

1014 1/2

ANNA E. FOLEY,

Complainant

vs.

RALEIGH MCKENZIE,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
NO. 1014 1/2 IN EQUITY.

Comes the defendant in the above styled cause and moves the Court to vacate or set aside the final decree granting a perpetual injunction and moves the Court to vacate or set aside the decree pro confesso and grant the defendant the right to plead, answer or demur to the bill of complaint in said cause, for that the defendant, immediately after being served with a copy of the bill of complaint in the cause, and within thirty days from the date of such service, employed Mr. W. C. Taylor, a duly licensed attorney to practice in all of the courts of Alabama, to represent him but that the said W. C. Taylor failed to take any action in the case other than the filing of a general appearance, although the defendant repeatedly conferred with said attorney about the case, and within the said thirty days after service of copy of complaint, and said Taylor told defendant he was attending to said case and everything was all right, and defendant relied upon said Taylor's statement, and it was due to the failure and negligence of said W. C. Taylor to appear in defendant's behalf and plead, answer or demur that a decree pro confesso and a final decree were entered against the defendant, and not due to any negligence on the defendant's part, and affidavits of the defendant, Raleigh McKenzie, also of Harry H. Parker and J. S. Nelson as to these facts are hereto attached and made a part of this motion as though fully set out herein.

The defendant further avers that he has a good and meritorious defense to the bill of complaint in that at the time the bill was filed he had the legal title to the property described in the bill and at the time the bill was

filed and at present the right of immediate possession thereto. There are attached hereto a certified copy of the patent issued by the United State of America to Michael McKinsey, a certified copy of the deed by A. H. Malaney and J. R. Malaney to the defendant, affidavits by A. H. Malaney and J. R. Malaney, and the affidavits of the defendant, Raleigh McKenzie, and J. S. Nelson, above referred to, all showing the title of the defendant and his right to possession to the property described in the bill of complaint, which are made a part of this motion as though fully set out herein.

Wherefore, the defendant asks the Court to grant this motion and set aside said decree pro confesso and final decree and allow him to plead, answer or demur to the bill of complaint.

Respectfully submitted,

Hamilton & Gordon
ATTORNEYS FOR DEFENDANT

STATE OF ALABAMA,
COUNTY OF MOBILE.

Personally appeared before me, *Marie Layton*,
a Notary Public in and for said County and State, Raleigh
McKenzie, who after being by me duly and legally sworn,
doth depose and say as follows:

That he is the defendant in Case No. 1015, in
the Baldwin County Circuit Court, Equity Side, in which
the Magnolia Springs Land Company, a corporation, is com-
plainant; that he is also defendant in Case No. 1014 $\frac{1}{2}$, in
the same court, in which Anna E. Foley is plaintiff;
that before suit in either case was filed, but after the
dispute over the land involved in the suits, had started,
on the recommendation of his uncle, J. S. Nelson, he con-
sulted Mr. W. C. Taylor, a licensed attorney practicing in
Mobile, Alabama, regarding his rights; that two days after
he was served with a copy of the complaint in both of the
above cases, he went to Mobile and made the necessary ar-
rangements for Mr. Taylor to represent him in both cases;
that he gave Mr. Taylor all the papers showing his title
to the property involved in the two cases, including an
abstract to same. The affiant further stated that he took
Mr. Harry H. Parker, an abstractor living at Fairhope,
Alabama, with him to see Mr. Taylor to better explain to
Mr. Taylor the affiant's defenses; that he, the affiant,
made five trips to Mobile from Magnolia Springs, Alabama,
his home, to see Mr. Taylor regarding the cases and their
progress; that on several occasions affiant took said Mr.
J. S. Nelson with him to see Mr. Taylor; that in February
affiant had said Mr. Parker call Mr. Taylor in Mobile from
Bay Minette and ask him if the cases were set anytime soon;
that he wrote Mr. Taylor regarding the cases. He further
states that each time he, affiant, conferred with Mr. Taylor
regarding the cases, Mr. Taylor told him not to worry, that
he, Mr. Taylor, was doing all that was necessary to protect
his, the affiant's interests; that he relied on Mr. Taylor's

statements and didn't know a decree of any kind had been entered in the cases against him until the Clerk of the Court asked him to pay the costs. The affiant further states that he has been living on part of the land described in the complaint of Case No. 1015 by Magnolia Springs Land Company for the past twelve years; that the rest of the property involved in the two cases is uncultivated land covered by second growth timber; that up until 1928 no one had been in possession of the property; that in 1928 the plaintiff in both cases began unlawfully to box and turpentine the trees thereon; that he, the affiant, bought the land involved in the two cases from A. H. Malaney and J. R. Malaney and has not given the complainant in either case the right of possession.

Raleigh McHenry

Subscribed and sworn to before
me this 2nd day of August,
1932.

Marie Layton
NOTARY PUBLIC, MOBILE COUNTY, ALA.

STATE OF ALABAMA,

COUNTY OF MOBILE.

Before me, *Marie Layton*, a Notary Public in and for said County and State, personally appeared J. S. Nelson, who after being by me first duly and legally sworn, doth depose and say:

That he is a deputy sheriff of Mobile County, Alabama; that Raleigh McKenzie, the defendant in two suits filed in the Baldwin County Circuit Court, Equity side, one filed by Magnolia Springs Land Company and the other by Anna E. Foley, is his nephew; that before the suits were filed, but after the dispute over the land involved in the cases had started, the said Raleigh McKenzie asked him for the name of a good attorney to advise him regarding his rights and that he recommended Mr. W. C. Taylor, an attorney practicing in Mobile, Alabama; that after suit was filed in both cases, he went with Mr. McKenzie to Mr. Taylor's office and that said Mr. McKenzie employed Mr. Taylor to represent him in both cases; that he consulted Mr. Taylor regarding the two cases several times, sometimes in the company of Mr. McKenzie and Harry H. Parker, of Fairhope, Alabama, and sometimes alone. The affiant further states that he heard Mr. Taylor tell Mr. McKenzie several times to go home and stop worrying, that he, Mr. Taylor, was doing all that was necessary to protect his, Mr. McKenzie's, interests.

The affiant further states that said Raleigh McKenzie has been living on part of the land involved in the suit filed by Magnolia Springs Land Company for the past twelve years; that the rest of the land involved in the two suits is uncultivated land, covered by second growth timber; that up until 1928 no one had been in pos-

session of the property but that in 1928 the complainant
in both suits began to box and turpentine the trees on
the land.

J. S. Nelson

Subscribed and sworn to before
me this 8th day of August,
1932.

Marie Rayton
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

STATE OF ALABAMA,

COUNTY OF MOBILE,

Before me, *Marie Layton*, a Notary Public in and for said State and County, personally appeared Harry H. Parker, who after being by me first duly sworn, doth depose and say:

That he lives at Fairhope, Baldwin County, Alabama, and is a licensed abstractor; that he knows Mr. Raleigh McKenzie, the defendant in two suits filed in the Circuit Court of Baldwin County, Alabama, Equity Side, one filed by Magnolia Springs Land Company and the other by Anna E. Foley, to enjoin the said Mr. Raleigh McKenzie from trespassing on certain property; that he made an abstract of title to the property involved in both cases for said Mr. McKenzie and that said Mr. McKenzie took him to Mobile several times to consult with Mr. W. C. Taylor, the attorney for Mr. McKenzie, regarding the title of Mr. McKenzie to the property involved in both cases; that on February 2, 1932, he called said Mr. W. C. Taylor in Mobile, Alabama, from Bay Minette, Alabama, at the request of said Mr. McKenzie, to find out if the two cases were set for a hearing anytime soon. He further states that on several occasions he heard said Mr. Taylor tell Mr. McKenzie to go home and stop worrying, that he, Mr. Taylor, would look after his, Mr. McKenzie's, interests in the two cases and do all that was necessary.

Harry H. Parker

Subscribed and sworn to before me this 2nd day of August, 1932.

Marie Layton
NOTARY PUBLIC, MOBILE COUNTY, ALA.

Wm & Foley
Complamt

vs.
Raleigh McKenzie
Defendant

Motion to set
aside decree.

Filed Aug 9th 1932
W. R. R. R. R.
Register

STATE OF ALABAMA
HIGHWAY PATROL

No.

APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE

FOR YEAR ENDING SEPTEMBER 30, 1939

TO THE PROBATE JUDGE OF COUNTY:

WRITE PLAINLY IN INK—ANSWER ALL QUESTIONS

AGE	Name of Applicant
HEIGHT ft. in.	Street No. or Route
RACE	Post Office
WEIGHT	COUNTY
SEX	I am not the owner of a private passenger motor vehicle. ()
COLOR OF HAIR	I am the owner of a private passenger motor vehicle. ()
COLOR OF EYES	Make Model Year
	I am the operator of a Truck, Bus or like motor vehicle. ()

PHYSICAL DEFECTS

1. Have you any mental or physical defect which might seriously affect your operation of a motor vehicle

Nature of defect

2. Have you ever been convicted for a violation of any State Highway Law? If so, state when and where

APPLICANT'S AFFIDAVIT

STATE OF ALABAMA

County of

Personally appeared before me, the undersigned, who first being duly sworn, says that all information given and statements made herein are true and correct.

Sworn to and subscribed before me this the

..... day of 193.....

Signed: Applicant

Judge of Probate County.
Clerk
Notary Public

ANNA E. FOLEY,

Complainant,

-VS-

RALEIGH MCKENZIE,

Respondent.

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

u
This cause coming on to be heard upon the Motion of the Respondent, Raleigh McKenzie, duly verified by Affidavit to set aside the Decree Pro Confesso as rendered against this Respondent on the 11th day of July, 1932, and also the Final Decree rendered in this cause granting the relief as prayed for, said Decree bearing date of the 15th day of July, 1932, and the said Motion having been heard and duly considered;

IT IS ORDERED, ADJUDGED AND DECREED by the Court that the Decree Pro Confesso above specified and the Final Decree above specified, and which were granted in this cause under dates above specified, are hereby set aside, made null and void, and the Respondent, Raleigh McKenzie, is given twenty (20) days from the date of this Decree within which to plead, answer or demur to the Bill of Complaint in this cause.

Given under my hand this the 25th day of August, 1932.

F. W. Hare
Judge of the 21st Judicial Circuit.

RECORDED

2-576

Recd Aug 2 5/3 32
J. P. Bennett
Agent

ANNA E. FOLEY,

Complainant,

-VS-

RALEIGH MCKENZIE,

Respondent.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

ORDER PERPETUATING INJUNCTION.

This cause coming on to be heard, and having been submitted for Decree upon the Original Bill of Complaint and the Decree Pro Confesso taken against Raleigh McKenzie, and the matter having been heard and duly considered;

IT IS ORDERED, ADJUDGED AND DECREED by the Court that the Temporary Injunction heretofore granted in this cause be, and it is hereby made perpetual, and that a permanent Writ of Injunction issue against the said Raleigh McKenzie, forever restraining and enjoining him, his agents and employees, and each of them, from trespassing upon the following described lands situated in Baldwin County, Alabama, to-wit:-

Southeast Quarter, Northeast Quarter of Southwest Quarter, Southwest Quarter of Southwest Quarter, of Section Nineteen, Township Seven South of Range Three East, being a part of the Michael McKenzie Private Land Grant or Claim, Section Thirty-seven, Township Seven South of Range Three East;

and from cutting or removing the timber thereon and therefrom, or from interfering with the possession or occupation of the said

Anna E. Foley, and it is further ordered and decreed that the Defendant be taxed with the costs in this cause, for which let execution issue

Dated this 15th day of July, 1932.

J. M. Hare

Judge of the 21st Judicial Circuit

RECORDED

ORDER PERPETUATING INJUNCTION.

ANNA E. FOLEY,
Complainant

-VS-

RALEIGH MCKENZIE,
Respondent.

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

Issued July 15th, 1932

Judge.
Filed July 21st 1932
W. H. Raymond
Register

LAW OFFICES
HYBART, HEARD
& CHASON
BAY MINETTE, ALABAMA

STATE OF ALABAMA
HIGHWAY PATROL

Driver's License
No. _____

APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE

FOR YEAR ENDING SEPTEMBER 30, 1939

TO THE PROBATE JUDGE OF _____ COUNTY:

WRITE PLAINLY IN INK—ANSWER ALL QUESTIONS

AGE _____	Name of Applicant _____
HEIGHT _____ ft. _____ in.	Street No. or Route _____
RACE _____	Post Office _____
WEIGHT _____ lbs.	COUNTY _____
SEX _____	I am not the owner of a private passenger motor vehicle. ()
COLOR OF HAIR _____	I am the owner of a private passenger motor vehicle. ()
COLOR OF EYES _____	Make _____ Model _____ Year _____
	I am the operator of a Truck, Bus or like motor vehicle. ()

PHYSICAL DEFECTS _____

1. Have you any mental or physical defect which might seriously affect your operation of a motor vehicle

Nature of defect _____

2. Have you ever been convicted for a violation of any State Highway Law? _____ If so, state

when and where _____

APPLICANT'S AFFIDAVIT

STATE OF ALABAMA

County of _____ }

Personally appeared before me, the undersigned, who first being duly sworn, says that all information given and statements made herein are true and correct.

Sworn to and subscribed before me this the

_____ day of _____ 193_____

Signed: _____
Applicant

Judge of Probate _____ County.
Clerk
Notary Public

STATE OF ALABAMA

DEPARTMENT OF REVENUE

REGISTRATION FOR MOTOR VEHICLES LICENSE

FOR YEAR ENDING SEPTEMBER 30, 1938

IN THE COUNTY OF ...

WHICH TAKES IN PART ANSWER ALL QUESTIONS

W 2

DATE: *1st Aug 11, 1938*

Motor Vehicle License Book V-393

Keeter

I am the operator of a Truck, Bus or other motor vehicle ...

ALABAMA DEPARTMENT OF REVENUE

STATE OF ALABAMA

I hereby certify that the information ...

Signature

Commissioner

RECEIVED

Handwritten signature

VR

Handwritten signature

July 21, 1931

~~*Handwritten signature*~~

Rec'd

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RECEIVED

RECEIVED

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ANNA E. FOLEY,

Complainant,

-vs-

RALEIGH MCKENZIE,

Respondent.

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

ORDER PERPETUATING INJUNCTION.

" This cause coming on to be heard, and having been submitted for Decree upon the Original Bill of Complaint and the evidence as noted by the Register, and the matter having been heard and duly considered;

IT IS ORDERED, ADJUDGED AND DECREED by the Court that the Temporary Injunction heretofore granted in this cause be, and it is hereby made, perpetual, and that a permanent Writ of Injunction issue against the said Raleigh McKenzie, forever restraining and enjoining him, his agents and employees, and each of them, from trespassing upon the following described lands situated in Baldwin County, Alabama, to-wit:*

Southeast Quarter, Northeast quarter of Southwest Quarter, Southwest quarter of Southwest Quarter, of Section Nineteen, Township Seven South of Range Three East, being a part of the Michael McKenzie Private Land Grant or Claim, Section Thirty-seven, Township Seven South of Range Three East;

and from cutting or removing the timber thereon and therefrom, or from interfering with the possession or occupation of the said Anna E. Foley, and it is further ordered and decreed that the Defendant be taxed with the costs in this cause, for which let execution issue.

Dated this 18th day of August, 1938.


Judge of the 21st Judicial Circuit.

Deude
RECORDED 2:393

ORDER PERPETUATING INJUNCTION.

ANNA E. FOLEY,

Complainant,

-vs-

RALEIGH MCKENZIE,

Respondent.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Issued August 18, 1938

R. S. Deude

LAW OFFICES

HYBART & CHASON

BAY MINETTE, ALABAMA

ANNA E. FOLEY,
Complainant,
-vs-
RALEIGH MCKENZIE,
Defendant.

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 1st Monday of Feb., 1932.

TO RALEIGH MCKENZIE - GREETINGS:-

WHEREAS, Anna E. Foley 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 Anna E. Foley, in accordance with said order, entered into bond with security in the sum of \$400.00 Dollars, payable to and approved by the Register of said Circuit Court and conditioned according to law.

NOW, THEREFORE, you, the said Raleigh McKenzie, are hereby commanded and strictly enjoined from trespassing upon the following described lands situated in Baldwin County, Alabama, to-wit:-

The Southeast Quarter (SE $\frac{1}{4}$); the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$); the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Nineteen (19) Township Seven (7) South of Range Three (3) East, being part of the Michael McKenzie Private Land Grant or Claim, Section Thirty-seven (37) Township Seven (7) South Range Three (3) East,

and from cutting or removing the timber thereon or therefrom or from interfering with the possession of the said Anna E. Foley as to said land until further orders of this Court.

(page two)

Witness the hand of the Register and the seal of said
Circuit Court-In Equity, this 2nd day of February, 1931.

D. W. Richardson
Register.

RECORDED

W R I T.

ANNA E. FOLEY,

Complainant,

-VS-

RALEIGH MCKENZIE,

Defendant.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Issued November 2, 1931

M. C. ...
Register.

LAW OFFICES
**HYBART, HEARD
& CHASON**
BAY MINETTE, ALABAMA

*Executed November
30-1931 by serving
copy of the within
writ on Raleigh McKenzie
W. R. Stewart
Shirley*

*by witness
D.H.*

STATE OF ALABAMA,
BALDWIN COUNTY.

4 KNOW ALL MEN BY THESE PRESENTS: That we, Anna E. Foley, 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 \$400⁰⁰ Dollars, for the payment of which to the said Register, or to his successors, we bind ourselves, our executors and administrators, jointly and severally.

Sealed with our seals and dated this 31st day of October, 1931.

WHEREAS, the said Anna E. Foley 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 Raleigh McKenzie from cutting or removing the timber from or on the following described real estate situated in Baldwin County, Alabama, to-wit:-

The Southeast Quarter (SE $\frac{1}{4}$); the ^{Northeast} ~~Northwest~~ Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$); the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Nineteen (19) Township Seven (7) South of Range Three (3) East, being part of the Michael McKenzie Private Land Grant or Claim, Section Thirty-seven (37) Township Seven (7) South Range Three (3) East,

and from trespassing upon said lands or interfering with the possession of the said Anna E. Foley as to the same.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the said Anna E. Foley, her heirs, executors, administrators, 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 Anna E. Foley as aforesaid, then the above obligation to be void, otherwise to remain in full force and effect.

Witness our hands and seals on the day and year first above written.

Taken and approved this
31 day of October, 1931.

W. E. Cooney
Register. "

Anna E. Foley (SEAL)
by W. E. Cooney (SEAL)
W. E. Cooney (SEAL)
A. E. Foley

ANNA E. FOLEY,

Complainant,

-vs-

RALEIGH MCKENZIE,

Defendant.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

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

Your Orator humbly complaining of the Defendant in a manner as will hereinafter appear, shows unto your Honor as follows:

1. That the Defendant, as well as herself, is a resident of the State of Alabama and is over the age of twenty-one years.

2. Your Orator further shows unto your Honor that she is in the possession of the following described lands situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$); the North~~west~~ Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$); the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Nineteen (19) Township Seven (7) South of Range Three (3) East, being part of the Michael McKenzie Private Land Grant or Claim, Section Thirty-seven (37) Township Seven (7) South Range Three (3) East;

and that there is no suit pending to test the title as to same.

3. Your Orator further shows unto your Honor that the Defendant, Raleigh McKenzie, is making repeated trespasses on the aforesaid lands, interfering with the possession of your Orator, and has threatened the agents and employees of your Orator who are engaged in cutting the timber therefrom, and that said agents and employees of your Orator have been forced to quit work, and that all her operations on said lands have been suspended because of this interference with the possession of same by the Defendant. Your Orator further shows unto your Honor that said lands are chiefly valuable for the timber that is situated and located thereon and that unless the said Raleigh McKenzie is restrained and enjoined from interfering with the possession of your Orator that said lands will be practically valueless and that your Orator will suffer great loss if she is not permitted the unrestrained use of this, her property.

(page two)

4. Your Orator further shows unto your Honor that Raleigh McKenzie is not authorized to make said trespass or interfere with the possession of your Orator by any authority whatsoever.

Your Orator further shows unto your Honor that the said Defendant, Raleigh McKenzie, is insolvent and is unable to respond in damages in a Court of Justice.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises your Orator prays that your Honor will cause the usual Writ of Process to issue to Raleigh McKenzie, making him party defendant to this Bill of Complaint and requiring him to plead, answer or demur to the same within the time required by law.

Your Orator further prays unto your Honor that you will cause a temporary Writ of Injunction to issue restraining the said Defendant, Raleigh McKenzie, from trespassing on said lands and from interfering with the possession of your Orator in said property.

PRAYER FOR RELIEF.

The premises considered, your Orator prays that upon the final hearing of this cause your Honor will cause said temporary Writ of Injunction to be made perpetual and forever restraining the said Defendant, Raleigh McKenzie, from trespassing and from interfering with the possession of your Orator in said lands.

Your Orator prays for such other and further relief as in equity may seem just and meet, and your Orator will ever pray, etc.

Hyatt Ward Johnson
Solicitors for Complainant.

FOOT-NOTE:

Defendant is required to answer Paragraphs 1, 2, 3 and 4 of the foregoing Bill of Complaint, but answer under oath is hereby expressly waived.

Hyatt Ward Johnson
Solicitors for Complainant.

STATE OF ALABAMA,
BALDWIN COUNTY.

Before me, Mary F. Green, a Notary Public in and for said State and County, personally appeared John Chason, who is known to me and who after being by me first duly and legally sworn doth depose and say under oath as follows:

That he is one of the Solicitors of Record for Anna E. Foley, and as such is duly authorized to make this Affidavit; and that the allegations contained in the foregoing Bill of Complaint are true and correct.

John Chason

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 31st day of October, 1931.

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

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

Upon Complainant entering into bond with good and sufficient Sureties, in the sum of \$400⁰⁰ Dollars, to be approved by you, you will issue the temporary Writ of Injunction as prayed for.

Dated this 31st day of October, 1931.

F. W. Karc
Judge.

RECORDED
BILL OF COMPLAINT.

ANNA E. FOLEY,

Complainant,

-VS-

RALEIGH MCKENZIE,

Defendant.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Filed Oct, 31, 1931

J. M. Robinson
Register.

65
816
4080
816
12240

LAW OFFICES
HYBART, HEARD
& CHASON
BAY MINETTE, ALABAMA

The State of Alabama }
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

ANNA E. FOLEY, _____ COMPLAINT

VS.

RALEIGH MCKENZIE, _____ RESPONDENT

I, Mary Green, _____

as ~~Register and~~ Commissioner _____

have called and caused to come before me Garrett Foley _____

witness _____ named in the requirement for Oral Examination, on the 17th day of August _____

1938, at the office of Hybart & Chason _____

in Bay Minette _____, Alabama, and having first sworn said witness _____ to speak the

truth, the whole truth, and nothing but the truth, the said _____

Garrett Foley _____ doth depose and say as follows:

ANNA E. FOLEY,

Complainant,

-vs-

RALEIGH MCKENZIE,

Defendant.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

TESTIMONY OF GARRETT FOLEY.

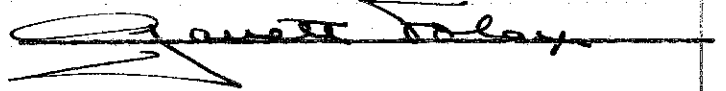
My name is Garrett Foley. I am over the age of twenty-one years and a resident of Chicago, Illinois. I was a resident of Baldwin County, Alabama, residing at Foley, on October 3rd, 1931. Anna E. Foley was, on the 3rd day of October, 1931, the owner of the following described real property in Baldwin County, Alabama, viz:-

The Southeast Quarter ($SE\frac{1}{4}$); the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$); the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section Nineteen (19), Township Seven (7) South of Range Three (3) East, being part of the Michael McKenzie Private Land Grant or Claim, Section Thirty-seven (37), Township Seven (7) South, Range Three (3) East.

That there was no suit pending at that time to test her title to the same, and she was in the actual possession of the same at that time. Raleigh McKenzie, at that time, was making repeated trespasses on the aforesaid land, interfering with the possession of the said Anna E. Foley, and the said Raleigh McKenzie threatened the agents and employees of the said Anna E. Foley, which agents were engaged in cutting the timber from said lands at that time. That the agents and employees of the said Anna E. Foley were forced to quit work, and all of her operations on said lands were suspended for a while because of the threats made by the said Raleigh McKenzie against these agents, and by their being put in fear by the said Raleigh McKenzie by the display of firearms, together with the threats to do great violence against their bodies. That the above described lands were chiefly valuable for the timber located thereon, and unless the said Raleigh McKenzie is permanently restrained from interfering with the possession of the said Anna E. Foley that the lands will be practically valueless and the said Anna E. Foley will suffer great loss if she is not permitted the unrestrained use of

(page two)

said property. That the said Raleigh McKenzie had no right to go on said lands or interfere in any way with the possession of the said Anna E. Foley. That the said Raleigh McKenzie was at the time of the filing of the Bill of Complaint in this suit insolvent, and was unable to respond in damages in a Court of Justice.

A handwritten signature in cursive script, appearing to read "Anna E. Foley", is written over a horizontal line. The signature is somewhat stylized and includes a large flourish at the end.

ORAL EXAMINATION

I, Mary Green, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to him and he signed the same in the presence of myself and John Chason at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ... or had proof made before me of the identity of said witness....; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 17th day of August, 1938.

Mary Green (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

James E. J. J. J.
COMPLAINANT

VS.

Robert M. Kenzie
RESPONDENT

ORAL DEPOSITION

Filed Aug 15, 1938

R. S. Duet, Register

RECORDED IN _____

Record _____

Vol. _____ Page _____

Register _____

ANNA E. FOLEY,
Complainant.

vs.

RALEIGH MCKENZIE,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

NO. 1014 1/2

Comes the defendant in the above styled cause and demurs to the bill of complaint as a whole and to each and every paragraph thereof, separately and severally, and as grounds therefor sets down and assigns the following separate and several grounds:

1. That there is no equity in the bill.
2. That it is apparent from the averments of the bill that the complainant has an adequate remedy at law.
3. That it is apparent from the facts set out in the bill of complaint that the complainant has an adequate remedy at law.
4. That no facts are averred which show that the defendant injured the land described in the complaint.
5. That no facts are averred which show that the defendant threatened to injure the property described in the complaint.
6. That no facts are set out in the bill of complaint which show that the defendant either injured or threatened to injure the property described in the complaint.
7. That the facts averred in the bill of complaint show that the defendant has committed only a simple trespass on the property described in the complaint.
8. That no facts are set out which show that the complainant has suffered irreparable injury.
9. That no facts are set out which show that the complainant will suffer irreparable injury.
10. That no facts are set out which show that the complainant has suffered or will suffer irreparable injury.

11. That no facts are averred, which show a connection between the alleged threats of the defendant and the cessation of work by the agents and employees of the complainant on the property described in the complaint.

12. That the averment "that said agents and employees of Your Orator have been forced to quit work, and that all her operations on said lands have been suspended because of this interference with the possession of same by the defendant." is a conclusion of the pleader and is not supported by any facts averred in the bill.

13. That the averment "that unless the said Raleigh McKenzie is restrained and enjoined from interfering with the possession of your Orator that said lands will be practically valueless and that your Orator will suffer great loss if she is not permitted the unrestrained use of this her property." is a mere conclusion of the pleader and is not supported by any facts averred in the bill.

Hamilton & Gordon
ATTORNEYS FOR DEFENDANT

RECORDED

No. 10144

Anna S. Foley.

Compliments

to
Raleigh McHenry

W. J. Spelman.

Deceased to Compliments

Final Sept 9th 1932

J. W. Deane

Register

Hamilton + Gordon

See for References

ANNA E. FOLEY, Complainant

IN THE CIRCUIT COURT--EQUITY SIDE

vs.

STATE OF ALABAMA

RALEIGH MCKENZIE, Defendant.

BALDWIN COUNTY.

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

Your Orator humbly complaining of the defendant in a manner as will hereinafter appear, shows unto Your Honor as follows:-

1. That the defendant, as well as her self, is a resident of the State of Alabama and is over the age of twenty-one years.

2. Your Orator further shows unto Your Honor that she is in the possession of the following described lands situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter ($SE\frac{1}{4}$); the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$); the Southwest quarter of the Southwest Quarter ($SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section Nineteen (19) Township Seven (7) South of Range Three (3) East, being part of the Micheal McKenzie Private Land Grant or Claim, Section Thirty-seven (37) Township Seven (7) South Range Three (3) East;

and that there is no suit pending to test the title as to same.

3. Your Orator further shows unto Your Honor that the Defendant Raleigh McKenzie, is making repeated trespasses on the aforesaid lands, interfering with the possession of Your Orator, and has threatened the agents and employees of Your Orator who are engaged in cutting the timber therefrom, and that said agents and employees of Your Orator have been forced to quit work, and that all her operations on said lands have been suspended because of this interference with the possession of same by the defendant. Your Orator further shows unto Your Honor that said Lands are chiefly valuable for the timber that is situated ^{and located} thereon and that unless the said Raleigh McKenzie is restrained and enjoined from interfering with the possession of your Orator that said lands will be practically valueless and that your Orator will suffer great loss if she is not permitted the unrestrained use of this her property.

4. Your Orator further shows unto your Honor that Raleigh McKenzie is not authorized to make said trespass or interfere with the possession of your Orator by any authority whatsoever.

Your Orator further shows unto Your Honor that the said defendant,

(Page two)

Raleigh McKenzie, is insolvent, and is unable to respond in damages in a Court of Justice.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises Your Orator prays that Your Honor will cause the usual Writ of Process to issue to Raleigh McKenzie, making him party defendant to this Bill of Complaint and requiring him to plead, answer or demur to the same within the time required by law.

Your Orator further prays unto Your Honor that you will cause a temporary Writ of Injunction to issue restraining the said Defendant, Raleigh McKenzie, from trespassing on said lands and from interfering with the possession of Your Orator in said property.

PRAYER FOR RELIEF.

The premises considered, your Orator prays that upon the final hearing of this cause your Honor will cause said temporary Writ of Injunction to be made perpetual and forever restraining the said Defendant, Raleigh McKenzie, from trespassing and from interfering with the possession of Your Orator in said lands.

Your Orator prays for such other and further relief as in equity may seem just and meet, and your Orator will ever pray, etc.

Hybart, Heard & Chason,
Solicitors for Complainant.

FOOT NOTE: Defendant is required to answer Paragraphs 1, 2, 3 and 4 of the foregoing Bill of Complaint, but answer under oath is hereby expressly waived.

Hybart, Heard & Chason,
Solicitors for Complainant.

STATE OF ALABAMA,
BALDWIN COUNTY.

Before me, Mary F. Green, a Notary Public in and for said State and County, personally appeared John Chason, who is known to me and who after being by me first duly and legally sworn doth depose and say under oath as follows:-

That he is one of the Solicitors of Record for Anna E. Foley, and as such is duly authorized to make this Affidavit; and that the allegations contained in the foregoing Bill of Complaint are true and correct.

John Chason.

(Page three)

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 31st day of October, 1931.

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

TO THE REGISTER OF THE CIRCUIT COURT, BALDWIN COUNTY:

Upon Complainant entering into bond with good and sufficient Sureties, in the sum of \$400.00 to be approved by you, you will issue the temporary Writ of Injunction as prayed for.

Dated this 31st day of October, 1931.

F.W.Hare, Judge.

Filed October 31, 1931.

T.W.Richerson, Clerk.

Price List 1932
Dr. Williams
Register

Copy

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 Raleigh McKenzie

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 Anna E. Foley

against said Raleigh McKenzie

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 2nd day of

November 1 1913

T. W. Richerson Register.

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

Original *4*

RECORDED

Serve on _____

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

Anna E. Folley

vs.

Raleigh McKenzie

Hybart, Heard & Chason

Solicitor for Complainant.

Recorded in Vol. _____ Page _____

The State of Alabama,
BALDWIN COUNTY.

Received in office this _____

day of _____ 193__

Sheriff.

Executed this *3rd* day of

November 193__ *1*

by leaving a copy of the within Summons with

Raleigh McKenzie

Defendant.

W. H. Street

Sheriff.

By *W. H. Street*

Deputy Sheriff.

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To MARY GREEN

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Garrett Foley

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Anna E. Foley

Complainant
and Raleigh McKenzie

Defendant,

on oath to be by you administered, upon _____
to take and certify the deposition... of the witness.... and return the same to our Court, with all convenient speed, under your hand.

Witness 17th day of August 19 38

R. S. DUCK
clerk, - register

By *Charles Thompson*
REGISTER

COMMISSIONER'S FEE, \$ _____

WITNESS' FEES, \$ _____

RECORDED

NO. 1014 1/2

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

July

Complainant

vs.

M. E. Knight

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

RECORDED

Deane or Carlis

Filed Aug 14/1932
J. P. Williamson
Register

James E. Taylor
Complainant

^{vs}
Raleigh McKenzie
Defendant

In the Circuit Court
of Bolden County Alabama

James W. C. Taylor an attorney
and files this his appearance for
the defendant in the above cause
with leave to demur, or plead specially
or generally

J. W. C. Taylor
Attorney for defendant

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The State of Alabama, }
Baldwin County.

No. 1014 1/2

CIRCUIT COURT, IN EQUITY

ANNA E. FOLEY

Complainant

vs.

RALEIGH MCKENZIE

Defendant

In this cause it appears to the REGISTER
that a Summons requiring the Defendant RALEIGH MCKENZIE

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the
service of said Summons upon RALEIGH MCKENZIE
was served upon HIM by the Sheriff of BALDWIN County, Alabama, on the
3rd day of November 19 31

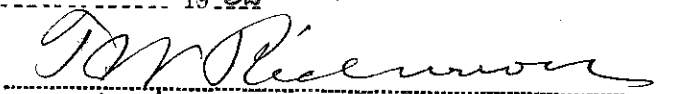
having filed an appearance, but

And the said Defendant s/having failed to demur, plead to or answer the said Bill of Complaint
to this date, it is now, therefore, on motion of Hybart, Heard & Chason

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as
confessed against the said RALEIGH MCKENZIE

Defendant aforesaid.

This 11th day of July 19 32



Register.

RECORDED

No. 10142 Page

The State of Alabama,
Baldwin County

Circuit Court In Equity

ANNA E. FOLEY

vs.

RALEIGH MCKENZIE

**Decree Pro Confesso On
Personal Service.**

Issued July 11th, 1932

W. M. ...
Register.

ANNA E. FOLEY,
Complainant
vs.
RALEIGH MCKENZIE,
Defendant

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
NO. 1014 $\frac{1}{2}$ IN EQUITY.

Upon presentation of the motion by the defendant to set aside the decree rendered by me as Judge of the Twenty-first Judicial Circuit of Alabama, on the 15th day of July, 1932, in said cause and grant to the defendant a new trial or rehearing in said cause, it is ordered that said motion be continued from this day until the 16th day of August, 1932, at which date it will be heard at Bay Minette, Alabama.

It is ordered that the defendant give the counsel for the complainant notice by serving said counsel with a copy of said motion and this order.

Dated this 9th day of August, 1932.

L. W. Hase

JUDGE OF THE TWENTY-FIRST JUDICIAL
CIRCUIT OF ALABAMA.

Anna S. Kelly
Dated 2:39 P.M.

Compliments

No.

Ralph McKnight

Superintendent

Order Kelly, master

for leaving

The State of Alabama,
Baldwin County.

{ No. 1014 $\frac{1}{2}$.. CIRCUIT COURT IN EQUITY.

ANNE E. FOLEY

Complainant

vs.

RALEIGH MCKENZIE

Defendant

Motion is hereby made for a Decree Pro Confesso against RALEIGH MCKENZIE

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 8th day of July 19 32

Hybert, Heard & Pason Solicitor.

RECORDED

RECORDED

No. 1014 ¹/₂

Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

ANNA E. FOLEY

vs.

RALEIGH MCKENZIE

MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE

Filed July 8th, 1932

D W Beckwith
Register.

Recorded in Record,

Vol. Page

Register.

ANNA E. FOLEY,

Complainant,

VS.

RALEIGH MCKENZIE,

Respondent.

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, and
testimony of Garrett Foley.

~~xxxxxx~~

H. S. Duck
Register
by Lawrence Thompson
Deputy

RECORDED *Duck*
2:392-2

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

VS.

NOTE OF TESTIMONY

Filed in Open Court this *15*

day of *Aug* 193*5*

R. S. Duck

REGISTER

8581 NOTE OF TESTIMONY

Anna E. Foley

vs.

Raleigh Mc Kenzie

THE STATE OF ALABAMA,
BALDWIN COUNTY

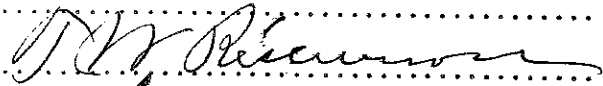
IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,

Bond for injunction,, writ of injunction, motion for decree

pro con fesso and decree pro confesso on personal service,

and in behalf of Defendant upon



Register.

RECORDED

Duck

2:392

Nd014 $\frac{1}{2}$ -----

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Anna E. Foley

vs

Raleigh Mc Kenzie

NOTE OF TESTIMONY

Filed in Open Court this 14th

day of July, 192³²

Dr. Peterson

Register

CHANCERY EXECUTION

BILL OF COSTS

No. 1014 1/2

Anna E. Foley
Vs.

Plaintiff

Raleigh McKenzie

Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$
Filing each bill and other papers	10		For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	1540
Issuing each subpoena	50	50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof	40		Each notice sent by mail to creditor ..	15
Entering each return thereof	15	15	Filing, receipting for and docketing each claim, etc.	25
For each order of publication	1 00		For all entries on subpoena docket, etc.	50
Issuing writ of injunction	1 50	1 50	For all entries on commission docket, etc.	50
For each copy thereof	50	50	Making final record, per 100 words ..	15
Entering each return thereof	15	15	Certified copy of decree	1 00
Issuing Writ of Attachment	1 00		Report of divorce to State Health Office (Acts 1915)	50
Entering each return thereof	15		Total Fees of Register	31 45
Docketing each case	1 00	1 00	FEES OF SHERIFF	
Entering each appearance	25	25	Serving and returning subpoena on deft. \$	1 50
Issuing each decree pro confesso on per. ser.	1 00	1 00	Serving and returning subpoena for witness	65
Issuing each decree pro confesso on publica.	1 00		Levying attachment	3 00
Each order appointing guardian	1 00		Entering and returning same	25
Any other order by Register	50		Selling property attached	
Issuing commission to take testimony	50	50	Impaneling Jury	75
Receiving and filing	10	10	Executing writ of possession	2 50
Endorsing each package	10	10	Collecting execution for costs	1 50
Entering order submitting cause	50	1 00	Serving and returning sci. fa., each	65
Entering any other order of court	25	3 25	Serving and returning notice	65
Noting all testimony	50	50	Serving and returning writ of injunction	1 50
Abstract of cause, etc.	1 00		Serving and returning writ of exeat.	1 50
Entering each decree	75	1 50	Taking and approving bonds, each	75
For every 100 words over 500	15		Collecting money on execution	
Taking account, etc.	3 00		Making deed	2 50
Taking testimony, etc.	15		Serving and returning application, etc.	1 00
Each report, 500 words or less	2 50		Serving attachment, contempt of court	1 50
For every 100 words over 500	15		Total Fees of Sheriff	4 75
Amount claimed less than \$500, etc.	2 00		RECAPITULATION	
Issuing each subpoena	25		Register's Fees	31 45
Witness certificate, each	25		Sheriff's Fees	4 75
Issuing execution, each	75	75	Commissioner's Fees <i>man. Green</i>	7 50
Entering each return	15	15	Solicitor's Fees	
Taking and approving bond, each	1 00	1 00	Witness Fees	
Making copy of bill, etc.	15		Guardian Ad Litem	
Each notice not otherwise provided for ..	50		Printer's Fees	
Each certificate or affidavit, with seal ..	50		Trial Tax	3 00
Each certificate or affidavit, no seal	25		Recording Decree in Probate Court ..	
Hearing and passing on application, etc.	3 00		Total	46 70
Each settlement with receiver, etc.	3 00			
Examining each voucher of Receiver, etc.	10			
Examining each answer, etc.	3 00			
Recording resignation, etc.	75			
Entering each certificate to Supreme Court	50			
Taking questions and answers, etc.	25			
For all other ser relating to such proceedings	1 00			
For services in proceeding to relieve minors, etc. same fee as in similar cases.				
Commission on sales, etc: 1st \$100, 2 per ct.; all over \$100 and not exceeding \$1,000, 1 1-2 per ct; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.				
Sub Total Carried Forward	15 40			

The State of Alabama, { No. 1014 1/2 *old.* 46.70
Baldwin County. { **Circuit Court, In Equity** 46.70
 To Any Sheriff of the State of Alabama--GREETING: Term, 1938

You are hereby commanded, That of the goods and chattels, lands and tenements of Raleigh McKenzie Defendant ...

you cause to be made the sum of Forty-six and 70/100 Dollars,

which Anna E. Foley Plaintiff

recovered of deft. as costs of suit on the 18th day of August, 1938,

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of

costs of suit, and have the same to render to the said R. S. Duck, Register

and make return of this Writ and the execution thereof, according to law.

Interest from 1938 to date of collection.

Witness my hand, this 20th day of February 1940

R. S. Duck Register.
R. S. Duck Deputy

