

1819

SUMMONS

THE STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

YOU ARE HEREBY COMMANDED to summon ROBERT EAGLE and JIM ALLEN to appear and plead, answer or demur within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against ROBERT EAGLE and JIM ALLEN by H. C. DEVINE, JR.

WITNESS my hand this the 24th day of June, 1952.

David J. Leach
Clerk

AMENDED COMPLAINT

H. C. DEVINE, JR.	)	IN THE CIRCUIT COURT OF
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
ROBERT EAGLE and JIM ALLEN,)	
jointly and individually)	
DEFENDANTS)	

Comes the Plaintiff in the above styled cause and amends his complaint by joining Jim Allen as a party defendant and by amending each and every count thereof so that the same shall read as follows:

COUNT I

The Plaintiff claims of the Defendants the sum of One Thousand Eight Hundred Forty-Six and 20/100 Dollars (\$1,846.20), together with interest thereon, due from them by account on, to-wit: The 29th day of May, 1952, which sum of money with interest thereon is still unpaid.

COUNT II

The Plaintiff claims of the Defendants the sum of One Thousand Eight Hundred Forty-Six and 20/100 Dollars (\$1,846.20), together with interest

thereon, due from them on account stated between the Plaintiff and the Defendants on, to-wit: The 29th day of May, 1952, which sum of money with interest thereon is still unpaid.

COUNT III

The Plaintiff claims of the Defendants the sum of One Thousand Eight Hundred Forty-Six and 20/100 Dollars (\$1,846.20), together with interest thereon, due from them for merchandise, goods, and chattels sold by the Plaintiff to the Defendants on, to-wit: The 29th day of May, 1952, which sum of money, with interest thereon, is still unpaid.

TONSMEIRE & HODNETTE

By Robert Eagle

Attorneys for Plaintiff

Please serve Defendants by service on Secretary of State, Montgomery, Alabama, under Section 199 (1), Title 7, Code of Alabama, 1940.

Robert Eagle
Washington, Indiana

Jim Allen
Indianapolis, Indiana

Indians, Indians
 Jim Allen
 Washington, Indiana
 Robert Eagle

Alipans, under Section 19 (1), Title 1, Code of Alipans, 1940.

Please advise Defendants by service on Secretary of State, Montgomery.

Attorneys for Plaintiff

By

[Signature]

LOANMEIER & HODNETT

1925, which sum of money, with interest thereon, is still unpaid.
 sold by the Plaintiff to the Defendants on, to-wit: The 30th day of May,
 interest thereon, due from them for merchandise, goods, and chattels

Eight Hundred Forty-Six and 50/100 Dollars (\$1,846.50), together with

The Plaintiff claims of the Defendants the sum of One Thousand

COUNT III

with interest thereon is still unpaid.

Defendants on, to-wit: The 30th day of May, 1925, which sum of money
 thereon, due from them on account stated between the Plaintiff and the

6-24-52
 ALICE J. DUCK, Clerk

FILED

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

March 2, 1953

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

Re: H. C. Devine, Jr.
vs: Robert Eagle

Dear Mrs. Duck:

This is to advise you that Mr. George A. Tonsmeire, Attorney, Annex
First National Bank Building, Mobile, Alabama, is handling the case men-
tioned above for the plaintiff in the future.

Kindly note this on the docket sheet.

Yours very truly,



FOREST A. CHRISTIAN

Cc Mr. George A. Tonsmeire

Please place with
record.

May 14th, 1953

Robert E. Hodnette, Jr.,
Attorney at Law
Annex First National Bank Bldg.,
Mobile, Alabama,

Re: H. C. Devine, Jr. vs. Robert Eagle

Dear Mr. Hodnette:

I have your letter of May 12, 1953, for which I thank you.

My client, Robert Eagle, recently brought me the copy of your Amended Complaint which was served on him in connection with the captioned claim. You have included Jim Allen as a defendant, as I knew you must.

Jim Allen entered the Armed Service three months ago and is entitled to the benefits of the Soldier's and Sailor's Civil Relief Act. I do not have his address but believe I can ascertain it.

We intend to file an Affidavit with the Court to this effect unless the matter can be settled.

As I have stated, before, Mr. Eagle himself has a good defense on the merits of the suit. The expenses of appearing for trial and being away from his employment here renders it a matter of doubtful profit in our eyes, however.

I have secured my client's agreement to accept the sum of \$500.00 in settlement of my client's rights. This would include a release from Jim Allen, which we believe we can obtain, if you desire. We cannot afford to pay any Court costs at this figure.

I would like an immediate reply from you since I want to file an Affidavit with the Court as to the Service disability of Allen, if we are unable to agree.

I am sending a copy of this letter to the Circuit Court of Baldwin County, Alabama, which should serve as sufficient notice to the Court of this disability until we can judge the necessity for filing our Affidavit.

Very truly yours,

William L. Sullivan

WLS:amw

CC: Alice J. Duck, Circuit Clerk
Baldwin County, Bay Minette, Ala.

FILED
MAY 18 1923
ALICE J. DUCK, CLERK

Belgium County, BSA Minnesota, Als.
Our Alice J. Buck, Circuit Clerk
Minneapolis

William W. Phillips

Very truly yours,

For Billing our "Belgium"
this discrepancy must be our Judge the necessary
should serve as sufficient notice to the Court of
Circuit Court of Belgium County, Wisconsin, which
I am sending a copy of this letter to the

FILED
MAY 18 1953
ALICE J. BUCK, Clerk

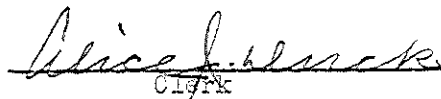
SUMMONS

THE STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA * GREETING:

YOU ARE HEREBY COMMANDED to summon ROBERT EAGLE to appear and plead, answer, or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against ROBERT EAGLE, by H. C. DEVINE, JR.

WITNESS MY hand this the 24th day of June, 1952.



Clerk

* * * * *

COMPLAINT

H. C. DEVINE, JR., Loxley, Alabama	)	IN THE CIRCUIT COURT OF
PLAINTIFF)	
VS:	)	BALDWIN COUNTY, ALABAMA.
ROBERT EAGLE,	)	AT LAW
DEFENDANT)	
)	

COUNT I:

The Plaintiff claims of the Defendant the sum of ONE THOUSAND EIGHT HUNDRED FORTY-SIX & 20/100 DOLLARS (\$1,846.20), together with interest thereon, due from him by account on, to wit: The 29th day of May, 1952, which sum of money with interest thereon, is still unpaid.

COUNT II:

The Plaintiff claims of the Defendant the sum of ONE THOUSAND EIGHT HUNDRED FORTY-SIX & 20/100 DOLLARS (\$1,846.20), together with interest thereon, due from him on account stated between the Plaintiff and the Defendant on, to wit: the 29th day of May, 1952, which sum of money with interest thereon, is still unpaid.

COUNT III:

The Plaintiff claims of the Defendant the sum of ONE THOUSAND EIGHT HUNDRED FORTY-SIX & 20/100 DOLLARS (\$1,846.20), together with interest thereon, due from him for merchandise, goods, and chattels sold by the Plaintiff to the Defendant, on to wit: the 29 th day of May, 1952, which sum of money, with interest thereon, is still unpaid.



Attorney for Plaintiff

WRIT OF ATTACHMENT

THE STATE OF ALABAMA, }

BALDWIN COUNTY. }

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

Whereas, FOREST A. CHRISTIAN hath complained on oath to me, ALICE J. DUCK, Clerk of the Circuit Court of Baldwin County, that ROBERT EAGLE is justly indebted to H. C. DEVINE, JR., in the sum of ONE THOUSAND EIGHT HUNDRED FORTY-SIX & 20/100 DOLLARS (\$1,846.20); and the said FOREST A. CHRISTIAN having made affidavit as required by law; no bond being required or given in this case: You are hereby commanded to attach so much of the estate of said ROBERT EAGLE as will be of value to satisfy the said debts and costs, according to the complaint; and such estate, unless replevied, so to secure that the same may be liable to further proceedings thereon, to be had at the present term of the Circuit Court of Baldwin County, to be held at the Court House thereof, when and where you must make known how you have executed this writ.

Witness: ALICE J. DUCK, Clerk of said Court, my hand, this the 24th day of June, A. D., 1932.

Alice J. Duck, Clerk

H. C. DEVINE, JR.,
Lexley, Alabama

PLAINTIFF

VS:

ROBERT EAGLE,

DEFENDANT

COMPLAIN

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

FILED

JUN 24 1932

ALICE J. DUCK, Clerk

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

Returned Not found in My County after
diligent search and inquiry

Joseph Wilkins
Sheriff

Attachment Executed by garnishment be
served on Mrs Claudia Mungen as Mrs
of The Western Union, Foley office

John R. Wilkins
Sheriff

H. C. DEVINE, JR.,
Lexley, Alabama

PLAINTIFF

vs.

ROBERT EAGLE and JIM ALLEN
DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 1819

AFFIDAVIT

STATE OF ALABAMA)

COUNTY OF BALDWIN)

Before me, the undersigned authority in and for said state and county, personally appeared H. C. Devine, Jr., who, by me being first duly and legally sworn, deposes and says on oath as follows:

That he is the plaintiff in the above styled cause now pending in the Circuit Court of Baldwin County, Alabama, At Law. That he is a bona fide resident of Baldwin County, Alabama, and was such on, to-wit, May 29, 1952; that on, to-wit, May 29, 1952, he sold ^{two H.C.D.} a truckload of potatoes to the defendant Robert Eagle and received in payment thereof a Western Union draft in the amount of One Thousand Eight Hundred Forty-Six and 20/100 Dollars (\$1,846.20), which said draft was not paid by the Western Union Telegraph Company on which it was drawn, due to the fact that the said Robert Eagle stopped payment thereon; that at the time the said Robert Eagle and Jim Allen were engaged in the business of buying potatoes in Baldwin County, and were at that time and are now non-residents of the State of Alabama; that the said Robert Eagle is a resident of the State of Indiana, residing at Washington, Indiana, and that his last-known post office address was: Robert Eagle, Washington, Indiana; that the said Jim Allen is a resident of the State of Indiana, residing at Indianapolis, and that his last-known post office address was: Jim Allen, Indianapolis, Indiana.

H.C. Devine, Jr.
H. C. Devine, Jr.

Subscribed and sworn to before
me on this the 25 day of March 1953.

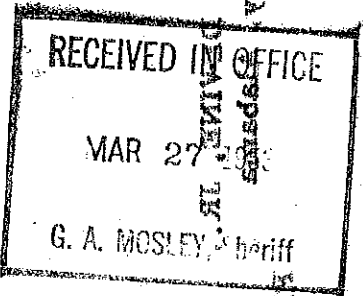
Genevieve D. Spafford
Notary Public, Baldwin County, Alabama
miller

354

1819

ORIGINAL

Received in Sheriff's Office
this 26 day of March 1923
TAYLOR WILKINS, Sheriff



TOLSON

H. C. DEAN, JR.

PLAINTIFF

BALDWIN COUNTY, ALABAMA

IN THE CIRCUIT COURT OF

ROBERT EAGLE and JIM ALLEN

DEFENDANTS

NO. 1912

AT LAW

Circuit Court of Baldwin County, Alabama. At Law. That he is a poor idle
That he is the plaintiff in the above captioned case and being in the
legally sworn depositions and oath as follows:
Personally appeared H. C. Dean, Jr., who being first duly and
before me, the undersigned authority in and for said state and county,
COUNTY OF BALDWIN,
STATE OF ALABAMA,
I, J. D. Mosley, Sheriff of Baldwin County, Alabama, do hereby certify that the
above and foregoing is a true and correct copy of the original as the same
appears in the files of the Circuit Court of Baldwin County, Alabama.

W. E. DAVIS

J. D. Mosley
Sheriff Baldwin County
By [Signature]
Deputy Sheriff

Notary Public, Baldwin County, Alabama
me on this the 26 day of March 1923
Subscribed and sworn to before

That his last-known post office address was: Jim Allen, Indianapolis, Indiana

Allen is a resident of the State of Indiana residing at Indianapolis and

office address was: Robert Eagle, Washington, Indiana; that the said Jim

Indiana, residing at Washington, Indiana, and that his last-known post

State of Alabama; that the said Robert Eagle is a resident of the State of

Baldwin County, and were at that time and are now non-residents of the

Eagle and Jim Allen were engaged in the business of paying potatoes in

Robert Eagle stopped payment thereon; that at the time the said Robert

Telephone Company on which it was drawn, due to the fact that the said

Dollars (\$1,240.50) which said draft was not paid by the Western Union

draft in the amount of One Thousand Eight Hundred Forty-Six and 50/100

detendant Robert Eagle and received in payment thereof a Western Union

1923; that on or about May 30, 1923, he said [unclear] of potatoes to the

resident of Baldwin County, Alabama, and was each on or about May 30

H. C. Dean, Jr.
FILED
3-26-23
ALICE J. DUCK, Clerk

H. C. DEVINE, JR.
PLAINTIFF

-vs-

ROBERT EAGLE AND JIM
ALLEN, DEFENDANTS.

WESTERN UNION TELEGRAPH
CO., A CORP., GARNISHEE

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA

) AT LAW NO. 1819.
)

ANSWER OF GARNISHEE

Personally appeared before me, Eloise Ernandez, a notary public in and for the County of Mobile, State of Alabama, Sam W. Pipes, III, who on oath answers to the Writ of Garnishment issued in this cause and served on the Western Union Telegraph Company, a corporation, and says that he is duly authorized to make this answer;

That on May 29th, 1952, one Jim Allen of Indianapolis, Indiana, delivered to the garnishee the sum of One Thousand Eight Hundred Forty-six and 20/100 (\$1,846.20.) Dollars, with directions to pay the same to Robert Eagle at Foley, Alabama; that on May 29th, 1952, the garnishee paid the said sum of money to Robert Eagle at Foley, Alabama, by delivery to the said Robert Eagle of a regular Western Union money order; that on May 30th, 1952, the said Robert Eagle advised the garnishee that the draft had been lost and requested that payment thereon be stopped; that on June 17th the Western Union money order was delivered to the garnishee's Foley office by H. C. Devine, Jr., but was not paid because payment thereon had been stopped and because the draft was not endorsed by the payee Robert Eagle; the garnishee does not claim to own or be entitled to the sum of One Thousand Eight Hundred Forty-six and 20/100 (\$1,846.20.) Dollars, but is not advised as to whom the said sum of money belongs.

The garnishee further says that other than the possible indebtedness arising out of the facts hereinabove set forth, the garnishee was not at the time of the filing of this suit, nor at the time of the making of this answer, indebted to the defendants, nor will the garnishee be indebted in the future by a contract existing at the time of the service of the garnishment, and the making

of this answer; nor does the garnishee have in its possession or under its control any personal or real property, or things in action, belonging to the defendants.

WESTERN UNION TELEGRAPH COMPANY

BY: 

ATTORNEY.

Subscribed and sworn to before me

this the 11th day of April, 1953.


NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

RECORDED

FILED

4-1353

ALICE L. DUCK, Clerk

BALDWIN

The State of Alabama, Mobile County:

CASE NO. 1819

the undersigned authority in and for said state and county
Personally appeared before John E. Mandeville, Clerk of the Circuit Court of said County

H. C. Devine, Jr.

who maketh oath and sayeth that Robert Eagle and Jim Allen are

justly indebted to him

in the sum of One Thousand Eight Forty-Six and 20/100 (\$1,846.20)

Dollars, and that said

Robert Eagle and Jim Allen are non-residents of the State of Alabama

so that the ordinary process of law cannot be served upon him, and that an attachment is not sued
out for the purpose of vexing or harassing them, the said Robert Eagle and Jim Allen.

Sworn to and subscribed the

25

day of March 1953, before me

Notary Public, Baldwin County, Clerk, Ala.

The defendants being non-residents, the plaintiff elects not to give bond.

(ATTACHMENT BOND)

KNOW ALL MEN BY THESE PRESENTS, That we

of the County of are held and firmly bound unto

in the sum of Dollars, to be paid to the said

his certain Attorneys, Executors, Administrators or Assigns, for which payment, well and truly to be
made, we bind ourselves and our heirs, executors or administrators, jointly and severally, firmly
by these presents. Sealed with our seals, and dated the day of
in the year of Our Lord, one thousand, nine hundred and

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

hath the day of the
date hereof, before the Clerk of the Circuit Court of Mobile County, prayed an Attachment at the
suit of against the estate of the above named

for the sum of Dollars and hath obtained the same
returnable to the present term of the Circuit Court of Mobile County.

Now, if the said

Shall prosecute

Attachment to effect, and pay to the said

all such damages may sustain by the wrongful or vexatious
suing out thereof, then the above obligation to be void, otherwise to remain in full force and effect.

IN PRESENCE OF

(Seal)

(Seal)

(Seal)

Filed

Clerk

Filed

Clerk

IN PRESENCE OF

signed out thereof, then the above obligation to be void, otherwise to remain in full force and effect, all such damages

shall accrue by the amount of damages

Attachment to effect and pay to the said

Shall prosecute

Now if the said

returnable to the present term of the Circuit Court of Mobile County.

for the sum of

Dollars and hath obtained the same

and of

against the estate of the above named

date herof before the Clerk of the Circuit Court of Mobile County, dated an Attachment at the

half the day of the

The Condition of the above Obligation is such that whereas the above defendant

in the face of our Lord one thousand nine hundred and

by these presents doeth with our said and dated the day of

made no bind ourselves and our heirs executors or administrators jointly and severally, jointly

the certain amount of the above obligation to be void, otherwise to remain in full force and effect, all such damages

OATH AND BOND

OATH AND BOND
FOR ATTACHMENT

vs.

Filed in office,

3-26

19-53

CLERK

Dollars to be paid to the said

the said and hath obtained the same

(ATTACHMENT BOND)

to the said original process of law cannot be served upon him and that an attachment is not made

Robert Seale and John Allen are the defendants of the case of above

Dollars and that said

in the sum of One thousand eight hundred and thirty six and 50/100

judicially imposed to

who make the oath and swear that Robert Seale and John Allen are

in the presence of

Personally appeared before me on the 26th day of March 1953, the Clerk of said Court

the undersigned and certify in and to the said Robert Seale and John Allen

CASE NO.

The State of Alabama, Mobile County

CCT 174-10-200-2-25

WARRANT OF ATTACHMENT

H. C. DEVINE JR.,

PLAINTIFF

VS

ROBERT EAGLE

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

Now comes the Defendant by and through H. M. Hall, his attorney of record, who is duly authorized and appears specially and solely for the purpose of filing this plea in abatement, and for grounds of said Plea set up the following separate and severally:

1.

That the Defendant, Robert Eagle, is a non-resident of the State of Alabama, his address being Washington, Indiana.

2.

That the Defendant, Robert Eagle, has never been a resident of Baldwin County, Alabama.

3.

That the Defendant, Robert Eagle, has no property in Baldwin County, Alabama, upon which process can be levied.

4.

That the Defendant, Robert Eagle, had a western union money order for the sum of \$1846.20 representing money delivered to the Western Union Telegraph Company, a corporation, by one Jimm Allen of Indianapolis, Indiana, on May 29, 1952, with direction to pay the same to the Defendant, Robert Eagle, at Foley, Alabama; that said Western Union money order was lost and not endorsed by this Defendant; that payment thereon was stopped; that said Western Union money order was never cashed; that the Western Union money order represented money of the said Jim Allen of Indianapolis, Indiana, and this defendant acquired no property rights in and to the funds represented by said Western Union money order.

5.

That service has not been perfected upon this Defendant in the manner prescribed by law.

WHEREFORE, all of which the Defendant is ready to verify and prays that this cause be immediately abated; and that the attachment issued herein be quashed.

Robert Eagle

BY: Hunter
atg

STATE OF ALABAMA

BALDWIN COUNTY

Before me the undersigned authority, in and for said County, in said State, personally appeared H. M. Hall, who having been by me first duly sworn, deposes and says: that he is attorney of record for Robert Eagle, the defendant, in the foregoing cause; that he is authorized to file this Plea in Abatement and to make this affidavit; that the facts set out in the foregoing plea in abatement are true.

Hunter

Sworn to and subscribed before me on this the 16 day of August, 1952.

C. B. Thompson
Notary Public, Baldwin County, Alabama

Wynand demands a trial by jury
Hunter
atg.

M 1819

RECORDED
J. C. Devine Jr.
vs

Robert Taylor,
Def.

Plea in Abatement

FILED
AUG 16 1952
ALICE J. DUCK, Clerk

SUMMONS TO ANSWER SHERIFF'S GARNISHMENT

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

TO THE WESTERN UNION TELEGRAPH CO.

Whereas, a suit has been commenced by writ of attachment in the Circuit Court of Baldwin County, wherein H. C. DEVINE, JR., is plaintiff, and ROBERT EAGLE is defendant, for the sum of ONE THOUSAND EIGHT HUNDRED FORTY-SIX & 20/100 DOLLARS (\$1,846.20), which writ of attachment has been placed in my hands for the due execution thereof.

These are, therefore to command you, that you personally be and appear before the Honorable the Judge of said Circuit Court, at the present session of said Court, to be holden for the said County, then and there to answer on oath, within thirty days after the service of this writ upon it, what you are indebted to said defendant at the time of the service of this writ of garnishment, or may be indebted at the time of making your answer, or at any time intervening the time of serving this garnishment and the time of making such answer and whether you will not be indebted in future to him by a contract now existing and whether by contract now or then existing you are liable to said defendant 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 you have not in possession, or under your control, money or effects belonging to the defendant.

SAID DEBT CONSISTING OF THE FOLLOWING:

WESTERN UNION DRAFT NO. WZ76233, DATED MAY 29, 1952, DRAWN BY JIM ALLEN, INDIANAPOLIS, INDIANA, and MADE PAYABLE TO ROBERT EAGLE, FOLEY, ALABAMA, IN THE AMOUNT OF ONE THOUSAND EIGHT HUNDRED FORTY-SIX & 20/100 DOLLARS (\$1,846.20).

Witness TAYLOR WILKINS, Sheriff of Baldwin County, this 24th day of June, A. D., 1952.

Taylor Wilkins
Sheriff of Baldwin County, Alabama.

Handwritten signature and text at the top of the page.

(S. 100-20)

Handwritten text block, likely a return or acknowledgment.

the following:

Large block of faint, mostly illegible handwritten text, possibly a detailed account or legal notes.

SUMMONS TO ANSWER SHERIFF'S GARNISHMENT
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW.
THE WESTERN UNION TELEGRAPH CO.
GARNISHEE
VS:
ROBERT EAGLE,
DEFENDANT
H. C. DEVINE, JR.,
Loxley, Alabama.
PLAINTIFF

*Executed this 24th day of June 1952
by serving a copy of the within
and on Mrs. CLAUDIA MINGER, ex Manager
of The Western Union Telegraph Co. of
Tolay, Ala.
Taylor Wilkins, Sheriff
By B. W. B. B. D.S.*

H. C. DEVINE, JR.	)	IN THE CIRCUIT COURT OF
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA.
VS.)	
ROBERT EAGLE,)	
DEFENDANT	)	AT LAW NO. 1819.
WESTERN UNION TELEGRAPH CO.)	
A CORP., GARNISHEE.)	

ANSWER OF THE GARNISHEE

Personally appeared before me, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, Sam W. Pipes, III, who on oath answers to the Writ of Garnishment issued in this cause and served on the Western Union Telegraph Company, a corporation, and says that he is duly authorized to make this answer;

That on May 29th, 1952, One Jim Allen of Indianapolis, Indiana, delivered to the garnishee the sum of One Thousand Eight Hundred Forty-six and 20/100 (\$1,846.20.) Dollars, with directions to pay the same to Robert Eagle at Foley, Alabama; that on May 29th, 1952, the garnishee paid the said sum of money to Robert Eagle at Foley, Alabama, by delivery to the said Robert Eagle of a regular Western Union money order; that on May 30th, 1952, the said Robert Eagle advised the garnishee that the draft had been lost and requested that payment thereon be stopped; that on June 17th the original Western Union money order was delivered to the garnishee's Foley office by H. C. Devine, Jr., but was not paid because payment thereon had been stopped and because the draft was not endorsed by the payee Robert Eagle; the garnishee does not claim to own or be entitled to the sum of One Thousand Eight Hundred Forty-six and 20/100 (\$1,846.20.) Dollars, but is not advised as to whom the said sum of money belongs.

The garnishee further says that other than the possible indebtedness arising out of the facts hereinabove set forth, the garnishee was not at the time of the filing of the suit, nor at the time of the making of this answer, indebted to the defendant, nor will the garnishee be indebted in the future by a contract existing at the time of the service of the garnishment, and the making of this answer;

nor does the garnishee have in its possession or under its control any personal or real property, or things in action, belonging to the defendant.

WESTERN UNION TELEGRAPH COMPANY

By: W. R. Jones

Attorney.

Subscribed and sworn to before me
this the 28th day of July, 1952.

Herbert J. Smith
Clerk, Circuit Court of
Baldwin County, Alabama.

RECORDED

H. C. DEVINE, JR.,
Plaintiff

vs

ROBERT EAGLE,
Defendant.
WESTERN UNION TELEGRAPH CO.
A CORP., GARNISHEE.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 1819.

ANSWER OF THE GARNISHEE

FILED

JUL 28 1952

ALICE J. DUCK, Clerk

LYONS, THOMAS AND PIPES

516-517-519 FIRST NATIONAL BANK BLDG.

MOBILE 8, ALABAMA

H. C. DEVINE, JR.,

PLAINTIFF

VS:

ROBERT EAGLE,

DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

WHEREAS, the PLAINTIFF, H. C. DEVINE, JR., in the above stated cause, sued out in said Court a writ of attachment against the estate of the DEFENDANT, ROBERT EAGLE; and WHEREAS, said writ of attachment was executed by the Sheriff of Baldwin County, Alabama, on the 24th day of June, 1952, by levying upon the following described property of the defendant, to wit:

Western Union Draft no. WZ76235, Eighteen Hundred Forty-six Dollars & 20 cents, made payable to Robert Eagle. Drawn by Jim Allen, Indianapolis, Indiana. May 29, 1952.

And WHEREAS, the said DEFENDANT is a nonresident of the State of Alabama and that the place of residence and post office address of said Defendant is Washington, Indiana. Now, therefore, the DEFENDANT, ROBERT EAGLE, is hereby notified of the issuance of said attachment and the execution thereof, and to be and appear if he thinks proper, to defend said suit at the present term of said Court and within thirty days after this notice by publication is completed.

Witness my hand, this the 10th day of July, 1952.

Arcif. Lench
Clerk

July 10, 1952. Copy of above notice mailed to defendant at above address.

Arcif. Lench
Clerk

July 10, 1952. Copy of above notice delivered to THE ONLOOKER, a newspaper, to be published once a week for three consecutive weeks.

Arcif. Lench
Clerk

TO FOLEY ONLOOKER:

Please publish for three successive weeks.

RECORDED

H. C. DEVINE JR.,

PLAINTIFF

VS:

ROBERT EAGLE,

DEFENDANT.

NOTICE TO DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

FILED
JUL 10 1952
ALICE J. DYCK, Clerk

THE WESTERN UNION TELEGRAPH COMPANY

MANAGER'S OFFICE

FOLEY, ALA. JULY 14, 1952

JUDGE CIRCUIT COURT,

ATTN MRS ALICE DUCK, BAY MINETTE, ALA.

THIS WILL ACKNOWLEDGE RECEIPT OF (SUMMONS TO ANSWER SHERIFF'S
GARNISHMENT) DATED JUNE 24, 1952. H.C. DEVINE JR, PLAINTIFF,
AND ROBERT EAGLE , IS DEFENDANT.

SINCERELY

WESTERN UNION TELEGRAPH CO.

C C Tringea
MANAGER

RECORDED

FILED

JUL 15 1952

ADM 1 BUREAU

AFFIDAVIT FOR ATTACHMENT

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, ALICE J. DUCK, Clerk of the Circuit Court of Baldwin County,
personally appeared FOREST A. CHRISTIAN, who being duly sworn, deposes and
saith:

That ROBERT EAGLE is justly indebted to the said H. C. DEVINE, JR., of
Loxley, Alabama, in the sum of ONE THOUSAND EIGHT HUNDRED FORTY-SIX & 20/100
DOLLARS (\$1,846.20), which said amount is justly due, and that the said ROBERT
EAGLE resides out of the state, and that this attachment is not sued out for the
purpose of vexing or harassing the said defendant.

[Handwritten signature]

Sworn to and subscribed
before me this the 24th day
of June, 1952.

[Handwritten signature]
Alice J. Duck, Clerk of Court.

701819

RECORDED

H. C. DEVINE, JR.,

PLAINTIFF

VS:

ROBERT EAGLE,

DEFENDANT

AFFIDAVIT OF ATTACHMENT

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

FILED

JUN 24 1952

ALICE J. DUCK, Clerk

Notice of Levy of Attachment

H. C. DEVINE, JR.
Complainant,

No. 1819

vs.

ROBERT EAGLE & JIM ALLEN
Defendant.

TO: Robert Eagle and Jim Allen:

Notice is hereby given that in the above entitled cause on the 26th day of March, 1953, Baldwin an attachment was issued out of the Circuit Court of Mobile County, Alabama, at the suit of H. C. Devine, Jr., Plaintiff, versus Robert Eagle and Jim Allen, Defendant, for the sum of \$1,846.20, and that said attachment was executed by the undersigned on the _____ day of _____, 1953, by taking into my possession and levying upon all of the right, title and interest of said defendant in and to the following described personal property, viz:-
(Here Describe Property)
issuing a sheriff's garnishment against the Western Union Telegraph Company, a corporation.

Notice is therefore given you to appear in said Court within the time provided by Law and defend said cause if you think proper.

WITNESS my hand this 3rd day of March, 1953.

[Signature]
Sheriff of Mobile County, Alabama
Baldwin

Deputy Sheriff

TONSMEIRE & HODNETTE
ATTORNEYS AND COUNSELLORS AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

March 27, 1953

GEORGE A. TONSMEIRE
ROBERT E. HODNETTE, JR.

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

Dear Mrs. Duck:

Re: Devine vs. Eagle and Allen

We enclose the following orders which you requested in our telephone conversation the other day:

1. Writ of attachment to be signed by you and given to the Sheriff.
2. The Sheriff executes the writ of attachment by garnishment on attachment, which we have filled out for Sheriff's Wilkins' signature. This garnishment notice should be served by the Sheriff on The Western Union Telegraph Company at Foley. The manager can be served. The original of this garnishment should then be returned to the Court with original writ of attachment, and the writ of attachment should bear the Sheriff's endorsement as to execution of the writ of attachment by levy of Sheriff's garnishment on attachment against The Western Union Telegraph Company.
3. We also enclose a notice of levy of attachment, in quadruplicate; the Sheriff posts two at the Court House, keeps one and returns one to Court with writ of attachment.

The writ of attachment, endorsed, notice of Sheriff's garnishment and notice of levy of attachment are returned to Court; and then you give notice to each defendant by registered mail and by publication for three weeks.

We appreciate your kindness and that of Sheriff Wilkins in giving this matter your attention. Please give Taylor my regards.

Sincerely yours,

TONSMEIRE & HODNETTE

By

lmt
Enclosures

State of Alabama, }
Baldwin
Mobile County

[ATTACHMENT]

TO ANY SHERIFF OF THE STATE OF ALABAMA:

Whereas, H. C. Devine, Jr.

hath complained on oath to me, ^{Alice J. Duck} ~~John E. Mandeville~~, Clerk of the Circuit Court of ^{Baldwin} ~~Mobile~~-County, that

Robert Eagle and Jim Allen

are
~~is~~ justly indebted to the Plaintiff in the sum of One Thousand Eight Hundred Forty-Six

and 20/100 Dollars (\$1,846.20)

in the sum of ~~the~~ ^{Dollars} and
the defendants being non-residents of the State of Alabama, the plaintiff elects not to
give bond, and H. C. Devine, Jr. having made affidavit and given
~~bond~~ as required by law, in such cases, you are hereby commanded to attach so much of the estate of
Robert Eagle and Jim Allen

as will be of value sufficient to satisfy said debt and costs, according to the complaint: and such estate so
attached, unless replevied, so to secure, that the same may be liable to further proceedings thereon, to be
had in the Circuit Court of ^{Baldwin} ~~Mobile~~ County, to be held at the Court House of said County, when and where
you must make known to said court how you have executed this Writ.

Witness, my hand this 31st day of March 19 53

Alice J. Duck
Alice J. Duck Clerk.

No. 1819

Circuit Court

BALDWIN
-MOBILE COUNTY

ATTACHMENT

H. C. Devine, Jr.

VS. { ATTACHMENT

Robert Eagle and Jim Allen

Issued March 31st 1953

TONSMEIRE & HODNETTE

ATTORNEYS FOR PLAINTIFF.

The defendants being non-residents
of the State of Alabama, the plaintiff
elects not to give bond.

Archie A. Acker
Clerk

SHERIFF'S RETURN

Received on the 2nd day of March,
1953, and on the 3rd day of March,
1953, I executed the within by serving
copy of Sheriff's Garnishment on the
Western Union Telegraph Company by
service on Mrs. C. C. Minge
as manager at Foley, Alabama; and the
defendants Eagle and Allen being non-
residents, I posted a copy of the notice
of levy of attachment at the Court House
door on the 3rd day of March 1953,
and the writ is herewith returned to
court for further action by the Court.

Taylor Wilkins
Sheriff

STATE OF ALABAMA, }
County of ~~Mobile~~ ^{Baldwin} }

H. C. DEVINE, JR., Plaintiff
VS.

ROBERT EAGLE and JIM ALLEN,
Defendants

No. 1819

To The Western Union Telegraph Company, a corporation

You are hereby summoned to be and appear before the Circuit

Court of ~~Mobile~~ ^{Baldwin} Baldwin County, at the Court House of ~~Mobile~~ ^{Baldwin} County, in the City of

Bay Minette, within thirty (30) days from the date of service of this notice, then and ~~Mobile, at the next term of the said~~ Court, to be held on the

there

~~Monday~~ of ~~the~~ next, then and there, within the first

~~three days of said term~~, to answer on oath whether you were not indebted to the above named de-

fendant at the time of the service of this garnishment, or at the time of making your answer, or any time

intervening the time of the service of this garnishment and making your answer; and whether you will

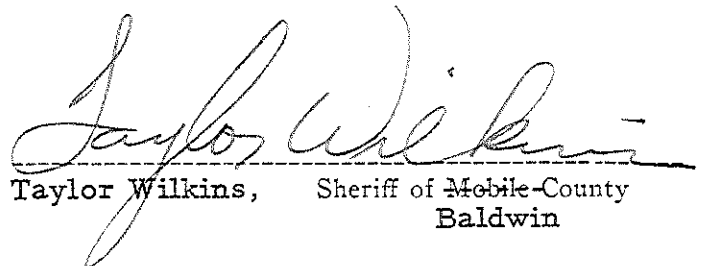
not be indebted in the future to the said defendant by contract then existing; and whether by contract

then existing you are not liable to the said defendant for the delivery of personal property or for the pay-

ment of money which may be discharged by the delivery of personal property, or which is payable in

personal property, and whether you have not in your possession or under your control money or effects

belonging to the said defendant.


Taylor Wilkins, Sheriff of Mobile-County
Baldwin

$$Z_{\text{eff}} = \frac{\sum_i Z_i^2 f_i}{\sum_i f_i} \quad (1)$$

[Faint, illegible handwritten notes]

[illegible][illegible]

 UNIVERSITY OF CAMBRIDGE
 Faculty of Mathematics
 Department of Applied Mathematics and Theoretical Physics
 Centre for Mathematical Sciences
 Williamstown Road, Cambridge CB3 9BB, United Kingdom
 Tel: +44 (0)1223 336477
 Fax: +44 (0)1223 336477
 Email: maths@cam.ac.uk
 Website: <http://www.maths.cam.ac.uk>

[The page contains extremely faint, illegible text, likely bleed-through from the reverse side.]

3. Day of March 53

[Handwritten note:] This is a copy of the original.

[Handwritten signature]

~~Manager~~

Byrd, W. L. King

H. C. DEVINE, JR.,	)	IN THE CIRCUIT COURT OF
Loxley, Alabama)	
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
ROBERT EAGLE and JIM ALLEN	)	NO. 1819
DEFENDANTS)	

AFFIDAVIT

STATE OF ALABAMA)

COUNTY OF BALDWIN)

Before me, the undersigned authority in and for said state and county, personally appeared H. C. Devine, Jr., who, by me being first duly and legally sworn, deposes and says on oath as follows:

That he is the plaintiff in the above styled cause now pending in the Circuit Court of Baldwin County, Alabama, At Law. That he is a bona fide resident of Baldwin County, Alabama, and was such on, to-wit, May 29, 1952; that on, to-wit, May 29, 1952, he sold ^{two H.C. D} a truckload of potatoes to the defendant Robert Eagle and received in payment thereof a Western Union draft in the amount of One Thousand Eight Hundred Forty-Six and 20/100 Dollars (\$1,846.20), which said draft was not paid by the Western Union Telegraph Company on which it was drawn, due to the fact that the said Robert Eagle stopped payment thereon; that at the time the said Robert Eagle and Jim Allen were engaged in the business of buying potatoes in Baldwin County, and were at that time and are now non-residents of the State of Alabama; that the said Robert Eagle is a resident of the State of Indiana, residing at Washington, Indiana, and that his last-known post office address was: Robert Eagle, Washington, Indiana; that the said Jim Allen is a resident of the State of Indiana, residing at Indianapolis, and that his last-known post office address was: Jim Allen, Indianapolis, Indiana.

H.C. Devine Jr
H. C. Devine, Jr.

Subscribed and sworn to before me on this the 25 day of March, 1953.

Genevieve J. Spalding
Notary Public, Baldwin County, Alabama

SUMMONS

THE STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

YOU ARE HEREBY COMMANDED to summon ROBERT EAGLE and
JIM ALLEN to appear and plead, answer or demur within thirty days from
the service hereof, to the Complaint filed in the Circuit Court of Baldwin
County, State of Alabama, at Bay Minette, against ROBERT EAGLE and
JIM ALLEN by H. C. DEVINE, JR.

WITNESS my hand this the 24th day of June, 1952.

H. C. Devine, Jr.
Clerk

AMENDED COMPLAINT

H. C. DEVINE, JR.) IN THE CIRCUIT COURT OF
PLAINTIFF)
vs.) BALDWIN COUNTY, ALABAMA
ROBERT EAGLE and JIM ALLEN,)
jointly and individually) AT LAW
DEFENDANTS)

Comes the Plaintiff in the above styled cause and amends his complaint
by joining Jim Allen as a party defendant and by amending each and every count
thereof so that the same shall read as follows:

COUNT I

The Plaintiff claims of the Defendants the sum of One Thousand Eight
Hundred Forty-Six and 20/100 Dollars (\$1,846.20), together with interest
thereon, due from them by account on, to-wit: The 29th day of May, 1952,
which sum of money with interest thereon is still unpaid.

COUNT II

The Plaintiff claims of the Defendants the sum of One Thousand Eight
Hundred Forty-Six and 20/100 Dollars (\$1,846.20), together with interest

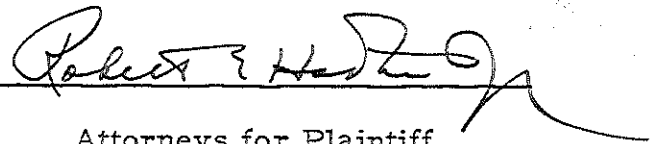
thereon, due from them on account stated between the Plaintiff and the Defendants on, to-wit: The 29th day of May, 1952, which sum of money with interest thereon is still unpaid.

COUNT III

The Plaintiff claims of the Defendants the sum of One Thousand Eight Hundred Forty-Six and 20/100 Dollars (\$1,846.20), together with interest thereon, due from them for merchandise, goods, and chattels sold by the Plaintiff to the Defendants on, to-wit: The 29th day of May, 1952, which sum of money, with interest thereon, is still unpaid.

TONSMEIRE & HODNETTE

By



Attorneys for Plaintiff

Please serve Defendants by service on Secretary of State, Montgomery, Alabama, under Section 199 (1), Title 7, Code of Alabama, 1940.

Robert Eagle
Washington, Indiana

Jim Allen
Indianapolis, Indiana

[illegible]

THE UNIVERSITY OF CHICAGO

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FILED
6-24-52
ALICE L. DUCK, Clerk

H. C. Devine, Jr., Plaintiff

vs

Robert Eatle and Jim Allen,
Defendants

IN THE CIRCUIT COURT

OF
BALDWIN COUNTY

ALABAMA

CASE No. 1819

STATE OF ALABAMA)
MONTGOMERY COUNTY)

Before me, V. Robbie Kennedy, a Notary Public in and for said State at Large, personally appeared Mrs. Agnes Baggett, Secretary of State of the State of Alabama, who is known to me and who, being duly sworn, deposes and says that in her official capacity as Secretary of State of the State of Alabama she, on the 20th day of April 1953, sent by registered mail in an envelope addressed as follows:

" Robert Eagle
Washington, Indiana"

"Registered mail
Return Receipt requested
Deliver to Addressee only"

bearing sufficient and proper prepaid postage, a notice bearing her signature and the Great Seal of the State of Alabama in words and figures as follows:

" Robert Eagle
Washington, Indiana

You will take notice that on April 20th 1953 the Sheriff of Montgomery County, Alabama served upon me, in my official capacity, summons and complaint and Affidavit in a case entitled H. C. Devine, Jr., Plaintiff vs Robert Eagle and Jim Allen, jointly and individually,

Defendant in the Circuit Court of Baldwin County, Alabama,
at Law, Case No. 1819,

a true copy of which summons and complaint and Affidavit are attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you, said service being under provisions of Title 7, Section 199(1) of the 1940 Code of Alabama and Supplement thereto.

WITNESS MY HAND and the Great Seal of the State of Alabama
this the 20th day of April 1953.

Signed) Mrs. Agnes Baggett
Mrs. Agnes Baggett
Secretary of State "

Enclosures 2

Affiant further says that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint and Affidavit in the above-styled cause.

Affiant further says that on April 28th, 1953 she received the Return Card, showing receipt by the designated addressee of the aforementioned matter at Henderson, Kentucky on April 24, 1953

Mrs. Agnes Baggett
Affiant (Mrs. Agnes Baggett
Secretary of State

Sworn to and subscribed before me, this the 29th day of
April 1953

V. Robbie Kennedy
Notary Public, State at Large
My Commission expires
March 1, 1955.

Enclosures - Return Receipt and
copy of process



April 20, 1953

Robert Eagle
Washington, Indiana

You will take notice that on April 20th, 1953, the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and and affidavit in a case entitled complaint in a case entitled

H. C. Devine, Jr.,, Plaintiff vs Robert Eagle and Jim Allen
jointly and individually

_____, Defendants in the Circuit Court of Baldwin County,
Alabama, at Law _____, Case No. 1819, true copy of which
and affidavit are
summons and complaint ~~is~~ attached hereto and the said service upon me as Secretary
of State of the State of Alabama has the force and effect of personal service upon
you., (Section 199(1) Title 7, Code of Alabama, 1940.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 20th day
of April, 1953.

MRS. AGNES BAGGETT
Secretary of State

encl. 1 copy summons and complaint and
affidavit
cc: Hon. Robert E. Hodnett, Jr.
Attorney at Law
Tonsmeire & Hodnette
Annex First Natl. Bank Bldg,
Mobile, Alabama

SUMMONS

THE STATE OF ALABAMA)
)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

YOU ARE HEREBY COMMANDED to summon ROBERT EAGLE and
JIM ALLEN to appear and plead, answer or demur within thirty days from
the service hereof, to the Complaint filed in the Circuit Court of Baldwin
County, State of Alabama, at Bay Minette, against ROBERT EAGLE and
JIM ALLEN by H. C. DEVINE, JR.

WITNESS my hand this the 24th day of June, 1952.

Deris J. Devine
Clerk

* * * * *

AMENDED COMPLAINT

H. C. DEVINE, JR.	)	IN THE CIRCUIT COURT OF
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
ROBERT EAGLE and JIM ALLEN,)	
jointly and individually)	
DEFENDANTS)	

Comes the Plaintiff in the above styled cause and amends his complaint
by joining Jim Allen as a party defendant and by amending each and every count
thereof so that the same shall read as follows:

COUNT I

The Plaintiff claims of the Defendants the sum of One Thousand Eight
Hundred Forty-Six and 20/100 Dollars (\$1,846.20), together with interest
thereon, due from them by account on, to-wit: The 29th day of May, 1952,
which sum of money with interest thereon is still unpaid.

COUNT II

The Plaintiff claims of the Defendants the sum of One Thousand Eight
Hundred Forty-Six and 20/100 Dollars (\$1,846.20), together with interest

thereon, due from them on account stated between the Plaintiff and the Defendants on, to-wit: The 29th day of May, 1952, which sum of money with interest thereon is still unpaid.

COUNT III

The Plaintiff claims of the Defendants the sum of One Thousand Eight Hundred Forty-Six and 20/100 Dollars (\$1,846.20), together with interest thereon, due from them for merchandise, goods, and chattels sold by the Plaintiff to the Defendants on, to-wit: The 29th day of May, 1952, which sum of money, with interest thereon, is still unpaid.

TONSMEIRE & HODNETTE

By Robert E. Hodnette
Attorneys for Plaintiff

Please serve Defendants by service on Secretary of State, Montgomery, Alabama, under Section 199 (1), Title 7, Code of Alabama, 1940.

Robert Eagle
Washington, Indiana

Jim Allen
Indianapolis, Indiana

Indianapolis, Indiana
Jim Allen

Washington, Indiana
Robert Eagle

Alabama, under Section 199 (1), Title 3, Code of Alabama, 1940.

These serve Defendants by service on Secretary of State, Montgomery,

Attorneys for Plaintiff

By Robert Eagle

LONGWORTH & HODNETT

1925, which sum of money, with interest thereon, is still unpaid.

sold by the Plaintiff to the Defendants on, to-wit: The 30th day of May, interest thereon, due from them for merchandise, goods, and chattels

Eight Hundred Forty-Six and 50/100 Dollars (\$1,846.50), together with

The Plaintiff claims of the Defendants the sum of One Thousand

COUNT III

with interest thereon is still unpaid.

Defendants on, to-wit: The 30th day of May, 1925, which sum of money

thereon, due from them on account stated between the Plaintiff and the

6-24-52

H. C. DEVINE, JR.,)
 Loxley, Alabama)
 PLAINTIFF)
 vs.)
 ROBERT EAGLE and JIM ALLEN)
 DEFENDANTS)
 IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 AT LAW
 NO. 1819

AFFIDAVIT

STATE OF ALABAMA)

COUNTY OF BALDWIN)

Before me, the undersigned authority in and for said state and county, personally appeared H. C. Devine, Jr., who, by me being first duly and legally sworn, deposes and says on oath as follows:

That he is the plaintiff in the above styled cause now pending in the Circuit Court of Baldwin County, Alabama, At Law. That he is a bona fide resident of Baldwin County, Alabama, and was such on, to-wit, May 29, 1952; that on, to-wit, May 29, 1952, he sold ^{two H.C. Devine} a truckload of potatoes to the defendant Robert Eagle and received in payment thereof a Western Union draft in the amount of One Thousand Eight Hundred Forty-Six and 20/100 Dollars (\$1,846.20), which said draft was not paid by the Western Union Telegraph Company on which it was drawn, due to the fact that the said Robert Eagle stopped payment thereon; that at the time the said Robert Eagle and Jim Allen were engaged in the business of buying potatoes in Baldwin County, and were at that time and are now non-residents of the State of Alabama; that the said Robert Eagle is a resident of the State of Indiana, residing at Washington, Indiana, and that his last-known post office address was: Robert Eagle, Washington, Indiana; that the said Jim Allen is a resident of the State of Indiana, residing at Indianapolis, and that his last-known post office address was: Jim Allen, Indianapolis, Indiana.

H.C. Devine
 H. C. Devine, Jr.

Subscribed and sworn to before me on this the 25 day of March 1953.

Benjamin G. Spalding
 Notary Public, Baldwin County, Alabama
 Mobile

ST. JAMES. C. H. IN THE CIRCUIT COURT OF
AMARALA, YINCOO MIVANCO, YINCOO MIVANCO

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ALICE J. DUCK, Clerk

FILED

H. C. Deaneq

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AMARALA, YINCOO MIVANCO, YINCOO MIVANCO

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK

April 10th, 1953.

Mrs. Alice Duck
Clerk of the Circuit Court
Baldwin County
Bay Minette, Alabama.

Dear Mrs. Duck:

We enclose herewith answer of the Western Union Telegraph Company, a corporation, as garnishee in the case of Divine v. Eagle and Allen, No. 1819, and are by copy of this letter furnishing copies of this answer to the attorneys for the plaintiff and defendants.

This answer is filed in response to a subpoena served upon the agent of the Western Union at Foley on April 3, 1953. We will sincerely appreciate your acknowledging the receipt and filing of this answer.

Very truly yours,
LYONS, PIPES & COOK


Sam W. Pipes, III

SWP:ee

cc: Mr. William R. Lauten
Attorney at Law
Bay Minette, Ala.

Tonsmeire & Hodnette, Attys.
Annex First National Bank
Mobile, Ala.

Mr. W. C. Moore, District Supt.
Western Union Telegraph Co.
Atlanta, Ga.

Mr. John H. Waters, General Counsel
Western Union Telegraph Co.
New York, N. Y.

FILED

4-13-53

ALICE L. DICK, Clerk

Foley, Ala. July 9, 1952.

Judge Circuit Court of Baldwin County,
Bayminette, Ala.

Dear Sir:

This is in answer to Writ of Attachment summons which was served on me June 24, 1952, H. C. Devine, Jr., plaintiff and Robert Eagle, defendant, involving a sum of \$1846.20.

This sum represents the amount of a telegraphic money order dispatched from our Indianapolis, Ind. office on May 29, 1952 in favor of Robert Eagle, Foley, Ala. from Jim Allen. Upon receipt of the money order at its destination our draft number WZ76233 was prepared and delivered to the payee. The following day, May 30, Mr. Eagle reported the draft lost and requested that payment be stopped. This request was complied with, which of course rendered the draft void, and action was begun to issue a duplicate in due course should the original draft not be located.

Meanwhile on June 17 this draft was presented at this office by Mr. H. C. Devine, Jr. for encashment. Since it did not bear the endorsement of the payee, however, aside from the fact that this particular draft was now void, payment was declined with suitable explanation. The draft was then turned over to us by Mr. Devine.

Mr. Devine contended that the draft had been given to him by the payee, Mr. Robert Eagle, as payment for some potatoes and that he had apparently inadvertently omitted placing his endorsement thereon at the time of the transaction, which fact had just been discovered. We attempted to get in touch with Mr. Eagle who had already left the city, to report the facts to him and see what his wishes were in the matter. Of course we would not have been able, in any event, to issue a duplicate draft to anyone except the payee or sender of the money order. In the meantime Mr. Devine's attorney had the attachment papers served on me at this office, which held up any further action of our part.

Present status of the matter is that of an unpaid money order for \$1846.20 in favor of Robert Eagle, which represents the entire sum in which we are indebted to the defendant.

The Court's instructions will naturally be followed, but it is hoped that this will serve as suitable answer to the summons and that I may secure a release. If it is necessary, however, for me to appear in person to testify to the above details of the transaction, I shall be guided by your further direction.

A reply at your earliest convenience will be greatly appreciated.

Yours very truly,

(Mrs) C G Mingra
Manager,

Western Union Telegraph Co.

Cy: Mr. Taylor Wilkins, Sheriff,
Baldwin County,
Bayminette, Ala.

filed July 18, 1952
Alice J. Duck, Clerk

place
both letters
in file no 1819

LYONS, PIPES & COOK
ATTORNEYS AT LAW
517 FIRST NATIONAL BANK BUILDING
MOBILE 8, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER H. COOK

September 21st, 1953.

Mrs. Alice Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama.

Dear Mrs. Duck:

The plaintiff and the defendants in the case of H. C. Devine, Jr. v. Robert Eagle and Jim Allen, have agreed among themselves upon a settlement of the suit that is pending of a division of the moneys held by our client as garnishee.

To conclude the settlement we have obtained from the plaintiff's attorney, and enclose herewith original letter asking that the suit be dismissed, and the garnishee discharged, and check of the Western Union in the sum of \$45.33 in payment of court costs.

We would appreciate your having the court enter an order of dismissal and forwarding us a receipted cost bill, together with letter from you advising that the cause has been dismissed, the garnishee discharged and all court costs paid.

Very truly yours,

LYONS, PIPES & COOK

Sam W. Pipes, III

SWP:ee

cc: Western Union Telegraph Co.
Tonsmeire & Hodnette, Attys.
William L. Sullivan, Atty.

ROBERT E. HODNETTE, JR.
ATTORNEY AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA
August 25, 1953

Mrs. Alice Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

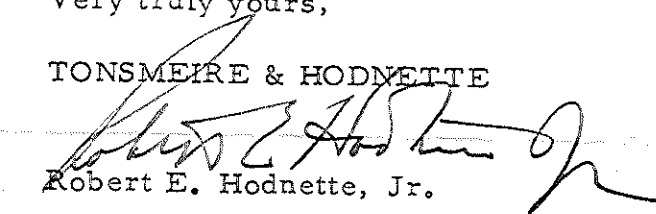
Dear Mrs. Duck:

Re: H. C. Devine, Jr., versus Robert
Eagle and Jim Allen, Baldwin County
Circuit Court at law, Case No. 1819.

The above case having been settled by the parties, I will
appreciate your kindness in entering an order dismissing
the case and releasing the Western Union Telegraph
Company, a corporation, as garnishee.

Very truly yours,

TONSMEIRE & HODNETTE


Robert E. Hodnette, Jr.

ai

ROBERT E. HODNETTE, JR.
ATTORNEY AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA
July 10, 1953

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

Dear Mrs. Duck:


Re: H. C. Devine, Jr. vs. Robert Eagle and
Jim Allen, Case No. 1819

The defendants and plaintiff have agreed on a
settlement of this case and a proration of the Court costs.

In order that we may anticipate the correct amount
of costs to be paid to you on dismissal, we will appre-
ciate your kindness in advising us at your earliest con-
venience how much the costs will be on dismissal of the
case by the plaintiff.

Very truly yours,

TONSMEIRE & HODNETTE


Robert E. Hodnette, Jr.

lmt

6-24-52
GEORGE A. TONSMEIRE
ROBERT E. HODNETTE, JR.

TONSMEIRE & HODNETTE
ATTORNEYS AND COUNSELLORS AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

March 18, 1953

Mrs. Alice Duck
Clerk, Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Re: H. C. Devine, Jr. vs. Robert Eagle and Jim Allen
At Law No. 1819

I will greatly appreciate your kindness in noting that Mr. Tonsmeire and I are now representing the plaintiff H. C. Devine, Jr.

We wish to secure service of process on the defendants Robert Eagle and Jim Allen as provided for in Section 199 (1) of Title 7 of the Code of Alabama; and, in order to effect that service, we enclose six copies of the complaint and summons, and also six copies of our affidavit as required by Section 199 (1). I will appreciate your kindness in initiating this type of service by requesting Sheriff Wilkins to refer the same to the Sheriff of Montgomery County for service on the Secretary of State.

Incidentally, from previous correspondence with the Secretary of State regarding service under this particular section, there is not the \$3 charge as in the case of Section 199.

Enclosed also is affidavit of attachment against the defendants. It is requested that the writ of attachment be served by Sheriff's garnishment on attachment served on Western Union Telegraph Company.

I will appreciate your kindness in advising me when the service of process on the Western Union, as garnishee, was had.

Thanking you for your cooperation in this matter, I remain

Very truly yours,

TONSMEIRE & HODNETTE

By 

LMT
Enclosures

1819

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

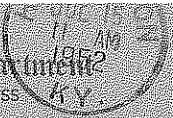
1 Robert Eagle
(Signature or name of addressee)

2 Deliver to Addressee Only
(Signature of addressee's agent - Agent should enter addressee's name on line ONE above)

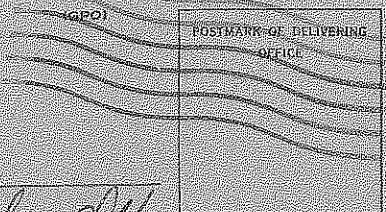
Date of delivery _____, 19____

MAILED
JUL 17 1941
U.S. POSTAL SERVICE

Post Office Department
OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



Return to *Alice J. Duck*
(NAME OF SENDER)

Street and Number,
or Post Office Box,

REGISTERED ARTICLE

No. *22*

Post Office *Bay Minette*

INSURED PARCEL

No. 16-12421

State *Ala*

RECEIPT FOR REGISTERED ARTICLE No. 22

Fee paid 30

(Date)

1-10, 19 52

Class postage paid 1

Return receipt fee 07

Declared value, \$ none

Special delivery fee 20

Surcharge paid, \$ ---

Restricted delivery
(Accepting employee will place
initials in proper space)

in person 20

or order ---

Fee paid ---

From Oliver J. Duck

(Sender)

Addressed to Robert Eagle

(Addressee)

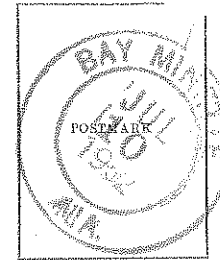
Washington

(Street and number)

(Post office and State)

GPO c0-16-12655-5

Postmaster, per AK



Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$20



(GPO)

POSTMARK OF DELIVERING
OFFICE

Return to Secretary of State
(NAME OF SENDER)

Street and Number, }
or Post Office Box, } Montgomery, Alabama

REGISTERED ARTICLE

NO. 2570
INSURED PARCEL

MONTGOMERY,

ALABAMA

No. 10-12421-1

10-12421-1

H. C. Devine, Jr. vs Robert Eagle et als Case No.
Form 3811 1819
Rev. 1-52
RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the number
of which appears on the face of this Card.

1 Robert Eagle
(Signature or name of addressee)

DELIVER TO ADDRESSEE ONLY

2
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery _____, 19____

LEGAL NOTICE

H. C. Devine, Jr., Plaintiff vs:
Robert Eagle, Defendant.
In the Circuit Court of Baldwin
County, Alabama, at law.

Whereas, the Plaintiff, H. C.
Devine, Jr., in the above stated
cause, sued out in said Court a
writ of attachment against the
estate of the Defendant, Robert
Eagle; and whereas, said writ of
attachment was executed by the
Sheriff of Baldwin County, Ala-
bama, on the 24th day of June,
1952, by levying upon the follow-
ing described property of the de-
fendant, to wit:

Western Union Draft No. WZ76-
233, eighteen hundred forty-six
dollars and 20 cents, made payable
to Robert Eagle, drawn by Jim
Allen, Indianapolis, Indiana, May
29, 1952.

And whereas, the said Defendant
is a non-resident of the State of
Alabama and that the place of re-
sidence and post office address of
said Defendant is Washington, In-
diana. Now, therefore, the Defen-
dant, Robert Eagle, is hereby no-
tified of the issuance of said at-

tachment and the execution there-
of, and to be and appear if he
thinks proper; to defend said suit
at the present term of said Court
and within thirty days after this
notice by publication is completed.
Witness my hand, this the 10th
day of July, 1952.

Alice A. Duck, Clerk.

7-17-52

AFFIDAVIT OF PUBLICATION

I, M. J. Lawrence
Editor

of The Onlooker, published at
Foley, Ala., do solemnly swear that a copy of the above notice,
as per clipping attached, was published once each week in the
regular and entire edition of said newspaper, and not in any
supplement thereof, for _____ consecutive weeks, com-
mencing with the issue dated _____, 19____, and

ending with the issue dated _____, 19____.

Subscribed and sworn to before me this 18 day
August, 1957.

[Signature]
Notary Public

MY COMMISSION EXPIRES AUGUST 14, 1961

FOLEY, ALA., Aug. 1 1952

HOWELL PUBLISHING CO.

HIGH QUALITY JOB PRINTING

Alice J. LuckBay Minette, Ala.

Brought Forward

July 17	Legal notice	
" 24		
" 31	H. C. Devine, Plaintiff	\$10.20