

The State of Alabama
BALDWIN COUNTY

No. 7628 CIRCUIT COURT

To any Sheriff of the State of Alabama—GREETING:

You are hereby commanded, that of the goods and chattels, lands and tenements of

Leon Morris & James Morris, Plaintiff

you cause to be made the sum of \$212.40 Dollars, costs of suit,

which Merchants National Bank of Mobile, a corp., as trustee & George E. Fuller, Patricia B. Fuller & David B. Fuller, Defendant

recovered of the Plaintiff for the use of the officers of said Court, on the 15th day of June, 1978,

by the judgment of the Circuit Court, held for the County of BALDWIN, and have the same to render to the Clerk of said Court and make return of this writ and the execution thereof according to law.

Witness my hand, this 5th day of April, 1979

Ernie B. Blanton, Clerk

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS AND JUDGMENT	AMOUNT
1. Suits for \$100.00 or less.....	\$ 6.00	1. Clerk's Fees	149. 50
2. Suits for over \$100.00 but less than \$1000	10.00	2. Ex-Clerk's Fees	
3. Suits for \$1000.00 and over.....	20.00	3. Sheriff's Fees	51. 90
4. Suits Detinue, ejectment, etc.....	10.00	4. Ex-Sheriff's Fees	9. 00
5. Suits not otherwise provided for.....	10.00	5. Trial Tax	2.00
6. Appeal from Justice of Peace, etc.....	6.00	6. Court Reporter's Fee, per day	
7. Garnishment on Judgment, etc.....	6.00	7. Witness Fees	
8. Workmen's Compensation-Petition Settlement	10.00	8. Commissioner's Fees	
9. Appeals from State Dept. of Pub. Safety, etc.....	10.00	9. Garnishee's Fees	
10. Motion to sell real estate-J. P. levy.....	6.00	10. Publisher's Fees	
11. Mandamus, writ of prohibition, etc.....	15.00	11. Fair tax	2. 00
12. Recording Executions-State Agencies.....	3.00	12.	
13. Copy of Record-per 100 words.....	.15	13. Clerk's Fees in Inferior Court	
14. Certifying Abstract in transcript.....	5.00	14. Sheriff's Fees in Inferior Court	
15. Record for Supreme-Appeals Ct. per 100 wds.15	15. Witness Fees in Inferior Court.....	
16. Additional copies Record-Appeals per 100 wds.05	16.	
17. Taking Appeal Bond75	17. Justice of Peace Fees.....	
18. Reporter's Transcript on Appeal.....	10.00	18. Constable's Fees	
19. Appeals Courts Concurrent Jurisdiction	15.00	19.	
20. Application-Habeas Corpus	6.00	20. Cost in Appealed Cases Docketed (Total).....	
21.		TOTAL FEES AND COST	\$ 212. 40
22.		21.	
Total Clerk's Fees		22. Judgment	
SHERIFF'S FEES:		23. 10% Damages	
23. Serving summons and complaint	\$ 1.50	24. Interest	
24. Levying attachment and return	6.25	TOTAL JUDGMENT	
25. Seizing personal property-Detinue	6.00	TOTAL FEES, COST AND JUDGMENT.....	
26. Approving bond, each	2.00		
27. Serving Garnishee-Writ	1.50		
28. Serving Sc' Fa. or notice.	1.50		
29. Serving subpoena, each75		
30. Impanelling Jury75		
31. Serving Contempt Attachment	1.50		
32. Collecting execution for cost only.....	1.50		
33. Commissions on Execution			
34. Executing Writ of Possession, each	5.00		
35. Making Deed to Real Estate sold, each	2.50		
36. Mileage, each10		
37.			
38.			
Total Sheriff's Fees			

IN THE CIRCUIT COURT FOR BALDWIN COUNTY,
ALABAMA

LEON MORRIS and
JAMES MORRIS,

Plaintiffs,

vs.

CIVIL ACTION NO. 7628

THE MERCHANTS NATIONAL
BANK OF MOBILE, AS
TRUSTEE, et al.,

Defendants.

ORDER GRANTING DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT

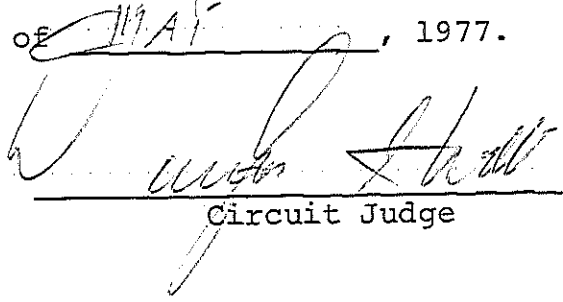
This cause comes on for consideration by the Court on the Motion for Summary Judgment filed by the Defendants. The Complaint filed by the Plaintiffs against the Defendants in this case seeks to recover substantial damages from the Defendants for maliciously and without probable cause obtaining an injunction enjoining the Plaintiffs from operating a sawmill on Division "A" Fractional Section 25, Township 4 South, Range 1 East in Baldwin County, Alabama (herein for convenience called Division A). The Bill for Injunction filed by the Defendants against the Plaintiffs in March of 1946, made no reference whatever to Division A and the Writ of Injunction issued on March 20, 1946, by the Circuit Court of Baldwin County, In Equity, referred only to the lands described in the Bill of Complaint which did not include Division A. An ejectment suit filed by the Defendants on or about June 22, 1946 against the Plaintiffs made no reference to Division A and the Plaintiffs disclaimed, in such ejectment suit, any interest whatever in the lands described in the Complaint except Division A and four acres in the Northwest corner of Section 38, as to which two parcels

the Plaintiffs pleaded general issue. And the Court having considered the Motion for Summary Judgment and the exhibits attached thereto, together with the Plaintiffs' response thereto, the Court concludes that there is no genuine issue as to any material fact and that the Defendants are entitled to a judgment as a matter of law; it is, therefore,

ORDERED, ADJUDGED and DECREED that the Defendants' Motion for Summary Judgment be, and the same is hereby, granted.

It is further ORDERED that the costs hereof be taxed against the Plaintiffs, for which let execution issue.

Done this 12TH day of MAY, 1977.


Circuit Judge

FILED

MAY 13 1977

EUNICE B. BLACKMON CIRCUIT
CLERK

The Merchants National
Bank, et als,
Complainant

VS

Leon Morris, et al
Respondent

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

1566

Affidavit of J. T. Worcester

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, J. T. Worcester, a Notary Public in

and for said County in said State personally appeared J. T. Worcester,
who is known to me and who being by me first duly sworn, deposes and says:
That he is 55 years of age; that he is personally acquainted with and has
known for more than twenty-five years the lands around what is known as Old
Spanish Fort in Baldwin County, Alabama; that Subdivisions A and B of Sec-
tion 25, Township 4 South of Range 1 East in the district of land subject
to sale at St. Stephens, Alabama, containing 49 acres were patented by the
United States to Elijah Lee on October 1, 1848, as shown by Instrument of
record in the office of the Probate Judge of Baldwin County, Alabama, in
Deed Book 37 MS, pages 513-19; that a copy of said patent is hereto attached;
that the said Subdivisions A and B were on the first day of June, 1914, for
the unpaid taxes for the year 1913 due from owner unknown, sold and purchased
by George H. Hoyle; that Tax Deed was issued to George H. Hoyle on December
10, 1925, as shown by Deed Book 37 MS, pages 519-20; that George H. Hoyle,
who was an uncle of the Affiant, died in 1919, and left his property to his
brother, W. W. Worcester who was my father; that my father, W. W. Worcester,
on January 13, 1925, conveyed the said property to Warren O. Worcester,
Rosa Worcester and Olive M. Worcester as shown by Deed of record in Deed
Book 37 MS, page 25; that the Affiant, J. T. Worcester and his three brothers,
Warren O. Worcester, Edward Worcester and George H. Worcester, conveyed the
said property to their sisters, Rosa Worcester and Olive M. Worcester, who
are the present owners of the said land; that since the conveyance from

the Affiant and his brothers to their sisters, the affiant has acted as Agent for his sisters in the control of said property; that he has kept a continuous vigilance over said property and kept all trespassers off of it; that he has from time to time leased the property for various purposes and to various parties; that on Subdivision A of Section 25, Township 4 South, Range 1 East, which lies on Appalachee River between the South line of the Lefroy Trouillette Grant being Section 39, Township 4 South of Range 1 East and the North line of the Alexis Trouillette Grant being Section 38, Township 4 South, Range 1 East; that there is now and has been for many many years, much longer than the Affiant can remember, an old wharf and Boat landing on Appalachee River immediately in front of said Subdivision A; that immediately behind and to the East of the said Boat landing and on said Subdivision A, an old mill site is located; that an old road bed, still existing, from the East down to the old mill site; that the distance on Appalachee River between the South line of the Lefroy Trouillette Grant and the North line of the Alexis Trouillette Grant is two or three hundred feet; that about twenty-five years ago this affiant personally took charge of the property upon which is located the old mill site and landing, and has continuously until this time, personally and as agent for his sisters, exercised complete and exclusive control over the said site and the acreage surrounding it being 6.92 acres lying between the said two grants; that in 1932 he leased the said property to the Purina Mills for a boat landing and for unloading feeds and fertilizer; that the said Purina Mills continued to lease said property for the years 1932 and 1933; that when the Affiant first took charge of said property in 1925 the South line of the Lefroy Trouillette Grant, which is the North line of Subdivision A, the North line of the Alexis Trouillette Grant which is the South line of Subdivision A, and the East line of said Subdivision A of Section 25, Township 4 South, Range 1 East, was clearly identified by surveyor's marks and blazes; that this affiant took possession of the said Subdivision A of Section 25, Township 4 South, Range 1 East upon which is located the old mill site and the old boat landing to the lines making the boundaries thereof, and has exercised complete control over the same, regardless of any disputes as to the boundaries from that date, more

than twenty-five years ago, to the present time; that the said property was assessed for the years 1915 to 1919, both inclusive, by George H. Hoyle, as shown by assessments in assessment book 2, pages 16, 25, 22, 58 and 20~~1~~ respectively; that it was assessed for the year 1921 in the name of the estate of George H. Hoyle, Assessment Book 2, page 135, and for the years 1922 to 1925, both inclusive, in the name of W. F. Worcester, Assessment Book 2, pages 173, 149, 142 and 161 respectively; that all taxes for said years were paid; that the property has been assessed and the taxes paid thereon by the Affiant as agent for the years 1926 to 1945, both inclusive; that the Affiant never knew of any claim to the said property by the Merchants National Bank of Mobile, as trustee, or any other person, until on January 3, 1945, when he received a letter from the Merchants National Bank of Mobile, as trustee, relative to Subdivision A of Section 25, Township 4 South, Range 1 East, also about five acres from the Northeast end of Subdivision B in the same Section 25, Township 4 South, Range 1 East, and he immediately, on January 3, 1945, addressed a letter to the Merchants National Bank of Mobile, Alabama, which was regularly sent by U. S. mail in correctly addressed and stamped envelope with return address, registered, and receipt was received by him, in which he warned the said Bank, as trustee, on acting in any other capacity under penalty of law not to trespass or infringe upon the said property; that he has heard nothing from said Bank until the present suit was filed; that on October 15, 1940, he, as agent for his sisters, leased the said property to Morris Brothers; that a copy of said lease is attached to the original answer filed in this cause; that the Affiant individually, and as agent for his brothers and sisters, has been in the open, peaceable, exclusive, hostile, adverse and continuous possession of Subdivision A, Township 4 South, Range 1 East of Baldwin County, Alabama, described as:

Beginning at a point where the Lefroy Trouillette Grant of Section 33, Township 4 South, Range 1 East, Baldwin County, Alabama, intersects Apalachee River; thence North 52 degrees East along the South line of the said Grant 1,000 feet to where it intersects at the Range line between Ranges 1 and 2 East; thence South along the said Range line 750 feet, more or less, until it intersects the North line of the Alexis Trouillette Grant, Section 33, Township 4 South, Range 1 East; thence West

along the South line of the said Alexis Trouillette Grant 700 feet, more or less, to Apalachee River; thence North along the Apalachee River 286 feet, more or less, to the point of beginning,

ever claiming to own the same, and annually assessing and paying all taxes thereon; that during the said time no person, firm or corporation has exercised, or attempted to exercise any right of possession to said property; that the only claim or reputed claim that the Affiant has ever heard of before the present suit was filed was the letter from the Merchants National Bank of Mobile; that the said property has always been known as the Worcester property and during the entire time that the Affiant has managed the said property, people have come to him and have been given the right to use the property as camp sites and fishing and hunting purposes; that on December 21, 1926, my sisters, Rosa Worcester and Olive M. Worcester filed Bills in the Circuit Court of Baldwin County, Alabama to quiet title to Subdivisions A and B of Fractional Section 26, Township 4 South, Range 1 East in Baldwin County, Alabama, and on June 17, 1927, final decree was entered; that a copy of said final decree is hereto attached; that there is a small parcel of land immediately to the South of Subdivision A of Section 26, Township 4 South, Range 1 East consisting of about 4 acres; that he knows that more than 20 years ago there was upon the said 4 acres an old camp house occupied by a man he knew as Sam Burwell

J. T. Worcester

(sworn to and subscribed before me on this the 15 day of

July 1946.

Thurston
Notary Public, Baldwin County, Alabama.

ROSA WORCESTER AND
OLIVE WORCESTER

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED
LAND IN BALDWIN COUNTY,
ALABAMA: DIVISIONS A AND
B OF FRACTIONAL SECTION
25, IN TOWNSHIP 4 SOUTH,
RANGE 1 EAST: ELIJAH LEE
AND MRS. JANE LeBARON, ET AL

RESPONDENTS

NUMBER 644.

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

FINAL DECREE.

This cause being at issue and coming on to be heard and being submitted on the pleadings and evidence as noted in the note of evidence, and the allegations of the bill of complaint being sustained by legal and competent evidence to the satisfaction of the Court, and it appearing to the Court that the Complainants are entitled to the relief prayed for:

It is therefore ordered, adjudged and decreed that the complainants have judgment as prayed for in their bill of complaint, against the land described in the bill of complaint and the defendants and each of them, that all claims of the defendants, Elijah Lee and Mrs. Jane LeBaron, if they be living, and if dead, all claims of their heirs, personal representatives, next of kin and devisees, and each of them, in and to the lands described in the bill of complaint and all claims of all persons, firms or corporations, other than the complainants, claiming the said land, or any part thereof, or any interest therein, or lien or encumbrance thereon, are hereby adjudged and decreed to be invalid and groundless. And complainants are hereby declared, adjudged and decreed to be the true and lawful owners, absolutely and in fee simple of the said lands described particularly as:

Divisions A and B of Fractional Section 25, in Township 4
South, Range 1 East, in Baldwin County, Alabama,

and that the title to said lands, both in law and in equity is hereby adjudged and decreed to be in the said complainants, Rosa Worcester and Olive Worcester, and it is further adjudged and decreed by the Court that the said Complainants' title to the said lands is hereby quieted against all claims or demands of any and all persons, firms and corporations claiming title to, interest in, or lien or encumbrance upon, said land.

It is further ordered, adjudged and decreed that the Register of this Court shall, within thirty days from the rendition of this decree, prepare and file a certified copy of this decree in the office of the Judge of Probate of Baldwin County, Alabama, for record, and tax the expense thereof as part of the expense of this cause, and it is further directed that the Judge of Probate shall record said copy in the same book and manner in which deed are recorded, and index the same in the names of Elijah Lee and Jane Le Baron, as grantors, on the direct index, and Rosa Worcester and Olive Worcester, as grantees, on the reverse index.

It is further ordered, adjudged and decreed that the title herein established in complainants shall enure to the benefit of all persons who derive title to said lands or any interest therein from or through the complainants.

/ It is further ordered, adjudged and decreed that the complainants be taxed with all costs in and about this case, for the collection of which, let execution issue.

Dated, this 17th day of June, 1927.

John D. Leigh
Judge

Filed: April 2, 1946
Recorded: Deed Book 106 pages 59-60.

The Merchants National
Bank, et als,

Complainant

VS

Leon Morris, et al,

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

1566

Affidavit of Sam Burwell

Before me, Myself, a Notary Public in and for
said County in said State, personally appeared Sam Burwell, who being by me
first duly sworn, deposes and says:

That he was born on January 6, 1884, in North Carolina; that he is
now and has been since 1930, living in Mobile; that from 1910 to 1930 he
lived at Spanish Fort in Baldwin County, Alabama on the place known as the
Old Francisco place which is about one-half mile North of Highways 31 and 90;
that in 1910 when he moved to Baldwin County, Alabama, Lidy Francisco and
Isadore Smith, her daughter, were actually living on and occupying as their
own home, a small plot of 4 acres, about 200 feet wide extending from Aplachee
River back to the old road about 700 feet from the River, the North line of
this tract was the South line of the Alexis Trouillette Grant which Grant line
was clearly marked out by blazes and chops on trees; I assisted Captain Norman
Durante survey this line in about 1925 and was assistant to Mr. Harry H. Parker,
a surveyor, in surveying it in about 1927; I also assisted these surveyors in
surveying the South line of the Lefroy Trouillette Grant. We started at the
River where the Lefroy Trouillette line strikes Aplachee River and surveyed along
the Grant line to the back of the property claimed by the Worcesters and then
South and on across the Highway;

That at the time I went over there, there was on the Francisco Pro-
perty a four room house and a part was under fence and used as a garden; there
were several fruit trees - figs, peaches, apples, oranges and pecans. The im-
provements and the fruit trees indicated that the property had been occupied
and many years prior to 1910 when he first went over there; I later married
Isadore Smith, the daughter of Lidy Francisco and my wife, I and Lidy Francisco
lived on the property until 1915 when the house burned down at which time Lidy

Francisco was burned to death; that after the old place burned, my wife and I lived in a house near the property, however, I was upon the property daily and kept my boat tied up at the front of the property; that my wife and I continued to live there and retained possession of the property until we moved to Mobile in 1930; that the 4 acre tract upon which we lived and made our home was clearly marked out by the lines designated by blazes and chops on trees and the fences; that Lidy Francisco was the widow of Victor Francisco, who died some years prior to 1910; that since I left the Francisco place and moved to Mobile, I have from time to time been on the place about once every two months, and at one time about 3 years ago I used the Francisco property as my headquarters and kept my equipment, nets, boats, Ice box, cooking and sleeping equipment on the property for about 2 years; that there are some of the old fence posts showing the boundaries of the property and some of the old pickets from the fence still on the property; that during the entire time that he has known the said property from 1910, he has known of nobody claiming to own or attempting to exercise any rights of possession to the property other than the Franciscos and their heirs or grantees;

And that at the time I assisted Mr. H. Parker, a surveyor, in surveying property at Spanish Port, a Mr. Carter Smith, a representative of the Chicago people that were buying the property and known as the Spanish Port Development Company, was present; that there was a dispute between Mr. Smith, representing the Spanish Port Development Company and the two Miss Worcesters, and the survey was made to settle the disputed line between them, that the survey excepted from the lands claimed by the Chicago people from that claimed by the Worcesters and also the survey for Chicago people excepted the Francisco 4 acres; that after the survey was made, the Mr. Smith, as the representative of the Spanish Port Development Company, accepted the line as established by Mr. Parker and so far as I know has made no claim to either the property owned by the Worcesters or the Francisco property; that the Worcester land faces on Apalachee River and lies between the South line of the Lefroy Trouillette Grant and the North line of the Alexis Trouillette Grant and runs back some 300 or more feet, and includes the land on which is the old Boat landing and the old mill site and contains some six or seven acres; that the Francisco land is immediately South of the the North line of the Alexis Trouillette Grant and

adjoins the Worcester land and has about 200 feet front on Apalachee River and extends back some seven or eight hundred feet; that he was on the property about a month ago and again this morning, and the boundary lines are still distinguishable around the Worcester land and also around the Francisco land;

That he is acquainted with the family history of the Franciscos; that Victor Francisco's first wife was Margaret Francisco and after the death of Margaret Francisco he married Lidy Smith; that Josephine Alexander was a daughter of Margaret Francisco and a step daughter of Victor Francisco; that Josephine Alexander had three children - John Alexander, Jane Early and another whose name I do not remember.

That Lidy Francisco, the widow of Victor Francisco and those claiming under Victor Francisco have been in the open, peaceable, visible, adverse, hostile, actual and continuous possession of the 4 acre tract known as the Francisco property; to the personal knowledge of the Affiant, since 1910; that the first time he knew said property, the Old Spanish Fort, so called, was at a place on Apalachee River at what is now known as the old mill site and is now owned by the Worcesters; that on the 4 acre tract known as the Francisco land, is an old shell bank where the old Francisco house was located; that he was present on one occasion when the representative of the Spanish Fort Development Company entered upon lands known as the Worcester lands when the Worcester sisters were there; that the Worcester sisters at that time, about 1927, when the Spanish Fort Development Company began improvements there, drove said representative off the property and warned him not to enter thereon and at the same time employed the Affiant as agent to watch over their land and keep off all trespassers; that it was only a short time after this occasion when the survey referred to was made and the Worcester and Francisco land was excepted from the land of the Spanish Fort Development Company.

Sam Bunnell

Sworn to and subscribed before me on this the 15 day of July
1946.

H. H. Lee
Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon James Morris and Leon Morris to appear within thirty days from the service of this writ in the Circuit Court to be held by said County at the place of holding the same, then and there to answer the Complaint of The Merchants National Bank of Mobile, a National Banking Association, as Trustee, George E. Fuller and Patrice B. Fuller.

WITNESS my hand this 21st day of June, 1946.

R. H. Luck

Clerk of the Circuit Court of Baldwin County, Alabama.

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THE MERCHANTS NATIONAL BANK OF MOBILE,
A National Banking Association, as
Trustee, GEORGE E. FULLER and PATRICE
B. FULLER,

VS.

JAMES MORRIS and LEON MORRIS,

Plaintiffs,

Defendants.

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

The Plaintiffs sue to recover possession of the following tracts of land in Baldwin County, Alabama, to-wit:

Fractional Section 19, Township 4 South Range 2 East.

Subdivision "F" of Fractional Section 30, Township 4 South Range 2 East.

The Alexis Trouillette Grant, Section 38, Township 4 South Ranges 1 and 2 East,

The Lefroy Trouillette Grant, Section 39, Township 4 South Ranges 1 and 2 East, except 9 acres, more or less, which said excepted property is described as follows:

Commencing at a point within the limits of said Section 39, which said point marks the intersection of the South line of Section 17 extended in Township 4 South of Range 2 East with the extension of the West

line of said Section 17, which point would, if the Section were a regular government section, be the Southwest Corner of said Section 17, and Northwest Corner of Section 20, Northeast Corner of Section 19 and Southeast Corner of Section 18, which said point was originally established by the Federal Government, which lies within the limits of said Section 39. From said point thus described, run North 491.08 feet, thence due West 2038.5 feet to a stake which marks the beginning corner of this said excepted tract, thence South 38 degrees West 625.68 feet to a stake, thence North 52 degrees West 650 feet to the Easterly margin of Minette Bay, thence Northeastwardly along the margin of the said bay 625 feet, more or less, to a point, which is North 52 degrees 0 minutes West and 658 feet from the point of beginning; thence South 52 degrees 0 minutes East 658 feet to the point of beginning;

of which they were in possession and upon which, pending such possession, and before the commencement of this suit, the Defendants entered and unlawfully withhold, together with Five Thousand Dollars (\$5,000.00) for the detention thereof.

M. S. Corvey, Turner & Rogers
J. D. Blackburn
Attorneys for Plaintiffs.

Plaintiffs demand a trial of this cause by jury.

M. S. Corvey, Turner & Rogers
J. D. Blackburn
Attorneys for Plaintiffs. 11

Exhibit

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SUMMONS

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Leon Morris and James Morris to appear within thirty days from the service of this writ in the Circuit Court, Equity Side, to be held for said County at the place of holding same, then and there to answer, plead to or demur to the Bill of Complaint of The Merchants National Bank of Mobile, a Corporation, as Trustee, George E. Fuller and Patricia B. Fuller.

WITNESS my hand this 25th day of March, 1946.

W. H. Morris

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

Your Orators, The Merchants National Bank of Mobile, a National Banking Association, as Trustee, George E. Fuller and Patrice B. Fuller present this Bill of Complaint against Leon Morris and James Morris and thereupon your Orators complain and show unto the Court and your Honor as follows:

1. Your Orator, The Merchants National Bank of Mobile, is a corporation organized and existing under the laws of the United States of America, with its principal place of business in Mobile, Alabama. Your Orators, George E. Fuller and Patrice B. Fuller, are each over twenty-one years of age and residents of Mobile County, Alabama. The Respondents, Leon Morris and James Morris, are each over twenty-one years of age and residents of

2. Your Orator, The Merchants National Bank of Mobile, as Trustee for George E. Fuller and Patrice B. Fuller, owns all of the real property in Baldwin County, Alabama, which is specifically described in Exhibit "A" hereto attached, which Exhibit is, by reference, made a part hereof as though fully incorporated herein. Situated on a part of the property described in the said Exhibit "A" is what is known as "Spanish Fort", which is the site of one of the last battles fought in the Civil War or the War Between the States, and on which site are the remains of some of the old fortifications that were used in the said war, because of which the said site in its present condition has great historical value which will be entirely lost and destroyed if the site and the said fortifications are changed in any way. In addition to the historical value of the said property, there is situated and growing thereon trees and timber, some of which have commercial value and some of which are valuable only for shade and beautification of the said property. The Respondents, Leon Morris and James Morris, are making claim to a part of the said property, the

exact description of which property so claimed by the Respondents is unknown to your Orators and the said Respondents have employed agents, servants or employees who are now, with the aid of the machinery and equipment that is known as a "bull dozer", destroying trees and timber situated on the said property by uprooting the said trees and timber, by pushing the said trees and timber over or down and by clearing the property on which the said trees and timber are located by moving the said trees and timber therefrom. The said Respondents, or their agents, servants or employees, are also changing the character of the said property where the said fortifications are located by destroying the old earthworks, which are what remain of the said fortifications, by leveling the ground on which the said fortifications are located, thereby fully and completely destroying them, all of which will irreparably injure

Your Orators further allege that the said Respondents have threatened to and will continue to destroy and remove trees and timber from the said property and change the character or status quo of it.

PRAYER FOR PROCESS

Your Orators pray that the said Leon Morris and James Morris be made parties respondent to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to them.

PRAYER FOR RELIEF

Your Orators pray for the following separate and several relief:

1. That a permanent injunction or restraining order be issued restraining and enjoining the said Respondents and each of them, ^{and their agents, servants or employees} from taking down and removing any trees or timber situated on the above described property and from changing the character or status quo of the said property in any way.

2. That on a final hearing of this case that the

and their agents, servants or employees said Respondents and each of them be permanently and perpetually enjoined from removing said trees and timber from the said property, trespassing on it or changing the status quo thereof in any way or manner.

3. Your Orators further pray for such other, further and general relief as they may be equitably entitled to, the premises considered.

M. C. Conroy, Lamm & Rogers

J. B. Blackburn

Solicitors for Complaints.

AFFIDAVIT

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared George E. Fuller, who, after being by me first duly and legally sworn, deposes and says: That he is one of the Complainants named in the foregoing Bill of Complaint; that he is familiar with the facts stated therein and that the same are true.

George E. Fuller

Sworn to and subscribed before me
on this the 19th day of March, 1946.

J. B. Blackburn

Notary Public, State of Alabama at Large.

TO R. S. DUCK, REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY:

Upon Complainants entering into bond, with security,
in the sum of \$500.00, payable to and approved by you, and
conditioned according to law, let an injunction issue according to
the Prayer of the Bill.

Dated this 20th day of March, 1946.

F. W. Hall

Judge.

[illegible]

Description No. 7. Lands described in deed from Henry
 M. Soper and wife to George E. Fuller, which deed is re-
 corded in 88 F.S., page 161, Baldwin County, Alabama. Recite
 a more particular description of which is as follows:
 Beginning at an iron stake on the south side of the old
 Spanish trail, at the point where said trail turns to the
 right from the Alabama State Highway No. 21 near the
 Spanish Fort, said stake being also 221 feet north and
 174 feet west from the center of Section 36, Township 4
 South, Range 2 East, Baldwin County, Alabama, then thence
 run South 85 deg. East along State Highway No. 21, 225
 feet, thence South 83 deg. East at right angles to said
 highway 225 feet, thence North 85 deg. East parallel with
 said highway 225 feet, more or less, to a point on the
 line of the Alabama Federal Forest and thence along the
 line of said forest to the point of beginning.

Exception No. 8. Lands described in deed from Harry M. Japer and wife to George E. Fuller, which deed is recorded in §7 R.S. page 117; a more particular description of which is as follows:- Beginning at a point on the West side of the Old Spanish Trail or U. S. Highway 90 where the west line of the right of way of said Highway intersects with the South edge of an Old Federal Trench, which point is the Southeast corner of a lot of land conveyed to George E. Fuller on the 26th day of March, 1907, by Harry E. Japer and from this point of beginning, run South along the West side of the right of way of said Highway 112 feet to a point, thence South 89 deg. 59' east 100 feet to a point, thence South 22 deg. 30' East 100 feet to the south line of the Township containing the same, thence above mentioned to the North line of the Township, thence South line of said Township, thence North 22 deg. 30' East 100 feet to the South edge of the Old Federal Trench, thence South 89 deg. 59' East along the West side of the right of way of said Highway 112 feet to the point of beginning, and being a part of Section 30, Township 4 South, Range 5 East, County of Lincoln, Nebraska.

MEMORANDUM FOR THE RECORD

SUBJECT: [Illegible]

[Illegible text follows]

Exhibit B

THE MERCHANTS NATIONAL BANK
OF MOBILE, a Corporation, as
Trustee, et als,

Complainants.

VS.

LEON MORRIS and JAMES MORRIS,

Respondents.

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

INJUNCTION BOND

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That we, The Mer-
chants National Bank of Mobile, a Corporation, as Trustee, and/in ^{not}
its individual capacity, George E. Fuller and Patrice B. Fuller ^{and David B. Fuller} are
held and firmly bound unto Robert S. Duck, as Register of the Cir-

\$500.00 for the payment of which to the said Register, or
his successors, we bind ourselves, our successors, assigns, execut-
ors and administrators, jointly and severally.

Sealed with our seals and dated this 20th day of
March, 1946.

WHEREAS, The Merchants National Bank of Mobile, a
corporation, as Trustee, George E. Fuller and Patrice B. Fuller
have filed their Bill of Complaint in the said Circuit Court in
Equity and have obtained thereon an order for the issuance of an
injunction to restrain and enjoin Leon Morris and James Morris from
interfering with the status quo of the property in-
volved in this suit:

NOW, THEREFORE, the condition of the above obliga-
tion is such that if the said Merchants National Bank of Mobile, a
Corporation, as Trustee, George E. Fuller and Patrice B. Fuller,
or any of them, shall pay or cause to be paid all damages which
any person may sustain by the issuing out of the said injunction,
if the same is dissolved by the Circuit Court in Equity on the Bill
filed by the said Complainants as aforesaid, then this obligation
to be void, otherwise to remain in full force and effect.

WITNESS our hands and seals on this the 20th day of March year

first above written.

THE MERCHANTS NATIONAL BANK OF MOBILE,
a Corporation, as Trustee. (SEAL)

By Ray J. [unclear]

As its Trust Officer.

George E. Fuller (SEAL)

Patricia B. Fuller (SEAL)

David B. Fuller (SEAL)

Taken and approved this 20 day
of March, 1946.

[Signature]
Register.

Exhibit "C"

THE MERCHANTS NATIONAL BANK OF
MOBILE, a Corporation, as
Trustee, et als,

Complainants,

VS.

LEON MORRIS and JAMES MORRIS,

Respondents.

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

WRIT OF INJUNCTION

STATE OF ALABAMA
BALDWIN COUNTY

TO LEON MORRIS AND JAMES MORRIS:

You will take notice that on the 20th day of March, 1946, The Merchants National Bank of Mobile, a Corporation, as Trustee, George E. Fuller and Patrice B. Fuller filed in the Circuit Court of Baldwin County, Alabama, Equity Side their original Bill of Complaint, praying for an injunction against Leon Morris and James Morris; that the said Bill of Complaint was presented to the Honorable F. W. Hare, Judge of the said Court, and the said Judge made the following endorsement thereon:

TO R. S. DUCK, REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Upon Complainants entering into bond, with security, in the sum of \$500.00, payable to and approved by you, and conditioned according to law, let an injunction issue according to the Prayer of the Bill.

Dated this 20th day of March, 1946.

F. W. HARE,
Judge."

You will further take notice that the said Complainants have entered into bond in the amount provided for above, conditioned as prescribed by law, which said bond has been approved by me.

NOW, THEREFORE, you, the said Leon Morris and James Morris, your agents, servants and employees, are hereby commanded and enjoined from taking down and removing any trees or timber sit-