

LENA COOK,

Plaintiff,

VS.

ALBERT L. COX,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

AT LAW

NO. 660.

ON MOTION FOR NEW TRIAL.

This was a suit in ejectment. The defendant plead not guilty and suggested in writing that the suit arose over a disputed boundary line, but made no disclaimer.

As stated by the eminent and learned Judge Sayre in his concurring opinion in *Pounders vs. Nix*, 222 Ala. 27, 130 South. 537, this statutory proceeding is closely akin to a suit in equity, and for this reason I am setting out in writing my conclusions and the reasons therefor, with directions to the Clerk as to the judgment. In this undertaking I am painfully conscious of the fact that the full meaning of the statute is not altogether plain and clear to me. I can make this admission since Judge Sayre, in the opinion referred to, speaking for the Court, said: "Just what the statute in its present form intends, we may as well confess a measure of doubt."

Section 942 of Title 7 of the 1940 Code does not contemplate the filing by defendant of a suggestion of a dispute over a boundary line unless the defendant disclaims possession of the premises in whole or in part. This section, as it appeared in the Code of 1907 provided that the defendant might make this suggestion

"in his disclaimer," which is provided for in the amended section under the caption "DISCLAIMER OF POSSESSION." This section providing for "Disclaimer of possession" was amended in the Code of 1923 (Section 7457) so as to authorize the defendant to make this suggestion at any time "within thirty days before the case is called for trial" under certain specified conditions. The section is unchanged in the Code of 1940. Now, as always, the section is for the double purpose of allowing the defendant to either disclaim possession and escape liability for costs, or, if there exists a dispute as to the boundary line between coterminous land owners, to disclaim possession of the land as described in plaintiff's complaint and suggest that the suit arises over a disputed boundary line in which suggestion the defendant shall describe the true location. The Plaintiff must either take issue on this suggestion or reply in writing, setting forth his contention as to the location of the true line. On the latter alternative the location of the true line between the parties is the only issue. Title is not an issue. *Pennington vs. Mifflin, 199 Ala. 74, 74 So. 238*

Where, as here, there is only one tract, or parcel, of land involved, the defendant cannot in the same suit disclaim possession and plead not guilty.

Forrester vs. McFry,
229 Ala. 324

157 So. 63
And cases cited.

In his suggestion defendant contends that the true location of the boundary line between the properties of the parties is a line running east and west six feet south of south line of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 15. It is true that in his suggestion he purports to describe this south boundary line of said forty by courses, distances, movements, etc., but stripped of its non-essentials, it is nothing more than a description of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, which it is agreed is defendant's property. Under this description in defendant's

suggestion the issue resolves itself into the location of the line between $SE\frac{1}{4}$ of $NW\frac{1}{4}$ and $NE\frac{1}{4}$ of $SW\frac{1}{4}$, which it is agreed is the property of Plaintiff. The fact that the defendant happens to have a fence along a portion of the south line of the property described in the suggestion is merely coincidental. To fix the south boundary of the land he describes, he begins at the Northeast corner of $SE\frac{1}{4}$ of $NW\frac{1}{4}$ and runs south 1320 feet "to a point which is the southeast corner of the field of defendant." This point must of necessity be the Northeast corner of $NE\frac{1}{4}$ of $SW\frac{1}{4}$. If he begins his survey at the Northeast corner of $SE\frac{1}{4}$ of $NW\frac{1}{4}$ and runs South 1320 feet he does not go beyond the southern boundary of $SE\frac{1}{4}$ of $NW\frac{1}{4}$ and reaches the northern boundary of $NE\frac{1}{4}$ of $SW\frac{1}{4}$, the plaintiff's forty. From this point the southern boundary line of the tract described in the suggestion, runs due west "to a point on the west line of $E\frac{1}{2}$ of $NW\frac{1}{4}$ of said Section 15". This point could not possibly be any point other than the southwest corner of $SE\frac{1}{4}$ of $NW\frac{1}{4}$, which is also the northwest corner of $NE\frac{1}{4}$ of $SW\frac{1}{4}$. This must be true, since the description set out in the suggestion says that from said point the land line runs North 1320 feet (the length of the forty) to the northwest corner of $SE\frac{1}{4}$ of $NW\frac{1}{4}$, thence east 1320 feet to point of beginning.

The Plaintiff, in his replication to the suggestion describes the same southern boundary of $SE\frac{1}{4}$ of $NW\frac{1}{4}$ as the location of the true line.

It is true that defendant's suggestion refers to a field, a fence, and a public road, but when broken down and reduced to its last analysis it is nothing more than an effort to locate a line fixed by government survey - the south line of $SE\frac{1}{4}$ of $NW\frac{1}{4}$. This line cannot be fixed by adverse possession.

Forrester vs. McFry, Supra.

Defendant did not offer to show adverse possession of the land claimed by him (six feet) south of this government line, which was also his fence line. Consequently, his proof of adverse possession failed even if it had been admissible for the purpose of

establishing the boundary line, and proof of adverse possession is not admissible to fix government lines. The Plaintiff was entitled to the general charge since there was no evidence that the true line was six feet south of the line described in defendant's suggestion, which line was nothing more or less than the government sub-division line between $SE\frac{1}{4}$ of $NW\frac{1}{4}$ and $NE\frac{1}{4}$ of $SW\frac{1}{4}$, as above demonstrated.

The verdict in this case is identical with the verdict in Ponders vs. Nix, *supra*, which means that the true line between the parties is the government line between said two forties, and not a line six feet south thereof.

As pointed out by Judge Sayre in the opinion referred to, the statute anticipates the fact that the Sheriff may have difficulty in establishing and marking the true line as ascertained by the jury, and provides for the taxation of costs to compensate a skilled surveyor to assist the Sheriff in establishing said true line.

In framing the judgment of the Court the Clerk shall incorporate therein the verdict of the jury and an adjudication by the Court to the effect that the boundary line found by the jury is the true location of the boundary line between the lands of plaintiff and defendant. In framing said judgment the Clerk shall tax the defendant with the costs of this proceeding, not including the costs incurred by the Sheriff in establishing and marking the true line, which costs he shall tax one-third against plaintiff and two-thirds against defendant.

The Clerk is further directed to issue an order to the Sheriff directing him to employ a skilled disinterested surveyor, and such assistants as may be necessary, and establish and plainly mark the true line between $SE\frac{1}{4}$ of $NW\frac{1}{4}$ and $NE\frac{1}{4}$ of $SW\frac{1}{4}$, Section 15, Township 2 South of Range 2 East, and report to the court when the order has been executed, together with an itemized statement of

his costs incurred. If, after said line has been established and marked, it is found that defendant is in possession of any part of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 15, the Sheriff will so state in his report to the Court.

The Clerk is further directed to incorporate in said judgment a provision for the issuance of execution, or executions, for the collection of all costs.

The Clerk is further directed to file this opinion and order in the cause.

This 23rd day of July, 1943.

J. W. Hare
Judge

STATE OF ALABAMA)

COUNTY OF Mobile

Before me the undersigned, authority, personally appeared

Dr. J. C. O'Gorman, Sr.

known to me, who being duly sworn, upon his oath, states that he is

a licensed & practicing Physician, and is a member

a partnership composed of Dr. J. C. O'Gorman, Sr. & Dr. J. C. O'Gorman, Jr.

and that as such he makes this affidavit that he is familiar with
the books and said business of Dr. J. C. O'Gorman & O'Gorman, Jr.

that the attached account against Mrs. C. P. Tampion
is just and correct, and within the personal knowledge of this
affiant; that the items thereon stated and comprising that said account
were sold and delivered to said Mrs. C. P. Tampion

^{at}
and the special instance and request of said creditor, and that credit
has been duly given for all payments and just and lawful effects to
which said account is entitled as thereon stated, and that the bal-
ance thereof states, amounting to the sum of ^{one thousand thirty}(dollars (\$1500))
with interest from May 15, 1938, is justly due and
remains unpaid.

Sworn to and subscribed before me on this

the 26th day of March 1941

N. W. [Signature]
Notary Public

J. C. O'Gorman, Jr.

RECORDED

*Statement of Account
& Affidavit*

*Filed May 15, 1941
R.S. Duck, Clerk*

LENA COOK,

VS.

Plaintiff,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

ALBERT COX,

Defendant.

AT LAW. NUMBER 660.

SECURITY FOR COSTS.

We, the undersigned, hereby acknowledge ourselves security for all the costs of the appeal taken to the Supreme Court by the said Defendant, Albert Cox, from the judgments rendered in the said cause on the 23rd day of July, 1943, one of which overruled defendant's Motion for a New Trial.

Albert L. Cox

Medrick Johnson

W. D. Solomon

Taken and approved this 19th
day of October, 1943.

R. L. Webb

Circuit Clerk.

Bonds
Security for costs

THE STATE OF ALABAMA - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1943-44

1 DIA. 209

Albert L. Cox,

v.

Lena Cook,

Appeal from Baldwin Circuit Court.

THOMAS, JUSTICE.

Suit in ejectment seeking the settlement of a disputed boundary line of land, by the pleading before us. The plea was not guilty and a suggestion of the true boundary as follows:

"Now comes the Defendant and suggests in writing that this suit arises over a disputed boundary line between the property of the Plaintiff and the Defendant. The Defendant alleges that the true location of the boundary line separating the property of the Plaintiff and the Defendant is a line running East and West six feet South of the South line of the following described tract of land situated in Baldwin County, Alabama, to-wit:

11

John Smith

Filed this

19th of Oct 1943.

R. S. Buckle

IN THE CIRCUIT COURT OF

THE DISTRICT OF COLUMBIA

NUMBER 880

IN CASE

ALBERT COX

Defendant.

SECURITY FOR COSTS

We, the undersigned, hereby acknowledge ourselves

security for all the costs of the appeal taken to the Supreme Court

by the said Defendant, Albert Cox, from the judgment rendered in

the said case on the 21st day of July, 1943.

Witness my hand and seal of office this 19th day of October, 1943.

[Handwritten signature]

Taken and approved this 19th day of October, 1943.

[Handwritten signature]

Circuit Clerk.

[Vertical handwritten notes]

2.

"Begin at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section 15, Township 2 South Range 2 East, and run thence South along the East Line of the said property 1320 feet more or less to a point which is the Southeast Corner of the field of the Defendant, Albert Cox, thence due West and following the south fence line of the said field to a point on the East line of the public highway running through the said property, which point is the Southwest Corner of the Defendant's said field, thence continuing the said course west to a point on the West line of the East Half of the West Half of the said Section 15; thence due North 1320 feet more or less to the Northwest Corner of the said Southeast Quarter of the Northwest Quarter; thence East 1320 feet more or less to the place of beginning. * * * *."

Plaintiff's replication was as follows:

"And now comes the Plaintiff and for answer to the Defendant's suggestion of Disputed Boundary says:

"1. That the true boundary line between the property of the Plaintiff and that of the Defendant is the half section line running East and West through Section 15, Township 2 South, Range 2 East in Baldwin County, Alabama. That is to say the line dividing the Southeast Quarter of the Northwest Quarter of Section 15, Township 2 South, Range 2 East in Baldwin County, Alabama, owned by the Defendant and the Northeast Quarter of the Southwest Quarter of Section 15, Township 2 South, Range 2 East in Baldwin County, Alabama, owned by the plaintiff."

The verdict of the jury set out below was for the plaintiff.

The motion for new trial states among other things that:

"The Court erred in giving the following charge at the request of the Plaintiff: 'I charge you Gentlemen of the jury that if you believe the evidence in this case you should find for the Plaintiff on her suggestion as to boundary line.'"

3.

"7. The verdict of the jury which reads as follows:

'We the jury ascertain the true location of the boundary line to be as set out in Plaintiff's replication filed 2/26/43' is fatally defective in that it does not comply with provisions of Title 7, Section 942 of the 1940 Code of Alabama.

"The Jury's verdict in this case is fatally defective in that it does not locate the true line so that it can be marked by the Sheriff as provided by Title 7, Section 942 of the 1940 Code of Alabama."

The judgment on the motion for new trial of the date of July 23, 1943, was: " * * * * 'We the jury ascertain the true location of the boundary line to be as set out in Plaintiff's replication filed 2/26/43' and the same having been considered by the Court:

"It is ordered and adjudged by the court that the line dividing the southeast quarter of the northwest quarter of Section 15, Township 2 south of range 2 east, and the Northeast Quarter of the Southwest Quarter of Section 15, Township 2 South of Range 2 East in Baldwin County, Alabama, be and the same is hereby fixed as the true line, and the Sheriff of Baldwin County, Alabama, is ordered, with the aid of a skilled disinterested surveyor, and such assistants as may be needed, to establish and plainly mark the true line between the Southeast quarter of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 15, township 2 south of range 2 East, Baldwin County, Alabama, and report to the Court, when this order has been executed

4.

together with an itemized statement of his costs incurred, and whether or not the Defendant is in possession of any part of the said Northeast quarter of the Southwest quarter of Section 15, township 2 South of range 2 East."

The proceeding in this case was had under the provisions of Title 7, §§ 941 and 942, Code 1940. The effect of pleading the general issue is stated in Section 941 and is an "admission that the defendant is in possession of the premises sued for."

Section 942 provides that the defendant may disclaim possession of the premises sued for in whole or in part and upon such disclaimer the plaintiff may take judgment or may take issue; and if the issue be found for him, he is entitled to judgment. It is further provided that the defendant may file his suggestion in writing that the suit arises over a disputed boundary line, and "he shall describe the location of the true line and thereupon the plaintiff shall take issue, or shall reply in writing in which replication he shall set forth his contention as to the location of the true line, and the court or jury trying the issue shall ascertain the true location of the boundary line, and judgment shall be rendered accordingly, * *."

The foregoing sections come to us from the former codes and the provisions of Section 3843 were added by the Recess Code Committee to the Code of 1907.

In Bailey v. Selden, 124 Ala. 403, 26 So. 909, 911, it was declared, that a disclaimer of "all right, interest or possession in the premises sued for at or since the commencement of the action," was tantamount to a plea denying possession.

5.

In Pennington v. Nixon, 199 Ala. 74, 74 So. 238, the holding was that the disclaimer was an admission of plaintiff's title; with denial of defendant's possession.

In Smith v. Eudy, 216 Ala. 113, 112 So. 640, it was held that "Plaintiff, by taking issue on defendant's plea which disclaims title to land, assumed burden of showing that defendants, at time of filing suit were in possession of land covered by disclaimer, and that plaintiff had legal title."

The joining of a plea of not guilty and a disclaimer are incompatible defenses, and may not be pleaded by the same defendant as to the same lands, but a defendant may disclaim as to a part of the land sued for and plead not guilty as to the other. — Smith v. Eudy, supra.

Many decisions are to the effect that, "It is mandatory upon the defendant in actions of ejectment, when it is sought to have a disputed boundary line determined, to describe in his 'suggestion' to the court the location of the true line, in order for it to be sufficient against an apt ground of demurrer." — Gloss-Sheffield Steel & Iron Co. v. Coosa Land Co., 231 Ala. 134, 135, 163 So. 898; Smith v. Cook, 220 Ala. 338, 124 So. 898; Smith v. Bachus, 195 Ala. 8, 70 So. 261.

The case of Forrester v. McFry, 229 Ala. 324, 157 So. 68, is to the effect that defendant filing disclaimer and written suggestion, "should definitely describe by landmarks, monuments, courses, and distances what he asserts to be the true line." --

6.

In Pounders v. Wix, 222 Ala. 27, 130 So. 537, the decision was that "notwithstanding rule that section lines established by government survey cannot be altered," the location of the section line must be determined on evidence. Later cases touching the disclaimer of possession are: — Harris v. Eller, 243 Ala. 415, 416, 10 So. 2d 284; Avery v. Kelley, 242 Ala. 671, 8 So. 2d 161.

It is apparent that defendant's suggestion does not involve the title, but the boundary line, of the parties. — Pennington v. Nixon, supra. The several grounds of demurrer to defendant's plea or suggestion were inapt and properly overruled. The trial was had on the amended disclaimer of the defendant and the replication thereto by the plaintiff.

We are at the conclusion that the trial court erred in disallowing to defendant proof of adverse possession and in giving for plaintiff the affirmative charge.

For the error indicated the judgment is reversed.

Reversed and remanded.

Gardner, C. J., Brown, Foster, Livingston and Stakely, JJ.,
concur.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1st Div., No. 209,

Albert L. Cox, Appellant,

vs.

Lena Cook, Appellee,

From Baldwin Circuit Court.

The State of Alabama,
City and County of Montgomery.

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages, numbered from one to s i x inclusive, contain a full, true and correct copy of the opinion of said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.

Witness, J. Render Thomas, Clerk of the Supreme
Court of Alabama, this the 1st day of

June, 19 44

J. Render Thomas
Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 19 43-44

1st Div., No. 209

Albert L. Cox

Appellant,

vs.

Lena Cook

Appellee.

From Baldwin Circuit Court.

COPY OF OPINION

BROWN PRINTING CO., MONTGOMERY, ALA. 1943

~~Court vs~~ Court vs Cr

Jury List, First Week

Spring Term, April 12th, 1943

No.	Name	Occupation	Address
1	Tilman Allen,	Farmer,	Gateswood P1
2	Willie Hec. McMillan,	mechanic,	Stockton P2
3	Jack T. Catrett,	mechanic,	Stockton P3
4	Raymond Dubrock,	laundry,	Fairhope P5
5	Harold B. McGill,	merchant,	Perdido P5
6	Paul W. McMillan,	mechanic,	Stockton
7	H. Pete Jones,	merchant,	Bay Minette P1
8	Robert C. Catrett,	farmer,	Stockton P5
9	Reginald Rex Dolive, Sr.,	butcher,	Loxley
10	Abel G. Berga,	farmer,	Daphne
11	Joe Byrd,	farmer,	Stapleton
12	Hugh Metcalf,	farmer,	Foley
13	William B. Collins,	fisherman,	Foley
14	Louis Swoboda,	farmer,	Silverhill P7
15	J. Lee Palmer,	farmer,	Robertsdale
16	Percy Clark,	laborer,	Stockton P7
17	James A. Sims,	timber,	Rabon P2
18	Robert A. Smith,	timber,	Latham P3
19	Daniel O. Hall,	farmer,	Tensaw P6
20	Thomas B. McGowan,	cattleman,	Latham P6
21	Clare W. Locke,	farmer,	Tensaw P4
22	La Velle Ferguson,	timber,	Latham P4
23	Charles A. Dean,	farmer,	Stapleton
24	Irby E. Heaton,	naval stores,	Bay Minette
25	Joe Rybar,	farmer,	Silverhill P3
26	William G. Hobbs,	filling station operator,	Bay Minette
27	Archie Walters,	farmer,	Bon Secour

P7 / 11
2/7 / 11

Cook is Cox

Jury List, First Week

Fall Term, November 2, 1942

NO.	NAME	OCCUPATION	ADDRESS
1	Arthur Saxe,	farmer,	Loxley
2	Perry A. Taylor	farmer,	Bay Minette P1
3	Willard R. Powell	merchant,	Bay Minette
4	William M. Ruple	farmer,	Hurricane
5	Warren D. Gause, Jr.	clerk,	Stockton P4
6	Fletcher Toler	farmer,	Robertsdale P1
7	George Varbrough, Sr.	forester,	Bay Minette P5
8	J. Arthur Bryars	farmer,	Stockton
9	Albert Corte	farmer,	Daphne P1
10	Nicholas L. Owens	laborer,	Robertsdale
11	Clyde H. Byrne	cafe,	Bay Minette
12	John W. Spalding	farmer,	Foley
13	J. Hilary Brown	cobbler,	Bay Minette
14	Floyd Taylor	clerk,	Bay Minette P5
15	John E. Lindberg	farmer,	Summerdale
16	Paul Childress	farmer,	Loxley
17	Willie Cooper	farmer,	Rosinton P6
18	Freddie Waters	laborer,	Bay Minette
19	M. Murphy McMillan	timberman,	Stockton
20	Rudolph Willis	Woodsman,	Miflin
21	Robert L. Martin	blacksmith,	Perdido P1
22	James B. Driesbach	farmer,	Blacksher
23	Charles E. Nelson	butcher,	Point Clear
24	John H. Hammond	laborer,	Bay Minette
25	Frank Mullek,	farmer,	Elberta
26	William E. Cooney	real estate,	Foley P3
27	Holly Rains	farmer,	Daphne P4
28	J. Mack Blackman	farmer,	Bay Minette
29	John A. Pilgrim	merchant,	Foley
30	Edward Lyrene	farmer,	Silverhill
31	Ed Kane	farmer,	Silverhill P6
32	Arthur Manci	farmer,	Daphne
33	James H. Faulkner	Publisher,	Bay Minette P3
34	Willard A. Weekley	Merchant,	Bay Minette.
35	Joe E. Still	Bookkeeper,	Bay Minette
36	James E. Young	Merchant,	Bay Minette
37	Robert L. Godwin.	Water,	Co Bay Minette,
38	J. Clay Dickman.	Farmer,	Bay Minette.
39	Royal H. Stapleton	Merchant,	Bay Minette

P6 / III /
P6 / III /

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 660. April. Term, 1945
CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Joe B. Smith Pensaw.

Donald Wiggins Em. Cy Howard. Hurricane,
if to be found in your County, at the instance of the Defendant,

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8.30 o'clock of the forenoon, on the 11th day of April., 1945

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein Lena Cook. Plaintiff

and Albert L Cox. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 26th day of March. 1945

R S Duck. Clerk

Received in office this

27

day of

March

1945

SHERIFF

I have executed this writ

March 28 - 1945

By serving Subpoenas on
Donald Wiggins Byrum
By Howard Hargreave
For B Smith Latham

SHERIFF

C. E. Garrett

Baldwin County
W. D. Taylor

Baldwin County

ORIGINAL

No. 660.

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Lena Cook

Plaintiff

VS.

Albert L. Cox.

Defendant

CIVIL SUBPOENA

Issued this 26th day of

March. 1945

R. S. Duck.

Clerk.

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 560
CIRCUIT COURT
April Term, 1945

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon J T Wiggins. 1403 Linwood Drive
Mobile. Ala 18 Brookley ~~Highway~~ Hights.
if to be found in your County, at the instance of the Defedant.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-
of, by 8.30 o'clock of the forenoon, on the 11th day of April, 1945

and from day to day and term to term of said Court until discharged by law, then and there to testify, and
the truth to say, in a certain cause pending, wherein Lena Cook. Plaintiff
and Albert L Cox. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 26th day of March, 1945

R S Duck. Clerk

Received in office this _____ day of _____

194

SHERIFF

I have executed this writ

Received
Returned
Not Taken
and Inquire
in the County of Baldwin
W. H. HOLCOMBE Sheriff

37

SHERIFF

Mobile County

ORIGINAL

No. 660.

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Lena Cook.

Plaintiff

VS.

Albert L. Cox.

Defendant

CIVIL SUBPOENA

Issued this 26th day of

March.

1945

R S Duck.

Clerk.

3-27-45

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.
Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT
Case No. 660. April. Term, 194 5

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Harry Parker H W Graham ^{Fred} Fairhope. Edna Wilson

if to be found in your County, at the instance of the Plaintiff

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8 30 o'clock of the forenoon, on the 11th day of April., 194 5

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein Lena Cook. Plaintiff

and Albert L Cox. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 26th day of March. 194 5

R S Duck. Clerk

Received in office this 27 day of
March 1945

SHERIFF

I have executed this writ

March 28, 1945
By Serving Subpoena
on Harry Porter
H.W. Graham
Fred Wilson

SHERIFF

Baldwin County

ORIGINAL

No. 660.

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Lena Cook.

Plaintiff

VS.

Albert L Cox.

Defendant

CIVIL SUBPOENA

Issued this 26th day of
March. 1945

R S Duck.

Clerk.

LENA COOK,

Plaintiff,

VS.

ALBERT COX,

Defendant.


IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 660.

SUGGESTION OF DISPUTED BOUNDARY

Now comes the Defendant and suggests in writing that this suit arises over a disputed boundary line between the property of the Plaintiff and the Defendant. The Defendant alleges that the true location of the boundary line separating the property of the Plaintiff and the Defendant is a line running East and West six feet South of the South line of the following described tract of land situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section 15, Township 2 South Range 2 East, and run thence South along the East line of the said property 1320 feet more or less to a point which is the Southeast Corner of the field of the Defendant, Albert Cox, thence due West and following the south fence line of the said field to a point on the East line of the public highway running through the said property, which point is the Southwest Corner of the Defendant's said field, thence continuing the said course west to a point on the West line of the East Half of the West Half of the said Section 15; thence due North 1320 feet more or less to the Northwest Corner of the said Southeast Quarter of the Northwest Quarter; thence East 1320 feet more or less to the place of beginning.


Attorney for Defendant.

AMENDED SUGGESTION OF DISPUTED
BOUNDARY.

LENA COOK,

Plaintiff

VS.

ALBERT COX,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 660.

File Feb 26 1940
Chase
Chase

LENA COOK,

Plaintiff,

VS.

ALBERT COX,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 660.

And now comes the Plaintiff and demures to the plea of the Defendant in the form of a Suggestion of Disputed Boundary and for grounds thereof says:

1. That said suggestion is defective in that it does not describe the true boundary line between the lands of the Plaintiff and the Defendant.

2. That said description is insufficient to aid the court in defining and establishing the true boundary line.

3. That the description is vague, indefinite and uncertain.

Rube & Lacey
Attorneys for Plaintiff.

4600

6

Remuner to
depts suggestions

Filed Feb 26 1943
R. S. Duck
but

Lena Coar } In the Circuit Court
vs } of Baldwin County, Alabama
Albert L Cox } of Law.

Now Comes the Plaintiff and
demurs to Defendants' plea or
suggestion and for grounds thereof
says:

1. That said plea or ^{suggestion} suggests no
issue relative to the issues here
involved

2. That said plea or suggestion
neither traverses nor Confesses and avoids
the Plaintiff's Complaint

3. That said plea or suggestion
is vague and indefinite in that it
does not sufficiently set out the
said boundary line.

4. That said plea or suggestion raises
no issues which cannot be raised
under the General issue

5. That said plea or suggestion
is but the General issue

Beebe & Hall
Atty for Plaintiff

(4)

Lena Cook

is

Albert L. Cox

Donors to Defendants

Class

Filed 9/21/41

Re Deeds
Club

LENA COOK,

Plaintiff,

VS.

ALBERT L. COX,

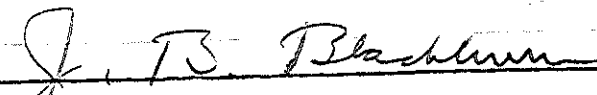
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER ____.

Now comes the Defendant and suggests in writing that this suit arises over a disputed boundary line between the property of the Plaintiff and the Defendant. The Defendant alleges that the true location of the boundary line separating the property of the Plaintiff and the Defendant is the line on which the Defendant's fence is now located.


Attorney for Defendant.

SUGGESTION OF DISPUTED BOUNDARY

LENA COOK,

Plaintiff,

VS.

ALBERT L. COX,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Filed Sept 30 1941
R. K. Cook
Clk.

Refiled Dec 30 1943
R. K. Cook
Clk.

LENA COOK. *h*

VS.

ALBART COX. *W*

No. 660

September 30th 1941.

Came the parties by attorneys, and the Plaintiff files demurrer to statutory suggestion of disputed boundry. and the same being heard and considered by the court it is therefore ordered and adjudged by the court that the said demurrer be and the same is overruled.

Lena Cook D
Albart Cox W
February 26th 1943.

~~Came the parties by attorneys and by leave of the Court the defendant withdraws his former plea of the General issue. and files his amended suggestion. of a disputed boundry~~

LENA COOK,

Plaintiff,

VS.

ALBERT COX,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER 660.

AMENDED SUGGESTION OF DISPUTED BOUNDARY

Now comes the Defendant and suggests in writing that this suit arises over a disputed boundary line between the property of the Plaintiff and the Defendant. The Defendant alleges that the true location of the boundary line separating the property of the Plaintiff and the Defendant is the south line of the following described tract of land situated in Baldwin County, Alabama, to-wit:

Begin at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section Fifteen (15) Township Two (2) South Range Two (2) East and run thence South along the half section line of the said Section 15, 1320 feet more or less to a point in the center of a lane which separates the field of the Plaintiff from the field of the Defendant which said point is six (6) feet south of the Southeast Corner of the Defendant's field fence; thence due West and parallel with the South line of the Defendant's field fence and along the center of the said lane to a point on the east side of the public road; thence continuing the said course West to a point on the West line of the East Half of West Half of said Section 15, thence North 1320 feet more or less to the Northwest Corner of the Southeast Quarter of the Northwest Quarter of the said Section 15; thence East to the point or place of beginning.

J. B. Blackburn
Attorney for Defendant.

AMENDED SUGGESTION OF DISPUTED
BOUNDARY.

LENA COOK,

Plaintiff,

VS.

ALBERT COX,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 660.

Filed April 9-1946
W. H. Smith
Clk

1

LENA COOK,

Plaintiff,

VS.

ALBERT COX,

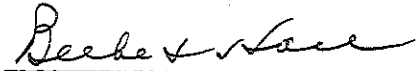
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 660.

And now comes the Plaintiff and for answer to the Defendant's
Suggestion of Disputed Boundary says:

1. That the true boundary line between the property of the
Plaintiff and that of the Defendant is the half section line running
East and West through Section 15, Township 2 South, Range 2 East in
Baldwin County, Alabama. That is to say the line dividing the South-
east quarter of the Northwest quarter of Section 15, Township 2 South,
Range 2 East in Baldwin County, Alabama, owned by the Defendant and
the Northeast quarter of the Southwest quarter of Section 15, Town-
ship 2 South, Range 2 East in Baldwin County, Alabama, owned by
the Plaintiff.



Attorneys for Plaintiff

666

7

Replication

Filed Feb 26 1943
Post-
Dept-

LENA COOK
PLAINTIFF

VS.

ALBERT L. COX
DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 660

And now comes the Plaintiff and amends her replication heretofore made on February 26, 1943, filed in this court, so that the same shall read as follows:

That true boundary line between the property of the Plaintiff and that of the Defendant, is the North line of the following described tract of land, to-wit:

Beginning at the half section corner on the West line of section Fifteen, in Township Two South of Range Two East, run thence East on Half section line of said section 3987 feet to the Northeast corner of the Northwest quarter of Southeast quarter of said section, thence South 1320 feet to the Southeast corner of said Northwest quarter of Southeast quarter of said section fifteen, Thence West 3907 feet to the East line of the Thos. Byrne grant of Section Eight, Township Two South of Range Two East, Thence North 21 degrees 45 Minutes East 1141.5 feet to the Northeast corner of said Byrne Grant, Thence West 500 feet to the West line of Section Fifteen Township Two South of Range Two East, Thence North 280 feet to the place of beginning. Situated in Baldwin County, Alabama.

BEEBE & HALL

By: 

Attorneys for the Plaintiff

8552

LENA COOK
PLAINTIFF

VS.

ALBERT L. COX
DEFENDANT

Amended Replication

Filed this _____ day of
November, 1944.

Clerk

Second
William O. Beasley
Sprocket

4/10/1945
We the jury rule in favor of the Plaintiff
and give the secondary line as established
in amended replication of the plaintiff.

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 660. Nov. Term, 1944
CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Joe B Smith, Tensaw. Donald Wiggins.

Cy Howard. Hurricane,

if to be found in your County, at the instance of the Deft.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8.30 o'clock of the forenoon, on the 8th day of Nov., 1944

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein Lena. Cook. Plaintiff

and Albert L Cox. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 20th day of Oct., 1944

R. L. Green

Clerk

Received in office this 20 day of

Oct

1944

W R Stewart

SHERIFF

I have executed this writ

For [Signature]

Baldwin County

ORIGINAL

No. 660

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Lena Cook.

Plaintiff

VS.

Albert L Cox.

Defendant

CIVIL SUBPOENA

Issued this 20th day of

Oct.

1944

[Signature]

Clerk.

SHERIFF

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 660. Nov. Term, 1944
CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Harry Parker. Fairhope.

H W Graham. Phope. Fred Wilson.
if to be found in your County, at the instance of the Quil

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8 30 o'clock of the forenoon, on the 7th day of Nov., 1944

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein Lena Cook. Plaintiff

and Albert L Cox. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 20th day of Oct. 1944

Reid

Clerk

Received in office this _____ day of

_____ 194_____

SHERIFF

I have executed this writ

in full

Baldwin, County

~~ORIGINAL~~

No. 660. _____

Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Lena Cook.

Plaintiff

VS.

Albert L Cox.

Defendant

CIVIL SUBPOENA

Issued this _____ 20th _____ day of

Oct. _____

1944

R. D. [Signature]

Clerk.

SHERIFF

W. R. [Signature]

To Harry Parker

On this the 13th day of April, 1943, came the parties, with their Attorneys of record, and issue being joined, thereupon came a jury of good and lawful men, to-wit: J Lee Palmer, and eleven others, who, being duly empanelled and sworn according to law, upon their oaths do say, "We the jury ascertain the true location of the boundary line to be as set out in Plaintiffs replication filed 2/26/43" and the same having been considered by the court.

It is ordered and adjudged by the court that the line dividing the Southeast quarter of the Northwest quarter of Section 15 Township 2 South of Range 2 East, and the Northeast quarter of the Southwest quarter of Section 15, Township 2 South of Range 2 East, in Baldwin County, Alabama, be and the same is hereby fixed as the true line, and the Sheriff of Baldwin County, Alabama, is ordered, with the aid of a skilled disinterested surveyor, and such assistants as may be needed, to establish and plainly mark the true line between the Southeast quarter of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 15, Township 2 South of Range 2 East, Baldwin County, Alabama, and report to the Court, when this order has been executed together with an itemized statement of his costs incurred, and whether or not the Defendant is in possession of any part of the said Northeast quarter of the Southwest quarter of Section 15 Township 2 South of Range 2 East.

It is further ordered and adjudged that all costs of this proceeding, except the costs incurred by the Sheriff in establishing and marking the true line, be taxed against the Defendant, for which let execution issue.

It is further ordered and adjudged that the

Costs incurred by the Sheriff in establishing and
marking the true line between the said northeast
quarter of the southwest quarter and the southeast
quarter of the Northwest of Section 15 Township
4 south of Range 2 east be taxed one-third
against the Plaintiff and two-thirds against the
Defendant, for which let execution issue

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.
Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 660. Nov. Term, 1944
CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon J. T. Wiggins.

1403. Linwood Drive Brookley Heights.
if to be found in your County, at the instance of the Mobile 18 Ala.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 830 o'clock of the forenoon, on the 7th day of November., 194 4

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein Lena Cook. Plaintiff

and Albert L Cox. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 20th day of Oct., 194 4

[Signature] Clerk

Received in office this 21 day of

Oct

1944

W R Stuart

SHERIFF

I have executed this writ

*By leaving a copy
at the residence
of J. Wiggins
this 21st day of
October, 1944*

W W Willman
SHERIFF

Mobile County

ORIGINAL

No. 660.

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Lena Cook.

Plaintiff

VS.

Albert L Cox.

Defendant

CIVIL SUBPOENA

Issued this 20th day of

Oct.

1944

R D Duck

Clerk.

10-24-44

STATE OF ALABAMA.

BALDWIN COUNTY.

James B. Crumpton, Court Reporter

April 10, 1926

Agreement 21 A

THIS DEED WITH VENDOR'S LIEN, made and entered into this 11th day of April, 1925, by and between NELLIE CRUMPTON (formerly Nettie Hand, wife of T. C. Hand) and HENRY T. CRUMPTON, her husband parties of first part and ALBERT L. COX, party of second part, WITNESSETH:-

In consideration of the sum of \$550.00, \$50.00 being this day paid in cash and the balance to be paid as hereinafter set out, receipt of said \$50.00 being hereby acknowledged by parties of first part from party of second part, the parties of first part have and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the party of the second part the following described property in Baldwin County, Alabama, viz:-

The Southeast quarter of the Northwest quarter of Section fifteen, Township Two Range Two East. Together with, all and singular, the rights, benefits, appurtenances, tenements and hereditaments unto the same belonging or in any wise appertaining. Less public roads therein.

TO HAVE AND TO HOLD, unto the party of the second part, his heirs and assigns, FOREVER. And the parties of the first part do hereby covenant to and with party of the second part, his heirs and assigns, that they are seized with an indefeasible estate in fee simple in and to said property; that they have a good right to sell and convey the same as herein contained; that they will guarantee the peaceable possession thereof; that the same is free from all incumbrances and that they will and their heirs, executors and administrators shall forever warrant and defend the same unto the party of the second part, his heirs and assigns, against the lawful claims of all persons whomsoever. Subject to existing turpentine leases.

A VENDOR'S LIEN is hereby expressly reserved by and to parties of first part to secure the payment of the balance due of said purchase price, \$500.00, as evidenced by note of party of second part of even date herewith in the sum of \$500.00 payable to Nellie Crumpton at Baldwin County Bank, Bay Minette, Alabama, July 15th, 1926 with interest at 8%, payable in installments of \$20.00 on or before the 15th of each month, beginning with May, 1925. Party of second part hereby covenants and agrees that so long as said note or any other amounts due thereunder remain unpaid in whole or in part, to promptly pay all installments due thereunder and all taxes or charges against said premises before the same become due; not to do or permit waste on or of said property.

If the said party of second part shall well and truly pay or cause to be paid all of said amounts due hereunder and keep and perform all agreements herein contained, then this vendors lien shall become null and void but if the said party of second part shall fail to pay all installments on said notes and all taxes and other charges hereunder promptly when the same are due, then, at the option of parties of first part, all amounts then due or to become due hereunder, shall at once be due and payable and this without notice to party of second part. Whereupon, parties of first part, their heirs, assigns, agents or attorneys in fact, are hereby authorized and empowered to sell the property herein described at auction for cash at the county Court House in said county and state after first giving thirty days notice in some newspaper published in Baldwin County; at any sale held hereunder, Nellie Crumpton, her heirs, assigns, agents or attorneys are hereby authorized and empowered, for, in the name of, and as the attorney in fact for party of second part to make conveyance to purchaser at

(page two)

said sale and this whether the property is purchased by parties of first part or third party, parties of first part being authorized to bid and purchase at said sale as though strangers to said instrument; from the proceeds from such sale there shall first be paid all expenses incident thereto, including a reasonable attorneys fee, next all amounts due hereunder and then the balance, if any, shall be paid over to party of second part. All titles so made at any such sale party of second part will warrant and defend.

IN WITNESS WHEREOF, parties of first part hereunto set their hands and seals on the day and year first above written.

Nellie Crumpton SEAL
Henry T. Crumpton SEAL

STATE OF ALABAMA.

ESCAMBIA COUNTY.

I, Ollie B. Crumpton, a Notary Public in and for said state and county, hereby certify that Nellie Crumpton and Henry T. Crumpton, her husband, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me this day that, being informed of the contents of the instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal this 14 day of April, 1925.

(Affix Seal)

Ollie B. Crumpton
Notary Public Escambia County,
Alabama.

STATE OF ALABAMA.

ESCAMBIA COUNTY.

I, Ollie B. Crumpton, a Notary Public in and for said state and county, hereby certify that on the 14 day of April, 1925, came before me the within named Nellie Crumpton, known to me to be the wife of the within named Henry T. Crumpton, who, being examined separate and apart from the husband touching her signature to the within instrument, acknowledged that she signed the same of her own free will and accord and without fear, constraint or threats on the part of the husband.

In witness whereof I hereunto set my hand and notarial seal this 14 day of April, 1925.

(Affix Seal)

Ollie B. Crumpton
Notary Public Escambia County,
Alabama.

STATE OF ALABAMA }
BALDWIN COUNTY } L. W. D.
STAPLETON, Judge of Probate, for
said County, hereby certify that the fol-
lowing privilege tax has been paid on
the within instrument as required by

acts 1903 & _____
its 50
L. W. Stapleton
Judge of Probate
L. H. Kueh
Clerk

STATE OF ALABAMA }
BALDWIN COUNTY } L. W. D.
STAPLETON, Judge of Probate, for
said County, hereby certify that the fol-
lowing privilege tax has been paid on
the within instrument as required by

acts 1903 and 1904, viz.: § _____
its 45
L. W. Stapleton
Judge of Probate
L. H. Kueh
Clerk

I hereby certify that the Mortgage or Privi-
lege Tax on within instrument was paid by the
lender or creditor. (See general acts of the
Legislature of 1919, on page 420)

Nellie Ann P. Crumpton
L. H. Kueh

Albert J. Coy
Adair C. Coy

10. J. 50
11. J. 45
12. J. 1.53
12. J. 4.50

STONE & STONE
ATTORNEYS
BAY MINETTE, ALABAMA

THE STATE OF ALABAMA } Office of the Judge of
BALDWIN COUNTY } the Probate Court

L. W. D. STAPLETON, Judge of said Court in and for
said County, do hereby certify that the within instrument
was filed in this office for record on the 13th
day of May 1925 at 12
o'clock, and I further certify that the
same is duly recorded in Record Book No. 36718

Page 169 and duly examined.

Witness my hand this 16th day of May 1925

L. W. Stapleton
Judge of Probate Court
L. H. Kueh
Clerk

MAY 21 1925

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 660.

CIRCUIT COURT
Nov. Term, 194 2

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon ✓ Harry Parker, W H Graham Fred Wilson.

if to be found in your County, at the instance of the Pl_tf,

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8 o'clock of the forenoon, on the 4th day of Nov., 194 2

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein Lena Cook. Plaintiff

and Albert L Cox. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 30th day of Oct. 194 2

R S Dyer

Clerk

Received in office this 23 day of

October

1942

W. B. Stuart

SHERIFF

I have executed this writ

by serving a copy of
Harry Parker W. H. Graham
and Fred Wilson

W. B. Stuart

By B. J. Dineen

SHERIFF

ORIGINAL

666 No. 660.

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Lena Cook.

Plaintiff

VS.

Alabert J. Cox.

Defendant

CIVIL SUBPOENA

Issued this 20th day of

Oct.

1942

B. J. Dineen

Clerk.

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Ptg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT
Case No. 660 April Term, 1943

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Harry Parker, N. W. Graham
Fred Wilson
if to be found in your County, at the instance of the Plt

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 11:30 clock of the forenoon, on the 13th day of April, 1943

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein Lena Cook Plaintiff

and Albert Cox Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 8th day of April, 1943

A. S. Duck Clerk

Received in office this _____ day of

194

SHERIFF

I have executed this writ

in full 4/8/43
parson

W. R. Stuart
SHERIFF

ORIGINAL

No. *660*

Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Lena Cook

Plaintiff

VS.

Albert Roy

Defendant

CIVIL SUBPOENA

Issued this _____ day of

194

Clerk.

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.
Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 660. April. Term, 1943
CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon J T Wiggins. & Mrs. Allie McLendon
607 Cherokee Street, Mobile, Alabama

if to be found in your County, at the instance of the Deft.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8 30 o'clock of the forenoon, on the 13th day of April., 1943

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein Lena Cook Plaintiff

and Albert Cox. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 8th day of April. 1943

R. Duck

Clerk

Received in office this _____ day of

194

SHERIFF

I have executed this writ

4/10/43

Received
Returned
Not found in my County
and vicinity

W. H. BOYD, Sheriff

SHERIFF

ORIGINAL

No. 660.

Page

THE STATE OF ALABAMA

Baldwin County 13

J. J. Wiggins

CIRCUIT COURT

Lena Cook,

Plaintiff

VS.

Albert Cox.

Defendant

CIVIL SUBPOENA

Issued this 8th day of

April.

1943

R. D. DeLoach

Clerk.

4-10-43

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT
} Case No. 660 Nov Term, 1941

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Joe B. Smith, Lema Cook, Donald Wiggins Carpenters, Alfa Cox, Carpenter J. J. Wiggins
Cy Howard -
if to be found in your County, at the instance of the Defendant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 4:30 o'clock of the forenoon, on the 5 day of Nov, 1941

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein Lema Cook Plaintiff

and Albert Cox Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 30th day of Oct, 1941

R. S. Spack Clerk

E

Received in office this 30 day of

Oct 1941

W.R. Stuart

SHERIFF

I have executed this writ

by serving
Joe B. Smith
Donald Wiggins and
Ada Cox
Cy Howard
J. L. Wiggins

ORIGINAL

No. 660 Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Lena Cook

Plaintiff

VS.

Albert Cox

Defendant

CIVIL SUBPOENA

Issued this 30th day of

Oct 1941

K. S. Duck

Clerk.

W.R. Stuart

SHERIFF

By Hamilton T. McLean

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 660. Nov. Term, 1942

CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Joe B Smith Donald Wiggins. ~~Albert Cox.~~ Cy Howard,
a and J T Wiggins.
if to be found in your County, at the instance of the Dfct.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8 o'clock of the forenoon, on the 4th day of November., 1942

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein Lena Cook. Plaintiff

and Albert L Cox. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 20th day of Oct., 1942



Clerk

Received in office this _____ day of

194

SHERIFF

I have executed this writ

W. R. Smith

SHERIFF

ORIGINAL

No. 660

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Lena Cook,

Plaintiff

VS.

Albert. L. Cox.

Defendant

CIVIL SUBPOENA

Issued this 20th day of

Oct.

1942

R. S. Smith

Clerk.

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT
} Case No. 660. April. Term, 194 3

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Joe B Smith, Latham Ala.

Donald Wiggins J T Wiggins. and Cy Howard.
if to be found in your County, at the instance of the

Deft,

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8 30 clock of the forenoon, on the 13th day of April. 194 3

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein Lena Cook. Plaintiff

and Albert Cox. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 8th day of April. 194 3



Clerk

Rec 4-8-43
W R Short

ORIGINAL

No. 660.

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Lena Cook.

Plaintiff

VS.

Albert Cox.

Defendant

CIVIL SUBPOENA

Issued this 8th day of

April.

194-3

Roduck

Clerk.

Received in office this 8 day of

April

1943

W R Short

SHERIFF

I have executed this writ

this 4/8/43 by
Serving Copy of
On Donald Wiggins
Q. Y. Howard
J B Smith

SHERIFF

The State of Alabama,
Baldwin County

S. D. Page No. _____

Case No. 660

CIRCUIT COURT

Term, 1934

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

W. H. Parker H. N. Graham
F. Hope

if to be found in your County, at the instance of the

Plf

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 5 day of Nov, 1934, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Lena Cook Plaintiff

and Albert Day Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 9th day of Oct, 1934

R. S. Duck

CLERK.

6

Received in office this 24th day of Oct 1941 193
W.R. Stuart
127 1113 14 SHERIFF

I have executed this writ
by serving in full
10/29/41

W.R. Stuart
SHERIFF

ORIGINAL

No. 660 Page _____

THE STATE OF ALABAMA
Baldwin County
CIRCUIT COURT

Lena Cook

Plaintiff

VS.

Albert Cox

Defendant

CIVIL SUBPOENA

Issued this 24th day of Oct 1941

R.S. Duck
Clerk.

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 660 Nov Term, 1941
CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon

Fred M. Wilson, Fairhope

if to be found in your County, at the instance of the

Plt

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by _____ o'clock of the forenoon, on the 6th day of Nov, 1941

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein Lena Cooke Plaintiff

and Albert Cox Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 29 day of Oct, 1941

R. S. Luck

Clerk

E

Received in office this 29 day of

Oct

1941

W.R. Stuart

SHERIFF

I have executed this writ

by serving in full

W.R. Stuart

SHERIFF

ORIGINAL

No. 660

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Lena Cook

Plaintiff

VS.

Albert Cox

Defendant

CIVIL SUBPOENA

Issued this

29th

day of

Oct

1941

R. S. Duck

Clerk.

LENA COOK,

Plaintiff,

VS.

ALBERT L. COX,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER ____.

PLEAS

Now comes the Defendant and for plea to the Complaint
says:

1. Not guilty.

J. B. T. Blashum

Attorney for Defendant.

RECORDED 660 (2)

PLEAS.

LENA COOK,

Plaintiff,

VS.

ALBERT L. COX,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 660.

Plea of Not Guilty

Filed June 26, 1941

R. S. Duck, Clerk

STATE OF ALABAMA

BALDWIN COUNTY,

ALABAMA,

I, F. W. HARE, judge of the Circuit Court of Baldwin County,
Alabama, hereby order and direct Alice J. Duck, Clerk of the
Circuit Court to release to Miss Lena Cook her deed known in the
case of Lena Cook vs. Albert Cox No. 660, as Exhibit A.

Done this 12 day of April, 1948

F. W. Hare
Judge 21st Judicial Circuit

Filed
4-12-48
Alice J. Luck
Clerk

LENA COOK,
Plaintiff,

VS.

ALBERT COX,
Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

NUMBER 660.

MOTION FOR NEW TRIAL

Now comes the Defendant, by his attorney, and moves the Court to set aside the Jury's verdict and grant him a new trial of the said cause and as grounds therefor sets down and assigns separately and severally the following:

1. The verdict is contrary to the evidence.
2. The verdict is contrary to the law.
3. The verdict is contrary to the law and the evidence.
4. The Court erred in refusing the following charge requested by the Defendant:

"The Court charges the jury that if you believe from the evidence in this case that the Defendant, Albert Cox, has been in the actual, open, notorious, hostile, exclusive, continuous and peaceable possession of the property up to the line described by him in his Amended Suggestion of Disputed Boundary filed in this cause on this date for ten years next preceding the filing of this suit and that during all of this said period of time he was claiming all of the property up to the said line, then your verdict should be for the Defendant and should fix the south line of the following described tract of land in Baldwin County, Alabama, to-wit:

Begin at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section Fifteen (15) Township Two (2) South Range Two (2) East and run thence South along the half section line of the said Section 15, 1320 feet more or less to a point in the center of a lane which separates the field of the Plaintiff from the field of the Defendant which said point is six (6) feet south of the Southeast Corner of the Defendant's field fence; thence due West and parallel with the South line of the Defendant's field fence and along the center of the said lane to a point on the east side of the public road; thence continuing the said course west to a point on the West line of the East Half of West Half of said Section 15, thence North 1320 feet more or less to the Northwest Corner of the Southeast Quarter of the Northwest Quarter of the Said Section 15; thence East to the point or place of beginning.

as the line dividing the property of the Plaintiff from that of the Defendant."

5. The judgment or order of the Court filed in this cause and dated April 10, 1946, is erroneous and void because there is no valid authority vested in the Judge of this Court to order the boundry line between the said parties to be established and marked by a surveyor. It is the duty of the Sheriff to establish and mark the line fixed by the jury.

6. The judgment or order of the Court filed in this cause and dated April 10, 1946 is erroneous and void.

7. The judgment or order of the Court filed in this cause and dated April 10, 1946 improperly taxes all of the costs incurred in this proceeding against the defendant.

J. B. Blachman
Attorney for Defendant

*Presented to me this 10th day of
June, 1946, and set for hearing on
June 28th 1946 -*

J. W. Hare

Judge

Ordered Continued to August 1st 1946

J. W. Hare
Judge -

MOTION FOR NEW TRIAL

LENA COOK,
Plaintiff

VS.

ALBERT COX,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NUMBER 660.

*Filed May 10th,
1946.*

*R. S. Welch
Clerk.*

LENA COOK,

Plaintiff,

VS.

ALBERT COX,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 660.

MOTION FOR NEW TRIAL

Now comes the Defendant, by his attorney, and moves the Court to set aside the Jury's verdict and grant him a new trial of the said cause and as grounds therefor sets down and assigns separately and severally the following:

1. The verdict is contrary to the evidence.
2. The verdict is contrary to the law.
3. The verdict is contrary to the law and the evidence.
4. The Court erred in sustaining the Plaintiff's objection to the following question asked Defendant's witness, Donald Wiggins: "Before Mr. Cox fenced this property do you know what other use he made of the property?"
5. The Court erred in refusing to allow the Defendant to prove adverse possession of the property up to the line described by him in the Amended Suggestion that this Suit Arises over a Disputed Boundary, filed by him in this cause.
6. The Court erred in giving the following charge at the request of the Plaintiff: "I charge you Gentlemen of the jury that if you believe the evidence in this case you should find for the Plaintiff on her suggestion as to boundary line."
7. The verdict of the jury which reads as follows:
"We the jury ascertain the true location of the boundary line to be as set out in Plaintiff's replication filed 2/26/43" is fatally defective in that it does not comply with provisions of Title 7 Section 942 of the 1940 Code of Alabama.
8. The Jury's verdict in this case is fatally defective

in that it does not locate the true line so that it can be marked
by the Sheriff as provided by Title 7, Section 942 of the 1940
Code of Alabama.

J. B. Blackburn

Attorney for Defendant.

The above and foregoing motion
is ordered continued till May
28th 1943 This April 30th 1943 -

J. W. Hase

Judge

The above motion is ordered continued to
June 25th 1943 4478/43 -

3. The Court charges the jury that if you believe from the evidence in this case that the Defendant, Albert Cox, has been in the actual, open, notorious, hostile, exclusive, continuous and peaceable possession of the property up to the line described by him in his Amended Suggestion of Disputed Boundary filed in this cause on this date for ten years next preceding the filing of this suit and that during all of this said period of time he was claiming all of the property up to the said line, then your verdict should be for the Defendant and should fix the south line of the following described tract of land in Baldwin County, Alabama, to-wit:

Begin at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section Fifteen (15) Township Two (2) South Range Two (2) East and run thence South along the half section line of the said Section 15, 1320 feet more or less to a point in the center of a lane which separates the field of the Plaintiff from the field of the Defendant which said point is six (6) feet south of the Southeast Corner of the Defendant's field fence; thence due West and parallel with the South line of the Defendant's field fence and along the center of the said lane to a point on the east side of the public road; thence continuing the said course west to a point on the West line of the East Half of West Half of said Section 15, thence North 1320 feet more or less to the Northwest Corner of the Southeast Quarter of the Northwest Quarter of the said Section 15; thence East to the point or place of beginning.

as the line dividing the property of the Plaintiff from that of the Defendant.

Refused
J. H. Hall
Judge

STATE OF ALABAMA,)

BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ALBERT L. COX to appear within thirty days from the service of this writ, in the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of LENA COOK,

WITNESS my hand this 2nd day of May, 1941.

R. S. Dush
Clerk.

LENA COOK,

Plaintiff,

VS.

ALBERT L. COX,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW. 660

The Plaintiff sues to recover possession of the following tract of land:

Beginning at the Northwest corner of the Northeast quarter of the Southwest quarter of Section 15, Township 2 South of Range 2 East, thence run South 80 feet, thence Easterly and along fence line 1320 feet to a point, which is 47 feet South of the Northeast corner of the Northeast quarter of the Southwest quarter of Section 15, Township 2 South of Range 2 East, thence North 47 feet, to the Northeast corner of said Northeast quarter of the Southwest quarter, thence West 1320 feet, more or less, to the point of beginning,

of which she was in possession and upon which pending such possession and before the commencement of this suit, the Defendant entered and unlawfully withholds, together with One Hundred (\$100.00) Dollars for the detention thereof.

BEEBE & HALL,

By: [Signature]
Attorneys for Plaintiff.

Plaintiff demands a trial by Jury.

BEEBE & HALL,

By: [Signature]
Attorneys for Plaintiff.

RECORDED

660

(1)

SUMMONS AND COMPLAINT

LENA COOK,

Plaintiff,

VS.

ALBERT L. COX,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

Filed May 2, 1941
R. S. Duck, Clerk

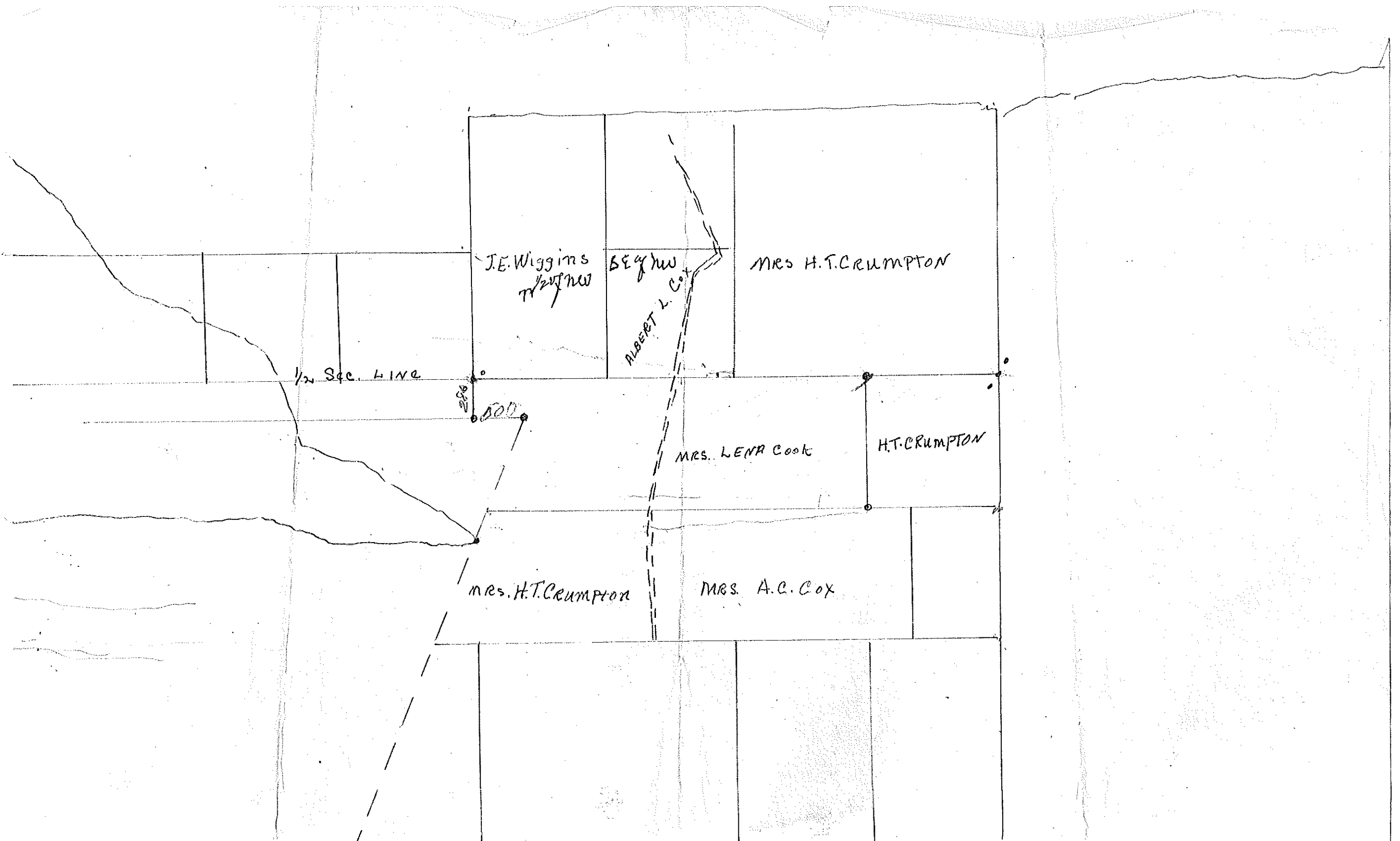
Executed June 2, 1941
by serving copy of within Summons and
Complaint on

Albert L. Cox

W. B. Stewart

Sheriff

By M. B. Hamilton Deputy Sheriff



THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 1943-44.

To the C L E R K of the C I R C U I T Court of _____
B A L D W I N County, Greeting:

Whereas, the Record and Proceedings of the Circuit Court _____
of said county, in a certain cause lately pending in said Court between
Albert L. Cox, Appellant,
and
Lena Cook, Appellee,
wherein by said Court, at the _____ Term, 19____, it was considered
adversely to said appellant____, were brought before our Supreme Court, by appeal taken, pursuant
to law, on behalf of said appellant_____:

Now, it is hereby certified, That it was thereupon considered by our Supreme Court on the
1st day of J U N E, 19 44, that said J U D G M E N T
of said Circuit Court be reversed and annulled, and the cause remanded to said court
for further proceedings therein; and that it was further considered that the appellee - pay

the costs accruing on said appeal in this Court and in the Court below _____

Witness, J. Render Thomas, Clerk of the Supreme
Court of Alabama, ~~at the Capitol~~, this the
1st day of J U N E, 19 44.

J. Render Thomas
Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 19 43-44.

1st Div., No. 209

Albert L. Cox

Appellant,

v.

Lena Cook

Appellee.

From Baldwin Circuit Court.

CERTIFICATE OF REVERSAL

The State of Alabama,

Baldwin County.

} Filed

this 3rd day of June 1944.

R. Duck
Clerk

LENA COOK,

Plaintiff,

VS.

ALBERT COX,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER 660.

SUPERSEDEAS BOND

We, Albert Cox, as Principal, and the undersigned as sureties, are held and firmly bound unto Lena Cook in the sum of Fifty Dollars (\$50.00) for the payment of which well and truly to be made, we and each of us do jointly and severally bind ourselves, our heirs, executors and administrators, firmly by these presents.

Sealed with our seals and dated this 19th day of October, 1943.

The condition of the above obligation is such that whereas on to-wit, July 23, 1943, the Circuit Court of Baldwin County, Alabama rendered a judgment against the above bound Albert Cox in a cause pending therein styled Lena Cook, Plaintiff, v. Albert Cox, Defendant, from which judgment the Defendant, Albert Cox, has applied for and obtained an appeal to the Supreme Court of the State of Alabama; and

WHEREAS, it is desired to stay or suspend the execution of the said judgment until the final termination of the said appeal:

NOW THEREFORE, if the said Albert Cox shall prosecute the said appeal to effect, or if he fails therein he shall pay all such costs and damages as any party aggrieved may sustain by reason of the wrongful appeal and suspension of the judgment in said cause, then this obligation to be void, otherwise to remain in full force and effect.

Albert Cox (SEAL)

J. M. Sanders (SEAL)

Lillie A. Cox (SEAL)

Taken and approved this
19th day of October, 1943.

R. W. Duck

Circuit Clerk.

May 11, 1944

Mr. R. S. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

In Account with-

Ora S. Nelson

Typing transcript for use in appeal of Case No. 660, Albert L. Cox, Appellant v. Lena Cook, Appellee.....	\$20.88
(13,994 words @ 15¢ per 100)	
One copy of above transcript @ 5¢ per 100 words.....	<u>6.88</u>
Total.....	\$27.76

LENA COOK
PLAINTIFF

VS

ALBERT L. COX
DEFENDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 660

On this the 10th day of April, 1943, come the parties, with their
Attorneys of Record, and issue being joined;

Thereupon come a jury of good and reliable men, to-wit:.

Wilson C. Beasley, and 11 others who, being duly empaneled and
sworn according to law, upon their oaths do say:

"We the Jury rule in favor of the Plaintiff and fix the boundary
line as established in ammended replication of the Plaintiff", and the same
having been considered by the Court;

It is ordered and adjudged by the Court that the true boundary line
between the property of the Plaintiff and that of the Defendent, is the
North line of the following tract of land, to-wit:

Beginning at the half section corner on the West line of
section fifteen, in Township two South of Range two East,
run thence East on Half Section line of said Section 3987
feet to the Northeast corner of the Northwest quarter of the
Southeast quarter of said Section, thence South 1320 feet to
the Southeast corner of said Northwest quarter of Southeast
quarter of said section fifteen, Thence West 3907 feet to
the East line of the Thomas Byrne grant of Section Eight,
Township Two South of Range Two East, Thence North 21 degrees
45 Minutes East 1141.5 feet to the Northeast corner of said
Byrne Grant, Thence West 500 feet to the West line of Sec-
fifteen, Township Two South of Range Two East, Thence North
280 feet to the place of beginning. Situated in Baldwin
County, Alabama,

And the Sherrif of Baldwin County, Alabama is ordered, with the aid of a
skilled disinterested surveyor, and such assistants as may be needed, to
establish and plainly mark the said true line between the property of the
Plaintiff and Defendant, and report to the Court when this order has been
executed, together with an itemized statement of the cost, and whether or
not the Defendent is in possession of any part of the property south of said
line as determined.

It is further ordered and adjudged that all costs of this proceeding
including the cost of said survey be taxed against the Defendant for which
let execution issue.

Dated this the 10th day of April, 1946.


Judge

LENA COOK
PLAINTIFF

VS

ALBERT L. COX
DEFENDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 660

On this the 10th day of April, 1943, come the parties, with their Attorneys of Record, and issue being joined;

Thereupon come a jury of good and reliable men, to-wit:

Wilson C. Beasley, and 11 others who, being duly empaneled and sworn according to law, upon their oaths do say:

"We the Jury rule in favor of the Plaintiff and fix the boundary line as established in amended replication of the Plaintiff", and the same having been considered by the Court;

It is ordered and adjudged by the Court that the true boundary line between the property of the Plaintiff and that of the Defendant, is the North line of the following tract of land, to-wit:

Beginning at the half section corner on the West line of section fifteen, in Township two South of Range two East, run thence East on Half Section line of said Section 3987 feet to the Northeast corner of the Northwest quarter of the Southeast quarter of said Section, thence South 1320 feet to the Southeast corner of said Northwest quarter of Southeast quarter of said section fifteen, Thence West 3907 feet to the East line of the Thomas Byrne grant of Section Eight, Township Two South of Range Two East, Thence North 21 degrees 45 Minutes East 1141.5 feet to the Northeast corner of said Byrne Grant, Thence West 500 feet to the West line of Section fifteen, Township Two South of Range Two East, Thence North 280 feet to the place of beginning. Situated in Baldwin County, Alabama,

And the Sheriff of Baldwin County, Alabama is ordered, with the aid of a skilled disinterested surveyor, and such assistants as may be needed, to establish and plainly mark the said true line between the property of the Plaintiff and Defendant, and report to the Court when this order has been executed, together with an itemized statement of the cost, and whether or not the Defendant is in possession of any part of the property south of said line as determined.

It is further ordered and adjudged that all costs of this proceeding including the cost of said survey be taxed against the Defendant for which let execution issue.

Dated this the 10th day of April, 1946.

Judge

OFFICE HOURS:

9 A. M. - 1 P. M.

3 P. M. - 6 P. M.

PHONES:

OFFICE DEXTER 3043

RESIDENCE DEXTER 2646

TO DRS. O'GWYNN & O'GWYNN, DR.

O'GWYNN BUILDING

MOBILE, ALA.

Mch 18- 1941

Mr. & Mrs. Sampson
Daphne, Ala

TO PROFESSIONAL SERVICES RENDERED

Mother, Mrs. Wilson

4/11-38 Cataract operation
Hospital

5/15-38 - credit By cash

150.00

50.00

200.00

50.00

150.00

I charge you Gentlemen of
the jury that if you believe
the evidence in this case

you should find for
the Plaintiff on her

suggestion as to boundary
line

Given
L. M. Hare

268

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.
Moore Printing Co. Bay Minette, Ala.

THE STATE OF ALABAMA, Baldwin County. S. D. Page No. _____ CIRCUIT COURT
TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS: Case No. 660 April Term, 1945

YOU ARE HEREBY COMMANDED TO SUMMON J. J. Wiggins, 1403 Linwood Drive
Brookley Heights, Mobile, Ala. A.F. Mores over.

if to be found in your County, at the instance of the Defendant
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 11th day of April 1945, and from day to
day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain
cause pending, wherein Lena Cook Plaintiff and Albert Cox Defendant.

Herein fail not, and have you then and there this Writ.
Given under my hand and seal, this 26th day of March 1945
R. S. Luck CLERK

Refused
J. J. Wiggins
Judge

1. The Court charges the jury that if you believe the evidence in
this case, your verdict should be for the Defendant.

This party has
moved from your
address people by
the name of
Howe now live
at 1403. Fenwood
Drive, no one
on Fenwood know
where Mr. Wiggins
has moved.
