

278

ANNIE S. COOK,

Complainant,

VS.

JACOB STEWART and R. H. LONG,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO 278.

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

We command you that without delay you execute this Writ and make your return thereon as provided by law showing how you have executed same.



Register of the Circuit Court.

TO JACOB STEWART AND R. H. LONG:

WHEREAS, Annie S. Cook did on the 20th day of November, 1936, file her Bill of Complaint in our said Circuit Court, Sitting in Equity, against Jacob Stewart and R. H. Long, praying, among other things, that a preliminary or temporary Writ of Injunction issue against Jacob Stewart and R. H. Long restraining them and each of them from changing the nature and character of the property described in the Bill of Complaint, namely: Southwest Quarter of the Southwest Quarter of Section Twenty-three, less five acres owned or formerly owned by John Styron, and the West Half of the Northwest Quarter of the Northwest Quarter of Section Twenty-six, less three acres owned or formerly owned by Eli Steiner, all in Township Eight South Range Three East, in Baldwin County, Alabama, from cutting timber off of it, committing waste on it and from doing anything or taking any action which will disturb the status quo of the said property, either directly or indirectly; and

WHEREAS, on the said Bill's being exhibited to the Honorable F. W. Hare, Judge of the Circuit Court for the Twenty-first Judicial Circuit of Alabama, Sitting in Equity, on the 20th day of November, 1936, he did order that upon Complainant's entering into bond with surety in the sum of Three Hundred Dollars to be approved by the Register of this Court, conditioned and payable

and provided by law, a Writ of Injunction issue out of said Court according to the prayer of said Bill; and,

WHEREAS, bond has been given as required by said order:

THESE, THEREFORE, are to command and strictly enjoin you, and each of you, and all of you, from changing the nature and character of the said property described in the Bill of Complaint, namely: Southwest Quarter of the Southwest Quarter of Section Twenty-three, less five acres owned or formerly owned by John Styron, and the West Half of the Northwest Quarter of the Northwest Quarter of Section Twenty-six, less three acres owned or formerly owned by Eli Steiner, all in Township Eight South Range Three East, in Baldwin County, Alabama, from cutting timber off of it, committing waste on it and from doing anything or taking any action which will disturb the status quo of the said property, either directly or indirectly; until further orders of this Court; and this Writ of Injunction you will comply with and obey under penalty.

IN WITNESS WHEREOF, I have hereunto set my hand as Register and affixed the seal of the Circuit Court of Baldwin County, Alabama, on this the 23 day of November, 1936.



Register.

# CIRCUIT COURT, BALDWIN COUNTY, ALA. IN EQUITY

No. 278

*Annie S. Cook,*

VS.

*Jacob Stewart*

PLAINTIFF

*Complainant*

*et al.  
Respondent*

DEFENDANT

## BILL OF COSTS

FEES OF REGISTER	Dollars	Cents	Brought Forward .....	
Filing each bill and other papers .....	\$	10		\$ 6 20
Issuing each subpoena .....		50		
Issuing each copy thereof .....		40		
Entering each return thereof .....		15		
For each order of publication .....	1	00		
Issuing Writ of injunction .....	I	50		
For each copy thereof .....		50		
Entering each return thereof .....		15		
Issuing Writ of Attachment .....	I	00		
Entering each return thereof .....		15		
Docketing each case .....	1	00		
Entering each appearance .....		25		
Issuing each decree pro confesso on per ser. ....	1	00		
Issuing each decree pro confesso on publica .....	1	00		
Each order appointing guardian .....	I	00		
Any other order by Register .....		50		
Issuing Commission to take testimony .....		50		
Receiving and filing .....		10		
Endorsing each package .....		10		
Entering order submitting cause .....		50		
Entering any other order of court .....		25		
Noting all testimony .....		50		
Abstract of cause, etc. ....	I	00		
Entering each decree .....		75		
For every 100 words over 500 .....		15		
Taking account, etc. ....	3	00		
Taking testimony, etc .....		15		
Each report, 500 words or less .....	2	50		
For every 100 words over 500 .....		15		
Amount claimed less than \$500, etc .....	2	00		
Issuing each subpoena .....		25		
Witness certificate, each .....		25		
Issuing execution, each .....		75		
Entering each return .....		15		
Taking and approving bond, each .....	1	00		
Making copy of bill, etc .....		15		
Each notice not otherwise provided for .....		50		
Each certificate or affidavit, with seal .....		50		
Each certificate or affidavit, no seal .....		25		
Hearing and passing on application, etc. ....	3	00		
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 cent; all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent.				
<b>Sub Total Carried Forward .....</b>				
			<b>TOTAL .....</b>	<b>21 20</b>

  

FEES OF REGISTER	Dollars	Cents	Brought Forward .....	
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%.				
Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.				
Each notice sent by mail to creditor .....		15		
Filing receipting for and docketing each claim, etc. ....		25		
For all entries on subpoena docket, etc.		50		
For all entries on commission docket, etc.		50		
Making final record, per 100 words .....		15		6 20
Certified copy of decree .....		1 00		
Report of divorce to State Health Office (Acts 1915)		50		
<b>TOTAL FEES OF REGISTER .....</b>				<b>14 20</b>
			<b>FEES OF SHERIFF .....</b>	<b>3 20</b>
Serving and returning subpoena on deft. ....		1 50		
Serving and returning subpoena for witness .....		65		
Levying attachment .....		1 50		
Entering and returning same .....		25		
Selling property attached .....		75		
Impaneling Jury .....		2 50		
Executing Writ of possession .....		1 50		
Collecting execution for costs .....		65		
Serving and returning sci. fa., each .....		65		
Serving and returning notice .....		65		
Serving and returning writ of injunction .....		1 50		3 20
Serving and returning writ of exeat .....		1 50		
Taking and approving bonds, each .....		75		
Collecting money on execution .....		2 50		
Making Deed .....		1 00		
Serving and returning application, etc. ....		1 50		
Serving attachment, contempt of court .....		1 50		
<b>TOTAL FEES OF SHERIFF .....</b>				<b>6 00</b>
			<b>RECAPITULATION .....</b>	<b>12 20</b>
Register's Fees .....				
Sheriff's Fees .....				6 00
Commissioner's Fees .....				
Solicitor's Fees .....				
Witness Fees .....				
Guardian Ad Litem .....				
Printer's Fees .....				
Trial Tax .....		3 00		3 20
Recording Decree in Probate Court .....				

INJUNCTION BOND.

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That we, Annie S. Cook, as Principal, and Henry Styron, G. B. Styron and Patrick Barnard as Sureties, are held and firmly bound unto Robert S. Duck, Register of the Circuit Court of Baldwin County, Alabama, and his successors in office, in the sum of Three Hundred Dollars, for the payment of which to the said Register, or his successors, we bind ourselves, our executors and administrators, jointly and severally.

Sealed with our seals and dated this the 20th day of November, 1936.

WHEREAS, the said Annie S. Cook has filed a Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity, and has obtained thereon an order for the issuance of an injunction to restrain and enjoin Jacob Stewart and R. H. Long from changing the nature and character of the Southwest Quarter of the Southwest Quarter of Section Twenty-three, less five acres owned or formerly owned by John Styron, and the West Half/<sup>of the Northwest Quarter</sup> of the Northwest Quarter of Section Twenty-six, less three acres owned or formerly owned by Eli Steiner, all in Township Eight South Range Three East in Baldwin County, Alabama; from cutting timber off of it, committing waste on it and from doing anything or taking any action which will disturb the status quo of the said property.

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

IN WITNESS WHEREOF, we have hereunto set our hands  
and affixed our seals on this the day and year first above written.

Annie Cook (SEAL)

Henry S. Tyson (SEAL)

L. S. Tyson (SEAL)

Patrick Barnard (SEAL)

Taken and approved on this the  
23 day of November, 1936.

R. H. Duck

Register.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY: Honorable Court do forthwith issue to them and each of them.

Your Oratrix, Annie S. Cook, presents this Bill of Complaint against Jacob Stewart and R. H. Long, and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix is over twenty-one years of age and resides near Bon Secour, in Baldwin County, Alabama. The respondents, Jacob Stewart and R. H. Long, are each over twenty-one years of age and each reside near Bon Secour, in Baldwin County, Alabama.

2. Your Oratrix owns and is entitled to immediate possession of the Southwest Quarter of the Southwest Quarter of Section Twenty-three, less five acres owned or formerly owned by John Styron, and the West Half of the Northwest Quarter of the Northwest Quarter of Section Twenty-six, less three acres owned or formerly owned by Eli Steiner, all in Township Eight South Range Three East in Baldwin County, Alabama, which said property is now in the wrongful possession of Jacob Stewart and R. H. Long.

3. On or about January 9, 1935, your Oratrix, Annie S. Cook, as Plaintiff, commenced an unlawful detainer suit against Jacob Stewart and R. H. Long, as Defendants, in the Justice Court of J. B. Hucksbee, a Justice of Peace in and for Precinct Fourteen, Baldwin County, Alabama, who rendered a judgment in said cause on to-wit, January 16, 1935, in favor of the Plaintiff and against the Defendants, whereupon the Defendants appealed the said cause to the Law Side of the Circuit Court of Baldwin County, Alabama, where it is still pending, being case Number 122.

4. The said Jacob Stewart and/or R. H. Long are cutting timber, which is the property of your Oratrix, from the said property, thereby changing the character of it, all to the irreparable injury of your Oratrix.

PRAYER FOR PROCESS.

Your Oratrix prays that the said Jacob Stewart and R. H. Long be made parties respondent to this Bill of Complaint

and that the usual process of this Honorable Court do forthwith issue to them and each of them.

PRAYER FOR RELIEF.

Your Oratrix moves and prays that case Number 122 on the Law Side of the Circuit Court of Baldwin County, Alabama, be transferred to the Equity Side of the said Court and consolidated with this suit; that a proper decree be made and entered adjudging and decreeing that your Oratrix is entitled to the possession of the said property, ordering that she be placed in possession thereof, and fixing the amount of damages which are due her for the damage to and the detention thereof. Your Oratrix further prays that pending a final hearing and determination of the issues of this suit your Honor will cause to be issued a temporary writ of injunction or restraining order, restraining and enjoining the Respondents, Jacob Stewart and R. H. Long, from changing the nature and character of the said property, from cutting timber off of it, committing waste on it and from doing anything or taking any action which will disturb the status quo of the said property.

Your Oratrix further prays for such other, further and general relief as she may be equitably entitled to the premises considered.

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Solicitor for Complainant.

FOOT NOTE: The Respondents and each of them are required to answer each and every paragraph of the foregoing Bill of Complaint numbered 1 to 4 both inclusive, but not under oath, the benefit whereof is hereby expressly waived.

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Solicitor for Complainant.

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

Your Oratrix, Annie S. Cook, presents this Bill of Complaint against Jacob Stewart and R. H. Long, and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix is over twenty-one years of age and resides near Bon Secour, in Baldwin County, Alabama. The respondents, Jacob Stewart and R. H. Long, are each over twenty-one years of age and each reside near Bon Secour, in Baldwin County, Alabama.

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# CIRCUIT COURT, BALDWIN COUNTY, ALA. IN EQUITY

No. 278

*Annie S. Cook,*  
*Complainant*

VS.

*Jacob Stewart*  
*et al*  
*Respondent* PLAINTIFF  
DEFENDANT

## BILL OF COSTS

	Dollars	Cents			
<b>FEES OF REGISTER</b>			Brought Forward .....	\$	6 20
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%.		
Issuing each subpoena .....		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	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 .....	I	50	For all entries on commission docket, etc.	50	
For each copy thereof .....		50	Making final record. per 100 words .....	15	6 20
Entering each return thereof .....		15	Certified copy of decree .....	1 00	
Issuing Writ of Attachment .....	I	00	Report of divorce to State Health Office (Acts 1915)	50	
Entering each return thereof .....		15			
Docketing each case .....	1	00	<b>TOTAL FEES OF REGISTER..</b>		
Entering each appearance .....		25			
Issuing each decree pro confesso on per ser.	1	00	<b>FEES OF SHERIFF</b>		12 20
Issuing each decree pro confesso on publica	1	00	Serving and returning subpoena on deft. \$1 50	3 20	
Each order appointing guardian .....	I	00	Serving and returning subpoena for witness .....	65	
Any other order by Register .....		50	Levying 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	Impaneling Jury .....	75	
Entering order submitting cause .....		50	Executing Writ of possession .....	2 50	
Entering any other order of court .....		25	Collecting execution for costs .....	1 50	
Noting all testimony .....		50	Serving and returning sci. fa., each .....	65	
Abstract of cause, etc. ....	I	00	Serving and returning notice .....	65	3 20
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	Serving attachment, contempt of court..	1 50	
Issuing each subpoena .....		25			
Witness certificate, each .....		25	<b>TOTAL FEES OF SHERIFF..</b>		6 00
Issuing execution, each .....		75	<b>RECAPITULATION</b>		
Entering each return .....		15	Register's Fees .....	12 20	
Taking and approving bond, each .....	1	00	Sheriff's Fees .....	6 00	
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	3 20
Examining each voucher of Receiver, etc. .		10	Recording Decree in Probate Court .....		
Examining each answer, etc. ....	3	00			
Recording resignation, etc. ....		75	<b>TOTAL .....</b>		21 20
Entering each certificate to Supreme Court		50			
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Sub Total Carried Forward .....					

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_\_

Register.

ANNIE S. COOK,  
Complainant,  
VS.  
JACOB STEWART, ET AL.,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY,  
NUMBER 278.

And now come the Respondents and demur to the Complainant's Bill  
of Complaint in this cause ~~and to each count thereof~~, *insofar as it's prayer for a consolidation of* separately and several- *of said counts*  
ly, and say:

FIRST:

That there is no equity in the bill.

SECOND:

That the Complainant has a full, complete and adequate remedy  
at law.

THIRD:

That there are no facts alleged authorizing a consolidation of  
the said suit set out in the bill of complaint.

FOURTH:

That there are no facts set out which show or tend to show that  
an irreparable injury is being or has been committed by the Respondents,  
or either of them.

FIFTH:

That the allegations that the Respondents, or either of them, are  
committing an irreparable injury to the Complainant is only the conclusion  
of the pleader and there are no facts set out to substantiate such statement.

*Beckstead & Bebe*  
Solicitors for the Respondents.

The State of Alabama, { Circuit Court of Baldwin County, In Equity  
Baldwin County }

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon JACOB STEWART and R. H. LONG

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

ANNIE S. COOK

against said JACOB STEWART and R. H. LONG

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this 23rd day of NOVEMBER, 1936

RS Duck Register

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

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

Your Oratrix, Annie S. Cook, presents this Bill of Complaint against Jacob Stewart and R. H. Long, and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

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Your Oratrix further prays for such other, further and general relief as she may be equitably entitled to the premises considered.

J. B. Blackburn

Solicitor for Complainant.

FOOT NOTE: The Respondents and each of them are required to answer each and every paragraph of the foregoing Bill of Complaint numbered 1 to 4 both inclusive, but not under oath, the benefit whereof is hereby expressly waived.

J. B. Blackburn

Solicitor for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared Annie S. Cook, who, after being by me first duly and legally sworn, deposes and says: That she has read over the foregoing Bill of Complaint and that each and all of the allegations contained herein are true.

Annie S. Cook

Sworn to and subscribed before me  
on this the 20th day of November, 1936.

Ora Sirmann

Notary Public, Baldwin County, Alabama.

TO THE HONORABLE ROBERT S. DUCK, REGISTER OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA:

On Complainant entering into bond in the sum of  
\$ 300<sup>00</sup>, with sufficient surety to be approved by you as Register, conditioned as required by law, let an injunction issue as prayed for in the foregoing Bill of Complaint.

F. W. Hare

Judge.