

684

CIRCUIT COURT COMPLAINT

Printed By Baldwin Times, Bay Minette, Ala.

RANDOLPH McGOWAN
Complainant,
Vs. A. B. McCORVEY
Respondent.

}

In the Circuit Court.
In Equity No. 684.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent
A. B. McCorvey

by the Sheriff of Mobile County, on the 26 day of December,
1940.

And it further appears to the Register, that the said A. B. McCorvey

_____, the Respondent, having to the date hereof,
failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,
on motion of Beebe & Hall, Solicitors
for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,
and it hereby is, in all things taken as confessed against the said A. B. McCorvey

This 18th day of February, 1941.

R. L. Dorch
Register.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

We command you, That you summon A. B. McCORVEY, 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 RANDOLPH MCGOWAN against said A. B. McCORVEY, and further to do and perform what said Judge shall order and direct in that behalf. And this the said Respondent 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, R. S. DUCK, Register of said Circuit Court, this 21st day of December, 1940.

R. S. Duck
Register.

RANDOLPH MCGOWAN,)	IN THE CIRCUIT COURT OF
Complainant,)	
VS.)	BALDWIN COUNTY, ALABAMA,
A. B. McCORVEY,)	IN EQUITY.
Respondent.)	

TO HONORABLE F. W. HARRIS, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Comes your Complainant, RANDOLPH MCGOWAN, and respectfully represents and shows unto your Honor and this Honorable Court as follows:

ONE:

That he is a bona fide resident of Baldwin County, Alabama, over twenty-one years of age.

TWO:

That the Respondent, A. B. McCorvey, is over twenty-one years of age and a resident of the State of Alabama, living in Mobile, Mobile County, Alabama.

THREE:

That your Complainant is in the quiet and peaceable possession, claiming to own the same in fee simple, of the following described land in Baldwin County, Alabama, to-wit:

The Southeast quarter of the Southeast quarter of Section 35, Township 6 South, Range 4 East, containing 40 acres, more or less, except a strip of land twenty feet in width from North to South running East and West along the South line, which is used for a public road, in Baldwin County, Alabama.

FOUR:

Complainant further alleges that the Respondent, A. B. McCorvey, claims, or is reputed to claim some right, title or interest in, or encumbrance upon said land.

FIVE:

That the Complainant further alleges that no suit is pending to question or test the validity of such claim, right, title or interest in, or encumbrance of the said Respondent and the Complainant, therefore, calls upon the Respondent, A. B. McCorvey, to set forth and specify her right, title or interest in, or encumbrance upon said land, and to show how and by what instrument the same is derived and/or created.

PRAYER FOR PROCESS

WHEREFORE, the premises considered the Complainant prays that your Honor will take jurisdiction of the cause made by this Bill and Complaint, and by appropriate process make the said A. B. McCorvey, respondent to this Bill of Complaint, requiring her to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

PRAYER

Complainant further prays that upon the hearing of this complaint, this Honorable Court establish the title of Complainant in and to the lands herein described, and further find and decree that the said A. B. McCorvey has no claim, right, title to or interest in, or encumbrance upon the said land herein described, or any part thereof, and grant unto your Complainant such other, further, different or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.

BREBE & HALL,

By: Shirley Lane
Solicitors for Complainant.

588

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

February

Term, 1941

RANDOLPH MCGOWAN, Plaintiff,

No. 684 vs.

A. B. McCORVEY, Defendant.

BILL OF COSTS

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court—		Summoning on Bill, Each Defendant.....	1.50
Docketing Cause, One fee only of.....	1.00	Executing Writ of Injunction, or Ne Exeat, each..	1.50
Issuing Summons on Bill, each.....	.50*	Executing Subpoenas for Witnesses, each.....	.65
Issuing Copies Thereof, each.....	.40	Executing Writs of Possession, each.....	5.00
Entering Return of Same, each.....	.15	Executing Scire Facias or Notice, each.....	1.50
Orders of Publication to Non-Residents, each.....	1.00*	Taking and Approving Bonds, each.....	1.00
Filing Bill or Other Paper, each.....	.10	Impaneling Jury.....	.75
Copies of Same, Per 100 Words.....	.15	Collecting Execution for Costs Only, each.....	1.50
Entering Appearances, each.....	.25*	Sheriff's Commissions.....	
Issuing Writs of Injunction, Ne Exeat, each.....	1.50		
Issuing Copies Thereof, each.....	.50		
Entering Return of Same, each.....	.15		
Decrees Pro Confesso, each.....	1.00*	Total Sheriff's Fees.....	1.50
Order Appointing Guardian Ad Litem, each.....	1.00*		
Issuing Commissions to Take Testimony, each.....	.50		
Taking Testimony, Per Day.....	1.50		
Taking Testimony, Per 100 words.....	.20		
Receiving and Filing Depositions, each pkg.,.....	.10		
Indorsing Depositions Published, each pkg.,.....	.10		
All Entries on Commission Docket, Each Cause.....	.50		
Entering Order Submitting Cases for Decree, each.....	.50		
Other Orders of Court, each.....	.25		
Noting Testimony on Hearing of Cause, each.....	.50		
Entering Decrees, of 500 Words or Less, each.....	.75		
Per 100 words over 500.....	.15		
Taking Accounts, etc., on Ref., per Day.....	3.00*		
Taking Testimony on Reference Relating to Trustee, etc., per 100 words.....	.15		
Reference and Reports, each.....	2.00*		
Reports of 500 Words or Less.....	2.50		
Per 100 Words over 500.....	.15		
Issuing Subpoenas for Witnesses, each.....	.25		
Issuing Witness Certificates, each.....	.25		
All Entries on Subpoena Docket, each Cause.....	.50		
Taking and Approving Bonds, each.....	1.00		
Making Complete Record, per 100 Words.....	.15		
Hearing, etc., Regarding Appointment of Receiver or Trustee.....	3.00		
Settlements with Receiver or Trustee, each.....	3.00		
Examining Vouchers in Settlements, each.....	.10		
Examining Answers on Exceptions, each Answer.....	3.00		
Removal Disabilities on Non-Age.....			
Commissions on Sales.....			
Making Deeds to Property Sold, each.....	2.00		
Receiving and Paying Out Money Other Than That Arising from Sales.....			
Certificates or Affidavits, with Seal, each.....	.50		
Certificates or Affidavits without Seal, each.....	.25		
Issuing Scire Facias or other Notice, each.....	.50		
Other Orders of Register, except Cont., each.....	.50		
Entering Certificates of Supreme Court, each.....	.50		
Transcript for Supreme Court, per 100 words, each.....	.15		
Additional Copies, per 100 words.....	.05		
Appeal Bond, each.....	1.00		
Certificate of Appeal, each.....	.50		
Notice of Appeal, each.....	.50		
Report to State Board of Health, each case.....	.50		
Certificate of Judgment, each.....	.25		
Issuing Executions, each.....	.75		
Entering Returns Thereof, each.....	.15		
<i>Certified Copy of Decree</i>			
Total Register's Fees.....	9.60		
		SUMMARY OF FEES, COSTS, AND JUDGMENT	
		Fees in Circuit Court—	
		Register's Fees.....	9.60
		Ex-Register's Fees.....	
		Sheriff's Fees.....	1.50
		Ex-Sheriff's Fees.....	
		Witness Fees.....	
		Commissioner's Fees.....	
		Guardian Ad Litem.....	
		Publisher's Fees.....	
		Solicitor's Fees.....	
		Court Reporter's Fees, Per Day or fraction thereof.....	5.00
		Trial Tax.....	3.00
		<i>Pending fees - Decree in Probate Court</i>	65
		Fees and Costs in Inferior Court:	
		Clerk of Inferior Court Fees.....	
		Sheriff's Fees.....	
		Witness Fees.....	
		Total Fees and Costs in Inferior Court.....	14.75
		Total Fees and Costs.....	
		Judgment.....	
		Total Fees, Costs, and Judgment.....	

RANDOLPH MCGOWAN,

Complainant,

VS.

A. B. McCORVEY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 684.

INTERROGATORIES TO BE PROPOUNDED TO THE COMPLAINANT,
RANDOLPH MCGOWAN, UNDER SECTION 7764 OF THE 1923
CODE OF ALABAMA.

1. Attach to your answers hereto a true and correct copy of the deed or deeds under which you claim title to the property involved in this suit.

J. B. Blackburn
Solicitor for Respondent.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Ora S. Nelson, a Notary Public, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says: That he is attorney for the Respondent in the above entitled cause and that the answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Respondent in the said cause.

J. B. Blackburn

Sworn to and subscribed before me on
this the 25th day of January, 1941.

Ora S. Nelson
Notary Public, Baldwin County, Alabama.

RANDOLPH McGOWAN,

Complainant,

VS.

A. B. McCORVEY,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 684.

DEMURRER.

Now comes the Respondent in the above entitled cause,
and for demurrer to the Complaint and to each and every count thereof
says:

1. There is no equity in the bill.

J. B. Blackburn
Solicitor for Respondent.

2/14/41

RECORDED

No. _____

**CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.
IN EQUITY**

RANDOLPH MCGOWAN,

Complainant,

Vs.

A. B. McCORVEY

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 18 day of February,
1941.

R. E. Smith

Register.

12/23/40
12/23/40
684

Received in Sheriff's office
this 21 day of Dec, 1940
W. R. STUART, Sheriff

RECORDED

BILL OF COMPLAINT

RANDOLPH MCGOWAN,
Complainant,
VS.
A. B. MCCORVEY,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.

Filed this 24 day of December, 1940
R. S. Ditch
Clerk-Register

Clerk-Register

Filed this 24 day of December, 1940

MB

Received 23 Day of Dec 1940
and on 26 Day of Dec 1940
I served a copy of the within complaint & answer
on A. B. McCorvey
BY W. H. HOLCOMBE, Sheriff
DS

I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST: _____

Register Circuit Court, Baldwin County, Ala.

Received payment this _____ day of _____ 194 _____

ATTEST: _____

Register Circuit Court, Baldwin County, Ala.

8-12-41

No. 684

Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT

RANDOLPH MCGOWAN,

vs.

A. E. MCCORVEY,

Plaintiff

Defendant

EQUITY COST BILL

February

Term, 19 41

Fee Book Consolidated, Page 684

BEEBE & HALL

Plaintiff's Attorney.

J. B. BLACKBURN

Defendant's Attorney.

INTERROGATORIES TO BE PROPOUNDED
TO THE COMPLAINANT, RANDOLPH
McGOWAN, UNDER SECTION 7764 OF
THE 1923 CODE OF ALABAMA.

RANDOLPH McGOWAN,

Complainant,

VS.

A. B. MCCORVEY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 684.

*Filed January 25, 1941
R.S. Dorch, Register*

RECORDED
DEMURRER.

RANDOLPH MCGOWAN,

Complainant,

VS.

A. B. MCCORVEY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 684.

Filed January 25, 1941
R.S. Dyer, Register

RECORDED

DECREE OVERRULING DEMURRER

RANDOLPH MCGOWAN,

Complainant,

VS.

A. B. MCCORVEY,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

*Filed Feb. 4, 1941.
R.S. Duchs, Clerk-Register*

RECORDED

FINAL DECREE:

RANDOLPH MCGOWAN,
Complainant,
VS.
A. B. MCCORVEY,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.

*Filed February 20, 1941,
R.S. Durr, Register*

RANDOLPH MCGOWAN,

VS.

A. B. MCCORVEY

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____
Motion for Decree Pro Confesso on Personal Service, and Request for
Decree in Vacation.

and in behalf of Defendant upon Demurrers; demurrers overruled; Decree Pro Confesso
on Personal Service and Interrogatories propounded to Randolph McGowan.

R. S. Dorch

Register.

R. B. Duck

Bay Minette, Ala., 2/20 1941

In Account With
G. W. ROBERTSON
Judge of Probate, Baldwin County

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
<i>U. C. C.</i>	<i>Randolph McLeod - vs. - A. B. McCray</i>				<i>65</i>
<i>Paid 2/20/41 [Signature]</i>					

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ Term, 193_____

RANDOLPH McGOWAN, _____, Complainant

Vs.

A. B. McCORVEY _____, Defendant

To Hon. R. S. Duck _____, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Beebe & Hall

_____ Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

BEEBE & HALL,
By: Wm Hall

Solicitor for Complainant.

The State of Alabama,
Baldwin County.

{ No. _____ CIRCUIT COURT IN EQUITY.

..... RANDOLPH McGOWAN, Complainant

vs.

..... A. B. McCORVEY Defendant

Motion is hereby made for a Decree Pro Confesso against A. B. McCorvey

..... Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant.....; and that said summons was duly served according to law, and that said Defendant... has... failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 17th day of February 1941

BEEBE & HALL,
By: *Wm. Hall* Solicitor.

RECORDED

No. Page.....

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

RANDOLPH McGOWAN

vs.

A. B. McCORVEY

**MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE**

Filed February 17th 19 41..

R. S. Duch

Register.

Recorded in Record,

Vol. Page.....

Register.

RECORDED

RECORDED

No. _____ Page _____

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

RANDOLPH McGOWAN

Vs.

A. B. McCORVEY

**REQUEST FOR DECREE IN
VACATION**

Filed February 18th, _____, 193⁴¹

R. S. Dorch

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

RANDOLPH MCGOWAN,

vs.

A. B. MCCORVEY

NOTE OF TESTIMONY

Filed in Open Court this 18th

day of February 1931

R. S. Duck

REGISTER