

alleged what character
of possession he had
to show that it was
actual or such as to
constitute notice to
the plaintiff.

5

Because the defendant
is not entitled as
against the plaintiff
to have the alleged
conveyance reformed.

6

Because the allegations
of said motion are
frivolous and unavailing
and that it fails to
sufficiently set out the
notice of the alleged
conveyance to bind for
the Court to tell whether
he now has any right
to inquire into validity

Stone v Stone
Krohn v Edgerton
Webster v Chapman

State of Alabama
Pardner County Customs Hon. & Notary Public
Before me. J. W. ~~Richardson~~

~~That of the County Court in and for~~
said County and State, per-
sonally appeared W. B. Sumner
who is known to me and
who after being by me first duly
and legally sworn both de
pose and say under oath

That he has known the
lands in controversy ~~between~~ during
~~the past 15 years~~
~~W. D. Owens~~
~~is~~ that he has rode, hunted
and walked over same during
that period and that at no
time prior to the purchase by
A. A. Scott was W. D. Owens
in possession of the
same or exercising rights
of possession but it was
wild woods land.

That D. A. Scott had said
lands paid long before
Owens hung ~~for~~
Cups on the trees. Scott has
been claiming the ~~the~~
land about ten years

and posted it about four
years ago. H. B. Simmons

Sworn to and subscribed
before me this Nov 25. 1920

~~W. B. Simmons~~
Notary Public
Baldwin County, Alabama

RECORDED

State of Alabama
County of Baldwin.

Before me the undersigned
authority personally appeared this day G. W. Chandler
who being sworn says "That in the year 1916 and
since he has been in the employ of W. D. Owens
and swears for man in his turpentine operations
and knows of his personal knowledge that in
1916 W. D. Owens purchased the timber on the lands
described in the complaint of S. A. Scott to W. D. Owens
and immediately went into possession thereof; that
prior to the purchase of said lands by S. A. Scott the
said Owens had actually put cups on trees growing
on said lands and worked said trees for turpentine
purposes and was working said trees for turpentine
purposes at the time ~~when~~ of the date of Scott's death
viz March 5, 1919.

G. W. ^{his} Chandler.
man.

Subscribed and sworn to before me this 20, day
of November 1920

T. W. Rice
Clerk Circuit Court,

STANTON A. SCOTT,
Plaintiff,

-VS-

W. D. OWENS,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY.

FIRST: The Plaintiff claims of the defendant the sum of \$54350⁰⁰ as damages, for that the defendant willfully and knowingly and without the consent of the owner of the land boxed or cupped 5435 trees on the following described real property: The West Half of the Northwest Quarter of Section 34; the Northeast Quarter of the Northeast Quarter and the West Half of the Northeast Quarter of Section 35, and the Southeast Quarter of the Northwest Quarter of Section 35, all in Township 6 South of Range 5 East, and located in Baldwin County, State of Alabama, and the legal title to which said real property is vested in the plaintiff.

SECOND: The plaintiff claims of the defendant the sum of \$54350⁰⁰, for that on divers days and at divers times between the 17th day of January, 1917, and the 17th day of January, 1920, the defendant did trespass on the following Tracts of land, viz: The West Half of the Northwest Quarter of Section 34; the Northeast Quarter of the Northeast Quarter and the West Half of the Northeast Quarter of Section 35, and the Southeast Quarter of the Northwest Quarter of Section 35; all in Township 6 South of Range 5 East, located in Baldwin County, State of Alabama, and belonging to the plaintiff, and for the cupping or boxing of the timber thereon, all to the damage of the plaintiff in the above said amount; hence this suit.

THIRD: The plaintiff claims of the defendant the sum of \$54350⁰⁰, due from him by account on or about the 17th day of January, 1920, which said amount, together with interest thereon is due and still unpaid.

Stone & Stone

Gordon & Edmiston
ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial of the above cause
by a Jury.

Gowan & Edmiston
ATTORNEYS FOR PLAINTIFF.

ORIGINAL

SWANKO

STANTON A SCOTT

VS

W D OWENS.

COMPLAINT

FILED JULY 6th. 1920.

W D Owens

Clerk.

The State of Alabama, }
BALDWIN COUNTY.

CIRCUIT COURT

No.

Fall Term, 19 20.

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon W.D.Owens,

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 him the Defendant

by Stanton A Scott,

Plaintiff

Witness my hand this 5th day of July, 1920. 19

D. W. Pickens
-----Clerk.
COMPLAINT

Plaintiff Versus

The Plaintiff claims of the Defendant

Dollars due by

Plaintiff's Attorney.

Original 122
R

No.

State of Alabama,
BALDWIN COUNTY.

CIRCUIT COURT

S.A.Scott,

Plaintiffs

Vs.

W.D.Owens,

Defendants

SUMMONS AND COMPLAINT

Filed July 5th, 19 20

M. Riccison

Clerk

Defendant lives at

Stone and Stone.

Plaintiff's Attorney

Defendant's Attorney

Baldwin Times Print

RECORDED

Received in office

July 5th, 1920 19

W.R. Street Sheriff.

I have executed this Writ

this *July 8th* 1920
by leaving a copy of the within summons and com-
plaint with

W.D. Owens

W.R. Street Sheriff.

Deputy Sheriff.

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 W.D.Owens,

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

Stanton A Scott,

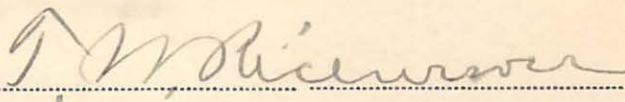
against said

W.D.Owens,

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 24th. day of December

1920.


Register.

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

2nd Original
Copy
Serve on W.D.Owens,

Circuit Court of Baldwin County
In Equity

No. 282

SUMMONS

Stanton A Scott.

vs.

W.D.Owens,

Stone and Stone.

Solicitor for Complainant

Recorded in Vol. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this 24th
day of Dec 1920 192

W.R. Stewart
Sheriff

Executed this 7th day of
January 1921
by leaving a copy of the within summons with

Defendant
W.R. Stewart
Sheriff

By _____
Deputy Sheriff

RECORDED

State of Alabama }
Barbours County } }

Before me T. W. Richardson Clerk
of Circuit Court personally
appeared Noah Beaton who
thinks just duly sworn says
he has been acquainted with
the land in controversy for
many years and that for
a brief time years next
passed thro' from claim
by S. A. Scott, that at the
what is call wild or
open land and during
that period of time says
there has been nothing
to show who was in
possession or claiming same
except notices posted by
Scott offering a reward
for murder. Connected with
Beaton on same and
about 12 years ago
while working for other parties
they got over the line on
the land in trespassing and
Scott called attention to the

set and claimed the
land. Appant now
based on Crown claiming
any interest in the land
prior to this suit.
Noah Brawton

Subscribed and sworn to
before me this November
12 5-1920

W. W. Brawton

Clerk of Circuit Court
Baldwin County Ala

1883

R

1600

No. ~~1600~~

CIRCUIT COURT, BALDWIN COUNTY.

S. A. Scott.

vs.

Plaintiff

W. D. Owens.

Defendant

Action for Damages by Trespass.

Docket

Page

MARSHALL & BRUCE CO., NASHVILLE.

RECORDED

- - - - - X
 STANTON A. SCOTT,)
 PLAINTIFF.)
 - vs -)
 W. D. OWENS,)
 DEFENDANT.)
 - - - - - X

IN THE CIRCUIT COURT-EQUITY SIDE.
 STATE OF ALABAMA.
 BALDWIN COUNTY.

No. _____

(Transferred from Law Side-Case No. 1600.)

TO THE HONORABLE, THE CIRCUIT COURT, BALDWIN COUNTY, ALABAMA, EQUITY SIDE, AND THE HON. JOHN D. LEIGH, JUDGE THEREOF, SITTING IN EQUITY:-

Comes your complainant, Stanton A. Scott, and files this his bill or statement of legal demand against the defendant, W. D. Owens, in pursuance of and in accordance with an order made heretofore to-wit; November 25th., 1920, in the Law Side of this court whereby the case of Stanton A. Scott, Plaintiff -vs- W. D. Owens, Defendant, being case numbered 1600, was transferred to this, the equity side of said court, and respectfully shows unto this court and unto your Honor as follows;

F I R S T .

That both the complainant and the defendant are over the age of twenty-one (21) years and are bona fide residents of the State of Alabama, the complainant residing in Baldwin and the defendant in Escambia County, Alabama; that the cause of action which was the basis of said suit at law and this casue in equity arose in Baldwin County, Alabama.

S E C O N D .

That on heretofore, to-wit; July 5th., 1920, the complainant herein filed suit against the defendant herein in the law side of this court; that a copy of said complaint filed in said suit is hereto attached and marked EXHIBIT "A" and the same is hereby incorporated in this bill or statement, with leave of reference thereto as often as may be necessary; that on to-wit, November 25th., 1920, upon motion of the defendant and by order of the court thereon, the said case ir suit in the law side was transferred to this the equity side; that this bill or statement of legal demand is now filed in accordance with said order and the statutes in such case made and provided;

T H I R D .

That the complainant claims of the defendant the sum of Fifty four thousand, three hundred and fifty dollars (\$54,350.00) as damages, for that the defendant wilfully and knowingly and without the consent of the owner of the land boxed or cupped five thousand, four hundred and thirty-five (5435) trees on the following described real property:-

("T H I R D" -continued.)

The west half of the northwest quarter of section thirty-four; the northeast quarter of the northeast quarter and the west half of the northeast quarter of section thirty-five; and the southeast quarter of the northwest quarter of section thirty-five, all in township six south of range five east and located in Baldwin County, State of Alabama, and the legal title to which said property is vested in the ~~plaintiff~~.

Complainant

F O U R T H .

That the complainant claims of the defendant the sum of \$54350.00 for that on divers days and at divers times between the 17th day of January, 1917, and the 17th day of January, 1920, the defendant did trespass on the following tracts of land, viz: The west half of the northwest quarter of Section 34; the northeast quarter of the northeast quarter and the west half of the northeast quarter of section 35 and the southeast quarter of the northwest quarter of section 35, all in Township 6 South of Range 5 East, located in Baldwin County, State of Alabama, and belonging to the complainant, and for the cupping or boxing of the timber thereon, all to the damage of the complainant in the above said amount; hence this suit.

F I F T H .

That the complainant claims of the defendant the sum of \$54,350.00 due from him by account on or about the 17th day of January, 1920, which said amount, together with the interest thereon is still due and unpaid.

PRAYER FOR PROCESS.

The Premises considered, the complainant prays that your Honor will issue or cause to be issued such subpoenas or other process or order as are necessary to make the said defendant, W. D. Owens, party respondent to this cause, requiring that he appear and plead, answer or demur within the time required by law and the said order heretofore made by the Circuit Court, Law side in this matter, under the pains and penalties of this honorable court and the statute in such case made and provided.

PRAYER FOR RELIEF.

Complainant prays, that upon a final hearing of this case, that your honor will render, adjudge and decree that the monies and demands alleged and claimed by the complainant to be due and owing to him by the defendant, W. D. Owens, are due and owing, ^{as claimed} and that your honor will further render,

(PRAYER FOR PROCESS-Continued.)

adjudge and decree that the said sums and demands as claimed be paid to the complainant by the defendant. And for such other and further, or further and different relief to which, in equity and good conscience, your complainant is entitled. And, as in duty bound, etc., etc.,

Stear & Stear
Gordon & Edington

Will. McAlpin & Sons
SOLICITORS FOR COMPLAINANT

FOOT NOTE:-

The defendant, W. D. Owens, is required to answer each and every paragraph of the foregoing bill or statement of legal demand from "FIRST" to "FIFTH.", both inclusive, but not under oath, oath being hereby expressly waived.

Stear & Stear
Gordon & Edington

Will. McAlpin & Sons
SOLICITORS FOR COMPLAINANT.

"EXHIBIT A"

STANTON A. SCOTT,
Plaintiff,

-VS-

W. D. OWENS,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY.

FIRST: The Plaintiff claims of the defendant the sum of \$54350⁰⁰/₁₀₀, as damages, for that the defendant wilfully and knowingly and without the consent of the owner of the land boxed or cupped 3430 trees on the following described real property: The West Half of the Northwest Quarter of Section 34; the Northeast Quarter of the Northeast Quarter and the West Half of the Northeast Quarter of Section 35, and the Southeast Quarter of the Northwest Quarter of Section 35, all in Township 6 South of Range 5 East, and located in Baldwin County, State of Alabama, and the legal title to which said real property is vested in the plaintiff.

SECOND: The plaintiff claims of the defendant the sum of \$54350⁰⁰/₁₀₀, for that on divers days and at divers times between the 17th day of January, 1917, and the 17th day of January, 1920, the defendant did trespass on the following Tracts of land, viz: The West Half of the Northwest Quarter of Section 34; the Northeast Quarter of the Northeast Quarter and the West Half of the Northeast Quarter of Section 35, and the Southeast Quarter of the Northwest Quarter of Section 35; all in Township 6 South of Range 5 East, located in Baldwin County, State of Alabama, and belonging to the plaintiff, and for the cupping or boxing of the timber thereon, all to the damage of the plaintiff in the above said amount; hence this suit.

THIRD: The plaintiff claims of the defendant the sum of \$54350⁰⁰/₁₀₀, due from him by account on or about the 17th day of January, 1920, which said amount, together with interest thereon is due and still unpaid.

Stoue & Stoue
Godson & Emerton
ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial of the above cause
by a Jury.

James S. Lane
Gordon Edington
ATTORNEYS FOR PLAINTIFF.

STANTON A SCOTT,)
COMPLAINANT)
VS)
W. D. OWENS,)
DEFENDANT)

CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY.

COMES the defendant in the above styled cause and demurs to Complainant's bill of complaint and as ~~as~~ grounds therefor says:

There is no equity in the bill.

And Defendant for special demurrer to the Third Count of Complainant's bill of complaint says:

1st. That said Count does not allege the time when said alleged cupping or boxing was done.

2nd. That said Count does not allege the kind of trees alleged to have been cupped or boxed.

3rd. That said Count states the acts complained of in the alternative as boxing or cupping and each alternative does not constitute a cause of action.

4th. That said Count claims damages and alleges that the defendant cupped certain trees, the property of plaintiff, and the act of cupping is not included in the Statute upon which Complainant claims his right to damages.

5th. That said Count avers the act complained of as done by defendant in the alternative as cupping and the act of cupping trees does not constitute a cause of action.

6th. That said Count does not state a cause of action.

Richard W. Zuck
Solicitors for Defendant.