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TO THE HONORABLE ARTHUR E. GAMBLE,
JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, SITTING IN EQUITY:

Your orator, the Town of Fairhope, a municipal corporation, by this its bill of complaint brought against the Peoples Railroad Company of Baldwin County, Alabama, shows unto your Honor:

FIRST: That orator is a municipal corporation organized under the laws of the State of Alabama, and, as its name indicates, is located in the Town of Fairhope, Baldwin County, Alabama. That Defendant is a corporation also organized under Section 3573 of the Code of Alabama, with its principal office in the Town of Fairhope.

SECOND: That on or about the month of February, Nineteen Hundred and Eighteen, the Defendant Corporation, by its servants or agents, caused to be constructed within the limits of Fairhope Avenue, a public highway of the Town of Fairhope, and between the line of the bluff and highwater mark of Mobile Bay, a garage and mule stable or other unsightly structure without the consent of the municipal authorities of said Town of Fairhope. That said structures constitute a nuisance and that Defendant, though often requested to remove same, has failed and refused and still refuses to remove said structures.

THIRD: That the buildings so constructed interfere with the free and unobstructed use by the public of said street, and are objectionable for this, and because of the unsightly appearance and odors, to the public and a public nuisance.

The premises considered, Orator prays that the Defendant, the Peoples Railroad Company, after proper hearing upon the merits of this bill, be commanded and required to abate the nuisance here complained of and remove the structures now located under the trestle work of the Defendant's railroad track, as same now exists, and enjoined and restrained from replacing said structure for any of similar nature, and that Orator have such other, further or different relief as the nature of his case shall require and to equity may seem

meet.

Orator further prays that by proper process to be served upon it, Defendant, Peoples Railroad Company, be required to appear before this Honorable Court within the time required by law, then and there to answer the allegations of this bill and to abide such orders and decrees as to this Honorable Court may seem proper; and Orator, as in duty bound, will ever pray, et cetera.

Rickaby Austin Beebe
Solicitors for Complainant.

M. A. Bowen
Mayor.

The Defendant is required to answer each and every paragraph of the foregoing bill of complaint, but oath to such answers is hereby waived.

Rickaby Austin Beebe
Solicitors for Complainant.

STATE OF ALABAMA)
MOBILE COUNTY)

Before me, the undersigned Notary Public, personally appeared on this day M. A. Bowen, who, being sworn, says that he is the Mayor of the Town of Fairhope, and that he knows of his own personal knowledge that the foregoing facts are true.

Subscribed and sworn to before me this the twenty-sixth day of June, Nineteen Hundred and Eighteen.

Elliott S. Rickaby
Notary Public, Mobile County, Alabama.



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

Filed 1/29/1919 -
T. W. McAlpine
Attorney

ANSWER.

Webb, McAlpine & Grove,
Attorneys.

THE STATE OF ALABAMA,
COUNTY OF BALDWIN,
COURT HOUSE,
MONTGOMERY, ALABAMA.

ALABAMA,
BALDWIN COUNTY,
IN THE CIRCUIT COURT OF

Miss M. McAlpine

TOWN OF FAIRHOPE,
PLAINTIFF.

VS

PEOPLES RAILROAD
COMPANY.
DEFENDANT.

IN THE CIRCUIT COURT OF

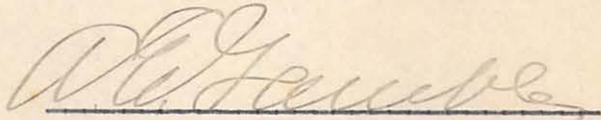
BALDWIN COUNTY, ALABAMA/

IN EQUITY.

This cause being submitted for decree on demurrers to amend paragraph four to the bill as amended and on consideration it is ordered, judged and decreed that the said demurrers be and the same are hereby overruled.

It is further ordered that the Respondent have *Twenty* days from this date in which to file their answer.

Done in term time this the 22 day of
November, 1918.



Judge.

TOWN OF FAIRHOPE,
COMPLAINANT,

VS..

PEOPLES RAILROAD COM-
PANY, - RESPONDENT.

NO. _____
IN EQUITY.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY.

for demurrer

Comes the Respondent and ~~says~~ that the Bill of Complaint in the above entitled cause is wanting in Equity, and is indefinite, uncertain, and insufficient in this: That in the Fourth paragraph thereof, it alleges in the alternative that the building therein mentioned is owned, controlled or maintained by the Peoples Railroad Company, or by some employee of said Company, and from all ~~that~~ appears from said Fourth paragraph said building may be owned, controlled or maintained by some employee of the Company without the Company having any connection ^{with} or control over the same.

Walter W. ...
SOLICITORS FOR ~~...~~

DOUGLASVILLE
JULY 27 1910

TOWN OF FAIRHOPE,
COMPLAINANT.

VS.

PEOPLES RAILROAD COM-
PANY, - RESPONDENT.

DEMURRER,

*Demurrer to answer
Filed May 11/1918
W. B. Williams
Register*

FILED FOR RECORD

and connection of conduct over the same.

maintained by some employees of the company without the company paying
them any longer wages by the railroad way as company, controlled of
company, or by some employees of said company, and that said wages
mentioned in answer, controlled or withheld by the people railroad
thereof, it alleges in the affidavit that the railroad therein
mentioned, and mentioned in case: that in the latter behalf
in the above entitled case is material to be made, and to indicate,

Some the respondents and asks that the bill of complaint
be dismissed.

WILLIAM WELLS
REGISTER

AP.

WELLS
REGISTER

IN THE CIRCUIT COURT OF
THE COUNTY OF

FAIRHOPE,
ALABAMA

LAW OFFICES OF
WEBB, McALPINE & GROVE

VAN ANTWERP BUILDING

MOBILE, ALABAMA

JAMES H. WEBB.
JOHN W. McALPINE.
EDWARD J. GROVE.

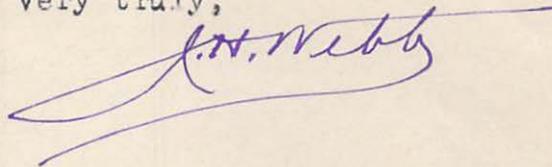
January 28, 1919.

Mr. T. W. Richerson,
Register Circuit Court,
Bay Minette,
Alabama.

Dear Sir:-

Enclosed find answer of Peoples Railroad Company
to bill of complaint filed by Town of Fairhope.

Yours very truly,

A handwritten signature in blue ink, appearing to read "J. H. Webb", with a long horizontal flourish extending to the right.

W/c.

ENC:

TOWN OF FAIRHOPE, :
COMPLAINANT, :
VS : IN THE CIRCUIT COURT OF BALDWIN
PEOPLES RAILROAD COMPANY, :
DEFENDANT. : COUNTY, ALABAMA.
IN EQUITY.

TO MESSRS. WEBB, McALPINE & GROVE,
ATTORNEYS FOR COMPLAINANT.

Please take notice that in the above entitled cause pending in our said Circuit Court, in Equity, a motion has been filed by the Defendant in this cause for hearing in vacation the demurrer filed in this cause on July 23rd, by the Complainant, the hearing to be had after ten days notice to the defendant, or their attorneys of record, at the office of the Honorable A. E. Gamble, Judge of the Second Judicial Circuit of the State of Alabama, at Greenville, Alabama,

Dated this the 29 day of July, 1918.

T. W. Williams

Register.

5-12

Notice of submission

Filed 7/29-18

J. W. McQuinn

Register

Notice by Reg mail

to West McAlpin

Gene. 7/29-18.

RECORDED

TOWN OF FAIRHOPE,
COMPLAINANT,

VS

PEOPLES RAILROAD COM-
PANY, RESPONDENT.

NO.
IN EQUITY.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY.

Comes the Complainant and by leave of
the Court amends the bill of complaint heretofore
filed by adding thereto paragraph Four as follows:

FOURTH: That the building so con-
structed is within the corporate limits of the Town
of Fairhope and on a public street or highway of
said Town and is owned, controlled or maintained
by the said Peoples Railroad Company, or by some
employee of said Company, or used in connection
with the Fairhope wharf now operated by said Peoples
Railroad Company.

Oriskany & Austell & Bales
Solicitors for Complainant.

We acknowledge receipt of a copy of
the foregoing amendment to the bill of complaint,
this the 27th day of August, 1918, and waive fur-
ther notice of the filing of same.

W. H. Nease & Co. (Love)
Solicitors for Respondent.

NOTED FOR THE RECORD

11/17/18

THE HOUSE OF REPRESENTATIVES
WASHINGTON, D. C.

*Amendments to Bill
Filed 9/6-1918
J. W. Wickham
Register*

RECORDED

6

RECORDED
INDEXED
SERIALIZED
FILED

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NOV 17 1918

TOWN OF FAIRHOPE,
COMPLAINANT.

VS

PEOPLES RAILROAD COMPANY,
RESPONDENT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Comes the Complainant and, by agreement of counsel herewith filed in the case, amends his bill of complaint by striking out paragraph fourth; words and phrases as follows: "or by some employee of said company, or used in connection with the Fairhope wharf now operated by the said Peoples Railroad Company".

Richardby Austin Beebe
Solicitors for Complainant.

We agree to and consent to the above amendment of paragraph fourth of bill as amended, acknowledge receipt of copy of such amendment on this the 2nd day of September, 1918, and waive further notice of the filing of the same.

Webb Willipine & Groves
Solicitors for Respondent.

CONFIDENTIAL FOR COMPLAINANT

reference to being maintained by the complainant.

First: - Because it is to be noted that said alleged

beliefs and may have no control over the same.

Second: - It is noted that said complainant has advised that he has no control over the same and that he has no control over the same and that he has no control over the same.

Third: - Because it is to be noted that the complainant

advised a witness to a conversation of the complainant.

Fourth: - Because the allegation that said complainant con-

tinued to have contact with said complainant is in

RECORDED

7 and 7/23-18
D. Williams
Register

is in

in the complaint which is in the possession of the complainant.

Second: -

Third: -

Fourth: -

Because the complainant has advised that he has no control over the same and that he has no control over the same and that he has no control over the same.

Because the complainant has advised that he has no control over the same and that he has no control over the same and that he has no control over the same.

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THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon The Peoples Railroad Company, a
Corporation.

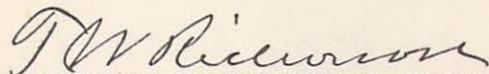
of Baldwin County, to be and appear before the Judge of the Circuit Court of
Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to
answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by
The Town of Fairhope a Municipal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

against said Peoples Railroad Company a Corporation,

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

WITNESS, T. W. Richerson, Register of said Circuit Court, this 26th day of June

1918.



Register.

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

2nd Original

Serve on.....

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

No. 103.

SUMMONS.

The Town of Fairhope.

vs.

Peoples Railroad CO.

Rickarby Austill and Beebe.

Solicitor for Complainant.

Recorded in Vol..... Page.....

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this 26th

day of June 1918

Sheriff.

Executed this 29 day of

June 1918

by leaving a copy of the within Summons with

E. B. Gaston
Peoples R.R. Co
Defendant

C. E. Cantelero
Sheriff

By S. T. [Signature]
Deputy Sheriff.

THE TOWN OF FAIRHOPE,
COMPLAINANT.

°VS-

PEOPLES RAILROAD COMPANY,
RESPONDENT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.

Comes the respondent and demurs to the Bill of Complaint exhibited against it in the above entitled cause, and for ground of demurrer alleges the following:-

First:- Said bill is wanting in equity.

Second:- Said bill fails to sufficiently allege facts to show that said structure constitutes a nuisance.

Third:- Because the allegations that said structure constitutes a nuisance is a conclusion of the pleader.

W. W. Alpine & Son
Solicitors for Complainant.

3rd

THE TOWN OF FAIRHOPE,
COMPLAINANT.

VS.

PEOPLES RAILROAD COMPANY,
RESPONDENT.

Demurrers.

Filed 10/18-1918
T. W. Richmond
Register

RECORDED

STATE SUBPOENA STATE—COPY.

Baldwin Times Print

When discharged hand this Subpoena to the Clerk and ask for your Witness Certificate if wish to charge for attendance

THE STATE OF ALABAMA,
Baldwin County.

}

COUNTY COURT.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon

.....
personally to be and appear before the County Court, to be holden for Baldwin County, at the Court House thereof, in
Bay Minette, on the day of 192...., at 10 A. M., and from day to day of said term, and
from term to term thereafter until discharged, to give evidence and the truth to speak in behalf of the State in a
prosecution now pending in said Court, wherein the State of Alabama is Plaintiff and

.....Defendant, and have you then and there this Writ, with
.....
your endorsement thereon.

Witness my hand this day of, A. D., 192.....

T. W. RICHERSON, Clerk.

For Judge Litch
All Five were
as
People R R Co

You have
departed at
Presen

The Town of Fairhope
vs.
The Peopla Railroad Co.

Deeds on Deeds

Filed 8/21-1918
The Wilmington
Register

Recorded on minutes
8/23-1918 Page 28.
Wilmington
Register.