

2104

MOBILE TIMBER COMPANY, a
corporation,

PETITIONER

VS.

CIRCUIT COURT OF MOBILE
COUNTY.

J. R. HAMMET, Tax Adjuster of
Baldwin County, Alabama,
RESPONDENT

This cause coming on to be heard upon the petition of Mobile Timber Company, a corporation, for a writ of mandamus against J. R. Hammet, as Tax Adjuster of Baldwin County, Alabama, and it appearing from the said petition that the petitioner is entitled to the relief prayed;

IT IS HEREBY ORDERED that the Clerk of the Circuit Court of Baldwin County forthwith issue to the said J. R. Hammet, Tax Adjuster as aforesaid, a writ nisi, by which he shall be cited to appear before the Circuit Court of Baldwin County, Alabama, on the 29th day of September, 1920, at 1:30 o'clock P. M. at the Court House in Bay Minette, Alabama, then and there to show cause, if any he may, why a writ of mandamus should not be issued commanding him to certify to the Court of County Commissioners of Baldwin County, Alabama, the appeal of Mobile Timber Company, a corporation, from the valuation fixed by the said Tax Adjuster upon the property of the Mobile Timber Company, a corporation, for taxation, and to do such other things as may be requisite and proper to transmit said cause to the said County Commissioners for a hearing of such appeal.

Made this the 14 day of September, 1920.

John D. Leigh
Judge of the Circuit Court of
Baldwin County.

TO THE HONORABLE JOHN D. LEIGH,

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

Your petitioner, Mobile Timber Company, a corporation organized under the laws of the State of Wisconsin, shows unto Your Honor that it owns a large tract of land in Baldwin County, Alabama, a more particular description of which is set forth as "EXHIBIT" A" attached hereto and made a part hereof.

Your petitioner further shows unto your Honor that J. R. Hammet, Tax Adjuster for Baldwin County, Alabama, valued said property for assessment for the tax year of 1920, at \$663,124.00, and the Tax Assessor of Baldwin County, Alabama, gave your petitioner notice, on to-wit, the first day of May 1920, that the said property had been so valued, and that the County Tax Adjuster would be in his office at the Court House at Bay Minette, Alabama, on Monday June 7th to 19th, inclusive to hear objections to said valuation and to correct any error therein.

Your petitioner further shows unto Your Honor that it did, through its agent M. H. Roach, appear before the said Tax Adjuster, on to-wit, June th 17th 1920, at his office in the Court House of Baldwin County, Alabama, and then and there made objections to the said valuation, and the said objection was then and there heard by the said Tax Adjuster and the said Tax Adjuster after hearing the same, found the valuation as placed by him on said property to be 60% of the reasonable cash value thereof and declined to re-adjust the said valuation or in any way to correct the same, and thereupon overruled the objection of your petitioner and did not note on the assessment list that your petitioner's objection was overruled; that your petitioner, acting through its agent, then and there appealed from the original valuation

made by said tax Adjuster to the County Commissioners of Baldwin County, Alabama, and notified the said Tax Adjuster of said appeal and requested him to certify said appeal to the County Commissioners, which he promised to do.

Your petitioner further shows unto Your Honor that when the said County Commissioners of Baldwin County met on July 19th, 1920, no certificate of said appeal had been made by the said Tax Adjuster and the said Board of County Commissioners therefore declined to take cognizance of said appeal.

Your petitioner made application to the State Tax Commission at Montgomery, Alabama, to have said Tax Adjuster correct said appeal and to give petitioner an opportunity of getting said valuation corrected, but said Tax Adjuster of Baldwin County declined to re-open the assessment, and stated that the valuation had been passed on and the case closed for the current tax year.

WHEREFORE Your Petitioner shows unto Your Honor that it has been unjustly and illegally denied its right of appeal from said ruling of the said J. R. Hammet, Tax Adjuster of Baldwin County, to the County Commissioners of Baldwin County;

WHEREFORE your petitioner prays that a writ nisi may be issued to the said J. R. Hammet to appear before the Honorable Circuit Court of Baldwin County, Alabama, at such time and place as may be designated in order to show cause why a writ of mandamus should not be issued to him, whereby he may be compelled to certify your petitioner's said appeal to the said Board of County Commissioners of Baldwin County, Alabama, and that your petitioner may have such other and further relief as it may be entitled to receive, the premises considered and as in duty bound it will ever pray.

*Mobile Lumber Company,
by Smiths, Young & Leigh
attorneys*

STATE OF ALABAMA,)
COUNTY OF MOBILE.)

Personally appeared before me,

Mary G. Dougherty

a Notary Public in and for said State and County, M. H.

Roach, who, upon oath, deposes and says that he is the agent of the MOBILE TIMBER COMPANY, and as such is authorized to make this affidavit, and that the allegations contained in the above and foregoing petition are true.

M. H. Roach

Subscribed and sworn to before me
this 13th day of September, 1920.

Mary G. Dougherty
Notary Public, Mobile County, Ala.

BALDWIN COUNTY LANDS OF MOBILE TIMBER CO.

	Sec.	TWP.	Range	Acres	Value
SW Frac. $\frac{1}{4}$; W $\frac{1}{2}$ of SE Frac. $\frac{1}{4}$ & NE $\frac{1}{4}$	22	2 N.	2 E.	183.89	
SW Frac. $\frac{1}{4}$	27	" "	" "	66	
NE $\frac{1}{4}$	28	" "	" "	153.22	
N $\frac{1}{2}$ of NW $\frac{1}{4}$; E $\frac{1}{2}$ of NE $\frac{1}{4}$; NE $\frac{1}{4}$ of SE $\frac{1}{4}$	33	" "	" "	200	
W. Frac. $\frac{1}{2}$	34	" "	" "	152.60	
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All Section	1	2S	1 E	641.04	
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	2	" "	" "	40.11	
E $\frac{1}{2}$ of SW $\frac{1}{4}$ & SW $\frac{1}{4}$ of SW $\frac{1}{4}$	2	" "	" "	120.33	
Frac. E $\frac{1}{2}$ East of Big Lizard Creek	3	" "	" "	28.50	
John Forbes & Co. Tract	40	" "	" "	307.24	
Frac. E $\frac{1}{2}$ of NE $\frac{1}{4}$, east of Big Lizard Creek					
Frac. SE $\frac{1}{4}$ & Frac. SW $\frac{1}{4}$ and Frac. NE $\frac{1}{4}$ & Frac. NW $\frac{1}{4}$	10	" "	" "	106.70	
All Frac. Section east of Big Lizard Creek	11	" "	" "	540.25	
All Section	12	" "	" "	640.00	
All Section	13	" "	" "	641.04	
All Frac. Section east of Big Lizard Creek;	14	" "	" "	301.39	
Frac. NE $\frac{1}{4}$ east of Big Lizard Creek	15	" "	" "	23.10	
All Frac. Section East of Big Lizard Creek	23	" "	" "	36.00	
All Frac. Section North & East of Big Lizard Creek	24	" "	" "	440.60	
All of Simpson Island, lying north of South boundary line of Sections, 25, 26 & 30	30	" "	" "	4481.80	
				<hr/>	
All Frac. Section west of Tensaw River	6	" "	2 E	583.17	
All Section	7	" "	" "	640.48	
All Frac. Section West of Tensaw River	8	" "	" "	313.69	
All Frac. Section West of Tensaw River	17	" "	" "	230.00	
All Section	18	" "	" "	639.68	
All Frac. Section west of Tensaw River	19	" "	" "	492.45	
All Frac. Section West of Tensaw River	20	" "	" "	22.00	
All Frac. Section West of Big Lizard Creek;	30	" "	" "	80.12	
				<hr/>	
All Frac. Section West of Bottle Creek	1	1S	1 E	400.00	
E $\frac{1}{2}$ & SW $\frac{1}{4}$ & E $\frac{1}{2}$ of NW $\frac{1}{4}$	2	" "	" "	559.80	
All Frac. Section east of Middle River	3	" "	" "	63.00	
All Section	11	" "	" "	640.00	
Frac. NE $\frac{1}{4}$ & Frac. SE $\frac{1}{4}$ of NW $\frac{1}{4}$ & Frac. NE $\frac{1}{4}$ of SW $\frac{1}{4}$, all west of Bottle Creek	12	" "	" "	120.00	
Frac. N $\frac{1}{2}$ & Frac. SE $\frac{1}{4}$ between Middle River & Bottle Creek	14	" "	" "	178.30	
Frac. NE $\frac{1}{4}$ & Frac. NW $\frac{1}{4}$ north & east of Middle River	15	" "	" "	58.87	
Frac. NW $\frac{1}{4}$ between Bottle Creek and Middle River	24	" "	" "	58.38	
All Wm. Fisher Tract, west of Bottle Creek	37	" "	" "	150.00	
Frac. SW $\frac{1}{4}$ & Frac. SE $\frac{1}{4}$ between Bottle Creek & Middle River	24	" "	" "	5.62	
John Forbes & Co. Tract	41	" "	" "	1580.17	
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John Forbes & Co. Tract	53	1S	2 E	219.55	
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All Frac. Section	35	1N	1 E	119.75	
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E $\frac{1}{2}$	5	" "	2E	318.02	
NE $\frac{1}{4}$	7	" "	" "	160.75	

MOBILE TIMBER COMPANY (continued)

	SEC.	TWP.	R.	Acres.
Frac. $W \frac{1}{2}$ of $NE \frac{1}{4}$ & $SE \frac{1}{4}$ of $NE \frac{1}{4}$ & Frac.	17	1 N	2 E	114.60
$SE \frac{1}{4}$ lying North of Tensaw Lake				
$SW \frac{1}{4}$	21	" "	" "	160.00

S $\frac{1}{2}$ of $NE \frac{1}{4}$ & N $\frac{1}{2}$ of $SE \frac{1}{4}$	36	2 N	1 E	160.00
$SE \frac{1}{4}$ & Frac. $SW \frac{1}{4}$	6	2 N	2 E	291.20
All Frac. Section north of Alabama				
River; Frac. Div "B" south of Alabama				
River;	7	" "	" "	245.50
Frac. West $\frac{1}{2}$ west of Alabama River	8	" "	" "	164.50
$S \frac{1}{2}$ of $SW \frac{1}{4}$ & $SW \frac{1}{4}$ of $SE \frac{1}{4}$	15	" "	" "	120.00
S $\frac{1}{2}$	17	" "	" "	320.00
East $\frac{1}{2}$ of	18	" "	" "	320.00
$NE \frac{1}{4}$ of $NE \frac{1}{4}$ & $S \frac{1}{2}$ of $NE \frac{1}{4}$ & $SE \frac{1}{4}$	19	" "	" "	280.00
Subd. "A", Subd. "B" & N $\frac{1}{2}$ of $SW \frac{1}{4}$ &				
Subd. "C" & $SW \frac{1}{4}$ of $SW \frac{1}{4}$	19	" "	" "	233.00
All Section	20	" "	" "	643.16
All Section	21	" "	" "	641.48
$NE \frac{1}{4}$ & $NE \frac{1}{4}$ of $SE \frac{1}{4}$	29	" "	" "	199.75
$SE \frac{1}{4}$ of $NE \frac{1}{4}$	32	" "	" "	40.00
$SE \frac{1}{4}$ of $NW \frac{1}{4}$	33	" "	" "	40.00
$SW \frac{1}{4}$ of $SW \frac{1}{4}$	33	" "	" "	40.00

$SE \frac{1}{4}$ & $SE \frac{1}{4}$ of $NE \frac{1}{4}$	2	2 S	1 E	200.55
Frac. $W \frac{1}{2}$, north and west of Ala. River	5	2 N	2 E	137.50
$NE \frac{1}{4}$	6	" "	" "	160.00
Frac. S. W. $\frac{1}{4}$ & Frac. $SE \frac{1}{4}$ South of Ala. R.	8	2 N	" "	75.50
$SE \frac{1}{4}$ of $SE \frac{1}{4}$	29	" "	" "	40.00
$NE \frac{1}{4}$ of $NE \frac{1}{4}$ & NE Division of $SW \frac{1}{4}$,				
being the fraction in form of Stig-				
gins Lake	32	" "	" "	66.00

STATE OF ALABAMA)
 (
COUNTY OF BALDWIN(

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

TO J. R. Hammet, Tax Adjuster of Baldwin County, Alabama:

You are hereby cited to appear before the Circuit Court of Baldwin County, Alabama, on the 29th day of September, 1920, at 1:30 P. M. at the Court House in Bay Minette, Alabama, then and there to show cause, if any, why a Writ of Mandamus should not be issued commanding you to certify to the Court of County Commissioners of Baldwin County, Alabama, the appeal of Mobile Timber Company, a corporation, from the valuation fixed by you upon the property of the Mobile Timber Company, a corporation, for taxation and to do such other things as may be requisite and proper to transmit said cause to the said County Commissioners for a hearing of said appeal.

Witness my hand this 14th day of September, 1920.

J. W. Richardson
Clerk of Circuit Court of Baldwin County, Alabama.

*Forwarded Sept 16th
1920 by Serving
Copy of the within
on J. R. Hammett,
Tax Adjuster of
Baldwin County
Ala.
W. R. Street
Shreveport*