

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Rae N Hollis

of Vermillion Ohio, County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

James M Hollis,

against said Rae N Hollis,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 27th day of October,

19122.

T. W. Richerson

Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Serve on.....

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

No.....

SUMMONS.

vs.

Solicitor for Complainant.

Recorded in Vol..... Page.....

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this.....

day of 191.....

Sheriff.

Executed this..... day of

191.....

by leaving a copy of the within Summons with

Defendant

Sheriff

By

Deputy Sheriff.

*Oct 27-1922
Copy of Bill &
Summons sent
Deft.*

*Nov 11th 1922
Copy of Bill & Summons
sent by Reg mail to Hon
Hollis Berlin Hargett
Ohio*

JAMES M. HOLLIS,
COMPLAINANT

VS

RAE N. HOLLIS, ET AL
DEFENDANTS

CIRCUIT COURT BALDWIN COUNTY,
ALABAMA.

IN EQUITY.

COMES the Complainant in the above styled cause and demands oral examination of his witnesses James M. Hollis and J.W. Randall, and suggests the Honorable T. W. Richerson, Register as a suitable person to act as commissioner to take the depositions of such witnesses.

And he further suggests that say depositions be taken at the office of said T.W. Richerson, Register on the 7th day of April, 1923.

Lickarley & Beebe
Attorneys for Complainant.

JAMES M. HOLLIS,
COMPLAINANT

VS

RAE N. HOLLIS ET AL,
DEFENDANTS.)

CIRCUIT COURT BALDWIN COUNTY, ALABAMA.

IN EQUITY.

This cause is submitted on the part of Complainant on the original bill of complaint, decree pro confesso against Rae N. Hollis, defendant, answer of defendant Loxley State Bank, a corporation, depositions of James M. Hollis and J. W. Randall and exhibits A, B, C. and D.

and on the part of Loxley State Bank, defendant, the same.

J. W. Randall

This 8th day of April, 1923.

Register.

JAMES M. HOLLIS,
COMPLAINANT

VS

RAE N. HOLLIS and
LOXLEY STATE BANK,
A CORPORATION, DEFENDANTS.

CIRCUIT COURT BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes the defendant, Loxley State Bank, a corporation, and waives notice of demand for oral examination of witnesses on behalf of complainant, waives right to cross-examine witnesses and waives any other notices necessary to it as party to said cause and consents that said cause be set down for final decree upon motion of complainant or his attorneys.

This April 7th, 1923.

Loxley State Bank,

by J. W. Randall (Pres)

JAMES M. HOLLIS,
COMPLAINANT

VS

RAE N. HOLLIS, AND
LOXLEY STATE BANK,
DEFENDANTS.

CIRCUIT COURT BALDWIN COUNTY, ALABAMA.

IN EQUITY.

This cause is submitted on the original bill of complaint, ~~as amended~~, decree pro confesso against defendant Rae N. Hollis and answer of defendant Loxley State Bank, a corporation, and the proof as noted by the Register, and the same being considered by the Court the Court is of the opinion that the defendant Rae N. Hollis as the agent of Complainant James M. Hollis violated her instructions in taking out a time deposit from the defendant Loxley State Bank for \$1000.00, dated December 24, 1921, numbered ninety, payable to herself and James M. Hollis jointly, and that in so doing she fraudulently included her name in said certificate as "Mrs. J.M. Hollis"; that she has no interest in said certificate or in the funds represented thereby, and that the Complainant is entitled to the relief prayed for.

It is therefore ordered adjudged and decreed that defendant Rae N. Hollis has no interest in said certificate number ninety, dated December 24, 1921, for \$1000.00 issued by defendant Loxley State Bank, payable to "Mr. and Mrs. J.M. Hollis"; that complainant is the sole owner of said certificate and the funds represented thereby, that the register is hereby directed to so correct said certificate that it shall be payable upon the sole order of J. M. Hollis, Complainant, that the said defendant Loxley State Bank, a corporation, is hereby ordered and directed to honor said certificate and to pay the same to complainant James M. Hollis upon the surrender of said certificate endorsed by him as amended by this decree.

It is further ordered adjudged and decreed that the complainant pay the costs of this suit, for which let execution issue.

Done this the 7th day of May, 1923.

John D. Leigh, JUDGE

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, SITTING IN EQUITY:

Comes JAMES M. HOLLIS, a resident of Baldwin County, and by
this his bill of complaint, presented against the Loxley State
Bank and Rae N. Hollis, respectfully shows:

FIRST: That Complainant is a resident of Loxley, Baldwin
County, Alabama, and over the age of twenty-one years; that the
Defendant, Loxley State Bank, is a corporation organized under the
laws of the State of Alabama and doing a banking business at Lox-
ley, in Baldwin County, and Defendant, Rae N. Hollis, is the wife
of Complainant, over the age of twenty-one years, until recently
a resident of Loxley, Alabama, but now being removed to ^{Berlin Heights} Vermilion,
Ohio, where she now resides.

SECOND: That on December 15th, 1921, complainant delivered
to Loxley State Bank, defendant aforesaid, a note and mortgage
for the sum of Twenty-two hundred and fifty dollars, executed by
John T. Harrison, mortgagor, to complainant as mortgagee, cover-
ing property in the state of Ohio, which said note and mortgage
was the property of complainant, and instructed said defendant
Bank to forward the papers to the Elyria, Bank of Elyria, Ohio,
with draft attached against the said Mortgagor, John T. Harrison,
for the principal and interest due under said mortgage; that on
December 23rd, 1921, the said defendant Bank received a check
payable to it for the sum of Twenty-two hundred and seventy-four
dollars and twenty-six cents in payment of the aforesaid draft;
that Complainant the following day requested his wife, Rae N.
Hollis, one of the defendant above named, to attend to his bank-
ing for him and as a part of said errand he instructed her to
pay herself out of the proceeds of mortgage aforesaid the sum of
Six hundred dollars as the repayment of money he had borrowed
from her and which payment was in full settlement of all debts
between them. In addition to this, Rae N. Hollis was so instructed
to place one thousand dollars of this fund in the Loxley State
Bank as a time deposit on interest in Complainants name, and to
deposit the balance to Complainant's checking account; that Rae
N. Hollis deducted and collected the Six hundred dollars due her,

depositing same as a time deposit to her own credit, and deposited Six hundred and seventy-four dollars and twenty-six cents to Complainant's checking account, but contrary to Complainant's instructions, deposited the Thousand dollars in the joint name of Mr. and Mrs, J. M. Hollis, receiving therefor a certificate of deposit in words and figures as follows:

LOXLEY STATE BANK

No, 90.

\$1000.00

CERTIFICATE OF

Loxley, Ala. DEC 24 1921

not
subject to
to
check
DEPOSIT

Mr. and Mrs. J. M. Hollis has deposited in this Bank

ONE THOUSAND DOLLARS

Dollars

payable to the order of themselves

in current funds on the return of this certificate properly endorsed.

Six months after date with interest
at 4 per cent per annum

CARL L. SCHLICH, cashier

THIRD: Complainant further shows that he has not ratified the action of his wife in making deposit in the joint names as aforesaid but protested at once, taking no positive steps, however, other than to demand that the Bank change said deposit to his own name, which said Bank has refused to do, and Defendant Rae N. Hollis has since left Baldwin County and the bed and board of Complainant and has announced her intention of obtaining a divorce.

FOURTH: That Complainant, upon the maturity of certificate of deposit, made as aforesaid, on June 24, 1922, made a demand upon the Defendant Loxley State Bank for the payment of the money and interest so deposited, offering to prove that it was his and that his wife had no share therein but said Bank refused to pay any part of the same without the joint signatures of Complainant and his wife and persists in said refusal.

THE PREMISES CONSIDERED, Complainant prays that the Loxley State Bank and Mrs. Rae N. Hollis be made parties defendant to this Bill of Complaint and by personal service upon said Bank and service by registered mail or publication as provided by law in the case of non-residents, upon Mrs. Rae N. Hollis, be required to answer this bill of complaint and abide by such orders and decrees as may be

from time to time made in the premises.

Complainant further prays that upon the hearing of this cause an order be made adjudging and decreeing that Rae N. Hollis has no interest in or claim upon the aforesaid time deposit made by her in the joint names of herself and her husband but that Complainant be recognized as the sole person entitled to said time deposit and the interest thereon and further decreeing that Defendant Drexley State Bank be required to pay to Complainant upon surrender by him of the original certificate of deposit the sum of One Thousand Dollars, evidenced thereby, together with four per cent interest on same from its date and shall also grant to Complainant such other, further and different relief as to equity may seem meet.

Reekarby & Beebe
Solicitors for Complainant

NOTE: The Defendants are required to answer each paragraph of the foregoing bill but not under oath.

Reekarby
Solicitors for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public, personally appeared this day W. C. BEEBE, who being by me first duly sworn, says that he is one of the solicitors of record of James M. Hollis, Complainant in the above entitled cause; that he is informed and believes and on such information states that Mrs. Rae N. Hollis, one of the Defendants therein named, is over the age of twenty-one years and resides at Vermillion, Ohio, so that personal service or process cannot be had upon her in this cause and for this reason notice by registered mail is necessary to perfect service against said non-resident Defendant.

W. C. Beebe

SUBSCRIBED AND SWORN TO before me this the 27 day of October, 1922.

W. M. Hall
Notary Public, Baldwin County, Ala.



THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Loxley State Bank.

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

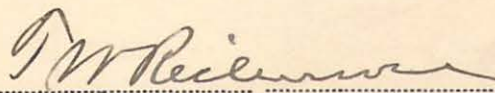
James M Hollis,

against said Loxley State Bank et al,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 27th day of October,

1922.



Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

2nd Original

Serve on _____

Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

James M. Hollis,

RECORDED
RECORDED

vs.

Loxley State Bank.

Rickarby and Bebee.
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this _____
day of _____ 192

Sheriff

Executed this *9th* day of
Nov 192

by leaving a copy of the within summons with

L. L. Schlich as
cashier of the Loxley State Bank
Defendant

W. R. Stuard
Sheriff

By *B. D. Wiggins*
Deputy Sheriff

C. G. S.

The State of Alabama, }
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. Term, 192.....

James M. Hollis

Complainants

vs.

Rae N. Hollis, et al

Defendants

Motion is hereby made for a Decree Pro Confesso against

Rae N. Hollis

Defendant

of service by

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of ~~publication~~
registered mail

was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a

non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date

hereof.

This 19th day of February 1923

746 Code.

Rickard O'Keefe

Solicitor.

Exhibit A

THEO. T. ROBINSON, Chairman of the Board
ELMER M. RICE - - - - - President
H. W. INGERSOLL - - - - - Vice President
JNO. MURBACH - - - - - Vice President
ARTHUR J. ROBINSON - - - - - Cashier
RALPH W. STANDEN - - - - - Assistant Cashier

COLLECTION

All collections remitted for on day of payment.

No. **9014** Date Rec'd -----

Remitted or Returned by

THE ELYRIA SAVINGS & TRUST CO.

Capital \$500,000 Surplus \$500,000

ELYRIA, OHIO

From Whom Received

Loxley State Bank
Loxley
Ala

Payer

W. F. Harrison

Your Number	Amount
	2250
Amount of Interest - - -	26 51
Total - - - - -	2276 51
Less Exchange - - - - -	225
Amount of Draft - - -	2274 26

Date remitted *12-20-21*

Date returned -----

Reason for non-payment, if any given, indorsed on back of draft.

Yours respectfully,
ARTHUR J. ROBINSON, Cashier.

DEBIT

Exhibit C

J. M. Wallis -

16 00

600 to - Train Exp. - Mrs. Rec. Hall
1000 - Mr. & Mrs. Hall

Exp. by State Bank

Date

12/24 1921

Exhibit A
DEPOSITED WITH

LOXLEY STATE BANK

LOXLEY, ALABAMA

By J. M. Hollis
12-23 1921

PLEASE LIST EACH CHECK SEPARATELY

	Dollars	Cents
Currency		
Silver		
Gold		

Checks as Follows:

J. T. Harmon 227426

[Faint signature]

8

DUPLICATE

Total, \$

227426

SEE THAT ALL CHECKS AND DRAFTS ARE ENDORSED

THE STATE OF ALABAMA, Baldwin COUNTY.

IN CIRCUIT COURT, IN EQUITY.

J.M.Hollis Complainant

vs.

Rae N.Hollis Defendant

Oral examination before the Register of the following witnesses:

James M.Hollis and J.W.Randall

who reside in Alabama, said examination being conducted in Bay Minette Alabama,

on this the 7th day of April, and there being present

Hon.W.C.Beebe, Att'y for Complainant.

The said witnesses being first sworn to speak the truth, the whole truth and nothing but the truth, testified as follows:

J.M.Hollis testified as follows:

My name is James M.Hollis. I am over the age of 21 years and reside at Loxley, Alabama, I am complainant in the suit of James M.Hollis vs. Rae N.Hollis and Loxley State Bank, a corporation; Rae N.Hollis is my wife, she resided with me at Loxley until April 28, 1922, when she left me and went first to Vermillion Ohio and later to Berlin Heights. She left presumably on a visit but has failed and refused to come back, though I have written her to return Loxley State Bank is a corporation doing a banking business at Loxley Ala, with whom I have done all my banking since coming to Baldwin.

On or about Dec. 15, 1921, I delivered to Loxley State Bank a past due note and mortgage against John T. Harrison of Elyria, Ohio covering property located in Elyria Ohio.

formerly owned by me individually and in which my wife Rae N.

Hollis had no interest. The note and mortgage were made payable to me and my wife had no interest therein. I delivered these papers to the bank with instructions to collect the amount thereon.

The money amounting to \$2274.26 was collected by the bank, and on or about Dec. 24, 1923, I sent my wife Rae N. Hollis in to the bank with instructions to take out \$600.00 in payment of a loan she had made to me; to deposit \$1000.00 on time certificate to my credit and the balance to deposit on My checking account. She went to the bank and took out and deposited to her credit \$600.00 and took out a time certificate no. 90 dated Dec. 24, 1921 for \$1000.00 payable to me & Mrs. J.M. Hollis. In having the time certificate payable to Mrs. J.M. Hollis she violated my instructions and I knew nothing of the fact that her name was included in the time certificate until after she had left me. When she came back from the bank Dec. 24, 1921, she put the certificate in the medical cabinet and presumed it was as I had instructed and I did not look at it until in June, 1922, after she had left. When I got it out to cash it and found for the first time that it was payable to her and me jointly I immediately carried it to the bank and demanded the money from the bank who refused to pay it without her endorsement as well as mine.

The original deposit slip for \$2274.26 dated 12-23-1921 collection slip #9014 debit slip dated 12/24/1921 and time certificate #90 are hereto attached marked exhibits A, B, C, & D. And they are the proper-referred papers referred to in this depositions

The note and mortgage were surrendered to John T. Harrison in Elyria, Ohio, upon payment and I have been unable to get them.

James M. Hollis

J.W. Randall testified as follows:

My name is J.W. Randall. I am President of Loxley State Bank, a banking house doing business at Loxley, Ala.

On Dec. 15, 1921, Jas. M. Hollis, complainant delivered to the Loxley State Bank a note and mortgage payable to him from John T. Harrison of Elyria, Ohio, covering real property in that place with instructions to collect the amount due thereon. We forwarded the papers through the usual banking channels to the Elyria, Ohio Saving & Trust Co., Elyria Ohio, for collection. On Dec. 23, 1921 the money \$2274.26, was received by us and we credited the same to the account of Complainant under the name of J.M. Hollis as shown by "Exhibit A". Exhibit "B" is the original collection slip. On Dec. 24, 1921, Mrs. Rae N. Hollis came to the bank and had us deposit \$600.00 of this money to time deposit in her name and took out a time certificate 390 for \$1000.00 payable to Mr. & Mrs. J.M. Hollis. This transaction is shown by debit slip Exhibit C and Time certificate Exhibit D, we presumed the transaction was in accordance with Mr. Hollis instructions and did not know to the contrary until he presented the certificate for collection. The deposit is held by us subject to the orders of this Court.

The note and mortgage were sent by us to Ohio when collected.

*Loxley State Bank
by J.W. Randall, Pres.*

I, T.W. Richerson, as Register

hereby certify that the foregoing deposition on oral examination was taken down by me in writing in the words of the witnesses and read over to them and they signed the same in the presence of myself, at the time and place herein mentioned; that I have personal knowledge of the personal identity of the said witnesses, or had proof made before me of the identity of said witnesses; that I am not of counsel or of kin to any of the parties to said cause; or in any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court, and placed the same on file in my office.

Given under my hand and seal this the 7th day of April, 1923

T.W. Richerson (L. S.)

WITNESS FEES.

I hereby certify that the following named witnesses are entitled to the amounts stated below:

.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$

REGISTER'S FEES.

.....	days at \$1.50 per day	\$
.....	words at 20 cents per hundred	

85-
14
340
85-
1190

1200

No. 367 Page _____

The State of Alabama,

Baldwin COUNTY.

IN CIRCUIT COURT, IN EQUITY.

James M. Hollis

vs. Complainant,

Rae N. Hollis

Defendant.

Deposition Taken Before Register on Oral Examination.

Deposition of **Witnesses**

for **Complainant**

Filed **7th** day of **April**, 19 **23**

Published by order of the **Court** **7th**

day of **April**, 19 **23**

[Signature]
Register.

MARSHALL & BRUCE CO., NASHVILLE

RECORDED



James M Hollister,

CIRCUIT COURT OF

vs.

Loxley State Bank and Rae N Hollis

Baldwin COUNTY.

IN EQUITY.

I, T.W. Richerson, Register of said Court, do hereby certify that I

did, on the 27th, day of October, 1922, send to

Rae N Hollis, Defendant.

whose address was Berlin Heights

by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," a copy of the Bill

of Complaint filed in this cause; that I demanded a return receipt addressed to the Register of this Court; and that such

receipt was duly received and filed by me in this cause, on the 15th day of January, 1923.

Witness my hand, this 15th day of January, 1923



Register.

6th
No. 357

CIRCUIT COURT OF
BALDWIN COUNTY.
IN EQUITY.

James M. Hollis

vs.

*Sotley State Bank
and Jas M Hollis*

RECORDED

CERTIFICATE OF REGISTER AS TO NOTICE
BY REGISTERED MAIL.

Filed in office on this 15th
day of January 1923
J. M. Beckman

Register.

JAMES M. HOLLIS,
Complainant.

IN EQUITY

VS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

LOXLEY STATE BANK ET AL,
Respondents.

Comes the Loxley State Bank, one of the respondents named in the foregoing cause and for answer to the bill of complaint heretofore filed, says:

FIRST: Respondent admits all allegations of the first paragraph of the bill of complaint except as to the place of residence of Mrs. Rae N. Hollis, as to which Respondent has no positive knowledge but believes to be as stated in the bill.

SECOND: Respondent admits the delivery to it of the note and mortgage with the instructions set out in Paragraph SECOND of said bill of complaint and the collection thereunder of the sum of Twenty-two hundred and seventy-four dollars and twenty-six cents; respondent has no knowledge except by information as to the statements made in the SECOND paragraph of the bill as to Complainant's instructions to his wife, respondent Rae N. Hollis, but the records of Respondent's Bank show that on December 24th, 1921, the said sum of Twenty-two hundred and seventy-four dollars and twenty-six cents was deposited as follows: two time deposits were made by Mrs. Hollis, one in her own name for the sum of six hundred dollars, and one in the name of "Mr. and Mrs. J. M. Hollis" for one thousand dollars and that a deposit certificate was issued in words and figures as set out in the bill and said amount stands on Respondent's books to said joint account; that the balance of said money, viz; Six hundred and seventy-four dollars and twenty-six cents was deposited to Complainant's checking account.

THIRD: Respondent admits the demand of Complainant that Respondent change the certificate of one thousand dollars to Complainant's name alone and the Bank's refusal to do so but beyond the fact that Mrs. Hollis has left Baldwin County, knows nothing of any differences between her and her husband,

FOURTH: Respondent admits Complainant's demand, as set out in the fourth paragraph of the bill for payment of said money at the maturity of the certificate and also its refusal to pay same without the joint receipt of the two parties named in the certificate.

FIFTH: Respondent further states that it has taken no sides in the matter, but has endeavored to maintain a neutral attitude and holds the aforesaid fund, subject to the orders of this Court, averring prompt readiness to pay over same to whomsoever this Honorable Court may adjudge the proper person to receive same and to obey such orders and decrees as your Honor may see fit to make in the premises.

Having thus fully answered, Respondent prays that upon the hearing of the cause it may be permitted to go hence with its reasonable costs in this behalf expended.

LOXLEY STATE BANK

BY

Carl J. Schick

cashier

JAMES M. HOLLIS,
COMPLAINANT)
VS)
RAE N. HOLLIS, ETAL)
DEFENDANTS)

CIRCUIT COURT BALDWIN COUNTY, ALABAMA.
IN EQUITY.

COMES Complainant by his counsel, Rickarby & Beebe, and files this application that the above styled cause be submitted for final decree, and shows to the Court that decree pro confesso against RAE N. Hollis was rendered February 19th, 1923, that answer by said Loxley State Bank has been filed, that evidenced of complainant has been taken and that said cause is ready for final for decree.

This April 9th, 1923.

Rickarby & Beebe
Solicitors for Complainant.