

STATE OF ALABAMA)
COUNTY OF BALDWIN)

IN JUSTICE COURT

ELLEN L. HAY, PLAINTIFF,

VS

STATE BANK OF SILVERHILL, a CORPORATION,
DEFENDANTS.

PRECINCT NO. 9
J.J.GANUS, JUSTICE
OF THE PEACE

We, THE STATE BANK OF SILVERHILL, a CORPORATION, Principal,
and JOHN MIKULECKY and O.W.CROSBY, Sureties, are bound unto ELLEN
L. HAY in the sum of Two Hundred Eighteen dollars, for the payment
of which we (jointly and severally) bind ourselves, our heirs,
executors, and administrators. Sealed with our seals, and dated
the 25th day of JULY, 1931.

The condition of the above obligation is such that, on
the 21st. day of JULY, 1931, J.J.GANUS, a justice of the peace
in and for said County, rendered a judgment in favor of the
said ELLEN L. HAY against said STATE BANK OF SILVERHILL, a
CORPORATION, for the sum of One Hundred dollars, debt,
and Eight & 95/100 dollars, costs, from which judgment
the said STATE BANK OF SILVERHILL, a CORPORATION has applied for
and obtained an appeal to the next term of the CIRCUIT COURT of
BALDWIN COUNTY; if the said STATE BANK OF SILVERHILL, a CORPORATION
SHALL prosecute said appeal to effect, or if it fail in said
appeal, shall pay such judgment, both as to debt and costs, as may
be rendered against it by the said CIRCUIT COURT of BALDWIN, then
in either of said events, this obligation to be void, otherwise
to remain in full force and effect.

Taken and approved this 25th day of July 1931

State Bank of Silverhill
O.W. Crosby (Seal)

O.W. Crosby (Seal)
John Mikulecky (Seal)

J.J. Ganus
J. P.

6-

Appeal Bond

Friday 4th/83
R. M. Williams
Perk

ELLEN L. HAY
Plaintiff.

vs.

STATE BANK OF SILVERHILL.
Defendant.

IN THE JUSTICE COURT OF
J. J. GANUS.

The defendant is hereby notified to produce at
the trial of this cause the following papers:

Letter of plaintiff to defendant dated June 12, 1931.

Letter from Rickarby & Cobb to defendant dated
June 16th, 1931.

Letter from Rickarby & Cobb to F. F. Nelson dated
June 18th, 1931.

In default of the production of the originals,
secondary evidence of their contents will be offered.

Rickarby & Cobb,
Attorneys for plaintiff.

Executed by leaving
a copy of writ with
Mr. Crosby cashier
at Silverhill State Bank
B. K. Kuewa
Deputy Sheriff.

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RECORDED
ELLEN L. HAY
Plaintiff.

VS

STATE BANK OF SILVERHILL
Defendant.

NOTICE TO DEFENDANT TO
PRODUCE CORRESPONDENCE.

Served Aug 9th 1931
D. M. Kuewa
Clerk

RICKARBY & COBB

Filed Aug 4th 1931
G. M. Kuewa
Clerk

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STATE OF ALABAMA,)

COUNTY OF BALDWIN.)

EILEEN L. HAY,
Plaintiff,
vs.

STATE BANK OF SILVERHILL, A CORP.,
Defendant.)

MOTION

IN THE JUSTICE COURT OF J. J. GANUS
PRECINCT NO. 9

Comes now the defendant, STATE BANK OF SILVERHILL, A CORPORATION, and moves the court to ~~dismiss~~ said purported cause of action for want of jurisdiction. *Shanks*

First: That in said complaint in the first count exceeds the jurisdiction of the Justice Court.

Second: That no affidavit or bond was made at the time of bringing this suit, previous thereto or subsequent to the time of filing said complaint within the time required by law.

Third: Count One of said complaint does not sufficiently describe the property as to give the court jurisdiction.

Fourth: Count Two of said complaint, the court has no jurisdiction for the reason that no bond or affidavit has been made by the plaintiff to the defendant.

Fifth: That said property relates to have been wrongfully taken and ~~is~~ not sufficiently described.

Sixth: Count Three of said complaint, the court has no jurisdiction for the reason that no bond has been filed and no affidavit made. *That no affidavit or bond has been filed to support an action of action*

WHEREFORE, defendant moves the court to dismiss said action at plaintiff's cost.

J. F. Nelson
Attorney for Defendant

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ELLEN L. HAY,
Plaintiff,

vs

STATE BANK OF SILVERHILL,
Defendant.

MOTION TO STRIKE COMPLAINT.

*Filed Aug 4th 1931
D. M. Wilson
Clerk*

F . F . NELSON ,
Atty for Defendant.

STATE OF ALABAMA,)
COUNTY OF BALDWIN.)

ELLEN L. HAY,
vs. Plaintiff,

STATE BANK OF SILVERHILL, A CORP.,
Defendant.)

DEMURRER

IN THE JUSTICE COURT OF J. J. GANUS
PRECINCT NO. 9

Comes now the defendant, STATE BANK OF SILVERHILL, A CORPORATION, and demurs to the complaint generally and specifically.

GENERALLY. First: That said complaint does not set forth in the various counts thereof, beginning with One and ending with Three, a sufficient cause of action describing the property thereto to entitle this court to have jurisdiction.

Demurrers to Count One. Comes now the defendant and demurs to Count One and shows to this honorable court that it has not jurisdiction in said above entitled cause in this, that the amount sued for in Count One is beyond the jurisdiction of the court of the Justice of the Peace.

2. And demurs to Count One for the reason that the property therein described does not sufficiently designate said property as to distinguish it from other property of like kind.

Demurrers to Count Two. Defendant demurs to Count Two for the reason that plaintiff has not complied with the statute law of the state, and that said property is not sufficiently described in said count for the court to hold jurisdiction of the same. *made an affidavit or sworn any Bond to the court*

Demurrers to Count Three. Defendant demurs to Count Three for the reason that plaintiff has not complied with the statute law of the State, and that said property is not sufficiently described in said count for the court to hold jurisdiction of the same.

That there was no affidavit or bond filed to support the action of said

J. J. Nelson
Attorney for Defendant

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RECORDED
ELLEN L. HAY,
Plaintiff,

vs

STATE BANK OF SILVERHILL,
Defendant.

DEMURRERS.

Filed Aug 4th 1931
D. W. Hicmore
Clerk

F. F. NELSON,
Atty.

STATE OF ALABAMA,
Baldwin County

To Any Lawful Officer of Said County, Greetings :

Summon STATE BANK OF SILVERHILL

to appear before me on the 6th Sixth day of JULY 1931.

next, at my office in ROBERTSDALE Baldwin County, Alabama,
at 10 a.m.

to answer the Complaint of ELLEN L. HAY

and then and there make a return of this summons.

Issued the 24th day of JUNE 1931.

[Signature]

Justice of Peace.

COMPLAINT

ELLEN L. HAY

vs.

STATE BANK OF SILVERHILL

An Alabama Corporation.

Plaintiff

Defendant

The Plaintiff claims of the Defendant the sum of _____ Dollars

1. The plaintiff claims of the defendant the following personal property, namely:

1 spotted red and white cow with one short horn, value of \$45.00

1 Golden cream Jersey cow with short horns, value of 40.00

1 Golden cream heifer one and one half years old, value of 15.00

together with \$50.00, the value of the hire or use thereof during the detention, viz., from the 11th day of June, 1931.

2. The Plaintiff claims of the defendant ONE HUNDRED DOLLARS damages for wrongly taking the following goods and chattels, the property of the plaintiff, viz:

1 spotted red and white cow with one short horn.

1 golden cream Jersey cow with short horns.

1 Golden cream heifer 1 1/2 years old.

3. The plaintiff claims of the defendant ONE HUNDRED DOLLARS damages for the conversion by him on or wit the 15th day of June, 1931 of the following chattels:

1 spotted red and white cow with short horns.

1 Golden cream Jersey cow with short horns.

1 Golden cream Jersey heifer 1 1/2 years old.

the property of the plaintiff.

Riskaby + Cobb

Attorneys for Plaintiff.

Plaintiff's Attorney.

Executed by personal service and notice of
Garnishment

this day of 193

Constable.

By D. C.

No. Page

THE STATE OF ALABAMA,
Baldwin County.

In the Justice Court of

J. J. GANUS

July 6th 11 A.M. Term, 1931

SUMMONS and COMPLAINT

ELLEN L. HAY

Plaintiff

vs.

STATE BANK OF SILVERHILL

Defendants

The Defendant is hereby notified that Writ of
Garnishment has been served on

Filed Aug 4th 1931
D. M. Kucera
ck

J. J. Ganus J. P.

Location

Moore Printing Co. Bay Minette, Ala.

RICKARBY & COBB
ATTYS.

RECORDED

*Executed by leaving a
copy of within writ
with Mr Crosby Cashier
of Silverhill State Bank
B. K. Kucera
Deputy Sheriff*

*Filed Aug 4th 1931
D. M. Kucera
ck*

STATE OF ALABAMA) IN JUSTICE COURT PRECINCT NO. 9
COUNTY OF BALDWIN) J.J.GANUS, JUSTICE OF THE PEACE

ELLEN L. HAY, PLAINTIFF,)

VS)

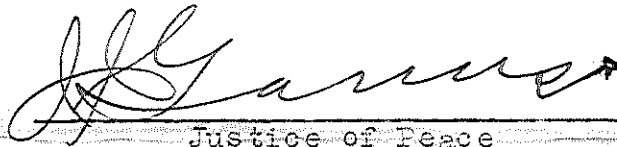
NOTICE TO APPELLEE

STATE BANK OF SILVERHILL,)
A CORPORATION, DEFENDANTS)

To ELLEN L. HAY, PLAINTIFF, in said cause:

You are hereby notified that the STATE BANK OF SILVERHILL, a CORPORATION, in the above entitled cause, has prayed an appeal from the judgment therein rendered by me; and, having complied with the requirements of the law in such cases, the same has been granted, to the next term of CIRCUIT COURT of BALDWIN to be held for BALDWIN COUNTY.

Given under my hand, this 23rd day of July 1931


Justice of Peace

Filed Aug 4th 1931
 J W Rice
 Clerk

RECORDED

Executed by Henry
 a copy of which is
 with Mrs E. J. Rice
 J. B. Rice
 Deputy Clerk

RECORDED
 INDEXED
 AUG 11 1931
 CLERK OF DISTRICT COURT
 DISTRICT OF COLUMBIA

ELLEN L. HAY
Plaintiff.

VS

STATE BANK OF SILVERHILL
Defendant.

L A W.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

The Plaintiff claims of the defendant the following
personal property, namely:

- 1 spotted red and white cow with one short horn.
- 1 Golden Cream Jersey cow with short horns.
- 1 Golden Cream heifer one and one-half years old,

together with the value of the hire or use thereof during the
detention, viz., from the 11th day of June, 1931.

The Plaintiff claims of the defendant ONE HUNDRED
DOLLARS damages for wrongly taking the following goods and
chattels, the property of the Plaintiff, viz.:

- 1 spotted red and white cow with one short horn.
- 1 Golden Cream Jersey cow with short horns.
- 1 Golden Cream heifer one and one-half years old.

The Plaintiff claims of the Defendant ONE HUNDRED
DOLLARS damages for the conversion by him on, to-wit, the 15th day
of June, 1931, of the following chattels:

- 1 spotted red and white cow with short horns.
- 1 Golden Cream Jersey cow with short horns.
- 1 Golden Cream heifer one and one-half years old,

the property of the Plaintiff.

Risley & Cobb
Attorneys for Plaintiff.

State of Alabama

County of Baldwin

Ellen L. Hay

Plaintiff

vs

State Bank of Suburbia a corporation
defendant.

above named the defendant
and denies the propriety
in question is the property
of the Plaintiff

J. J. Wilson
att'y

June 27/93/
J.W. Keener
Dr.

LAW OFFICES
RICKARBY & COBB
ROBERTSDALE, ALA.

August 28th, 1931

Thomas W. Richerson Esq.
Clerk Circuit Court
Bay Minette, Alabama

Dear Sir:

HAY VS STATE BANK OF SILVERHILL: In this case, it would seem to us that the defendant being unsuccessful and being in possession of the property, should be required to deliver it or its alternate value within ten days from the adjournment of court the same as any other judgment and that execution can issue accordingly. In giving his judgment Judge Hare said something about the defendant having thirty days in which to deliver the possession but we are inclined to think that he had Section 7394 in mind, which allows thirty days when bond has been given for the delivery of the property, while our case seems to come under Section 7393. Frankly, we are not certain as to which section applies, but we think we are right. We suggest that you send a bill to the State Bank of Silverhill for the judgment of \$75.00 with interest to date and costs, asking that this be paid to save execution and we believe that it will have the desired effect and that if we are wrong it will be up to the defendant's counsel to show us.

We mention this because in view of the recent consolidation of the banks in this section it may be that the defendant bank will not want to have an unsatisfied judgment pending against it and will settle without further delay.

Very truly yours,

RICKARBY & COBB

By *Rickarby*

R:F
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ATTORNEYS		NAMES OF PARTIES	CAUSE OF ACTION	ITEMIZED BILL OF COSTS	
Hon. E. L. Pickarby Rep. Plaintiff		Mrs. Ellen L. Hay	Suit in Detinue for Retention of Two Cows & one Heifer. Val. \$100.00	JUSTICE'S FEES Issuing Summons..... \$ 50 Issuing..... Alias Summons..... 50 Issuing..... Subpoena..... for each witness.. 15 Issuing..... Execution and Taxing Costs..... 50 Issuing..... Summons to Garnishee and taking answer..... 50 Issuing..... Attachment Writ..... 50 Attachment Bond and Affidavit..... 1 50 Garnishment Bond and Affidavit..... 50 Appeal or Certiorari, including Bond..... 1 00 Bond..... 50 Administering Oath and Certifying Same..... 25 Certificate not otherwise provided for..... 25 Docketing Cause..... 10 Judgment on Forthcoming Stay or Replevin Bond..... 50 Judgment on Summary Proceeding..... 75 Issuing..... Venire Facias..... 50 Transcript of Proceeding..... 50 Attending Trial or Right of Property..... 1 00 Sci. Fa. or notice in nature thereof..... 50 Making Return of Certiorari..... 50 Notice to Defendant..... 15 Release..... 25 CONSTABLE'S FEES CIVIL CASES Serving..... Summons..... 1 00 Serving..... Summons on Each Witness..... 25 Serving..... Garnishment..... 25 Levying Attachment under \$50.00..... 1 00 Levying Execution under \$50.00..... 1 00 Making Money, 3 per cent, not less than..... 75 Serving..... Notice, etc., on each party therein..... 25 Serving Sci. Fa. or other like Notice..... 50 Taking Bail or other Bond..... 50 Keeping Property Levied on..... WITNESS' FEES 5 Witness..... 2 Days..... 1 Mileage..... 50 Garnishee's Fee.....	
Hon. F. F. Nelson Rep. Defendant					
DATES	DISPOSITION OF CASE				
	Bond and Affidavit Filed.				
6/24/31	Summons and Complaint Issued ret. 7/4/31				
	Ret. executed by B. F. Kaura N.S.				

On July 14th 1931. came the parties by their attorneys., and an issue being joined between the parties, and testimony taken, the Court took the matter under advisement, and having duly considered the evidence in the cause does on this the 21st day of July, 1931. find for the plaintiff, and assess the value of the poroperty described in the complaint as follows:

- 1 spotted red and white cow with one short horn. Forty Five Dollars.
- 1 Golden Gream Cow with short horns. Forty Dollars.
- 1 .., .. Heifer 1½ years old. Fifteen Dollars.

It is therefore considered by the court that the plain-tiff, Ellen L. Hay, do have and recover of and from the defen-dant, the State Bank of Silverhill, the spotted red and white cow with one short horn, or the alternate value thereof, \$45.00 the Golden Cream Cow with short horns, or the alternate value thereof, \$40.00 and Golden Cream Heifer or the alternate value thereof, \$15.00, together with the sum of \$13.10, her cost in this behalf expended, for which execution may issue.

And a motin having been made for an attachment in this cause if the defendant fails to deliver the cows named by the complainant on demand by the Sheriff, the Sheriff is required to take possession of said cows and deliver them to the plain-tiff, or failing to obtain such possession to collect out of the goods and chattels of the defendant the alternative value of the property not delivered in a total sum not exceeding \$100.00, together with the cost in this cause.

After rendition of the courts decision, the plaintiff appealed to Circuit Court, on giving bond for double Amtt. involved, \$220 \$218.00

J. L. Lanning

Transcript of Civil Cases from Justice's C

J. H. Lamm, Baldwin Cou

ATTORNEYS	NAMES OF PARTIES	CAUSE OF ACTION
<i>Hon. E. L. Piskarby</i> <i>Rep. Plaintiff</i>	<i>Mrs Ellen L. Hay</i>	<i>Suit in Detinue for</i> <i>Retention of Two Cows</i> <i>& one Heifer. Val. \$100.00</i>
<i>Hon. F. F. Nelson</i> <i>Rep. Defendant</i>		
DATES	DISPOSITION OF CASE	
	Bond and Affidavit Filed.	
<i>6/24/31</i>	Summons and Complaint Issued ret. <i>7/4/31</i>	
	Ret. executed by <i>B. F. Kura N.S.</i>	

On July 14th 1931. came the parties by their attorneys, and an issue being joined between the parties, and testimony taken, the Court took the matter under advisement, and having duly considered the evidence in the cause does on this the 21st day of July, 1931. find for the plaintiff, and assess the value of the poroperty described in the complaint as follows:

- 1 spotted red and white cow with one short horn. Forty Five Dollars,
- 1 Golden Cream Cow with short horns. Forty Dollars,
- 1, Heifer 1½ years old, Fifteen Dollars.

It is therefore considered by the court that the plaintiff, Ellen L. Hay, do have and recover of and from the defendant, the State Bank of Silverhill, the spotted red and white cow with one short horn, or the alternate value thereof, \$45.00 the Golden Cream Cow with short horns, or the alternate value thereof, \$40.00 and Golden Cream Heifer or the alternate value thereof, \$15.00, together with the sum of \$13.10, her cost in this behalf expended, for which execution may issue.

And a motin having been made for an attachment in this cause if the defendant fails to deliver the cows named by the complainant on demand by the Sheriff, the Sheriff is required to take posession of said cows and deliver them to the plaintiff, or failing to obtain such posession to collect out of the goods and chattels of the defendant the alternative value of the property not delivered in a total sum not exceeding \$100.00, together with the cost in this cause.

After rendition of the courts decision, the plaintiff appealed to Circuit Court, on giving bond for double Amtt. involved, ~~\$222~~ \$218.00

J. H. Lamm

The State of Alabama,
Baldwin County

IN JUSTICE COURT OF

J. B. Gannus

To the Clerk of the Circuit Court of Baldwin County:

I hereby certify that the foregoing is a full, complete, and exact transcript from my docket of the judgment and proceedings in the above cause, and I herewith send to the Clerk of the Circuit Court of Baldwin County, Alabama, all the original and other papers pertaining to said cause.

Given under my hand this

4th

day of

Aug.

1931

J. B. Gannus

Justice of the Peace.

*Filed Aug 4th / 1931
J. M. Rice
Clerk*