

E. L. COOK,

Complainant,

VS.

MARTIN MILLS, et als,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. _____.

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

We commend you that without delay you execute this writ and due return thereof how you have executed the same make to us at a term of our Court in Equity to be held at Bay Minette, on the _____ day of _____, 1937.

Ratun Duck

Register of the Circuit Court of Baldwin County, Alabama.

TO MARTIN MILLS, DENNISTON-BOYKIN COMPANY, INC., A CORPORATION, ALICE WEEKS, DAVID WEEKS, ALEX COOK, EMERSON DURETT, LESTER COOK, FULTON COOK, MAJOR SMITH, IRENE SMITH, LILLIAN SMITH, NORBERT SMITH, EARL SMITH AND MARION SMITH, AND TO THE ATTORNEYS, AGENTS AND REPRESENTATIVES OF EACH ONE OF SAID PARTIES:

WHEREAS, E. L. Cook did on the 20th day of January, 1937, file his Bill of Complaint in our said Circuit Court, sitting in Equity, against Martin Mills, Denniston-Boykin Company, Inc., a Corporation, Alice Weeks, David Weeks, Alex Cook, Emerson Durett, Lester Cook, Fulton Cook, Major Smith, Irene Smith, Lillian Smith, Norbert Smith, Earl Smith and Marion Smith; praying among other things that a preliminary or temporary writ of injunction or restraining order issue against Martin Mills, Denniston-Boykin Company, Inc., a Corporation, Alice Weeks, David Weeks, Alex Cook, Emerson Durett, Lester Cook, Fulton Cook, Major Smith, Irene Smith, Lillian Smith, Norbert Smith, Earl Smith and Marion Smith restraining and enjoining them and each of them from depleting, destroying, committing waste on, doing irreparable injury to and from cutting down

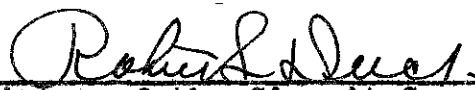
and removing timber from the Southwest Quarter of the Northeast Quarter and the East Half of the Northeast Quarter of Section 9, Township 8 South Range 3 East, in Baldwin County, Alabama; and,

WHEREAS, on the said Bill's being exhibited to the Honorable Francis W. Hare, Judge of the Circuit Court for the Twenty-first Judicial Circuit of Alabama, sitting in Equity, on the 20th day of January, 1937, he did order that upon Complainant's entering into bond with surety in the sum of \$300.00, approved by the Register of this Court and payable and conditioned according to 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 depleting, destroying, committing waste on, doing irreparable injury to and from cutting down and removing timber from the Southwest Quarter of the Northeast Quarter and East Half of the Northeast Quarter of Section 9, Township 8 South Range 3 East, in Baldwin County, Alabama, until further orders from this Court; and this writ of injunction you will comply with and obey under penalty.

WITNESS:


Register of the Circuit Court of Baldwin County, Alabama, at office in Bay Minette, Baldwin County, Alabama, on this _____ day of January, A. D., 1937.

Issued January 20, 1937.

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

Your Orator, E. L. Cook, presents this Bill of Complaint against Martin Mills, Denniston-Boykin Company, Inc., a Corporation, Alice Weeks, David Weeks, Alex Cook, Emerson Durett, Lester Cook, Fulton Cook, Major Smith, Irene Smith, Lillian Smith, Norbert Smith, Earl Smith and Marion Smith, and thereupon your Orator complains and shows unto the Court and your Honor as follows:

1. Your Orator is over twenty-one years of age and resides near Magnolia Springs, in Baldwin County, Alabama. The Respondent, Martin Mills, is over twenty-one years of age and resides at Magnolia Springs, in Baldwin County, Alabama; the Respondent, Denniston-Boykin Company, Inc., a Corporation, is a corporation organized and existing under the laws of the State of Alabama, with its principal place of business in Mobile, Alabama; the Respondents, Alice Weeks and David Weeks, are each over twenty-one years of age and each reside in Magnolia Springs, in Baldwin County, Alabama; the Respondent, Alex Cook, is over twenty-one years of age and resides in Mobile, Alabama; the Respondent, Emerson Durett, is a minor about ten years of age, and resides in Mon Luis Island, in Mobile County, Alabama; the Respondent, Lester Cook, is over twenty-one years of age and resides in Cleveland, Ohio; the Respondent, Fulton Cook, is over twenty-one years of age and resides in Pearl River, New York; the Respondent, Major Smith, is over twenty-one years of age and resides at Fairhope, Alabama; the Respondents, Irene Smith and Lillian Smith, are each over twenty-one years of age and each reside in Mobile, Alabama; the Respondent, Norbert Smith, is over twenty-one years of age and resides at Fairhope, Alabama; and the Respondents, Earl Smith and Marion Smith are each minors and each reside in Mobile, Alabama.

2. John Cook, Sr., who died in 1913, owned the in Baldwin County, Alabama, at the time of his death, and Alice

Weeks, John Cook, Thomas Cook, Alex Cook, Gertrude Voltair, Celestine Hudson, Emerson Durett, Lester Cook, Fulton Cook, Major Smith, Irene Smith, Lillian Smith, Norbert Smith, Earl Smith and Marion Smith constitute all of the heirs of the said John Cook, Sr., Deceased, on this date and the said property described above is now owned by the said heirs and those claiming under them in the following proportions: Your Orator, E. L. Cook, four-tenths; Alice Weeks, one-tenth; Alex Cook, one-tenth; Emerson Durett, the only heir of Evelyn Cook Durett, now Deceased, one-tenth; Lester Cook, one-tenth, Fulton Cook, one-tenth and Major Smith, Irene Smith, Lillian Smith, Norbert Smith, Earl Smith and Marion Smith, as the heirs of Camilla Cook Smith, now deceased, one-tenth; John Cook, Thomas Cook, Gertrude Cook Voltair and Celestine Hudson having conveyed their interest in the said property to your Orator.

3. The said property hereinabove described was, by a copied assessment, assessed for taxes for the year 1930, to the Estate of John Cook, Sr., Deceased, and on to-wit, July 8, 1931, the Tax Collector of Baldwin County, Alabama, attempted to sell the said property to the Respondent, David Weeks, and on to-wit, January 28, 1934, a tax deed attempting to convey the said property to the said Respondent, together with other property, was executed by G. W. Humphries, Judge of Probate, which is recorded in Deed Book 56 N. S. at Page 75, Baldwin County Records, a true copy of which is hereto attached, marked Exhibit "A" and by reference made a part hereof as though fully incorporated herein, which said attempted sale and the proceedings leading up thereto were void. After the said tax deed was made to the Respondent, David Weeks, and on to-wit, January 2nd, 1935, he attempted to lease the timber on the said property to the Respondent, Denniston-Boykin Company, Inc., a Corporation, by written lease dated January 2nd, 1935, and recorded in Deed Book Number 56 N. S. at Page 340, Baldwin County Records, a true copy of which is hereto attached, marked Exhibit "B" and by reference made a part hereof as though fully incorporated herein. The said Denniston-Boykin Company and/or Martin Mills have gone upon the said property

and worked it for turpentine purposes to the damage of your Orator, and the said Denniston-Boykin Company and/or Martin Mills are now cutting and removing the pine timber from the said property and the said Martin Mills has notified your Orator that he will cut and remove timber therefrom, thereby depleting, destroying, committing waste on and doing irreparable injury to said lands without any consent or authority from your Orator. Except for the turpentine lease hereinabove referred to as Exhibit "B" your Orator cannot allege through whom or under whom Denniston-Boykin Company, Inc., and/or Martin Mills are claiming title to or right to cut the said timber.

4. Your Orator further shows unto your Honor that the said David Weeks has leased the timber on the said property for turpentine purposes as will fully appear from the lease hereto attached marked Exhibit "B" and has collected moneys therefor, and the said Denniston-Boykin Company, Inc., and/or Martin Mills have worked the said property for turpentine purposes and have cut down and removed timber therefrom, thereby committing waste and trespassing on said property and none of the said parties have accounted to or paid your Orator his part of the moneys or proceeds flowing from said property or his part of the damage done thereto, all to the great damage of your Orator.

5. Your Orator further shows that he owns an undivided four-tenths interest in the said property and that the other parties hereto except Denniston-Boykin Company, Inc., David Weeks and Martin Mills own interests therein as outlined above. Your Orator further shows that the said property cannot be equitably divided among the joint owners thereof without a sale thereof and a distribution of the proceeds flowing therefrom. Your Orator further shows that he has found it necessary to employ J. B. Blackburn, of Bay Minette, Alabama, as his solicitor of record in the prosecution of this proceeding and an equitable division of the said property among the joint owners thereof.

6. The Respondents, Alex Cook, Emerson Durett, Lester

Cook, Fulton Cook, Major Smith, Irene Smith, Lillian Smith, Norbert Smith, Earl Smith and Marion Smith, should join in this cause as Complainants but your Orator has been unable to obtain their consent to join as Complainants and therefore they are made parties respondents.

7. Your Orator offers to do equity in this cause.

PRAYER FOR PROCESS.

Your Orator prays that the said Martin Mills, Denniston-Boykin Company, Inc., a Corporation, Alice Weeks, David Weeks, Alex Cook, Emerson Durett, Lester Cook, Fulton Cook, Major Smith, Irene Smith, Lillian Smith, Norbert Smith, Earl Smith and Marion Smith 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.

The premises considered, your Orator respectfully prays for the following relief:

1. That pending a final hearing and determination of the issues of this suit your Orator will cause to be issued a temporary writ of injunction or restraining order restraining and enjoining the respondents and each of them from depleting, destroying, committing waste on, doing irreparable injury to and from cutting down and removing timber therefrom, and upon a final hearing of said cause, will make the said injunction or restraining order permanent.
2. That the tax deed hereinabove referred to as Exhibit "A" be cancelled, set aside and held for naught.
3. That your Honor will order that a reference be held to ascertain and fix the amount due your Orator by the several respondents for any damage done to the said property by the respondents or either of them, and for any moneys that by rights should have come to him for the use of the property by them, for moneys

collected by them coming from the said property or the proceeds thereof for which they have not accounted to him and if it be ascertained that the respondents or any of them are indebted to him by reason of their having collected moneys which he was entitled to participate in or by reason of the use of any of the property for their exclusive use, your Honor will decree that such respondent or respondents are so indebted to him and render a proper decree therefor in his favor and if any amount is due him by any of the respondents who are joint owners of the said property, direct that the amount so ascertained to be due him by them be paid out of the pro rata part of the proceeds of the sale of said property that would go to his respective debtor or debtors.

4. That your Honor will order a reference to be held to ascertain a reasonable solicitor's fee to be paid to J. B. Blackburn, solicitor for Complainant, for his services in this proceeding and that said solicitor's fee be taxed as a part of the costs in this proceeding.

5. That upon a final hearing of this cause your Honor will order and decree that the said lands be sold for partition and division among the joint owners thereof.

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

E. G. Case

Complainant.

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 7 both inclusive, but not under oath, the benefit whereof is hereby expressly waived.

J. B. Blackburn

Solicitor for Complainant.

E. L. COOK,

Complainant,

-vs-

MARTIN MILLS, ET AL,

Respondents.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Come the Respondents, Martin Mills, Denniston-Boykin Company, Inc., a Corporation, David Weeks and Alice Weeks, and file this, their Demurrer to the Bill of Complaint filed in this cause, and assign as grounds therefor, the following:-

FIRST:

That said Bill does not contain equity.

SECOND:

That there is a misjoinder of parties respondent.

Walter A. Mason
Solicitors for above named
Respondents.

CHANCERY EXECUTION

BILL OF COSTS

No. 292

E. L. Cook,
Complainant

VS.

Martin Mills,
Respondent

Fee Book

Execution Docket

~~DEMANDANT~~
~~DEFENDANT~~

FEES OF REGISTER		Dollars	Cents	Brought Forward	Dollars	Cents
Filing each bill and other papers	\$ 10		80		21	95
Issuing each subpoena	50	6	00	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 copy thereof	40	5	60	Receiving, keeping and paying out money paid into court, etc., 1/2 of 1% of amount received.		
Entering each return thereof	15	2	10	Each notice sent by mail to creditor	15	
For each order of publication	1 00			Filing receipting for and docketing each claim, etc.	25	
Issuing Writ of injunction	1 50			For all entries on subpoena docket, etc.	50	
For each copy thereof	50			For all entries on commission docket, etc.	50	
Entering each return thereof	15			Making final record, per 100 words	15	10 00
Issuing Writ of Attachment	1 00			Certified copy of decree	1 00	
Entering each return thereof	15			Report of divorce to State Health Office (Acts 1915)	50	
Docketing each case	1 00					
Entering each appearance	25			TOTAL FEES OF REGISTER		
Issuing each decree pro confesso on per ser.	1 00			FEES OF SHERIFF		
Issuing each decree pro confesso on publica	1 00			Serving and returning subpoena on deft.	\$1	95
Each order appointing guardian	1 00			Serving and returning subpoena for witness	65	00
Any other order by Register	50	50		Levyng attachment	3 00	00
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	15 00
Noting all testimony	50			Serving and returning sci. fa., each	65	
Abstract of cause, etc.	1 00			Serving and returning notice	65	15 00
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			TOTAL FEES OF SHERIFF		
Witness certificate, each	25			RECAPITULATION	12	00
Issuing execution, each	75			Register's Fees	31	95
Entering each return	15			Sheriff's Fees	12	00
Taking and approving bond, each	1 00			Commissioner's Fees		
Making copy of bill, etc.	15			Solicitor's Fees		
Each notice not otherwise provided for	50			Witness Fees		
Each certificate or affidavit, with seal	50			Guardian Ad Litem		
Each certificate or affidavit, no seal	25			Printer's Fees		
Hearing and passing on application, etc.	3 00			Trial Tax	3 00	3 00
Each settlement with Receiver, etc.	3 00			Recording Decree in Probate Court		
Examining each voucher of Receiver, etc.	10			TOTAL	46	95
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						
Sub Total Carried Forward		21	95			

The State of Alabama, }
Baldwin County

No. 292
Circuit Court, In Equity August Term, 1938

To any Sheriff of the State of Alabama—GREETING:
You are hereby commanded, That of the goods and chattels, lands and tenements of E. L. Cook Defendant
you cause to be made the sum of \$46.95 Dollars,
which Dismissed Plaintiff
recovered of _____ on the 17 day of August 1938
by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____ Dollars,
costs of suit, and have the same to render to the said _____
and make return of this Writ and the execution thereof, according to law.

Interest from _____ 1938 to date of collection.
Witness my hand, this 17 day of Sept 1938
By: R.S. Deak Register
By: Andrew Thompson, Deputy

No. 292

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

E. J. Cook,

vs. *Complainant*

Mattie Miller,

Respondent

CHANCERY EXECUTION
Fi. Fa.

\$ 46.95

Total . . . \$

Free Book *Casid* Page 292

Execution Docket *Casid* Page 292

Wade, Wall & Rule
Complainant's Solicitor

THE STATE OF ALABAMA
Baldwin County.

ha _____ duly waived _____ right
to the exemption of personal property as to
the collection of the debt for which this execu-
tion is issued.

Register.

Received in office this 17th day of Sept 1938

day of Sept 1938

M. H. Williams
Sheriff

Execution Docket _____ Page 164

*Returned 12-17-38-70
property of E. J. Cook
Baldwin County
M. H. Williams
Sheriff*

The State of Alabama, }
Baldwin County

By virtue of the within execution I have levied _____

RECORDED
Rueck
7-16

DEMURRER.

E. L. COOK,

Complainant,

-VS-

MARTIN HILLS, ET AL,

Respondents.

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

Filed February 19, 1937

R. S. Rueck
Register.

No. 292
THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

E. S. Cook,

Respondent
vs.

Martin Miller,

Respondent

CHANCERY EXECUTION
Fi. Fa.

\$ 46.95

Total \$ _____

Fee Book Coverd Page 292

Execution Docket Coverd Page 292

Wade, Hall & Bode
Complainant's Solicitor

THE STATE OF ALABAMA
Baldwin County.

ha _____ duly waived _____ right
to the exemption of personal property as to
the collection of the debt for which this execu-
tion is issued.

Register.

Received in office this 17th

day of Sept 1938

M. H. Williams
Sheriff

Execution Docket _____ Page 164

Returned 12-17-38-30
property of E. S. Cook for
Baldwin County
M. H. Williams
Sheriff

The State of Alabama, }
Baldwin County

By virtue of the within execution I have levied _____

RECORDED
Rueck
7-16

DEMURRER.

E. L. COOK,

Complainant,

-VS-

MARTIN MILLS, ET AL,

Respondents.

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

Filed February 19, 1937

R. S. Rueck

Register.

LIS PENDENS NOTICE.

E. L. COOK,
Complainant,
VS.
MARTIN MILLS, et als,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 292.

TO WHOM IT MAY CONCERN:

Notice is hereby given that E. L. Cook, as Complainant, did on the 20th day of January, 1937, commence a suit in the Circuit Court of Baldwin County, Alabama, in Equity, against Martin Mills, Denniston-Boykin Company, Inc., a Corporation, Alice Weeks, David Weeks, Alex Cook, Emerson Durett, Lester Cook, Fulton Cook, Major Smith, Irene Smith, Lillian Smith, Norbert Smith, Earl Smith and Marion Smith, Respondents.

A brief statement of the allegations in the Complainant's Bill is as follows: It alleges that the Complainant and all of the Respondents except Martin Mills, Denniston-Boykin Company, Inc., and David Weeks, are joint owners of the Southwest Quarter of the Northeast Quarter and the East Half of the Northeast Quarter of Section 9, Township 8 South Range 3 East, Baldwin County, Alabama; that David Weeks holds a tax title to the said property which is alleged in the said Bill to be void due to the fact that the property was assessed to the Estate of John Cook, Sr., at the time of the alleged sale; that David Weeks has leased the said property to Denniston-Boykin Company, Inc., who have worked it for turpentine purposes and that Denniston-Boykin Company, Inc., or Martin Mills are cutting and removing timber from the said property; that the property cannot be equitably divided without a sale thereof; and prays that an injunction be issued restraining and enjoining the Respondents from cutting timber or committing waste on the property; that the tax deed to David Weeks be cancelled; that the property be sold for division among the joint owners thereof and that those of the joint owners who have obtained benefits from the said property be charged therewith in said proceeding.

Dated this 20th day of January, 1937.

E. L. COOK,

By J. B. Blackburn

His Solicitor of Record.

TO ROBERT S. DUCK, REGISTER IN CHANCERY, BALDWIN COUNTY, ALABAMA:

Your Petitioner, Annie S. Cook, respectfully shows unto you that heretofore on to-wit, January 20, 1937, her husband, E. L. Cook, who is now confined to his home with illness, filed a Bill of Complaint on the Equity side of the Circuit Court of Baldwin County, Alabama, against Martin Mills, David Weeks and other parties, praying among other things for a temporary writ of injunction or restraining order restraining and enjoining the two said defendants and the others named in the said cause, being case number 292 on the Equity side of the Circuit Court of Baldwin County, Alabama, from cutting and removing timber from the Southwest Quarter of the Northeast Quarter and the East Half of the Northeast Quarter of Section 9, Township 8 South Range 3 East in Baldwin County, Alabama; that a writ of injunction was issued in said cause and served on the said Martin Mills and the said David Weeks on the 20th day of January, 1937, by a deputy sheriff of Baldwin County, Alabama. Your Petitioner further shows unto you that the two said Respondents, Martin Mills and David Weeks, in total disregard of the rights of the Complainant in said cause and the terms and provisions of the above described injunction and the mandates of this Honorable Court, have not ceased from cutting timber from the said property and are still continuing to do so.

Petitioner further shows unto you that from the actions of the said Martin Mills and David Weeks she verily believes that all of the timber on said property will be destroyed unless the said parties are committed to jail until they comply with the terms and provisions of the said injunction.

WHEREFORE, your Petitioner respectfully prays that you issue a writ of attachment as provided by law directed to any sheriff of the State of Alabama commanding him to arrest the said

Martin Mills and David Weeks and commit them to jail until they and each of them perform the acts required of them in the said writ of injunction hereinabove referred to or until they are discharged as provided by law. Petitioner further prays for such other, further and general relief as she may be equitably entitled to the premises considered.

Annie S. Cook

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 Petition and that all of the allegations contained therein are true.

Annie S. Cook

Sworn to and subscribed before me on
this the 21st day of January, 1937.

Robert L. Deek

Register of the Circuit Court of Baldwin
County, Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, Annie S. Cook has made affidavit before me, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, that the Writ of Injunction issued in the case of E. L. Cook against Martin Mills, et als, on the 20th day of January, 1937 has not been complied with as provided therein by the said Martin Mills and David Weeks:

NOW THEREFORE, you are hereby commanded to arrest the two said Defendants, Martin Mills and David Weeks, and commit them and each of them to jail and therein safely keep until they perform the acts required by the said injunction, namely: that they cease from cutting and removing timber from the Southwest Quarter of the Northeast Quarter and the East Half of the Northeast Quarter of Section 9, Township 8 South Range 3 East in Baldwin County, Alabama; or until they are discharged by a special order of the Judge and you will return this writ with your proper indorsement thereon to the said Circuit Court in Equity forthwith.

Witness my hand this 21st day of January, 1937.

Robert S. Duck

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 ~~Denniston-Boykin Company, Inc., a~~
~~Corperation, Alex Cook, Emerson Durett, Irene Smith, Lillian Smith,~~
~~Earl Smith, Marion Smith,~~

of Mobile 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

E. L. Cook,

against said ~~Denniston-Boykin Company, Inc., a Corporation, Alex Cook,~~
~~Emerson Durett, Irene Smith, Lillian Smith, Earl Smith, Marion~~
~~Smith, et als,~~

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 20th day
of January 193 7

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 ~~Denniston-Boylan Company, Inc., a Corporation, Alex Cook, Emerson Durott, Irene Smith, Lillian Smith, Earl Smith, Marion Smith,~~

of Mobile 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

A. L. Cook

against said Denniston-Boylan Company, Inc., a Corporation, Alex Cook, Emerson Durott, Irene Smith, Lillian Smith, Earl Smith, Marion Smith, et al.,

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 20th day of January 1937

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 Fulton Cook, Pearl River, New York

of _____ 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

E. L. Cook

against said Fulton Cook, Martin Mills, Alice Weeks, et als,

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 20th day

of January 1937

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 Lester Cook, Cleveland, Ohio

of _____ 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

E. L. Cook

against said Lester Cook, Martin Mills, et als,

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 20th day of January 1937

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 ~~Denniston-Boykin Company, Inc., a Corporation, Alex Cook, Emerson Durett, Irene Smith, Lillian Smith, Earl Smith, Marion Smith,~~

of Mobile 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

E. L. Cook

against said Denniston-Boykin Company, Inc., a Corporation, Alex Cook, Emerson Durett, Irene Smith, Lillian Smith, Earl Smith, Marion Smith, et als,

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 20th day of January 1937

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 ~~Denniston-Hoykin Company, Inc., a Corporation,~~
~~Alex Cook, Emerson Durett, Irene Smith, Lillian Smith,~~
~~Earl Smith, Marion Smith,~~

of Mobile 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

A. L. Cook,

against said Denniston-Hoykin Company, Inc., a Corporation, Alex Cook, Emerson Durett, Irene Smith, Lillian Smith, Earl Smith, Marion Smith, et als,

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 20th day of January 1937

Robert S. Duck Register

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

~~LILLIAN SMITH, EARL SMITH, IRENE SMITH, ALEX COOK,~~
~~MARRION SMITH,~~

of MOBILE 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

E. L. COOK

against said ~~LILLIAN SMITH, EARL SMITH, IRENE SMITH, ALEX COOK,~~
~~MARION SMITH,~~

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 20th day

of January 1937



Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 Denniston-Boykin Company, Inc., a Corporation, Alex Cook, Emerson Durett, Irene Smith, Lillian Smith, Earl Smith, Marion Smith,

of Mobile 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

E. L. Cook,

against said Denniston-Boykin Company, Inc., a Corporation, Alex Cook, Emerson Durett, Irene Smith, Lillian Smith, Earl Smith, Marion Smith, et al.,

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 20th day of January 193 7

Robert S. Duck Register

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

LILLIAN SMITH, EARL SMITH, IRENE SMITH, ALEX COOK,
MARRION SMITH,

of MOBILE 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

E. L. COOK

against said LILLIAN SMITH, EARL SMITH, IRENE SMITH, ALEX COOK,
MARION SMITH,

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 20th day
of January 193 7
Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 ~~Denniston-Boykin Company, Inc., a~~
~~Corporation, Alex Cook, Emerson Durett, Irene Smith, Lillian~~
~~Smith, Earl Smith, Marion Smith,~~

of Mobile 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

E. L. Cook

against said ~~Denniston-Boykin Company, Inc., a Corporation, Alex Cook,~~
~~Emerson Durett, Irene Smith, Lillian Smith, Earl Smith, Marion~~
~~Smith, et als,~~

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 20th day
of January 1937

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 Martin Mills, Alice Weeks,
David Weeks, Major Smith and Norbet Smith,

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

E. L. Cook

against said Martin Mills, Alice Weeks, David Weeks, Major Smith and Norbet Smith, et als,

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 20th day

of January 193 7

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 Martin Mills, Alice Weeks, David Weeks, Major Smith and Norbet Smith, Denniston-Boykin Company, Inc., a Corporation,

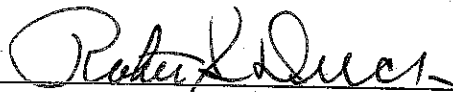
of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

E. L. Cook

against said Martin Mills, Alice Weeks, David Weeks, Major Smith, Norbet Smith, et als, Denniston-Boykin Company, Inc., a Corporation,

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 20th day of January 1937



Register

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

TO ROBERT S. DUCK, REGISTER IN CHANCERY, BALDWIN COUNTY, ALABAMA:

Your Petitioner, Annie S. Cook, respectfully shows unto you that heretofore on to-wit, January 20, 1937, her husband, E. L. Cook, who is now confined to his home with illness, filed a Bill of Complaint on the Equity side of the Circuit Court of Baldwin County, Alabama, against Martin Mills, David Weeks and other parties, praying among other things for a temporary writ of injunction or restraining order restraining and enjoining the two said defendants and the others named in the said cause, being case number 292 on the Equity side of the Circuit Court of Baldwin County, Alabama, from cutting and removing timber from the Southwest Quarter of the Northeast Quarter and the East Half of the Northeast Quarter of Section 9, Township 8 South Range 3 East in Baldwin County, Alabama; that a writ of injunction was issued in said cause and served on the said Martin Mills and the said David Weeks on the 20th day of January, 1937, by a deputy sheriff of Baldwin County, Alabama. Your Petitioner further shows unto you that the two said Respondents, Martin Mills and David Weeks, in total disregard of the rights of the Complainant in said cause and the terms and provisions of the above described injunction and the mandates of this Honorable Court, have not ceased from cutting timber from the said property and are still continuing to do so.

Petitioner further shows unto you that from the actions of the said Martin Mills and David Weeks she verily believes that all of the timber on said property will be destroyed unless the said parties are committed to jail until they comply with the terms and provisions of the said injunction.

WHEREFORE, your Petitioner respectfully prays that you issue a writ of attachment as provided by law directed to any sheriff of the State of Alabama commanding him to arrest the said

Martin Mills and David Weeks and commit them to jail until they and each of them perform the acts required of them in the said writ of injunction hereinabove referred to or until they are discharged as provided by law. Petitioner further prays for such other, further and general relief as she may be equitably entitled to the premises considered.

Annie S. Cook

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 Petition and that all of the allegations contained therein are true.

Annie S. Cook

Sworn to and subscribed before me on
this the 21st day of January, 1937.

Robert S. Duck

Register of the Circuit Court of Baldwin
County, Alabama.

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 Lester Cook, Cleveland, Ohio

of _____ 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

E. L. Cook

against said Lester Cook, Martin Mills, et als,

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 20th day of January 193 7

Robert S. Duck Register

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

Serve on ALIAS.

**Circuit Court of Baldwin County
IN EQUITY**

No. _____

S U M M O N S

E. L. COOK

Complainant

vs.

MARTIN WILKS, ET AL.,

Respondents.

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of _____

193_____

by leaving a copy of the within Summons with

Defendant

Sheriff

By _____ Deputy Sheriff

Serve on Carl Sewell, Mobile

Circuit Court of Baldwin County
IN EQUITY

No. 232
SUMMONS

vs. J. R. MAQUIN

Complainant,

vs.

MARTIN BRIDGES, et al.,

Respondent.

J. R. MAQUIN
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of _____

193_____

by leaving a copy of the within Summons with _____

Defendant

Sheriff

By _____
Deputy Sheriff

ALIAS.

Serve on *Jane Smith - Mobile*

Circuit Court of Baldwin County
IN EQUITY

No. 292

SUMMONS

E. I. COOK,

Complainant,

VS.

MARTIN MILLS, et al.,

Respondents

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of _____

193_____

by leaving a copy of the within Summons with _____

Defendant

Sheriff

By _____

Deputy Sheriff

J. B. BLACKBURN

Solicitor for Complainant

Recorded in Vol. _____ Page _____

Serve on Lester Cook

Circuit Court of Baldwin County
IN EQUITY

No. 292

S U M M O N S

E. L. Cook,

Complainant,

vs.

MARTIN MILLS, et als,

Respondents.

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of _____

193_____

by leaving a copy of the within Summons with _____

Defendant

Sheriff

Deputy Sheriff

J. B. BLACKBURN
Solicitor for Complainant

Recorded in Vol. _____ Page _____

Serve on Fulton Cook

**Circuit Court of Baldwin County
IN EQUITY**

No. 292

SUMMONS

F. L. Cook,

Complainant,

vs.

Martin Mills, et als,

Defendant

Sheriff

By _____

Deputy Sheriff

J. B. BLACKBURN
Solicitor for Complainant

Recorded in Vol. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of _____

193_____

by leaving a copy of the within Summons with _____

ALIAS.

Serve on *Abel Cook Mobile*

Circuit Court of Baldwin County
IN EQUITY

No. 302

S U M M O N S

K. T. COOK,

Complainant.

VS.

MARRIE WILKS, et al.,

Respondents

J. D. BRADBURN

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of _____

193_____

by leaving a copy of the within Summons with

Defendant

Sheriff

By _____
Deputy Sheriff

Serve on *William Smith, Mobile*

Circuit Court of Baldwin County
IN EQUITY

No. 292

SUMMONS

E. L. COOK,

Complainant,

vs.

MARTIN MILLS, et als,

Respondent.

J. B. BLACKBURN

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of _____

193_____

by leaving a copy of the within Summons with

Defendant

Sheriff

By _____
Deputy Sheriff

280
N
N

ALIAS.

Serve on

Circuit Court of Baldwin County
IN EQUITY

No.

SUMMONS

E. L. COOK

Complainant

VS.

MARTIN MILLS, ET AL.,

Respondents.

Solicitor for Complainant

Recorded in Vol. _____ Page _____

280

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of _____

193_____

by leaving a copy of the within Summons with

Defendant

Sheriff

Deputy Sheriff

Must have street address
Request
Not taxed in Baldwin County after search and inquiry
1931
R. L. POLK, JR., Sheriff
Rathbone

ATTAS.

Serve on *Marrison Smith, Mobile*

Circuit Court of Baldwin County

IN EQUITY

No. *292*

SUMMONS

E. L. COOK,

Complainant,

VS.

MARIE WILES, et al.,

Respondents.

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this _____

day of _____, 193__

SHERIFF

Executed this _____ day of _____

193__

by leaving a copy of the within Summons with _____

Defendant

Sheriff

Deputy Sheriff

J. B. BLANCHARD

Solicitor for Complainant

Recorded in Vol. _____ Page _____

ORIGINAL

RECORDED
Book

Serve on _____

Circuit Court of Baldwin County
IN EQUITY

No. 1892

SUMMONS

F. T. COOK,

Complainant,

vs.

MARTIN WILKS, et als,

Respondents.

J. B. BLACKBURN

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this 27 day of _____

1937

leaving a copy of the within Summons with

James
Mayor
and Martin Wilks

Defendant

M. H. McIlhenny

Sheriff

By *C. W. Anderson*

Deputy Sheriff

RECORDED
Book
7-9

Serve on _____

Circuit Court of Baldwin County
IN EQUITY

No. 292

SUMMONS

E. L. COOK,

Complainant,

vs.

MARTIN MILLS, et als,

Respondents.

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this

20th

day of

Jan

193

SHERIFF

Executed this

20th

day of

Jan

193

by leaving a copy of the within Summons with

*Martin Mills
Mills Miller agent for
summons & by her a copy -
David W. W. -
Alice W. W. -
M. W. W.*

Defendant

Sheriff

John R. Lewis

Deputy Sheriff

J. B. BLACKBURN

Solicitor for Complainant

Recorded in Vol. _____ Page _____

Original
Mabile Co.

Serve on _____

Circuit Court of Baldwin County
IN EQUITY

No. 292

S U M M O N S

F. L. COOK,

Complainant,

vs.

MARTIN WILLIS, et als,

Respondents

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this _____

day of _____, 193__

SHERIFF

Executed this _____ day of

February 1937

by leaving a copy of the within Summons with

Erasmus R. Smith

Defendant

R. L. Polk

Sheriff

By *Ellie Postique*

Deputy Sheriff

J. B. BLACKBURN

Solicitor for Complainant

*Kelley Smith, Sime Smith
Earl Smith, Mason Smith
Also Cook, Mason Smith
Not issued in my County after diligent search and inquiry*

Recorded in Vol. _____ Page _____

5th day of February 1937

R. L. POLK, Sr. Sheriff

W. Farmer

*must have advised the court
the above*



Serve on Lester Cook

Circuit Court of Baldwin County
IN EQUITY

No. 299

SUMMONS

E. L. Cook,

Complainant,

vs.

MARTIN WILLIS, et als,

Respondents.

J. R. BLACKBURN
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of _____
193_____

by leaving a copy of the within Summons with

Defendant

Sheriff

By _____
Deputy Sheriff

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

Your Orator, E. L. Cook, presents this Bill of Complaint against Martin Mills, Denniston-Boykin Company, Inc., a Corporation, Alice Weeks, David Weeks, Alex Cook, Emerson Durett, Lester Cook, Fulton Cook, Major Smith, Irene Smith, Lillian Smith, Norbert Smith, Earl Smith and Marion Smith, and thereupon your Orator complains and shows unto the Court and your Honor as follows:

1. Your Orator is over twenty-one years of age and resides near Magnolia Springs, in Baldwin County, Alabama. The Respondent, Martin Mills, is over twenty-one years of age and resides at Magnolia Springs, in Baldwin County, Alabama; the Respondent, Denniston-Boykin Company, Inc., a Corporation, is a corporation organized and existing under the laws of the State of Alabama, with its principal place of business in Mobile, Alabama; the Respondents, Alice Weeks and David Weeks, are each over twenty-one years of age and each reside in Magnolia Springs, in Baldwin County, Alabama; the Respondent, Alex Cook, is over twenty-one years of age and resides in Mobile, Alabama; the Respondent, Emerson Durett, is a minor about ten years of age, and resides in Mon Luis Island, in Mobile County, Alabama; the Respondent, Lester Cook, is over twenty-one years of age and resides in Cleveland, Ohio; the Respondent, Fulton Cook, is over twenty-one years of age and resides in Pearl River, New York; the Respondent, Major Smith, is over twenty-one years of age and resides at Fairhope, Alabama; the Respondents, Irene Smith and Lillian Smith, are each over twenty-one years of age and each reside in Mobile, Alabama; the Respondent, Norbert Smith, is over twenty-one years of age and resides at Fairhope, Alabama; and the Respondents, Earl Smith and Marion Smith are each minors and each reside in Mobile, Alabama.

2. John Cook, Sr., who died in 1913, owned the Southwest Quarter of the Northeast Quarter and the East Half of the Northeast Quarter of Section 9. Township 8 South Range 3 East in Baldwin County, Alabama, at the time of his death, and Alice

Weeks, John Cook, Thomas Cook, Alex Cook, Gertrude Voltair, Celestine Hudson, Emerson Durett, Lester Cook, Fulton Cook, Major Smith, Irene Smith, Lillian Smith, Norbert Smith, Earl Smith and Marion Smith constitute all of the heirs of the said John Cook, Sr., Deceased, on this date and the said property described above is now owned by the said heirs and those claiming under them in the following proportions: Your Orator, E. L. Cook, four-tenths; Alice Weeks, one-tenth; Alex Cook, one-tenth; Emerson Durett, the only heir of Evelyn Cook Durett, now Deceased, one-tenth; Lester Cook, one-tenth, Fulton Cook, one-tenth and Major Smith, Irene Smith, Lillian Smith, Norbert Smith, Earl Smith and Marion Smith, as the heirs of Camilla Cook Smith, now deceased, one-tenth; John Cook, Thomas Cook, Gertrude Cook Voltair and Celestine Hudson having conveyed their interest in the said property to your Orator.

3. The said property hereinabove described was, by a copied assessment, assessed for taxes for the year 1930, to the Estate of John Cook, Sr., Deceased, and on to-wit, July 8, 1931, the Tax Collector of Baldwin County, Alabama, attempted to sell the said property to the Respondent, David Weeks, and on to-wit, January 28, 1934, a tax deed attempting to convey the said property to the said Respondent, together with other property, was executed by G. W. Humphries, Judge of Probate, which is recorded in Deed Book 56 N. S. at Page 75, Baldwin County Records, a true copy of which is hereto attached, marked Exhibit "A" and by reference made a part hereof as though fully incorporated herein, which said attempted sale and the proceedings leading up thereto were void. After the said tax deed was made to the Respondent, David Weeks, and on to-wit, January 2nd, 1935, he attempted to lease the timber on the said property to the Respondent, Denniston-Boykin Company, Inc., a Corporation, by written lease dated January 2nd, 1935, and recorded in Deed Book Number 56 N. S. at Page 340, Baldwin County Records, a true copy of which is hereto attached, marked Exhibit "B" and by reference made a part hereof as though fully incorporated herein. The said Denniston-Boykin Company and/or Martin Mills have gone upon the said property

and worked it for turpentine purposes to the damage of your Orator, and the said Denniston-Boykin Company and/or Martin Mills are now cutting and removing the pine timber from the said property and the said Martin Mills has notified your Orator that he will cut and remove timber therefrom, thereby depleting, destroying, committing waste on and doing irreparable injury to said lands without any consent or authority from your Orator. Except for the turpentine lease hereinabove referred to as Exhibit "B" your Orator cannot allege through whom or under whom Denniston-Boykin Company, Inc., and/or Martin Mills are claiming title to or right to cut the said timber.

4. Your Orator further shows unto your Honor that the said David Weeks has leased the timber on the said property for turpentine purposes as will fully appear from the lease hereto attached marked Exhibit "B" and has collected moneys therefor, and the said Denniston-Boykin Company, Inc., and/or Martin Mills have worked the said property for turpentine purposes and have cut down and removed timber therefrom, thereby committing waste and trespassing on said property and none of the said parties have accounted to or paid your Orator his part of the moneys or proceeds flowing from said property or his part of the damage done thereto, all to the great damage of your Orator.

5. Your Orator further shows that he owns an undivided four-tenths interest in the said property and that the other parties hereto except Denniston-Boykin Company, Inc., David Weeks and Martin Mills own interests therein as outlined above. Your Orator further shows that the said property cannot be equitably divided among the joint owners thereof without a sale thereof and a distribution of the proceeds flowing therefrom. Your Orator further shows that he has found it necessary to employ J. B. Blackburn, of Bay Minette, Alabama, as his solicitor of record in the prosecution of this proceeding and an equitable division of the said property among the joint owners thereof.

6. The Respondents, Alex Cook, Emerson Durett, Lester

Cook, Fulton Cook, Major Smith, Irene Smith, Lillian Smith, Norbert Smith, Earl Smith and Marion Smith, should join in this cause as Complainants but your Orator has been unable to obtain their consent to join as Complainants and therefore they are made parties respondent.

7. Your Orator offers to do equity in this cause.

PRAYER FOR PROCESS.

Your Orator prays that the said Martin Mills, Denniston-Boykin Company, Inc., a Corporation, Alice Weeks, David Weeks, Alex Cook, Emerson Durett, Lester Cook, Fulton Cook, Major Smith, Irene Smith, Lillian Smith, Norbert Smith, Earl Smith and Marion Smith 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.

The premises considered, your Orator respectfully prays for the following relief:

1. That pending a final hearing and determination of the issues of this suit your Orator will cause to be issued a temporary writ of injunction or restraining order restraining and enjoining the respondents and each of them from depleting, destroying, committing waste on, doing irreparable injury to and from cutting down and removing timber therefrom, and upon a final hearing of said cause, will make the said injunction or restraining order permanent.
2. That the tax deed hereinabove referred to as Exhibit "A" be cancelled, set aside and held for naught.
3. That your Honor will order that a reference be held to ascertain and fix the amount due your Orator by the several respondents for any damage done to the said property by the respondents or either of them, and for any moneys that by rights should have come to him for the use of the property by them, for moneys

collected by them coming from the said property or the proceeds thereof for which they have not accounted to him and if it be ascertained that the respondents or any of them are indebted to him by reason of their having collected moneys which he was entitled to participate in or by reason of the use of any of the property for their exclusive use, your Honor will decree that such respondent or respondents are so indebted to him and render a proper decree therefor in his favor and if any amount is due him by any of the respondents who are joint owners of the said property, direct that the amount so ascertained to be due him by them be paid out of the pro rata part of the proceeds of the sale of said property that would go to his respective debtor or debtors.

4. That your Honor will order a reference to be held to ascertain a reasonable solicitor's fee to be paid to J. B. Blackburn, solicitor for Complainant, for his services in this proceeding and that said solicitor's fee be taxed as a part of the costs in this proceeding.

5. That upon a final hearing of this cause your Honor will order and decree that the said lands be sold for partition and division among the joint owners thereof.

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

E. L. COOK

Complainant.

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 7 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 E. L. Cook, who, after being by me first duly and legally sworn, deposes and says: That he is the Complainant named in the above entitled cause; that he has read over the foregoing Bill of Complaint and that all of the allegations contained therein are true.

E. L. COOK

Sworn to and subscribed before me on this the ____ day of January, 1937.

Notary Public, Baldwin County, Alabama.

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

On Complainant's entering into bond in the sum of \$200⁰⁰, 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.

EXHIBIT "A"

"THE STATE OF ALABAMA |
BALDWIN COUNTY |

KNOW ALL MEN BY THESE PRESENTS: That whereas on the 8th day of June, A. D. 1931, a decree was rendered by the Probate Court of said County for the sale of the lands hereinafter described and conveyed for the State and County taxes then due from Est. John Cook Sr. the owner of said land for the costs and expenses thereof and thereunder.

AND WHEREAS, thereafter, on to-wit the 8th day of July A. D. 1931 the said lands were duly and regularly sold by the Tax Collector of said County for said taxes, costs and expenses, and at said sale David Weeks became the purchaser of said lands at and for the sum of said taxes, costs and expenses, and forthwith paid said sum to said Tax Collector and received from said Collector a certificate of said purchase,

AND WHEREAS, the time for the redemption of said lands by said owner or other person having an interest therein has elapsed and said certificate of purchase has been returned to the Probate Judge of said County.

NOW, THEREFORE, I, G. W. Humphries, as Probate Judge of the County of Baldwin under and by virtue of the provisions of Section 266 of an Act of the Legislature of 1919 to provide for the general revenue of the State of Alabama, approved September 15, 1919, and in consideration of the premises above set out and in further consideration of the sum of One Dollar to me in hand paid, have this day Granted, Bargained and Sold and by these presents do Grant, Bargain, Sell and Convey unto David Weeks, who is the present owner and holder of said certificate of purchase, all of the right, title and interest of the said Est. John Cook, Sr., owner as aforesaid of said land and all the right, title, interest and claim of the State and County on account of the said taxes or under said decree in and to the following described lands hereinafter referred to, to-wit:

Begn NW Cor Sec 25 T8SR3E, run S 34/50 chs to the margin of public road, thence E 10 chs to margin Cook land, thence N 34/50 chs to a Sec line, thence W 10 chs to begn Sec 25 T8SR3E; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec 9 T6S R3E

lying and being situate in said County and State, to have and to hold the same, the said rights, titles and interests unto himself the said David Weeks and his heirs and assigns forever, but no right, title or interest or any reversioner or remainderman in said land is conveyed hereby.

IN TESTIMONY WHEREOF I hereunto set my hand and seal this 28 day of July A. D. 1934.

G. W. Humphries, Judge of Probate

Seal

THE STATE OF ALABAMA |
BALDWIN COUNTY |

I, G. Mac Humphries, a Notary Public, in and for said County in said State, hereby certify that G. W. Humphries, whose name as Judge of Probate is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of this conveyance, he in his capacity as such Judge of Probate, executed the same voluntarily on the day the same bears date.

Given under my hand, this the 28th day of July, A.D.,

1934.

G. Mac Humphries, Notary Public,
Baldwin Co. Ala.

Seal.

STATE OF ALABAMA PROBATE COURT

BALDWIN COUNTY

Filed in office this 11 day of Sept. A. D. 1934, at 9:15 A. M.
and duly recorded in Deed Book No. 55 N. S. Page 75; and I certify
that \$_____ cts 50 deed tax has been paid as required by law.

G. W. Humphries, Judge of Probate by J. L. Kessler, Clerk.
G. W. Humphries, Judge of Probate.

EXHIBIT "B"

STATE OF ALABAMA

SS

BALDWIN COUNTY

THIS INDENTURE, made this 2nd day of January, A. D. 1935, between David Weeks and - - - - - his wife (hereinafter called the Lessor) of Baldwin County, State of Alabama, and Denniston Boykin Company, Inc., (hereinafter called the Lessee) WITNESSETH:

That the Lessor, for the consideration hereinafter mentioned, hereby leases to the Lessee, heirs, successors or assigns, the pine timber standing on the following described lands, lying and being in Baldwin County, State of Alabama, to-wit:

154 acres known as Estate of John Cook same as leased for last 5 years to Frank W. Boykin Trustee-Begin NW cor. Sec. 25 T 8 S R 3 E run S 34.50 ch. to margin of Public road-thence E 10 ch. to margin Cook land-thence N 34.50 ch. to Sec. line, thence W. 10 ch. to beginning pt. Sec. 25 T 8 S R 3 E; SW $\frac{1}{4}$ of NE $\frac{1}{4}$; E $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 9 T 8 S R 3 E.

The Lessor-guarantee that no part of the above described lands consists of United States Homestead lands not proved up.

The Lessee, to have the right of ingress and egress to and from said lands and the right to work the pine timber thereon, for manufacturing Rosin and Spirits of Turpentine, with the right to take such of said timber as may be required to furnish cooperage for said rosin, for the full term of two years or for less time at Lessee option, on all cups hung on said timber. The term of working each lot of cups to begin March - - - - -, after same are hung. All rights of the Lessee hereunder shall terminate on or before December 31, 1936.

Any tenant hereunder may place any improvements desired on the lands hereinafter mentioned not inconsistent with the business for which this lease is made, and may remove any or all of said improvements at, or before the expiration of the lease and the tenant's right hereunder. Broken cups replaced or cups rehung on same faces when once counted, shall not be counted again. Lessee may remove cups and aprons from trees covered hereby.

The Lessee agree to pay to the Lessor, his heirs, successors or assigns, the sum of TWO HUNDRED TWENTY DOLLARS for all cups hung on said timber, payment to be as follows: ONE HUNDRED TEN DOLLARS cash, receipt of which is hereby acknowledged, the balance ONE HUNDRED TEN DOLLARS to be paid on January 2, 1936. Said TWO HUNDRED TWENTY DOLLARS (\$220.00) to be in full payment for timber worked under this lease for the two years period.

The Lessor agree that the Lessee may assign this lease, as to the whole or any part of said premises for the whole or any part of said term and may place any tenant or assignee thereon, or in possession thereof, without notice to, or the further assent of the Lessor.

And the Lessor covenant that he has full right to make this lease and a clear legal title to said premises and that he will warrant and defend the Lessee in the possession thereof, during the continuance of this lease.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, the day and year first above mentioned.

David Weeks (Seal)

DEMNISTON-BOYKIN COMPANY, Inc. (SEAL)

By Frank W. Boykin (SEAL)

Signed, sealed and delivered in
the Presence of:

P. B. PATRICKS

J. E. WILK

STATE OF ALABAMA PROBATE COURT

BALDWIN COUNTY

Filed in office this 5 day of Jan. A. D. 1935 at 9:10 A. M. and
duly recorded in Deed Book No. 56 N. S. Page 340; and I certify that
\$---- ets 50 Deed tax has been paid as required by law.

G. W. Humphries, Judge of Probate by J. L. Kessler, Clerk.

G. W. Humphries, Judge of Probate.

Post Office Department
OFFICIAL BUSINESS
REGISTERED ARTICLE
No. 75
INSURED PARCEL

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

POSTMARK OF DELIVERING OFFICE

No. _____
Return to R. S. Duck - Clerk
(NAME OF SENDER)

Street and Number, }
or Post Office Box, }

Post Office at _____

Rev. 3-24 State _____

65-6116

Post Office Department
OFFICIAL BUSINESS
REGISTERED ARTICLE
No. _____
INSURED PARCEL

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

POSTMARK OF DELIVERING OFFICE

No. 478
Return to R. S. Duck - Clerk
(NAME OF SENDER)

Street and Number, }
or Post Office Box, }

Post Office at Bay Minette

Rev. 3-24 State Ala

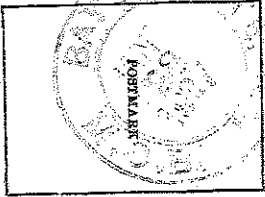
65-6116



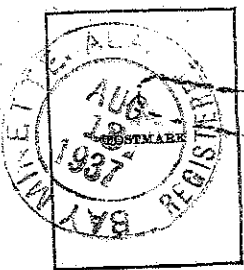
RECEIPT FOR REGISTERED ARTICLE No. _____
1-13 fee paid. _____ class postage paid. _____ 1937
Declared value, \$ _____ Surcharge paid, \$ _____
From R. S. Duck - Clerk (Sender)
Addressed to _____ (Post office and State)
Return receipt fee _____
Delivery restricted to addressee _____
Special delivery fee _____
Postmaster, per _____



RECEIPT FOR REGISTERED ARTICLE No. 478
1-13 fee paid. _____ class postage paid. _____ 1937
Declared value, \$ _____ Surcharge paid, \$ _____
From R. S. Duck - Clerk (Sender)
Addressed to Bay Minette Ala (Post office and State)
Return receipt fee _____
Delivery restricted to addressee _____
Special delivery fee _____
Postmaster, per _____



RECEIPT FOR REGISTERED ARTICLE No. _____
1-13 fee paid. _____ class postage paid. _____ 1937
Declared value, \$ _____ Surcharge paid, \$ _____
From R. S. Duck - Clerk (Sender)
Addressed to Bay Minette Ala (Post office and State)
Return receipt fee 3 in person 10 Special delivery fee _____
Delivery restricted to addressee _____ or order _____ Postmaster, per H



RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

Fulton Cook

(Signature of sender or addressee)

(Signature of addressee again)

Date of delivery
March 31 1937

2/1 1937

RECEIVED
MAY 10 1937
U.S. POST OFFICE
NEW YORK

Date of delivery

(Signature of sender or addressee)

(Signature name of addressee)

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

R. S. DUCK
REGISTER AND CLERK
OF THE
CIRCUIT COURT, BALDWIN COUNTY
BAY MINETTE, ALA.



Notice Sent
JAN 30 1937

REGISTERED
NO. 479

Return Receipt Requested
Fee Paid



Lester Cook,
Cleveland, Ohio

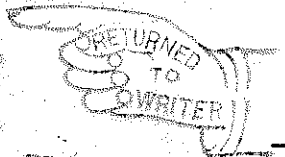
REGISTERED
RETURN RECEIPT REQUESTED

REGISTERED
DELIVER TO ADDRESSEE ONLY.

Deliver to addressee only.

INSUFFICIENT ADDRESS

R. S. DUCK
REGISTER AND CLERK
OF THE
CIRCUIT COURT, BALDWIN COUNTY
BAY MINETTE, ALA.



REGISTERED:

RETURN RECEIPT REQUESTED:

REASON CHECKED
Unclaimed
Unknown Deceased
For better address
Moved address
No such office in state

Return Receipt Requested
Fee Paid

Lester Cook,
Pearl River,
New York.

DELIVER TO ADDRESSEE ONLY:

Deliver to addressee only.

REGISTERED
NO. 75

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. _____

INSURED PARCEL

No. _____

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

POSTMARK OF DELIVERING OFFICE

AND DATE OF DELIVERY

Return to R. S. Duck, Clerk Circuit Court,

(NAME OF SENDER)

Street and Number, or Post Office Box _____

Post Office at Bay Minette,

Rev. 7-27 05-6110 State _____

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 4679

INSURED PARCEL

No. _____

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

POSTMARK OF DELIVERING OFFICE

Return to R. S. Duck, Clerk

(NAME OF SENDER)

Street and Number, or Post Office Box _____

Post Office at _____