

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 J.R. Hammett, Individually and as
President of the Bank of Fairhope, William Mc Intosh, Individually,
of the Bank of Fairhope, and as Cashier

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

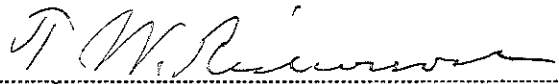
Thomas H. Lane.

against said J.R. Hammett, Individually and as President of the Bank of Fairhope,
William Mc Intosh, Individually and as Cashier of the Bank of Fairhope.

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 17th day of April

1918.



Register.

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

Original 2nd

Serve on.....

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

No.....

SUMMONS.

Thomas H Lane

vs.

J.R.Hammette Individually
as President of the Bank of
Fairhope, William Mc Intosh
Individually and as Cashier
of the Bank of Fairhope.

Rickarby Austill and Bebee.

Solicitor for Complainant.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this.....17th,.....

day of April.....1918

Sheriff.

Executed this.....22.....day of

April.....1918

by leaving a copy of the within Summons with

J.R. Hammett
William McIntosh
Defendant

C.E. Entank
Sheriff

By J.T. Andrews
and Deputy Sheriff.

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

Rec'd 2 Copies on Hammett
and 2 Copies on Mc Intosh

that the issue of nine shares of stock to William Mc Intosh be cancelled and annulled, and that Complainant have such other, further and different relief as to equity may seem meet.

Complainant further prays that this Court assume jurisdiction of this cause made by this bill, that by proper process to be served upon them, the said Bank of Fairhope, J.E. Hammett, individually and as President of said Bank, and William Mc Intosh, individually and as Cashier of said Bank, be made parties defendant, be required to plead, answer or demur to this bill within the time required by law and obey such orders and decrees as this Honorable Court may make in the premises.

Rickarby Austill and Beebe.

Solicitors for Complainant.

NOTE: Defendants are required to answer each and every paragraph of the foregoing bill, but oath to such answer is hereby expressly waived.

Rickarby Austill and Beebe.

Solicitors for Complainant.

BY THE COURT

...

E. H. IVINS

CLERK OF COURT

COPY OF BILL.

T. H. LANE

---VS---

BANK OF FAIRHOPE.

1000

RECEIVED OF THE BANK OF FAIRHOPE THE SUM OF ONE HUNDRED DOLLARS TO THE ORDER OF T. H. LANE

THIS BILL IS VALID IN ALL STATES

ISSUED BY THE BANK OF FAIRHOPE

THIS BILL IS VALID IN ALL STATES AND IS RECEIVED AS TENDERS FOR ALL PURPOSES IN ALL STATES AND TERRITORIES WHERE THE SAME ARE RECEIVED AS SUCH. THE BANK OF FAIRHOPE IS NOT RESPONSIBLE FOR THE LOSS OF THIS BILL IF IT IS DESTROYED OR LOST. THE BANK OF FAIRHOPE IS NOT RESPONSIBLE FOR THE LOSS OF THIS BILL IF IT IS DESTROYED OR LOST.

THIS BILL IS VALID IN ALL STATES

ISSUED BY THE BANK OF FAIRHOPE

To The Honorable Arthur E Gamble,

Judge of the Circuit Court of Baldwin County, Alabama, Sitting in Equity:

Comes Thomas E Lane, and by this his bill of complaint exhibited against the Bank of Fairhope, a Corporation, J.R. Hammett, individually and as President of said Bank, and William Mc Intosh, individually and as Cashier of said Bank, and shows unto your Honor:

FIRST: That the Complainant is over the age of twenty-one years of age and a resident of Fairhope, Baldwin County, Alabama; the defendant Bank of Fairhope is a banking corporation organized under the laws of the State of Alabama, and located at Fairhope; and Defendants, J.R. Hammett and William Mc Intosh are over the age of twenty-one years of age, both residing in Baldwin County and President and Cashier, respectively, of said Bank of Fairhope/.

SECOND: That in the Spring of 1907, Complainant, with other parties residing at or near Fairhope, Alabama, associated themselves together for the purpose of organizing a bank at that place and with this end in view made a list of the subscribers to the capital stock of said bank, which was to be capitalized at \$10,000.00, at which time Complainant subscribed to twenty-five shares of the par value of \$100.00 each, or \$2500.00. Several meetings of the incorporators were held and plans were made looking to opening up said bank as soon as proper arrangements could be made State Examiner, pending which time Complainant left Fairhope for Chicago, but left his address so that he could be readily reached.

THIRD: That on July 25th, 1917, Mr. William Mc Intosh who had been agreed upon as the cashier of the proposed bank wrote Complainant requesting him to send check for his subscription, or at least a part of same to the Merchants Bank of Mobile, and in response to said letter, Complainant on August 2nd, sent check for \$2000.00 to said Merchants' Bank, which said check was duly acknowledged by said bank and subsequently by Mr. William Mc Intosh.

FOURTH: That said Bank of Fairhope was duly organized on or about August 6th, 1917, and has been doing business since that date. Some weeks after said Bank had been organized, Complainant discovered that the subscription of himself and one B.H. Porter had been cut down materially below the amount paid for by them and instead of the twenty shares paid for by Complainant, but eleven shares were issued to him and six shares to Porter, who had paid for fifteen.

FIFTH: Complainant further avers that the remaining nine shares for which he subscribed and paid have not been issued to him and that though he is legally entitled to same as one of the earliest subscribers both the defendant Bank and its officers have refused to issue said stock to him.

SIXTH: That as an excuse for the failure to issue said stock certificates defendants claim that the issue of \$10,000.00 authorized by law has been made in full in that thirty shares were issued to the said Mc Intosh, whose subscription was made after that of Complainant, and to whom part of the stock subscribed for and paid by Complainant and B.H. Porter was assigned.

Seventh: Complainant therefore shows that the issue of nine shares of stock of the thirty issued to the said Mc Intosh was illegal and improper as the authorized capitalization of the Bank did not admit such issue, and that to the extent of such nine shares, such issue is illegal in that it is either in excess of the amount authorized by law it is an issue to the said Mc Intosh of stock properly belonging to Complainant, and that such issue was made by Defendants with full knowledge of the facts.

EIGHTH: THE PREMISES CONSIDERED, Complainant prays that upon proper hearing of this cause an order be made requiring the defendant Bank, through its officers, to issue to Complainant the nine shares of stock subscribed by him and not yet received, upon payment again by him of the \$900.00 which he paid in prior to the date of incorporation of the Bank for such stock and which he received back under protest and which he now stands ready to again pay upon issue to him of stock certificate for nine shares and that for the purpose of complying with the State Banking law,

81 1st

In Chancery,
Baldwin County Alabama

Thomas H. Lane

vs.

Bank of Fairhope

Filed Apr 17th 1918.

T. W. Nicholson
Register

which he had paid in prior to the date of incorporation of the Bank for such stock and which he received back under protest and which he now stands ready to again pay upon issue to him of stock certificate for nine shares and that for the purpose of complying with the State Banking law, that the issue of nine shares of stock to William McIntosh be cancelled and annulled, and that Complainant have such other, further and different relief as to equity may seem meet.

Complainant further prays that this Court assume jurisdiction of this cause made by this bill, that by proper process to be served upon them, the said BANK OF FAIRHOPE, J. R. HAMMETT, individually and as President of said Bank, and WILLIAM McINTOSH, individually and as Cashier of said Bank, be made parties defendant, be required to plead, answer or demur to this bill within the time required by law and obey such orders and decrees as this Honorable Court may make in the premises.

And, as in duty bound, Orator will ever pray.

Richards, Austill & Beebe
Solicitors for Complainant.

NOTE: Defendants are required to answer each and every paragraph of the foregoing bill, but oath to such answer is hereby expressly waived.

Richards, Austill & Beebe
Solicitors for Complainant.

and subsequently by Mr. William McIntosh.

FOURTH: That said Bank of Fairhope was duly organized on or about August 8th, 1917 and has been doing business since that date. Some weeks after said Bank had been organized, Complainant discovered that the subscriptions of himself and one P. H. Porter had been cut down materially below the amount paid for by them and instead of the twenty shares paid for by Complainant, but eleven shares were issued to him and six shares to Porter, who had paid for fifteen.

FIFTH: Complainant further avers that the remaining nine shares for which he subscribed and paid have not been issued to him and that though he is legally entitled to same as one of the earliest subscribers both the defendant Bank and its officers have refused to issue said stock to him.

SIXTH: That as an excuse for the failure to issue said stock certificates, defendants claim that the issue of \$10,000.00 authorized by law has been made in full in that thirty shares were issued to the said McIntosh, whose subscription was made after that of Complainant, and to whom part of the stock subscribed for and paid by Complainant and P. H. Porter was assigned.

SEVENTH: Complainant therefore shows that the issue of nine shares of stock of the thirty issued to the said McIntosh was illegal and improper as the authorized capitalization of the Bank did not admit such issue, and that to the extent of such nine shares, such issue is illegal in that it is either in excess of the amount authorized by law or that it is an issue to the said McIntosh of stock properly belonging to Complainant, and that such issue was made by Defendants with full knowledge of the facts.

EIGHTH: THE PREMISES CONSIDERED Complainant prays that upon proper hearing of this cause an order be made requiring the defendant Bank, through its officers, to issue to Complainant the nine shares of stock subscribed by him and not yet received, upon payment again by him of the \$900.00

TO THE HONORABLE ARTHUR E. GAMBLE,
JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, SITTING IN EQUITY:

Comes THOMAS H. LANE and by this his bill of complaint exhibited against the BANK OF FAIRHOPE, a corporation, J. R. HAMMET, individually and as President of said Bank, and WILLIAM McINTOSH, individually and as Cashier of said Bank, and shows unto your Honor:

FIRST: That the Complainant is over the age of twenty-one years of age and a resident of Fairhope, Baldwin County, Alabama; the defendant Bank of Fairhope is a banking corporation organized under the laws of the State of Alabama, and located at Fairhope; and Defendants, J. R. Hammet and William McIntosh are over the age of twenty-one years of age, both residing in Baldwin County and President and Cashier, respectively, of said Bank of Fairhope.

SECOND: That in the spring of 1907, Complainant, with other parties residing at or near Fairhope, Alabama, associated themselves together for the purpose of organizing a bank at that place and with this end in view made a list of the subscribers ^{to the} capital stock of said bank, which was to be capitalized at \$10,000.00, at which time Complainant subscribed to twenty-five shares of the par value of \$100.00 each, or \$2500.00. Several meetings of the incorporators were held and plans were made looking to opening up said bank as soon as proper arrangements could be made with State Examiner, pending which time Complainant left Fairhope for Chicago, but left his address so that he could be readily reached;

THIRD: That on July 25th, 1917, Mr. William McIntosh who had been agreed upon as the Cashier of the proposed bank wrote Complainant requesting him to send check for his subscription, or at least a part of same to the Merchant's Bank of Mobile, and in response to said letter, Complainant on August 2nd sent check for \$2,000.00 to said Merchants' Bank, which said check was duly acknowledged by said bank