

MRS. AMELIA SWIFT WAKEFORD,  
Complainant,  
-vs-  
B. F. PATTERSON,  
Respondent.

IN THE CIRCUIT COURT-IN EQUITY  
STATE OF ALABAMA  
BALDWIN COUNTY.

TO THE HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT:-

Your Oratrix, Mrs. Amelia Swift Wakeford, humbly complaining of the Defendant, B. F. Patterson, shows unto your Honor in a matter as will hereinafter appear:-

FIRST:

That both she and the said B. F. Patterson are over the age of twenty-one years, and are resident citizens of the County of Baldwin, State of Alabama.

SECOND:

Your Oratrix further shows unto your Honor that she is now residing on that certain lot known as a part of the Swift Homestead, located upon Bon Secour River, Baldwin County; that the yard to said Swift Home, of which she is a part owner, and of which she is in charge and in possession of, extends from her said residence to the margin of the Bon Secour River; that she has gone to considerable expense in ornamenting and adorning the said yard to her said home by planting grasses, shrubbery and flowers. Your Oratrix further shows unto your Honor that her said dwelling house and yard is located on the Nicholas Cook Grant, a diagram of which said premises is hereto attached, marked Exhibit "A".

THIRD:

Your Oratrix further shows unto your Honor that immediately to the East of her said yard the Defendant, B. F. Patterson, is in the possession of a small strip of land, on which he has located his dwelling; that more than thirty years there has been located on the line between the premises of the said B. F. Patterson and Complainant, a line fence which has been established for

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the West line of the B. F. Patterson property, and that the coterminous owners, that is, the Complainant and Defendant, have recognized said line fence as being the line between the two pieces of property mentioned herein. Your Complainant further shows unto your Honor that said line fence up until about two months ago protected her said yard and the shubbery and flowers and other adornments contained therein from cattle or hogs coming over from the lands of B. F. Patterson.

FOURTH:

Your Oratrix further shows unto your Honor that without her consent and against her will the said B. F. Patterson about two months ago tore down a portion of said line fence, which permits his cattle to come in upon her yard and lawn, and, by reason thereof, the lawn grasses are being destroyed, the shrubbery is being mashed down and also badly injured, and that the same condition exists as to the other adornments of said lawn and yard.

FIFTH:

Your Oratrix further shows unto your Honor that the said B. F. Patterson is insolvent, and unable to respond in damages. Your Oratrix further shows unto your Honor that the continuous trespasses upon her said yard and lawn by the cattle of the said Patterson, which is due absolutely to his fault and wrong, will bring about repeated trespasses and a multiplicity of suits.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises, your Oratrix prays that your Honor will cause the usual writ of process to issue to the said B. F. Patterson, making him party defendant to this Bill of Complaint, and requiring him to plead, answer or demur to the same; that your Honor will also grant to her a temporary Writ of Injunction, restraining the said B. F. Patterson from allowing his said cattle and hogs to

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trespass upon her said yard and lawn, and to prevent said cattle and hogs from destroying the grasses, shrubbery, flowers and other adornments of said yard and lawn.

PRAYER FOR RELIEF.

THE PREMISES CONSIDERED, your Oratrix prays that on a final hearing of this cause, that your Honor will enter a Decree perpetually enjoining the said B. F. Patterson from permitting his cattle and hogs to run upon, trespass upon and graze upon your Oratrix's lawn and yard, as heretofore described in the town of Bon Secour, Alabama, and that your Honor will make such other orders as is necessary to prevent said trespasses by said cattle and hogs, and such other orders as may seem just and meet, and your Oratrix will ever pray.

Hybert & Chasou  
Solicitors for Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, Mary J. Green, a Notary Public in and for said State and County, personally appeared Mrs. Amelia Swift Wakeford, who being duly sworn deposes and says:-

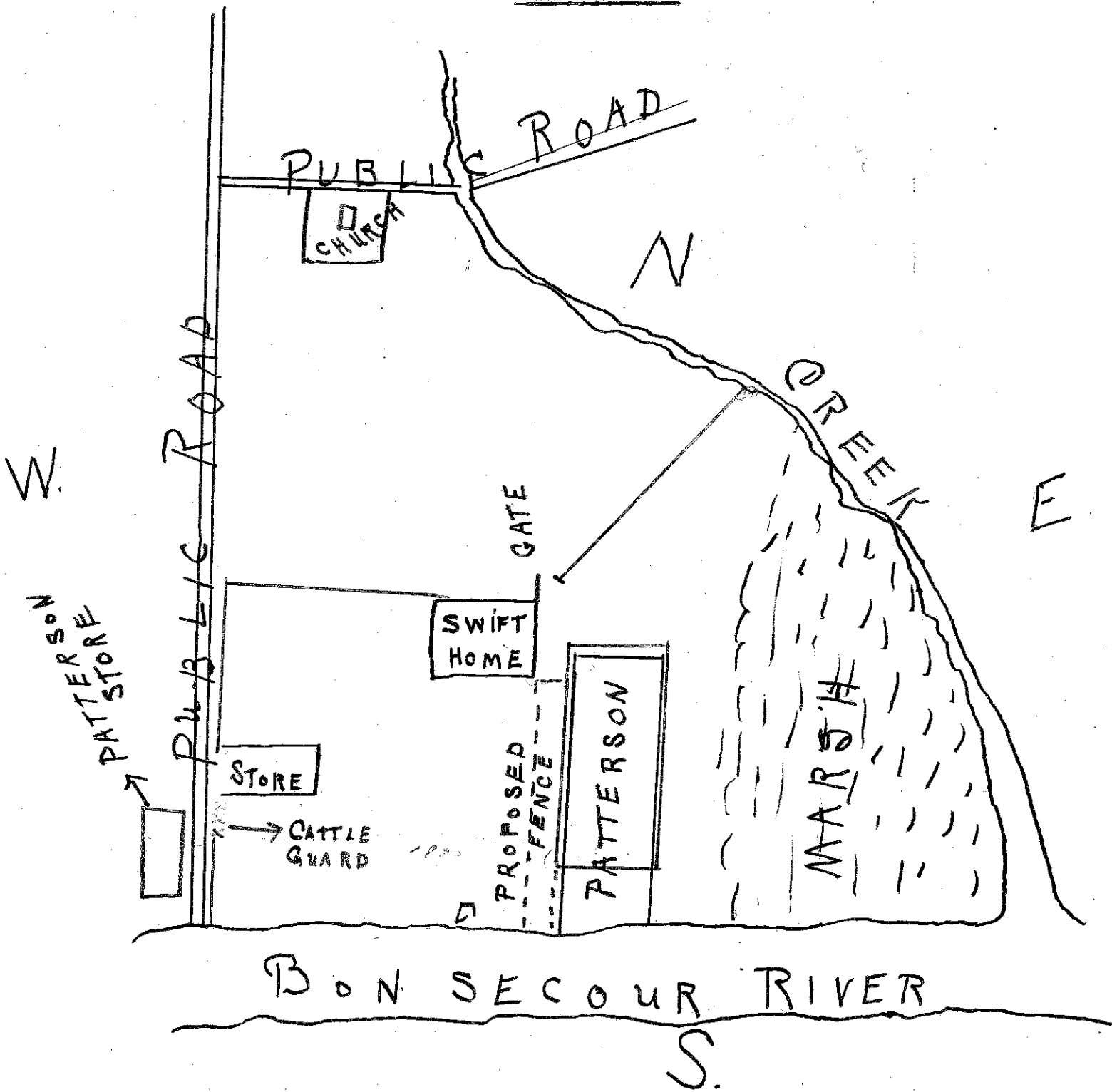
That the allegations contained in the foregoing Bill of Complaint are true and correct.

Mrs. Amelia Swift Wakeford

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 13<sup>th</sup> day of April, 1936.

Mary J. Green  
Notary Public, Baldwin County,  
State of Alabama.

EXHIBIT "A".



TO THE REGISTER OF THE CIRCUIT COURT, BALDWIN COUNTY, ALABAMA:

Upon Complainant entering into bond with good and sufficient Sureties, in the sum of Two Hundred Dollars, to be approved by you, you will issue the temporary Writ of Injunction as prayed for.

Dated this 13 day of April, 1936.

F. W. Karl  
Judge.

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 B F Patterson.

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 Mrs Amelia Swift Wakeford.

against said B F Patterson.

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, Robert S. Duck, Register of said Circuit Court, this 13th day of April. 1935

 Register

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

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 MRS. AMELIA SWIFT WAKEFORD

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~~ <sup>Answer and Cross-Bill</sup> ~~Complaint~~ lately exhibited by

B. F. PATTERSON

against said MRS. AMELIA SWIFT WAKEFORD

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, Robert S. Duck, Register of said Circuit Court, this \_\_\_\_\_day

of \_\_\_\_\_193\_\_\_\_\_

\_\_\_\_\_ Register

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

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 MRS. AMELIA SWIFT WAKEFORD

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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 an ~~Bill of Complaint~~ <sup>Answer and Cross-Bill</sup> lately exhibited by

E. F. PATTERSON

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against said MRS. AMELIA SWIFT WAKEFORD

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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, Robert S. Duck, Register of said Circuit Court, this \_\_\_\_\_ day

of \_\_\_\_\_ 193\_\_\_\_\_

\_\_\_\_\_  
Register

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



STATE OF ALABAMA,

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS:- That we, Mrs. Amelia Swift Wakeford, as Principal, and the Undersigned, as Sureties, are held and firmly bound unto the Register of the Circuit Court, in Equity, for said county, in the sum of Two Hundred Dollars (\$200.00), for the payment of which to the said Register, or to his successors in office, we bind ourselves, our executors and administrators, jointly and severally.

Sealed with our seals and dated this 13th day of April, 1936.

WHEREAS, the said Mrs. Amelia Swift Wakeford has filed her Bill of Complaint in the said Circuit Court, in Equity, and has obtained thereon an order for the issuance of an Injunction from the Hon. F. W. Hare, Judge, to restrain and enjoin B. F. Patterson from allowing his cattle and hogs to trespass upon her yard and lawn, and to prevent said cattle and hogs from destroying the grasses, shrubbery, flowers and other adornments of her said yard and lawn on her property located in Baldwin County, Alabama, a more specific description of which is given in said Bill of Complaint.

NOW, THEREFORE, the condition of the above obligation is such, that if the said Mrs. Amelia Swift Wakeford, her heirs, administrators and executors, or any of them, shall well and truly pay, or cause to be paid, all damages which any person may sustain by the suing out of said Injunction, if the same is dissolved by the Circuit Court, in Equity, on the Bill filed by the said Mrs. Amelia Swift Wakeford, as aforesaid, then the above obligation to be void, otherwise to remain in full force and effect.

Taken and approved this 13th day of April, 1936.

Robert Duck  
Register.

Mrs. Amelia Swift Wakeford SEAL  
Chas H Wakeford SEAL  
A B M Powell SEAL

MRS. AMELIA SWIFT WAKEFORD,

Complainant,

-vs-

B. F. PATTERSON,

Respondent.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

STATE OF ALABAMA,

BALDWIN COUNTY.

TO ANY SHERIFF OF SAID STATE, GREETINGS:-

We command you that without delay you execute this writ, and due return thereof to make to us instanter, at a term of our Circuit Court, in Equity, to be held at Bay Minette, Alabama, on the 13 day of April, 1936.

TO B. F. PATTERSON, GREETINGS:-

WHEREAS, Mrs. Amelia Swift Wakeford has exhibited her Bill of Complaint in the Circuit Court of Baldwin County, in Equity, and has obtained from the Hon. F. W. Hare, Judge of said Court, an order for the issuance of an Injunction to restrain and enjoin you as hereinafter mentioned;

AND WHEREAS, the said Mrs. Amelia Swift Wakeford, in accordance with said order, entered into Bond, with security, in the sum of Two Hundred Dollars (\$200.00), payable to, and approved by, the Register of said Circuit Court, and conditioned according to law.

NOW, THEREFORE, you, the said B. F. Patterson, are hereby commanded, and strictly enjoined, from allowing your cattle and hogs to trespass or run upon the yard and lawn belonging to Mrs. Amelia Swift Wakeford at her home in Bon Secour, Alabama, at the residence known as the "Swift Homestead", and from allowing said cattle and hogs to destroy the grasses, shrubbery, flowers and other adornments of said yard and lawn, until further orders of this Court.

Witness the hand of the Register and the seal of said Circuit Court, in Equity, this 13 day of April, 1936.

  
Register.

MRS. AMELIA SWIFT WAKEFORD,  
Complainant,  
VS.  
B. F. PATTERSON,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY,  
NUMBER 214.

Comes the Respondent and demurs to the Complainant's original bill of complaint and to each count thereof, separately and severally, and for ground thereof says:

FIRST:

That there is no equity in the bill.

SECOND:

For aught that appears in the bill the Respondent had a right to move the fence which he is alleged to have moved.

THIRD:

For aught that appears in the bill no duty rests upon the Respondent to maintain the said fence described in the bill of complaint.

FOURTH:

For aught that appears in the bill the alleged fence was upon the property of the Respondent and that he had the right to tear down and move the same.

  
Solicitors for Respondent.

MRS. AMELIA SWIFT WAKEFORD,

Complainant,

-VS-

B. F. PATTERSON,

Respondent.

)  
IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

)  
This cause having been submitted upon the Demurrer to the Bill of Complaint heretofore filed in this cause, and it being the opinion of the Court that the Demurrer is not well taken, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that said Demurrer be, and the same is hereby, overruled.

Dated this 19<sup>th</sup> day of August, 1936.

J. W. Hare

Judge.

MRS. AMELIA SWIFT WAKEFORD,  
Complainant,  
VS.  
B. F. PATTERSON,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY,  
NUMBER 214.

And now comes the Respondent and for answer to the Bill of Complaint heretofore filed in this cause, and to each paragraph and allegation therein, separately and severally, says:

FIRST:

That he denies each and every allegation contained therein not herein specifically admitted, and demands strict proof of the same.

SECOND:

That he admits that both the Complainant and Respondent are over the age of twenty-one years and residents of Baldwin County, Alabama.

THIRD:

That he is not advised as to the allegation contained in Paragraph Second, and, therefore, cannot admit the same, but demands strict proof thereof; however, admits that the diagram, which is attached to the Complainant's original Bill of Complaint and marked Exhibit "A", is substantially correct.

FOURTH:

That the Respondent admits that he is the owner and in possession of a strip of land to the East of the dwelling designated as "Swift Home" on the diagram attached to the original Bill of Complaint, and that he has a home thereon, which is located approximately as shown on said plat; that he denies that at any time, or for any length of time, has there been a line fence located and established on the line between the premises of the Complainant and those occupied by the Respondent as a home; that he denies that there has been any fence on said line, which has been recognized as the West line of the Complainant's property; he also denies that he has ever

recognized the said line fence as being the line between the two pieces of property, or that the said line fence up until about two months ago protected the Respondent's yard and shrubbery, flowers and other adornments contained therein.

FIFTH:

The Respondent denies that he, at any time, tore down a line fence between the property of the Complainant's and the Respondent's, and further denies that there was ever such line fence designated or recognized, and further denies that he has at all times permitted his cattle to come in upon the lawn or yard of the Complainant's and destroy the grasses or shrubbery, or to injure the said grasses or shrubbery, except that on one occasion, on Easter Sunday, 1936, his cow escaped from his yard on the East side and for a few moments grazed out in front of and near his property.

SIXTH:

That he denies that he has allowed or permitted his cattle to in any way continue to trespass upon the yard or lawn of the Complainant.

And for further answer to the Complainant's Bill of Complaint, and as a Cross Bill thereto, the Respondentsays:

ONE:

That he and the Complainant are in the possession of adjacent parcels of land at Bon Secour, on Bon Secour River, in Baldwin County, Alabama, as substantially shown by the plat or diagram attached to the Complainant's Bill of Complaint and designated as Exhibit "A".

TWO:

That the house now owned by the Respondent has been at its present location for some fifty years or more; that there was originally a fence surrounding or enclosing the property owned by him, and that the said fence ran down to the river; but that some eight or ten years ago the said fence was permitted to rot down, and remained down for some six or eight years, and until in 1935, when the Complainant,

without the consent or approval of the Respondent and while he was away from home, went upon his property and erected a fence from the Southwest corner of his yard fence down to the river; that the fence as so erected by the Complainant was wholly upon the property of the Respondent's and did not at any point touch the property occupied by the Complainant.

THREE:

That the Respondent<sup>in</sup> 1933 or 1934, his fences having rotted and fallen down, repaired them around his property, as shown by the red lines encircling the property on the diagram designed "Patterson".

FOUR:

That several years ago, the Respondent had his property surveyed, by a competent surveyor, and his West line was established, as shown by the dotted lines, on the diagram, approximately 33 feet West of the Respondent's home; that the said line, which is on said diagram designated "proposed fence" has never been questioned by the Complainant, but has generally been accepted as the true dividing line between the said property;

FIVE:

That the Respondent owns the property between his house and yard fence and Bon Secour River; that he is now and has, for sometime, been renting to parties a site for house boat, and collecting rent therefor; that there is at present, and has been for sometime, a party by the name of J. T. Pullen occupying a part of the beach for anchoring his house boat; that in order to get to the said house boat it is necessary for the said J. T. Pullen, or any others, to travel along an old road which runs from the point designated on the diagram as "Patterson's Store" up the North Bank of Bon Secour River to an old place known as the Old Mill Site; that in order for the Respondent to collect rent for the use of his property, he had to make arrangements so that the Lessees could have free access to and from their house boat to the public road, which

leads along by the building shown as "Patterson's Store; that the said Lessee made complaint that the said fence erected by the Complainant, and without the consent or approval of the Respondent, made conditions such that they could not afford to lease the said property; that the said fence complained of being wholly upon the property of the Respondent and erected there without his permission, the Respondent did remove the same, so as to make his property desirable and enable him to collect rent therefor.

SIX:

That there is and has been for some thirty or forty years or more a road leading from the point designated as "Patterson's Store", on the diagram, Eastwardly and along the North bank of Bon Secour River to what is known as the Old Mill Site; this old road has been generally used by the general public for said length of time and that the Respondent and the general public have acquired a right thereto by prescription or easement; that the said fence erected by the Complainant on the property of the Respondent obstructed the free passage of the Respondent and all other parties using or desiring to use the said road; that the Complainant has recently, in to-wit, April, 1935, erected a fence and cattle guard, as shown by the diagram, at the Western extremity of the property of which she is in possession, obstructing free passage of the Respondent and the general public over and along the said old road, which has become public by common useage for the past thirty years and more;

SEVEN:

That the only practical outlet of the Respondent is to travel from his house Westwardly along the North Bank of Bon Secour River to the public road which comes down to the River just to the East of the point marked "Patterson's Store"; that the fence and cattle guard erected by the Complainant makes it impossible for him to carry his stock into or out from his property; that it is necessary, in order to get to his property, by automobile, to



pass over the said cattle guard next the said public road; that the Complainant has from time to time permitted the said cattle guard erected by her to fall down, which makes it almost impossible for the Respondent to get to his property even by automobile.

EIGHT:

That the only shrubbery or flowers, insofar as the Respondent knows, that the Complainant has upon said property and which she claims his cattle are destroying are a few cannas, which no stock will eat, and a few Old Maids.

NINE:

That the fence as now located around the Respondent's property is in the same location as it has been for the past several years; that it is wholly upon the property of the Respondent's and is not and has never been recognized as a line fence between the properties of the Respondent and those occupied by the Complainant.

WHEREFORE, the premises considered, the Respondent and Cross-Complainant prays that your Honor will take and receive this as his answer and cross bill and that by a proper process the said Amelia Swift Wakeford be made cross-respondent to this his cross bill, and required 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; that your Honor will grant and issue a temporary writ of injunction restraining the said Amelia Swift Wakeford from obstructing, or in any manner attempting to obstruct by fence, cattle guard, or otherwise, the old and established road leading from the public road which runs down to the River between the stores of Patterson and Wakeford and Eastwardly and along the North Bank of the Bon Secour River to the East of the property of the Respondent and Cross-Complainant.

Your Respondent and Cross-Complainant further prays that upon a final hearing of this cause, that your Honor will enter a <sup>perpetually</sup> decree/enjoining the said Amelia Swift Wakeford from obstructing or attempting to obstruct by fence, cattle guard, or otherwise, the

free and uninterrupted passage of the Respondent and Cross-Complainant from the public road leading down to his store, along the old road, which has been used by the general public for more than thirty years, Eastwardly and along the North Bank of the Bon Secour River up to and above his home on Bon Secour River, and that your Honor will give and grant unto him 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.

B. F. Patterson  
Respondent and Cross-Complainant.

Becker Lee Beebe  
Solicitors for Respondent and Cross-Complainant.

FOOT NOTE: The Complainant and Cross-Respondent is required to answer each and every allegation contained in the foregoing Cross Bill, in Paragraphs One to Nine, inclusive, but not under oath, oath being hereby expressly waived.

B. F. Patterson  
Respondent and Cross-Complainant.

Becker Lee Beebe  
Solicitors for Respondent and Cross-Complainant.

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

Before me, the undersigned authority, in and for said County, in said State, personally appeared B. F. PATTERSON, who is known to me and who having been by me first duly sworn, deposes and says, that the allegations contained in the foregoing Answer and Cross Bill are true and correct.

B. F. Patterson

Sworn to and subscribed before me this 18 day of October, 1936.

[Signature]  
Notary Public, Baldwin County, Alabama.

TO THE REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Upon the Respondent and Cross-Complainant entering into bond with good and sufficient sureties in the sum of \_\_\_\_\_  
\_\_\_\_\_ DOLLARS to be approved by you, you will issue the temporary writ of injunction as prayed for in the Cross Bill of the Respondent and Cross-Complainant.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1936.

\_\_\_\_\_  
Judge.

ANSWER AND CROSS BILL

MRS. ADELIA SWIFT WALKFORD,

Complainant,

VS.

B. F. PATTERSON,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY,  
NUMBER 214.

*Filed Dec. 30, 1936*

*Q. S. Duck, Register*

ANSWER AND CROSS BILL.

MRS. AMELIA SWIFT WAKEFORD,  
Complainant,

VS.

B. F. PATTERSON,  
Respondent.

IN THE CIRCUIT COURT OF  
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