

**CIRCUIT COURT, BALDWIN COUNTY, ALA.,  
IN EQUITY.**

No. 1106

vs. *Alexander Bertollo*  
*Laura Montgomery* PLAINTIFF  
DEFENDANT

**Bill of Costs**

Fees of Register		Dollars	Cts.	Brought Forward.....	
Filing each bill and other papers.....	<i>H.T.W.R.</i> <i>5 MAS.</i>	10	90	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.	
Issuing each subpoena.....		40		Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received,	15
Issuing each copy thereof.....		15		Each Notice sent by mail to creditors.....	25
Entering each return thereof.....		1 00	1 50	Filing, Receipting for and docketing each claim, etc.....	50
For each order of publication.....		1 50	50	For all entries on subpoena docket, etc.....	50
Issuing writ of injunction.....		50	30	For all entries on commission docket, etc.....	15
For each copy thereof.....	<i>L.P.R.</i>	15		Making final record, per 100 words.....	1 00
Entering each return thereof.....	<i>2 T.R.</i>	1 00	1 00	Certified copy of decree.....	50
Issuing writ of attachment.....		15		Report of divorce to State Health office.....	
Entering each return thereof.....		1 00	1 00	Acts 1915	
Docketing each case.....	<i>T.W.R.</i>	25		Total Fees of Register	<i>8.75</i> <i>9.25</i>
Entering each appearance.....		1 00	1 00		
Issuing each decree pro confesso on persl ser.....	<i>M.A.S.</i>	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.....		50		Serving and returning subpoena for witness.....	65
Any other order by Register.....		50		Levying attachment.....	1 50
Issuing commission to take testimony.....		10		Entering and returning same.....	25
Receiving and filing.....		10		Selling property attached.....	
Endorsing each package.....		50		Impaneling Jury.....	75
Entering order submitting cause.....		25	25	Executing writ of possession.....	2 50
Entering any other order of Court.....	<i>per suspension</i>	50	50	Collecting execution for costs.....	1 50
Noting all testimony.....		1 00		Serving and returning sci. fa., each.....	65
Abstract of cause, etc.....		75		Serving and returning notice.....	65
Entering each decree.....		15		Serving and returning writ of injunction.....	1 50
For every 100 words over 500.....		3 00		Serving and returning writ of exeat.....	1 50
Taking account, etc.....		15		Taking and approving bonds, each.....	75
Taking testimony, etc.....		2 50		Collecting money on execution.....	2 50
Each report, 500 words or less.....		15		Making deed.....	1 00
For every 100 words over 500.....		2 00		Serving and returning application, etc.....	1 50
Amount claimed less than \$500, etc.....		25		Serving attachment, contempt of court.....	1 50
Issuing each subpoena.....		25		Total Fees of Sheriff	<i>1.50</i>
Witness certificate, each.....		75			
Issuing execution, each.....		15		Recapitulation	
Entering each return.....		1 00	1 00	Register's Fees.....	<i>9.75</i>
Taking and approving bond, each.....	<i>T.W.R.</i>	15		Sheriff's Fees.....	<i>1.50</i>
Making copy of bill, etc.....		50		Commissioner's Fees.....	
Each notice not otherwise provided for.....		50		Solicitor's Fees.....	
Each certificate or affidavit, with seal.....		25		Witness Fees.....	
Each certificate or affidavit, no seal.....		3 00		Guardian Ad Litem.....	
Hearing and passing on application, etc.....		3 00		Printer's Fees.....	3 00
Each settlement with receiver, etc.....		10		Trial Tax.....	
Examining each voucher of receiver, etc.....		3 00		Recording Decree in Probate Court.....	
Examining each answer, etc.....		75		TOTAL	<i>13.70</i>
Recording resignation, etc.....		50			<i>13.75</i> <i>13.70</i>
Entering each certificate to Supreme Court.....		25			
Taking questions and answers, etc.....		1 00			
For all other service relating to such proceedings.....					
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.....			<i>6 95</i>		

The State of Alabama,  
Baldwin County.

No. 1006 CIRCUIT COURT IN EQUITY.

Alexander Bertolla

Complainant

vs.

Laura Montgomery, et al

Defendant S

Motion is hereby made for a Decree Pro Confesso against Laura Montgomery, Joel

Sirmon and Eddie Rankin as Tres. of the Negro Church Defendant S

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant S; and that said summons was duly served according to law, and that said Defendant S have failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 15th day of August 1933

H. J. ... Solicitor.

No. \_\_\_\_\_ Page: \_\_\_\_\_

**The State of Alabama,**  
Baldwin County.

**CIRCUIT COURT, IN EQUITY**

*Alexander Butella*

vs.

*Laura Montgomery et al*

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

Filed *Aug 15<sup>th</sup>* 19 *33*

Register.

Recorded in \_\_\_\_\_ Record.

Vol. \_\_\_\_\_ Page \_\_\_\_\_

*May a. Stone*  
*by [Signature]* Register.

ALEXANDER BERTOLLA,

Complainant,

-VS-

LAURA MONTGOMERY ET AL,

Respondents.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

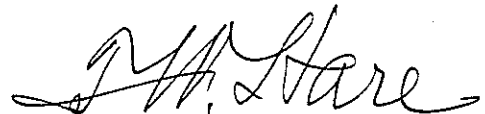
ORDER PERPETUATING INJUNCTION.

This cause, coming on to be heard, and having been submitted for Final Decree upon the Original Bill of Complaint and the Decree Pro Confesso taken against Laura Montgomery and officers of the negro church to whom Laura Montgomery was disposing of, or attempting to dispose of, certain properties, 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 Laura Montgomery and the officers of the negro church to whom Laura Montgomery was attempting to dispose of, or had disposed of, certain lands, enjoining and restraining the said Laura Montgomery from selling or disposing of said lands to the officers of said negro church, or the officers of said negro church from building or attempting to build, constructing or attempting to construct, a negro church and cemetery upon the said lands described as follows:-

One-half acre in the Northeast corner of the East half of the Northeast Quarter of the Southeast Quarter of Section Twenty-two, Township Five South of Range Two East, in Baldwin County, Alabama.

Dated this 23<sup>rd</sup> day of August, 1935.



Judge of the 21st Judicial Circuit.

**The State of Alabama,**  
Baldwin County.

**CIRCUIT COURT, IN EQUITY**

*Alexander Bertella*

vs.

*Laura Montgomery et al*

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

Filed *Aug 15<sup>th</sup>* 19 *33*

Register.

Recorded in \_\_\_\_\_ Record,

Vol. \_\_\_\_\_ Page \_\_\_\_\_

*Mary A. Stone*  
*by [Signature]* Register.

The State of Alabama, }  
Baldwin County.

No. 1106

CIRCUIT COURT, IN EQUITY

Alexander Bartolla

Complainant

vs.

Laura Montgomery et. al.

Defendant

In this cause it appears to the Register

that a Summons requiring the Defendant S. Eddie Rankin as Tres. of the Negro Church,  
Laura Montgomery and Joel Sirmon

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 said Eddie Rankin, Laura Montgomery and Joel Sirmon  
was served upon them by the Sheriff of Baldwin County, Alabama, on the  
7th. day of March 1933.

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 as Attorneys  
for said Plaintiff

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 Eddie Rankin as Tres. of the Negro Church, Laura  
Montgomery and Joel Sirmon

Defendant S. aforesaid.

This 16th. day of August 1933

Mary A. Stone  
by W. A. Stone Register.

No. 1106

Page

**The State of Alabama,  
Baldwin County**

**Circuit Court In Equity**

Alexander Bertolla

vs.

Eddie Rankin as Pres. of the

Negro Church, Laura Montgomery  
And Joel Sirmon

**Decree Pro Confesso On  
Personal Service.**

Issued August 16th., 1933,

*Mary A. [Signature]*  
Register.  
*by [Signature]*

8581 NOTE OF TESTIMONY

Alexander Bertolla

.....  
.....  
.....

vs.

Eddie Rankin as Tres. of the  
Negro Church, Laura Montgomery  
and Joel Sirmon

.....

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

and in behalf of Defendant upon -----

.....  
.....  
.....

May A. *[Signature]*  
Register.  
*[Signature]*



No. 1106

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN EQUITY  
CIRCUIT COURT OF BALDWIN COUNTY

Alexander Bertolla

VS

Laura Montgomery et. al.

NOTE OF TESTIMONY

Filed in Open Court this 16th.,

day of August 1933

*Mary A. Stone*  
Register

*My W. Stone*  
MADE IN U.S.A.

The State of Alabama, }  
Baldwin County.

No. 2106 CIRCUIT COURT, IN EQUITY

Alexander Bartolla

Complainant

vs.

Laura Montgomery et. al.

Defendant

In this cause it appears to the Register  
that a Summons requiring the Defendant Eddie Rankin as Pres. of the Negro Church,  
Laura Montgomery and Joel Simon

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 said Eddie Rankin, Laura Montgomery and Joel Simon  
was served upon them by the Sheriff of Baldwin County, Alabama, on the  
7th day of March 1933

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 Hybert, Heard & Chason as Attorneys  
for said Plaintiff  
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 Eddie Rankin as Pres. of the Negro Church, Laura  
Montgomery and Joel Simon

This 16th day of August 1933 Defendant aforesaid.

Mary A. Stone  
by W. A. Stone Register.

1106

No. \_\_\_\_\_ Page \_\_\_\_\_

**The State of Alabama,  
Baldwin County**

**Circuit Court In Equity**

Alexander Berzolla

vs.

Eddie Rankin as Pres. of the

Negro Church, Laura Montgomery  
And Joel Simon

**Decree Pro Confesso On  
Personal Service.**

August 16th., 1935

Issued \_\_\_\_\_ 19 \_\_\_\_\_

*Mary A. Stone*  
Register.

*by W. Watson*

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 LAURA MONTGOMERY, and The Of-  
ficers of the Negro Church Attempting to Construct a Negro Church  
and Cemetery on Laura Montgomery 's Land & JOE SIMON

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 Sum-  
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

ALEXANDER BERTOLLA

against said LAURA MONTGOMERY, and the Officers of the Negro Church  
attempting to construct a Negro Church and Cemetery on Laura Mont-  
gomery 's land & JOE SIMON

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 7th day of

March 1933.

*T. W. Richerson* Register.

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

RECORDED

ORIGINAL

SERVE ON \_\_\_\_\_

Circuit Court of Baldwin County  
In Equity.

No. \_\_\_\_\_

SUMMONS

ALEXANDER BERTOLLA

vs.

LAURA MONTGOMERY, and the  
officers of the negro church  
attempting to construct a  
Negro Church and Cemetery on  
Laura Montgomery's land and  
JOE SIRMON

HYBART, HEARD & CHASON  
Solicitor for Complainant

Recorded in Vol \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Received in office this 7<sup>th</sup>

day of March 1923

BY of W.R. Stewart  
Sheriff.

Executed this 7<sup>th</sup> day of

March 1923

by leaving a copy of the within Summons with  
Eddie Raudin, as Trustee  
of the negro church, Laura  
Montgomery & Joel Sirmon  
Defendant.

W.R. Stewart  
Sheriff.

By \_\_\_\_\_  
Deputy Sheriff.

RECORDED

ORIGINAL

SERVE ON \_\_\_\_\_

Circuit Court of Baldwin County  
In Equity.

No. \_\_\_\_\_

SUMMONS

ALEXANDER BERTOLLA

vs.

LAURA MONTGOMERY, and the  
officers of the negro church  
attempting to construct a  
Negro Church and Cemetery on  
Laura Montgomery's land and  
JOE SIRMON

HYBART, HEARD & CHASON  
Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Received in office this 7<sup>th</sup>

day of March 1923

W.R. Street  
Sheriff.

Executed this 7<sup>th</sup> day of  
March 1923

by leaving a copy of the within Summons with  
Eddie Rankin, as Trustee  
of the negro church, Laura  
Montgomery & Joel Sirmon  
Defendant.

W.R. Street  
Sheriff.

By \_\_\_\_\_  
Deputy Sheriff.

ALEXANDER BERTOLLA'

Complainant'

-vs-

LAURA MONTGOMERY ET AL'

Respondents.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Comes your Orator' Alexander Bertolla' humbly complain-  
ing of the Defendants as will hereinafter appear. and shows unto  
the Court and your Honor as follows:-

FIRST:

That he is over the age of twenty-one years and is a  
resident of Baldwin County, Alabama.

SECOND:

That the Defendants are over the age of twenty-one years  
and are residents of Baldwin County, Alabama.

THIRD:

Your Orator further shows unto your Honor that he is  
in the peaceable possession of the following described lands sit-  
uated in Baldwin County, Alabama, to-wit:-

Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$   
of NE $\frac{1}{4}$ ) of Section Twenty-two (22), Township  
Five (5) South of Range Two (2) East; *has 5 acs*  
*in SW Corner assessed to Jayhann.*

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

FOURTH:

Your Orator further shows unto your Honor that the De-  
fendant, Laura Montgomery, is the owner of and in the peaceable  
possession of the following described lands in Baldwin County,  
Alabama. to-wit:-

East half of Northeast Quarter of the Southeast  
Quarter (E $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section Twenty-two  
(22). Township Five (5) South of Range Two (2) East;

That said Laura Montgomery has disposed of, or is attempting to  
dispose of one-half an acre in the Northeast corner of the East  
half of the Northeast Quarter of the Southeast quarter of her  
lands, which are adjacent and contiguous to those occupied by  
your Orator, to certain parties who are building thereon a negro  
church and laying the grounds for a negro cemetery; that the  
lands of your Orator are chiefly valuable for building sites and  
(page one)

that should said church and cemetery be constructed adjacent and contiguous thereto it would reduce the value of said lands and render them unsightly for building purposes; that said lands belonging to your Orator have been especially chosen for building sites which he has intended to donate to his sons and daughters for the purpose of building thereon dwelling houses, and that if the said church and cemetery are constructed upon lands adjoining thereto that said lands will lose their value as a building site;

That there are other lands in the neighborhood available for the purpose of the building of a church and cemetery which may be obtained at or for the same price as that which the officers of the church are now attempting to purchase, and that no inconvenience will be worked to the church or to Laura Montgomery should the construction of said church and cemetery be restrained.

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 Laura Montgomery/<sup>Joe Sirmon?</sup> and the officers of said church, restraining them from the construction or erection of said church and cemetery on said lands.

PRAYER FOR RELIEF.

On the premises considered, your Orator prays that upon the final hearing of this cause your Honor will cause your Honor will cause said temporary Writ of Injunction to be made perpetual and forever restraining the said Defendant, Laura Montgomery, from selling or disposing of said lands to the officers of said negro church, or the officers of said negro church/<sup>and/or Joe Sirmon?</sup> from building or attempting to build, constructing or attempting to construct, a negro church and cemetery upon said lands.

Your Orator prays for such other and further relief as in equity may seem just and meet, and offers to reimburse the officers of the church for any money or moneys expended thus far in the construction of said church, and for the time and labor therein involved, and your Orator will ever pray.



Hyatt, Heard & Plason  
Solicitors for Complainant.

FOOT-NOTE:

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

Hyatt, Heard & Plason  
Solicitors for Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, Mary Z. 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 Alexander Bertolla, and as such is duly authorized to make this Affidavit; 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 6th day of March, 1933.

Mary Z. 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 One Hundred and no/100 Dollars, to be approved by you, you will issue the temporary Writ of Injunction as prayed for.

Dated this 6th day of March, 1933.

F. W. Haire  
Judge.

STATE OF ALABAMA,

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS: That we, Alexander Bertolla, 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 \$100<sup>00</sup> 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 6<sup>th</sup> day of March, 1935.

WHEREAS, the said Alexander Bertolla has filed his 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 Laura Montgomery and the Officers of the negro church attempting to construct a negro church and cemetery on Laura Montgomery's land and Joe Sirmon, from constructing a negro church and cemetery on the following described real estate situated in Baldwin County, Alabama, to-wit:

East half of Northeast Quarter of the Southeast Quarter ( $E\frac{1}{2}$  of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$ ) of Section Twenty-two (22), Township Five (5) South of Range Two (2) East;

and from the further construction of said church and cemetery upon said lands.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH:- That if the said Alexander Bertolla, 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 Alexander Bertolla 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  
6 day of March, 1935.

D. W. Richardson  
Register.

Alexander Bertolla (SEAL)  
Alexander Bertolla (SEAL)  
Alexander Bertolla (SEAL)

ALEXANDER BERTOLLA'

Complainant'

-vs-

LAURA MONTGOMERY' AND THE OFFICERS OF THE NEGRO CHURCH ATTEMPTING TO CONSTRUCT A NEGRO CHURCH AND CEMETERY ON LAURA MONTGOMERY'S LAND & JOE SIRMON.

Respondents.

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 10<sup>th</sup> day of April, 1933.

TO LAURA MONTGOMERY, <sup>JOE SIRMON'</sup> AND THE OFFICERS OF THE NEGRO CHURCH ATTEMPTING TO CONSTRUCT A NEGRO CHURCH AND CEMETERY ON LAURA MONTGOMERY'S LAND - GREETINGS:-

WHEREAS, Alexander Bertolla 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 Alexander Bertolla, in accordance with said order, entered into bond with security in the sum of \$100<sup>00</sup> Dollars, payable to and approved by the Register of said Circuit Court and conditioned according to law.

NOW, THEREFORE, you, the said Laura Montgomery, <sup>Joe Sirmon</sup> and the officers of the negro church attempting to construct a negro church on Laura Montgomery's land, are hereby commanded and strictly enjoined from the construction or erection of said church and cemetery on the following described lands situated in Baldwin County, Alabama, to-wit:-

East half of Northeast Quarter of the Southeast Quarter (E $\frac{1}{2}$  of NE $\frac{1}{2}$  of SE $\frac{1}{2}$ ) of Section Twenty-two (22), Township Five (5) South of Range Two (2) East;

and the said Defendant, Laura Montgomery, is hereby commanded and

(page two)

strictly enjoined from selling or disposing of said lands to the officers of said negro church, and the officers of said negro church and Joe Sirmon, are commanded and strictly enjoined from building or attempting to build, constructing or attempting to construct, a negro church and cemetery upon said lands until further orders of this Court.

~~Witness the hand of the Register and the seal of said~~  
Circuit Court-In Equity, this 7<sup>th</sup> day of March, 1933.

J. W. Richardson  
Register.