

1074

JOHN C. WILKINSON'

Complainant'

-VS-

JOSEPH BALDWIN and G. L.
FLETCHER'

Defendants.

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 3rd day of Oct., 1932.

TO JOSEPH BALDWIN AND G. L. FLETCHER - GREETINGS:-

WHEREAS' John C. Wilkinson has exhibited his 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 John C. Wilkinson' in accordance with said order' entered into bond with security in the sum of Five Hundred Dollars' payable to and approved by the Register of said Circuit Court and conditioned according to law.

NOW' THEREFORE' you' the said Joseph Baldwin and G. L. Fletcher' are hereby commanded and strictly enjoined from trespassing upon the following described lands situated in Baldwin County' Alabama' to-wit:-

The Northwest Quarter (NW $\frac{1}{4}$) of Section Fifteen (15)' Township Six (6) South of Range Four (4) East; the West half of the Northeast Quarter (W $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section Fifteen (15)' Township Six (6) South of Range Four (4) East; the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Ten (10)' Township Six (6) South of Range Four (4) East'

and from cutting or removing the timber thereon or therefrom or from interfering with the possession of the said John C. Wilkinson 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 3rd day of September' 1932.

G. W. McInerney
Register.

Original

WRIT OF INJUNCTION.

JOHN C. WILKINSON,

Complainant,

-VS-

JOSEPH BALDWIN and G. L.
FLETCHER,

Defendants.

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

Issued September 3, 1932
J. W. McIlwain
Register.

LAW OFFICES
HYBART, HEARD
& CHASON
BAY MINETTE, ALABAMA

Executed Sept 3^d 1932
by serving copy of within Summons and
Complaint on *Writ of Injunction on*
Joseph Baldwin
G. L. Fletcher

W. R. Stuart Sheriff
By *Chas Turbull* Deputy Sheriff

The State of Alabama, {
Baldwin County.

No. 1075

CIRCUIT COURT, IN EQUITY

John G. Wilkinson

Complainant....

vs.

Joseph Baldwin and G.L. Fletcher,

Defendant....

In this cause it appears to the Register

that a Summons requiring the Defendant Joseph Baldwin and G.L. Fletcher,

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

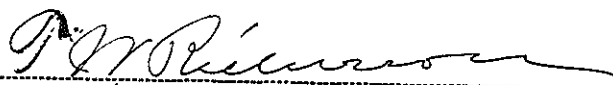
was served upon them by the Sheriff of Baldwin County, Alabama, on the 5th day of Sept 19 32

And the said Defendant ... having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of Complainants it is

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 Joseph Baldwin and G.L. Fletcher,

Defendant S. aforesaid.

This 24th day of Oct 19 32



Register.

No. 1075

Page

The State of Alabama,
Baldwin County

Circuit Court In Equity

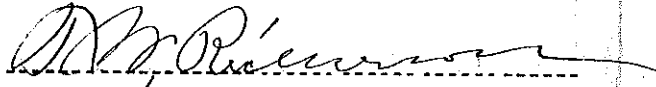
John C. Wilkinson

vs.

Joseph Baldwin and G.L. Fletcher

Decree Pro Confesso On
Personal Service.

Issued Oct 24th, 1932.


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 Joseph Baldwin,

G.L.Fletcher,

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

John C. Wilkinson,

against said

Joseph Baldwin, G.L.Fletcher,

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 5th day of

Sept, 1932

T. W. Richerson Register

Original

SERVE ON.....

Circuit Court of Baldwin County
In Equity.

No.

SUMMONS

John C. Wilkinson

vs.

Joseph Baldwin and G.L.
Fletcher,

Hybart, Heard & Chason

Solicitor for Complainant

Recorded in Vol. Page

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this

day of 192

Sheriff.

Executed this 5th day of

Sept 1922

by leaving a copy of the within Summons with

Joseph Baldwin
G.L. Fletcher

Defendant,

W.R. Stuart

Sheriff.

By

Deputy Sheriff.

The State of Alabama,
Baldwin County.

{ No. 1075 CIRCUIT COURT IN EQUITY.

John C. Wilkinson

Complainant

vs.

Joseph Baldwin and G.L. Fletcher,

Defendant

Motion is hereby made for a Decree Pro Confesso against

Joseph Baldwin and G.L. Fletcher,

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 ha failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 23rd day of October, 1932

Hyatt, Reed & Chason, Solicitor,

No. 1075

Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

John C. Wilkinson

vs.

Joseph Baldwin and G.L.

Fletcher,

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

Filed October 25th, 1932.

T. M. Williams

Register.

Recorded in Record,

Vol. Page

Register.

No. 1075

VS.

PLAINTIFF

DEFENDANT

Fees of Register		Dollars	Cts.	Brought Forward	
Filing each bill and other papers	3	10	80	For receiving, keeping and paying out or distributing money, etc.; 1st \$1,000 1 per ct.; all over \$1,000, and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000, and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.	7 60
Issuing each subpoena		50		Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received,	
Issuing each copy thereof		40		Each Notice sent by mail to creditors	15
Entering each return thereof		15		Filing, Receipting for and docketing each claim, etc.	25
For each order of publication		1 00	1 50	For all entries on subpoena docket, etc.	50
Issuing writ of injunction		1 50	50	For all entries on commission docket, etc.	50
For each copy thereof		50	30	Making final record, per 100 words	15
Entering each return thereof		15		Certified copy of decree	1 00
Issuing writ of attachment		1 00		Report of divorce to State Health offices	50
Entering each return thereof		15	1 00	Acts 1915	
Docketing each case		1 00		Total Fees of Register	10 70
Entering each appearance		25	1 00		
Issuing each decree pro confesso on persl ser		1 00		Fees of Sheriff	
Issuing each decree pro confesso on publication		1 00		Serving and returning subpoena on deft.	\$ 1 50
Each order appointing guardian		1 00		Serving and returning subpoena for witness	65
Any other order by Register		50		Levyng attachment	1 50
Issuing commission to take testimony		50		Entering and returning same	25
Receiving and filing		10		Selling property attached	
Endorsing each package		10		Impanelling Jury	75
Entering order submitting cause		50		Executing writ of possession	2 50
Entering any other order of Court		25	25	Collecting execution for costs	1 50
Noting all testimony		50	50	Serving and returning sci. fa., each	65
Abstract of cause, etc.		1 00	75	Serving and returning notice	65
Entering each decree		75		Serving and returning writ of injunction	1 50
For every 100 words over 500		15		Serving and returning writ of exeat.	1 50
Taking account, etc.		3 00		Taking and approving bonds, each	75
Taking testimony, etc.		15		Collecting money on execution	
Each report, 500 words or less		2 50		Making deed	2 50
For every 100 words over 500		15		Serving and returning application, etc.	1 00
Amount claimed less than \$500, etc.		2 00	1 00	Serving attachment, contempt of court	1 50
Issuing each subpoena		25		Total Fees of Sheriff	1 50
Witness certificate, each		25			
Issuing execution, each		75		Recapitulation	
Entering each return		15		Register's Fees	
Taking and approving bond, each		1 00		Sheriff's Fees	
Making copy of bill, etc.		15		Commissioner's Fees	
Each notice not otherwise provided for		50		Solicitor's Fees	
Each certificate or affidavit, with seal		50		Witness Fees	
Each certificate or affidavit, no seal		25		Guardian Ad Litem	
Hearing and passing on application, etc.		3 00		Printer's Fees	
Each settlement with receiver, etc.		3 00		Trial Tax	3 00
Examining each voucher of receiver, etc.		10		Recording Decree in Probate Court	
Examining each answer, etc.		3 00		TOTAL	14 70
Recording resignation, etc.		75			
Entering each certificate to Supreme Court		50			
Taking questions and answers, etc.		25			
For all other service relating to such proceedings		1 00			
For services in proceeding to relieve minors, etc., same fees as in similar cases.					
Commission on sales, etc.: 1st \$100, 2 per cent.; 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			7 60		

Received payment this _____ day of _____ 193_____

Register.

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That we, John C. Wilkin-

son, as Principal, and the undersigned, as Surety, are held and

firmly bound unto the Register of the Circuit Court, in Equity,

for said County, in the sum of 500.00 Dollars

(\$500.00), for the payment of which to the said Register,

or to his successors, we bind ourselves, our executors and admin-

istrators, jointly and severally.

Sealed with our seals and dated this 3^d day of

Sept, 1932.

WHEREAS, the said John C. Wilkinson has filed his Bill

of Complaint in the said Circuit Court, in Equity, and has obtain-

ed thereon an Order for the issuance of an Injunction from the Hon-

orable, Judge, to restrain and enjoin Joseph Baldwin and G. T.

Fletcher, their agents or servants, from making repeated trespasses

on said parcel of land or from cutting or removing said timber

from or on the following described real estate situated in Baldwin

County, Alabama, to-wit:-

The Northwest Quarter (NW $\frac{1}{4}$) of Section Fifteen
(15), Township Six (6) South of Range Four (4)
East; the West half of the Northeast Quarter
(NE $\frac{1}{2}$ of NW $\frac{1}{4}$) of Section Fifteen (15), Township
Six (6) South of Range Four (4) East; the South-
east Quarter of the Southeast Quarter of the
Southwest Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Sec-
tion Ten (10), Township Six (6) South of Range
Four (4) East;

and from trespassing upon said lands or interfering with the pos-

session of the said John C. Wilkinson as to the same.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION

IS SUCH, that if the said John C. Wilkinson, his 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 John C. Wilkinson

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

(page two)

above written.

John Wilkinson
By Hybert / heard I then
as his atty in fact (SEAL)
~~W. D. [unclear]~~
Randolph W. [unclear]

Taken and approved this 3rd
day of September' 1932.

J. W. Richardson
Register.

B O N D.

JOHN C. WILKINSON,

Complainant,

-VS-

JOSEPH BALDWIN and
FLETCHER,

P. L.

Respondents.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Filed Sept 3, 1932

J. M. Richardson
Register.

LAW OFFICES

HYBART, HEARD
& CHASON

BAY MINETTE, ALABAMA

John C. Wilkinson

vs.

Joseph Baldwin and G. L.

Fletcher

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,.....
Summons, Bond, Writ of Injunction, Motion for Decree Pro Confesso
on Personal Service and Decree Pro Confesso on Personal Service

and in behalf of Defendant upon -----

Mary A. Stone

Register

by W. A. Stone

No. 1075

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

John C. Wilkinson

vs

Joseph Baldwin and G. L.
Fletcher

NOTE OF TESTIMONY

Filed in Open Court this 16th.,

day of August 1923

Register

MOORE FIG CO

JOHN C. WILKINSON,

Complainant,

-vs-

JOSEPH BALDWIN and G. L.
FLETCHER,

Respondents.

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 Joseph Baldwin and G. L. Fletcher, 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 Joseph Baldwin and G. L. Fletcher, forever restraining and enjoining them, their agents and employees, and each of them, from trespassing upon the following described lands situated in Baldwin County, Alabama, to-wit:-

The Northwest Quarter (NW $\frac{1}{4}$) of Section Fifteen (15), Township Six (6) South of Range Four (4) East; the West half of the Northeast quarter (W $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section Fifteen (15), Township Six (6) South of Range Four (4) East; the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Ten (10), Township Six (6) South of Range Four (4) East;

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

Dated this 23rd day of August, 1933.

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

ORDER PERPETUATING INJUNCTION.

JOHN C. WILKINSON,

Complainant,

-VS-

JOSEPH BALDWIN and G. L.
FLETCHER,

Respondents.

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

Filed August 23, 1933

May A. Stone
Register.

LAW OFFICES
HYBART, HEARD
& CHASON
BAY MINETTE, ALABAMA

JOHN C. WILKINSON'

Complainant'

-vs-

JOSEPH BALDWIN and G. L.
FLETCHER'

Respondents.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

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

Your Orator' John C. Wilkinson' humbly complaining of
the Defendants' shows unto your Honor as follows:-

FIRST:

That he is a resident of Chicago' Illinois' and over the
age of twenty-one years; that the Defendants are residents of
Baldwin County' Alabama' and are over the age of twenty-one years.

SECOND:

Your Orator further shows unto your Honor that he is
the owner and in the possession of the following described lands
situated in Baldwin County' Alabama' to-wit:-

The Northwest Quarter (NW $\frac{1}{4}$) of Section Fifteen
(15)' Township Six (6) South of Range Four (4)
East; the West half of the Northeast Quarter
(W $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section Fifteen (15)' Township
Six (6) South of Range Four (4) East; the South-
east quarter of the Southeast Quarter of the
Southwest Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Sec-
tion Ten (10)' Township Six (6) South of Range
Four (4) East.

THIRD:

Your Orator further shows unto your Honor that the De-
fendants claim or are reputed to claim some right' title or in-
terest in or encumbrance upon such lands' and your Orator calls
upon the said Defendants' Joseph Baldwin and G. L. Fletcher
to set forth and specify their title' claim' interest or encum-
brance upon said lands' and how and by what instrument or instru-
ments the same is derived and created. Your Orator further shows
unto your Honor that there is no suit pending to test the title
as to said lands between him and the said Defendants' or anyone
else that he knows of.

(page two)

FOURTH:

Your Orator further shows unto your Honor that said lands are chiefly valuable for the timber thereon' and your Orator further shows unto your Honor that the said Defendants are now trespassing upon said lands and are cutting the timber thereon' and attempting to denude the same of timber' and will do so unless they are immediately restrained from so doing. Your Orator further shows unto your Honor that such repeated trespasses will bring about a multiplicity of suits' causing irreparable injury and a practical destruction of his said property.

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 the said Defendants' Joseph Baldwin and G. L. Fletcher' making them parties Defendant to this Bill of Complaint and requiring them to plead' answer or demur to the Bill of Complaint within the time as required by law; that your Honor will also grant to your Orator a temporary Injunction restraining the said Defendants' Joseph Baldwin and G. L. Fletcher' their agents or servants' from interfering with your Orators use and enjoyment of said lands described in paragraph two' and from trespassing thereon' and from cutting or removing the timber from the same.

PRAYER FOR RELIEF.

The premises considered' your Orator prays that upon a final hearing of this cause your Honor will decree that he is the absolute owner in fee of the lands described in paragraph two of this Bill of Complaint' and that your Honor by appropriate order will remove any instrument' conveyance' deed or what not that the said Defendants' or either of them' may claim as to the land and timber involved in this suit as a cloud upon your Orator's title to the same. Your Orator further prays that upon a final hearing of this cause that your Honor will decree that the temporary Injunction heretofore prayed for be made final' and that the said Defendants be perpetually enjoined from trespassing upon said lands

(page two)

(page three)

and interfering with your Orator's ownership of the same or removing the timber therefrom.

Your Orator prays for such other, further and different relief as in equity may seem just and meet.

Hybort, Kent Chosen
Solicitor for Complainant

FOOT-NOTE:

Defendants are required to answer Paragraphs "First" to "Fourth", inclusive, of the foregoing Bill of Complaint, but answer under oath is hereby expressly waived.

Hybort, Kent Chosen

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, MARY F GREEN a Notary Public in and for said State and County, personally appeared R. C. Heard, who, being duly sworn says:- That he is the agent of the Complainant in this cause, and that he is authorized to make this Affidavit, and that the allegations contained in the foregoing Bill of Complaint are true and correct.

R C Heard

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 31st day of August, 1932.

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

This Bill being presented to me for an order directing that a temporary Injunction be issued against Joseph Baldwin and G. L. Fletcher, as prayed for in the foregoing Bill of Complaint, it is ordered that on the Complainant entering into Bond in the sum of Five Hundred and no/100 Dollars (\$500⁰⁰), to be approved by the Register, that a temporary Injunction be

(page three)

(page four)

issued restraining the said Joseph Baldwin and G. L. Fletcher
their agents or servants' from trespassing or cutting and removing
timber upon said lands as prayed for in said Bill.

Dated this 3rd day of Sept ~~August~~, 1932.

F. W. Hare

Judge of the 21st Judicial
Circuit of Alabama.