

1083

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. H.M.Lawrence,

and the Lawrence Lumber and Manufacturing Company,

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 J.D.Crosby,

against said and Manufacturing
Mrs. H.M.Lawrence and the Lawrence Lumber/Company,

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 26th day of

November, 1932

T. W. Richerson Register.

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

Rec'd Page 30
Original

Serve on _____
Circuit Court of Baldwin County
In Equity.

No. _____
SUMMONS
A. D. Crosby

vs.
Mrs. H. M. Lawrence and
the Lawrence Lumber and
Manufacturing Company.

Henry D. Modder,
Solicitor for Complainant.

Recorded in Vol. _____ Page _____

The State of Alabama,
BALDWIN COUNTY.

Received in office this _____
day of _____ 193 _____

Sheriff.
Executed this 11/28 24/1932 day of _____ 193 2

by leaving a copy of the within Summons with
Mrs. M. Lawrence
Individually and
Mrs. H. M. Lawrence Defendant.
President of Lawrence
Lumber & Manufacturing Co.
By H. D. Modder
Deputy Sheriff.

By H. D. Modder
D.S.

Doc. # 109,300
Original

Serve on _____
Circuit Court of Baldwin County
In Equity.

No. _____
SUMMONS
A. D. Crosby

vs.
Mrs. H. M. Lawrence and
the Lawrence Lumber and
Manufacturing Company.

Henry D. Mober,
Solicitor for Complainant.

Recorded in Vol. _____ Page _____

The State of Alabama,
BALDWIN COUNTY.

Received in office this _____
day of _____ 193

Sheriff.

Executed this 11/28 day of 1932
193

by leaving a copy of the within Summons with

Mrs. M. Lawrence
Individually and
Mrs. H. M. Lawrence Defendant
President of Lawrence
Lumber & Manufacturing Co.
By *W. R. Stewart*
Deputy Sheriff.

By J. B. Williams
D.S.

STATE OF ALABAMA,
BALDWIN COUNTY.

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

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

Your petitioner, J. D. Crosby, respectfully represents and shows unto you
Honor as follows:

First:

That your petitioner is a bona fide resident citizen of Baldwin County,
Alabama, residing at Bay Minette and that he is over 21 years of age.

That Mrs. H. M. Lawrence is over 21 years and live at Dyas. That the
Lawrence Lumber and Manufacturing Co. has its place of business at Dyas, Ala.,
Baldwin County.

Second:

That Ben May is owner of section 12, township 1 south, range 3 east.

That he is owner of section 1 and 13 in township 1 south, range 3 east,
Baldwin County, Alabama, also section 19 and the north half of 29, township 1 south
range 4 east, Baldwin County, Alabama.

That Mrs. Lawrence is the owner of the west half of section 6, township 1
south, range 4 east, which land adjoins section 1, township 1 south, range 3 east,
which section 1 is owned by your petitioner, J. D. Crosby.

That Mrs. H. M. Lawrence owns section 7, township 1 south, range 4 east
which adjoins section 12, township 1 south, range 3 east.

That the said Mrs. H. M. Lawrence owns section 18, township 1 south, range
4 east which said section 18 borders section 19, township 1 south, range 4 east on
the north and section 18 borders section 13, township 1 south, range 3 on the
east.

Third:

Your petitioner alleges that the said Mrs. H. M. Lawrence has utter disregard
as to the rights of your petitioner in cutting and removing timber along the line

of section 1, township 1 south, range 3 east; that she is cutting and removing timber from section 13, township 1 south, range 3 east; that she is cutting and removing timber from half section 19, range 4 east.

All of the property above described being in Baldwin County, Alabama.

Fourth:

That the property above described and where the timber is being removed lies along Dyas creek and the line between the property above described has not been established and the location of the same is very indefinite; that there is no suit pending to establish the rights of the parties owning the said property and although your petitioner has offered to establish the lines and share the expense, thereto, as required by law and the said Mrs. H. M. Lawrence refuse to establish the said line and continues to cut the timber along the boarder of the property owned by your petitioner and in the said section above described.

Fifth:

That your petitioner is informed and believes and alleges upon such information believes that the said Mrs. Lawrence has cut and removed a considerable number of trees of your petitioner; thereby, damaging your petitioner to the extent of the value of the said timber of trees and your petitioner has operated a turpentine business along this line and your petitioner offers to pay for any damage which he might have done and to do equity in any manner that is required by this court.

Sixth:

Your petitioner alleges that the Lawrence Lumber Co. a cooperation is doing business at Dyas, Ala. and that the said timber removed from the premises above described is being carried to the mill of place of business owned and operated by the said Lawrence Lumber Co. is without right in cutting and removing the said timber.

THEREFORE, Your petitioner pray that the said Mrs. H. M. Lawrence and the Lawrence Lumber Co be made respondent to this bill of complaint and that all necessary subpoenas decrees of orders by issued by this court as necessary to perfect service upon the said respondents above name and to do all other things necessary

to do equity between the parties, hereto.

Your petitioner further pray that this court take Jurisdiction of this matter and establish the line between section 1, township 1 south, range 3 east; section 6, township 1 south, range 4 east; also establish the line between section 12, township 1 south, range 3 east and section 7, township 1 south, range 4 east and to establish lines between section 13, township 1 south, range 3 east and section 18, township 1 south, range 4 east and also to establish the line between section 18 and 19, township 1 south, range 4 east.

Your petitioner further pray that this court by accounting or otherwise determine the damage done by either of the parties name herein, and to make and enter an appropriate order or decree requiring the party who may be liable for damage in connection with the said line to do equity.

Your petitioner further pray that upon hearing of this cause that an injunction be issued restraining the said Mrs. H. M. Lawrence and the Lawrence Lumber and Manufacturing Co. from cutting and removing the timber which belongs to your petitioner.

Your petitioner further pray that if he is mistaken to relief that your Honor grant unto him such other, further different and general relief as is named in equity.


Attorney for Petitioner.

FOOT NOTE:

The Mrs. H. M. Lawrence and the Lawrence Lumber and Manufacturing Co. is required to answer each and every paragraph, number one to six, inclusive, but not under oath. Answer under oath is hereby expressly waived.


Attorney for Petitioner.

STATE OF ALABAMA,
BALDWIN COUNTY.

I
I

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

~~J. D. CROSBY VS. MRS H. M. LAWRENCE AND THE LAWRENCE LUMBER AND
MANUFACTURING COMPANY.~~

Comes J. D. Crosby and amends the original bill filed in this cause
by amending same to read as follows, beginning:

SIXTH:

Your Petitioner alleges that the Lawrence Lumber & Manufacturing Company, a corporation, is doing business at Dyas, Alabama, and that the said timber moved from the above described premises is being carried to the mill or place of business of the said Lawrence Lumber & Manufacturing Company and that the said timber cut and hauled is being transported over a portion of the above described land which belongs to Your Petitioner, and that Your Petitioner has requested the said Mrs. H. M. Lawrence and the Lawrence Lumber & Manufacturing Company to refrain from trespassing on the said premises and to stop or cause to be stopped their agents, servants or employees from trespassing on said premises which they declined to do.

SEVENTH;

Your Petitioner further shows that the line between Section 1, Township 1 South, Range 3 East and Section 6, Township 1 South, Range 4 East is in dispute and also that the line between Section 13, Township 1 South, Range 3 East and Section 18, Township 1 South, Range 4 East is in dispute; also the line between Sections 18 and 19, both in Township 1 South, Range 4 East is in dispute, and your petitioner wishes to establish the lines mentioned in this paragraph. ALSO line between Sections 19 & 20 & Sections 20 & 29, all in Township 1 South, Range 4 East, Baldwin County, Alabama.

WHEREFORE YOUR PETITIONER PRAYS, that the said Mrs. H. M. Lawrence

and the Lawrence Lumber & Manufacturing Company be made respondents to this bill of complaint and all necessary subpoenas, decrees and orders be issued by this court as necessary to perfect service upon the said respondents above named and to do other things necessary to do Equity between the parties hereto.

Your Petitioner further prays that this court take jurisdiction of this matter and establish the line described herein and determine by accounting or otherwise the damage done by either of the parties named herein and to make and enter an appropriate order or decree requiring the party who maybe liable for damages in connection with this property to do Equity.


Your Petitioner further prays that upon the hearing of this cause that a temporary injunction be issued restraining the said Mrs. H. M. Lawrence and the Lawrence Lumber & Manufacturing Company from cutting or removing the timber from the above premises which belong to Your Petitioner and to restrain the said Mrs. H. M. Lawrence & the Lawrence Lumber & Manufacturing Company, their agents, servants or employees from trespassing on the property above described which belong to Your Petitioner.

Your Petitioner further prays that if he is mistaken in the relief prayed, that Your Honor will grant unto him such other, further, different and general relief as he is in Equity entitled.


Attorney for Petitioner

FOOTNOTE:

The respondent Mrs. H. M. Lawrence and the Lawrence Lumber & Manufacturing Company is required to answer each and every paragraph, numbered from one to seven inclusive, but not under oath.
Answer under oath being hereby expressly waived.


Attorney for Petitioner

STATE OF ALABAMA, I

BALDWIN COUNTY. I

Before me Henry D. Moorer, a Notary Public in and for said county in

said State personally appeared J. D. Crosby, who being by me first, duly and legally sworn doth depose and say: that the allegation contained in the foregoing bill of complaint are true and correct.

J. D. Crosby

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

Wm. D. Moore
Notary Public.

TO THE REGISTER OF CIRCUIT COURT IN EQUITY AT BAYMINETTE, BALDWIN COUNTY,
ALABAMA.

Upon the complainants entering into bond, with security, in the sum of Two Hundred Fifty Dollars dollars, payable to and approved by you, and conditioned according to law, let an injunction issue according to the prayer of the bill.

F. W. Hare
Judge.