

STATE OF ALABAMA
BALDWIN COUNTY

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

1607

EDDIE BEMIS, ET ALS.

Plaintiffs

vs.

J. D. TAYLOR and GEORGE BROWN,

Defendants

We, the undersigned, hereby acknowledge ourselves security for all costs of appeal to the Supreme Court of Alabama, from the judgment rendered in the above entitled cause on the Twelveth day of March, 1951; and hereby agree to pay all such costs. And for the payment of this bond, we hereby waive our right of exemption to personal property under the Constitution and Laws of the State of Alabama.

Witness our hands and seals, this the 11th day of April, 1951.

Ross Bemis (L.S.)

W. A. Finney (L.S.)

{ The Boston Insurance Company (L.S.)
of Boston, Mass.
Grady J. Smith Agent (L.S.)

Taken and approved, this 11th day of April, 1951.

David L. remote
Clerk

Div. No.

CERTIFICATE OF APPEAL (Civil Cases)

No. 1607

Baldwin

County, Circuit Court.

EDDIE BEMIS, et al

Plaintiff

vs.

J. D. TAYLOR and GEORGE BROWN

Defendant

I, Alice J. Duck, Clerk of Circuit Court,

of Baldwin County, Alabama, hereby certify that in the cause of

EDDIE BEMIS, et al Plaintiff....,

vs.

J. D. TAYLOR and GEORGE BROWN Defendant...

which was tried and determined in this Court, on the 13th day of March 1951

in which there was a judgment for _____ Dollars, in favor of the Plaintiff,

(or judgment for Defendant), the Plaintiff on the 11th day of April

1951 took an appeal to the Supreme Court of Alabama to be holden of and for said State.

I further certify that _____ filed security for cost of appeal, to the Supreme Court, on the 11th day of April 1951, and that Ross Bemis, W. A. Givens, and The Boston Insurance Company of Boston, Mass., Grady P. Gilbert, Agent

are sureties on the appeal bond.

I further certify that notice of the said appeal was, on the 16th day of April 1951, served on J. B. Blackburn as attorney of record for said appellee, and that the amount sued for was property Dollars. (or certain lands) (or personal property)

Witness my hand and seal of this Court, this the 10th day of May 1951

Clerk of the Circuit Court of

County, Alabama

STATE OF ALABAMA §
*
BALDWIN COUNTY)()

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

EDDIE BEMIS, EVELYN JOHNSON, HARRY BEMIS, §
EARL BEMIS, ROSS BEMIS, KATHLEEN BENTON, *
WALTER BEMIS, FRED BEMIS, ROSA EWING, §
IRMA ALLEN AND CAROL BEMIS, *

Plaintiffs, *

VS. *

J. D. TAYLOR AND GEORGE BROWN, *

Defendants *

The Plaintiffs sue to recover possession of the following tract of land:

Begin at the intersection of the North line of Section 36, Township 8 South, Range 3 East (if said section were a regular section) with the center of Canal Bayou, a tributary of Bon Secour River, and from said beginning point run West along the North line of Sections 36 and 35, in said Township and Range, 14 chains and 10 links, more or less to a point on the North line of said Section 35, which is distant West 1.5 chains from the Northeast corner of said section 35, which point is the Northeast corner of the William E. Kennedy Grant (Section 34, Township 8 South, Range 3 East) thence running South 25 degrees East along the Easterly line of the said William E. Kennedy Grant to the Northwest bank of Bon Secour River, thence Easterly and Northerly along the bank of said Bon Secour River to the center of the mouth of Canal Bayou, thence up the middle of the said Bayou to the place of beginning, in Baldwin County, Alabama. Said property being a part of the Nicholas Cook Grant (Section 38, Township 8 South, Range 3 East) being the same property conveyed by the United States of America by Patent to Nicholas Cook and his heirs, dated October 28, 1918, recorded in Deed Book 56 N.S. at page 85. ~~and held adversely to said Nicholas Cook and his heirs by Edwin A. Bemis, father of the Plaintiffs, now deceased, for more than twenty years since the said patent was issued, and now being and belonging to the intestate property of the said Edwin A. Bemis,~~

of which they were in possession and upon which, pending such possession and before the commencement of this suit, the Defendants entered and unlawfully withhold, together with Five Hundred (\$500.00) Dollars for the detention thereof.

A. B. Miller
Attorney for Plaintiffs

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

No. _____

_____ TERM, 194_____

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You are hereby commanded to summon J. D. TAYLOR and GEORGE BROWN,

FOLEY, ALABAMA

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against _____

J. D. TAYLOR AND GEORGE BROWN

_____, Defendants

by EDDIE BEMIS, EVELYN JOHNSON, HARRY BEMIS, EARL BEMIS, ROSS BEMIS,
KATHLEEN BENTON, WALTER BEMIS, FRED BEMIS, ROSA EWING,
IRMA ALLEN, AND CAROL BEMIS

_____, Plaintiffs

Witness my hand this

31st

day of

Jan

1947

W. J. Luck, Clerk

Original RECORDED

No. 1607

Page

THE STATE of ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

EDDIE BEMIS, Et. Al.

Plaintiffs

vs.

J. D. TAYLOR and GEORGE

BROWN

Defendants

SUMMONS and COMPLAINT

Filed 1-31, 1951

Clerk

A. B. Miller

Plaintiff's Attorney

Defendant's Attorney

Moore Printing Co., Bay Minetto, Ala.

Defendant lives at

RECEIVED IN OFFICE

Jan. 31, 1951

Sheriff

I have executed this summons

this 2-1, 1951
by leaving a copy with

J. D. Taylor
George Brown

Sheriff

Deputy Sheriff

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF BALDWIN
COUNTY ALABAMA, IN EQUITY

EDDIE BEMIS, EVELYN JOHNSON, HARRY BEMIS
EARL BEMIS, ROSS BEMIS, KATHLEEN BENTON,
WALTER BEMIS, FRED BEMIS, ROSA EWING,
IRMA ALLEN AND CAROL BEMIS,

Plaintiffs

vs.

J. D. TAYLOR AND GEORGE BROWN,

Defendants

Comes the Plaintiff in the above styled cause and with leave of court first had, amends the complaint heretofore filed to read as follows:

COUNT II

The Plaintiffs sue to recover possession of the following tract of land;

Begin at the intersection of the North line of Section 36, Township 8 South, Range 3 East (if said section were a regular section) with the center of Canal Bayou, a tributary of Bon Secour River, and from said beginning point run West along the North line of Sections 36 and 35, in said Township and Range, 14 chains and 10 links, more or less to a point on the North line of said Section 35, which is distant West 1.3 chains from the Northeast corner of the William E. Kennedy Grant (Section 34, Township 8 South, Range 3 East) thence running South 25 degrees East along the Easterly line of the said William E. Kennedy Grant to the Northwest bank of Bon Secour River, thence Easterly and Northerly along the bank of the said Bon Secour River to the center of the mouth of Canal Bayou, thence up the middle of the said Bayou to the place of beginning, in Baldwin County, Alabama. Said property being a part of the Nicholas Cook Grant (Section 38, Township 8 South, Range 3 East) being the same property conveyed by the United States of America by Patent to Nicholas Cook and his heirs, dated October 28, 1918 recorded in Deed Book 56 N.S. at page 85, and held adversely to said Nicholas Cook and his heirs by Edwin A. Bemis, father of the Plaintiffs, now deceased, for more than twenty years since the said patent was issued, and now being and belonging to the intestate property of the said Edwin A. Bemis.

of which they were in possession and upon which, pending such possession and before the commencement of this suit, the Defendants entered and unlawfully withhold, together with Eight Thousand (\$8,000.00) Dollars Damages for waste, mesne profits and detention thereof.

A. B. Miller
Plaintiff's Attorney

RECORDED

Amended Complaint

Filed: March 12, 1951.

Jeffrey J. Mashburn
Judge.

A. B. MILLER
ATTORNEY AT LAW
ROBERTSDALE, ALABAMA

January 30, 1951

Mrs. Alice J. Duck
Clerk of the Circuit Court
Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck,

The within summons and complaint are in need of service and filing. Please file same and have the sheriff serve the proper parties, personally.

Thanks,

A. B. Miller
A. B. Miller.

1607

Eddie Bernis
et al

vs.

J. H. Taylor and
George Brown

To Recover Possession

Filed 1-31-51

A. B. Miller

STATE OF ALABAMA
BALDWIN COUNTY

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

NO. 1607

EDDIE BEMIS, ET ALS.,
Plaintiffs

vs.

J. D. TAYLOR and GEORGE BROWN,
Defendants

Comes the Plaintiff in the above styled cause and gives
notice of appeal from the judgment of the Circuit Court rendered
on March 12, 1951, to the Supreme Court of Alabama.

A. B. Miller

Attorney for Plaintiffs

Case No. 1607

IN THE CIRCUIT COURT
OF BALDWIN COUNTY
ALABAMA, LAW SIDE

EDDIE BEMIS, ET ALS.

Plaintiffs

vs.

J. D. TAYLOR AND GEORGE BROWN,

Defendants

NOTICE OF APPEAL

FILED: 4-11-57.....

.....
Clerk

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETINGS:

You are hereby commanded to summon J. B. Blackburn, Attorney of Record for J. D. Taylor and George Brown, to appear at the next term of the Supreme Court of said State, then and there to defend an appeal which Eddie Bemis, Evelyn Johnson, Harry Bemis, Earl Bemis, Ross Bemis, Kathleen Benton, Walter Bemis, Fred Bemis, Rosa Ewing, Irma Allen and Carol Bemis have this day sued out, returnable to said court to reverse a judgment which the said J. D. Taylor and George Brown on the 12th day of March, 1951, in the Circuit Court of Baldwin County, Alabama, recovered against the said Eddie Bemis, Evelyn Johnson, Harry Bemis, Earl Bemis, Ross Bemis, Kathleen Benton, Walter Bemis, Fred Bemis, Rosa Ewing, Irma Allen, and Carol Bemis and make immediate return of this writ, etc.

Witness Alice J. Duck, Clerk of said Circuit Court this

11th day of April, 1951

Alice J. Duck
Clerk

Executed by serving a copy of the within on J. B. Blackburn, Attorney.

This 16 day of April, 1951.

Taylor Walker Sheriff.
By: H. F. Hall Deputy Sheriff.

Received in Sheriff's Office
this 16 day of April 1951
TAYLOR WILKINS, Sheriff

Citation of Appeal

Filed 4-11-51
A. J. French
Clerk

THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19⁵¹⁻⁵²

To the Clerk of the Circuit Court of

Baldwin County, Greeting:

Whereas, the Record and Proceedings of the Circuit Court

of said county, in a certain cause lately pending in said Court between

Eddie Bemis et als., Appellant^S,

and

J. D. Taylor et al., Appellee^S,

wherein by said Court, ~~at the XXXXXXXXXXXXXXXXXXXXXXXXXX Law, XXX~~, it was considered adversely to said appellant^S, were brought before our Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant^S:

and ordered

Now, it is hereby certified, That it was thereupon considered by our Supreme Court on the

15th day of November 19 51,

on motion of appellees

for want of prosecution and ordered, that the said appeal be and stand dismissed/and that it was further considered that the appellant^S ~~xxx~~, Ross Bemis and

W. A. Givens, and The Boston Insurance Company of Boston,

Massachusetts, surety on the appeal bond, pay - - - -

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

And it appearing that said parties have waived their rights

of exemption under the laws of Alabama, let execution issue accordingly.

Witness, J. Render Thomas, Clerk of the Supreme

Court of Alabama, ~~at the Capital~~, this the

16th day of November 19 51.

J. Render Thomas

Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 19 51-52

1st Div., No. 459

Eddie Bemis et als.

Appellants

v.

J. D. Taylor et al.

Appellees

From Baldwin Circuit Court.
No. 1607

CERTIFICATE OF DISMISSAL

The State of Alabama,

Baldwin County. } Filed

this 17th day of Nov 19 51

Wm. J. French
clerk

EDDIE BEMIS, ET ALS.,
Plaintiffs,
VS.
J. D. TAYLOR and GEORGE BROWN,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 1607.

DEMAND FOR ABSTRACT.

Now come the Defendants by their Attorney and as provided by Title 7, Section 940 of the 1940 Code of Alabama demand an abstract in writing of the title or titles on which the Plaintiffs will rely for recovery of the property involved in this suit.

J. B. Blackburn
Attorney for Defendants.

STATE OF ALABAMA)
BALDWIN COUNTY.)

I hereby certify that I did on this date deliver a copy of the foregoing instrument to A. B. Miller, Attorney for Plaintiffs.

Dated this 13th day of February 1951.

J. B. Blackburn
Attorney for Defendants.

DEMAND FOR ABSTRACT

EDDIE BEMIS, ET ALS.,
Plaintiffs,
vs.
J. D. TAYLOR and GEORGE BROWN,
Defendants.

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 1607

FILED

FEB 13 1951

ALICE J. DUCK, Clerk

EDDIE BEMIS, ET ALS.,
Plaintiffs,
VS.
J. D. TAYLOR and GEORGE BROWN,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 1607

PLEA.

Now come the Defendants, separately and severally, and
for plea to the complaint say:

1. Not guilty.

J. B. Blackburn
M. C. Conroy, Turner, Rogers, & Associates
Attorneys for Defendants.

1607

PLEA
RECORDED
EDDIE BEMIS, ET ALS.,
Plaintiffs,
vs.
J. D. TAYLOR and GEORGE BROWN,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 1607

FILED
FEB 13 1951
GEORGE J. DUCK, Clerk