

605

H. W. SLAUGHTER JR.,

Plaintiff

-vs-

MAGGIE A. NELSON AND
BEN LITTLE,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW.

Come the Defendants in the above styled cause and demur to the Complaint filed in said cause and as grounds there for say:-

FIRST.

That said Complaint does not state a cause of action.

SECOND.

That said Complaint is vague and indefinite.

THIRD.

That said Complaint fails to set out the number of logs that are being sued for.

FOURTH.

That said Complaint fails to set out how many oak, red gum, sweet gum logs are sued for.

FIFTH.

That the description of the land from which the logs are cut, as set out in said Complaint, is vague and indefinite.

Hybert P. Pason
Attorneys for Defendants.

Defendants demand a trial of this cause by a Jury.

Hybert P. Pason
Attorneys for Defendants.

RECORDED

DEMURRER.

H. W. SLAUGHTER, JR.,
Plaintiff

-vs-

MAGGIE A. NELSON AND BEN
LITTLE,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW.

FILED SEPTEMBER 27, 1940.

A. S. Durr
Clerk.

STATE OF ALABAMA.

BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon MAGGIE A. NELSON and BEN LITTLE to appear at the next term of the Circuit Court, to be held for said County, at the place of holding the same, then and there to answer the complaint of H. W. SLAUGHTER, JR.

Witness my hand this the 22d day of Sept, 1940.

R. S. Luck
Clerk.

H. W. SLAUGHTER, JR.,
Plaintiff,

vs.

MAGGIE A. NELSON, and
BEN LITTLE,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

The Plaintiff claims of the Defendants the following personal property, namely: All logs and timbers cut from the following described land situated in the County of Baldwin, State of Alabama, to-wit:

A tract of land in Sections 34 and 35, Township 3 North, Range 2 East, containing 400 acres more or less, described as follows: Clark Island on Montgomery Hill Landing bounded on the South and East by Boatyard Lake, West by Alabama River, North by Boatyard Lake, Hollow Creek and a certain conventional line or creek running from Hollow Creek to Boatyard Lake or the Head of Boatyard Lake making out North to Hollow Creek;

which logs are now bedded on the above described land, ^{or rafted or loaded on barks} having been cut therefrom and consisting of species of oak, red gum or sweet gum logs of approximately 50,000 feet and of the value of \$500.00, together with the value of the hire or use therefrom during the detention, namely, from August 26, 1940.

Becke & Hall
W. C. Becke
Attorneys for Plaintiff.

The sheriff is required to take the property mentioned in the complaint into his possession, unless the defendants give bond payable to the plaintiff, with sufficient surety, in double the amount of the value of the property, with condition that if the defendants are cast in the suit, they will, within thirty days thereafter, deliver the property to the plaintiff and pay all costs and damages which may accrue from the detention thereof.

Red Duck
Clerk.

Executed this the
22d day of Sept 1940
by putting a copy
of the return writ
on Maggie A. Nelson
and Ben Little
and by taking into my possession
276 Burn logs
at yellow wash at
Mouth of Hallow Creek
on Alabama Reservoir
the value of \$400.00
W. R. Stunt
Sheriff
H. P. Pruitt
DS

Filed Sept 21, 1940
Red Duck
Clerk

(Logs left in charge of
Cleveland Instahl)

H. W. SLAUGHTER JR.

Plaintiff,

-VS-

MAGGIE A. NELSON and
BEN LITTLE

DEFENDANTS,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

REPLEVIN BOND OF DEFENDANT IN DETINUE.

KNOW ALL MEN BY THESE PRESENTS: That Maggie A. Nelson and Ben Little as principal and the undersigned as sureties, are held and firmly bound unto H. W. Slaughter Jr. in the sum of Eight Hundred Dollars (\$800.00) for the payment of which well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 3rd day of September, 1940.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH that Whereas under a Writ of Detinue issued on the 2nd day of September 1940 in favor of H. W. Slaughter Jr. as plaintiff and against Maggie A. Nelson and Ben Little, as defendants, out of the Circuit Court of Baldwin County, Alabama, the Sheriff of said county has been commanded to seize the following described personal property, viz:-

All logs and timbers cut from the following described lands situated in the County of Baldwin, State of Alabama to-wit:

A tract of land in Sections 34 and 35, Township 3 North Range 2 East, containing 400 acres more or less, described as follows: Clark Island on Montgomery Hill Landing bounded on the South and East by Boatyard Lake, West by Alabama River, North by Boatyard Lake, Hollow Creek and a certain conventional line or creek running from Hollow Creek to Boatyard Lake or the Head of Boatyard Lake making out North to Hollow Creek, which logs are now bedded on the above described land or rafted or loaded on boats, having been cut therefrom and consisting of species of oak, red gum or sweet gum logs of approximately 50,000 feet and of the value of \$500.00.

Under said Writ the said W. R. Stuart, as Sheriff, has seized the following described personal property, viz:-

276 gum logs at Yellow Wash at mouth of Hollow Creek on Alabama River, of the value of \$400.00

and the possession of said property has been restored to said Defendants on the execution of this Bond.

NOW, if the Defendants are cast in said suit, and shall within thirty days thereafter deliver said property to the Plaintiff and pay all costs and damages which may accrue from the Detention thereof, then this obligation to be void, otherwise to remain in full force and effect.

Taken and approved this
4th day of September, 1940.

W. R. Stuart
Sheriff of Baldwin County, Alabama

Maggie A. Nelson (SEAL)

Ben Little (SEAL)

J. R. Fille (SEAL)

J. E. Nelson (SEAL)

REPLEVIN BOND OF DEFENDANT IN
DENTINUE

H. W. SLAUGHTER, JR.

Plaintiff

-VS-

MAGGIE A. NELSON and
BEN LITTLE

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

Filed Sept. 8, 1940
R. E. Dush, Clerk

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

605

STATE OF ALABAMA.

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS, that we, H W Slaughter Jr

and _____

are held and firmly bound unto Maggie A. Nelson and Ben Little, the defendants, in the sum of Two Hundred Fifty dollars, for the payment of which, well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly, severally and firmly by these presents.

Sealed with our seals, and dated this 31st day of _____

August 1940.

The condition of the above obligation is such, that, whereas, the above bound H. W. Slaughter, Jr., has this day commenced suit in the Circuit Court of Baldwin County, Alabama, against said Maggie A. Nelson and Ben Little, defendants, for the recovery of all logs and timbers cut from the following described land situated in the County of Baldwin, State of Alabama, to-wit:

A tract of land in Sections 34 and 35, Township 3 North, Range 2 East, containing 400 acres more or less, described as follows: Clark Island on Montgomery Hill Landing bounded on the South and East by Boatyard Lake, West by Alabama River, North by Boatyard Lake, Hollow Creek and a certain conventional line or creek running from Hollow Creek to Boatyard Lake or the Head of Boatyard Lake making out North to Hollow Creek;

or rafted on boats
which logs are now bedded on the above described land, having been cut therefrom and consisting of species of oak, red gum or sweet gum logs of approximately 50,000 feet; and having made affidavit that the property sued for belongs to H. W. Slaughter, Jr., and entered into this bond, has obtained an order requiring the Sheriff of Baldwin County to take the said property sued for into his possession.

Now, if the said H. W. Slaughter, Jr. shall fail in said suit and pay the defendants all such costs and damages as they may sustain by the wrongful complaint, then this obligation to be void; otherwise to remain in full force and effect. And for the payment

STATE OF ALABAMA.

BALDWIN COUNTY.

Personally appeared before me, the undersigned authority in and for said county, in said state, H. W. Slaughter, Jr., who being duly sworn, deposes and says that the property sued for in the complaint herein, to-wit, All logs and timbers cut from the following described land situated in the County of Baldwin, State of Alabama, to-wit:

A tract of land in Sections 34 and 35, Township 3 North, Range 2 East, containing 400 acres more or less, described as follows: Clark Island on Montgomery Hill Landing bounded on the South and East by Boatyard Lake, West by Alabama River, North by Boatyard Lake, Hollow Creek and a certain conventional line or creek running from Hollow Creek to Boatyard Lake or the Head of Boatyard Lake making out North to Hollow Creek;

which logs are now bedded on the above described land, having been cut therefrom and consisting of species of oak, red gum or sweet gum logs of approximately 50,000 feet, belongs to H. W. Slaughter, Jr., the plaintiff.

H. W. Slaughter, Jr.

Sworn to and subscribed before
me on this the 31 day of
August, 1940.

W. C. Beebe

Notary Public
County Ala

Filed
August 21, 1940

RECORDED

Peterson Bond

605

of the above bond we hereby waive our right of exemption to personal property under the constitution and laws of the State of Alabama.

W. W. Slaughter, Jr. (SEAL)

W. W. Slaughter (SEAL)

A. W. Slaughter (SEAL)

Approved This 2nd Day of September 1940
R. S. Duck
Clerk