through and by H. H. Wilson its agent duly authorized by it to make this answer, and for answer to the garnishment in this cause says:

In accordance with the new Garnishment Law we are in process of collecting and have not had the necessary time to accumulate a sum equal the amount shown as due by the court.

ALABAMA DRY DOCK & SHIPBUILDING CO.

By  Agent.
H. H. Wilson

Subscribed and sworn to before me, this

9th day of September 1955


Notary Public, Mobile County,
Alabama.

refer to our # 796

RECORDED

FILED

SEP 10 1955

ALICE J. WICK, Register

STATE OF ALABAMA,
BALDWIN COUNTY }

TO DANIEL HARVILLE, Defendant :

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of.....

G. H. Jackson, Plaintiff.....

versus Daniel Harville, Defendant.....

now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which.....

Bacon McMillan, Manufacturing Co......

has been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 16th.....

day of December, 1944.....

Arice J. Muck
Clerk of the Circuit Court.

Received 16 day of Dec 1953
and on 4 day of Jan. 1954
I received a copy of the within Writ of
on Garnishment
By Daniel Harville

TAYLOR WILKINS, Sheriff

By J. P. Horn D.S.

RECORDED
NOTICE.

TO DEFENDANT OF GARNISHMENT

BY

CLERK OF CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

TO

1/4/54

G. H. JACKSON

Plaintiff

VS.

DANIEL HARVILLE

Defendant.....

FILED

12-16 1954

ALICE J. DUCK, Clerk