

MRS. LOUIS BANKESTER

PLAINTIFF

VS

HARRY L. (PETE) DOLIVE

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW

CASE NO. 2710

PLEAS

1.

The Defendant admits that he was in possession of the Plaintiff's cattle at the time this suit was filed, but says that these cattle were trespassing upon his land at that time, were doing and had done considerable damage to his personal property and that he put them in an enclosure to prevent them from doing him further damage.

2.

The Defendant claims of the Plaintiff the sum of NINE HUNDRED SIXTY EIGHT and 14/100 (\$968.14) DOLLARS damages for that on or about the 29th day of August, 1955, and at divers times prior thereto, the Plaintiff's cattle entered into and upon the Defendant's land and damaged and destroyed personal property belonging to the Defendant to-wit: his garden, sweet potatoes, Irish potatoes, shrubbery, flowers, fruit trees, fence, wearing apparel and linens, to Defendant's damage to said amount of NINE HUNDRED SIXTY EIGHT and 14/100 (\$968.14) DOLLARS and the Defendant avers that the Plaintiff, as the owner of the cattle, voluntarily permitted them to run at large, the said cattle entered upon the lands of the Defendant and destroyed the Defendant's personal property as aforesaid and the Defendant hereby offers to off set this against the claims of the Plaintiff and claims judgment for the excess.

3.

~~The Defendant claims of the Plaintiff the sum of NINE HUNDRED SIXTY~~
EIGHT and 14/100 (\$968.14) DOLLARS for a trespass by the Plaintiff knowingly permitting his cattle to run at large and trespass upon the Defendant's tract of land, to-wit:

South 3/4 of the Northeast quarter of the Northwest quarter and Northwest quarter of the Northwest quarter and that part of the Northwest quarter of the Northeast quarter which lies West of Bay Minette Creek, all in Section 4, Township 4 South, Range 2 East, Baldwin County, Alabama.

THE STATE OF ALABAMA }
Baldwin County }

CIRCUIT COURT

No. _____

_____ 194_____

To Any Sheriff of the State of Alabama :

You Are Hereby Commanded to Summon Pete Dolive

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 _____

Mrs. Louis Bankester

Witness my hand this 29 day of Aug 1947

Alice Duck, Clerk.

COMPLAINT

Mrs. Louis Bankester

Pete Dolive

Plaintiff

Versus

Defendant

The plaintiff _____ claims of the defendant the following personal property, to-wit:

Four Head of Cattle Branded LB, marked crop and split in the
right ear and crop and underhack in the left ear.

with the value of the hire or use thereof during the detention, to-wit:

from _____ 194_____, to _____ 194_____

C. L. G. Thompson
Plaintiff's Attorney.

The State of Alabama, }
Baldwin County

KNOW ALL MEN BY THESE PRESENTS, That we, Mrs Louis Bankster
 and the undersigned
 are held and firmly bound unto Pete Dolue
 in the sum of Three hundred and fifty Dollars, for the payment of
 which, well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and ad-
 ministrators.

Sealed with our seals and dated this _____ day of _____ 19____

The condition of the above obligation is such that whereas the said Mrs Louis Bankster
Pete Dolue did, on the 29th day
 of Aug 1955 sue out of the Circuit Court of Baldwin
County a writ of detinue directed to any Sheriff of the State of Alabama commanding him
 to take into his possession the following property, to-wit:

Four head of Cattle Branded L.B., Marked
Crop and split in the right ear and
Crop and underhack in left ear

which said writ was placed in the hands of Lyb Wilkin
 Sheriff of Baldwin County, Alabama, on the 29th day of Aug, 1955
 and executed by him on the 29th day of Aug, 1955 by taking into his
 possession the following property, to-wit:

Listed above

And whereas the said Pete Dolue
 Defendant in said writ, has failed and neglected for the space of five days from the execution of said writ
 to give bond and take possession of said property as authorized by law.

Now if the said Mrs Louis Bankster upon his failing
 in said suit shall deliver the said property to the Defendant within thirty days after judgment and pay all
 damages for the detention of the property and costs of suit, then this obligation to be void, otherwise to
 remain in full force and effect.

Mrs Louis Bankster (SEAL)
Charlie Bankster (SEAL)
Roy S. Bankster (SEAL)

Taken and approved this 29th day of Aug 1955

Lyb Wilkin
 Sheriff, Baldwin County, Ala.

THE STATE OF ALABAMA }
Baldwin County

CIRCUIT COURT

No.

194.....

To Any Sheriff of the State of Alabama :

You Are Hereby Commanded to Summon Pete Dolive

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.....

Mrs. Louis Bankester

Witness my hand this 29 day of Aug 1945

Miss J. H. Hester, Clerk.

COMPLAINT

Mrs. Louis Bankester

Pete Dolive

Plaintiff

Versus

Defendant

The plaintiff.....claims of the defendant the following personal property, to-wit:

Four Head of Cattle Branded LB, marked crop and split in the
right ear and crop and underhack in the left ear.

with the value of the hire or use thereof during the detention, to-wit:

from.....194....., to.....194.....

Edgar Thompson, Plaintiff's Attorney.

STATE OF ALABAMA
Baldwin County
CIRCUIT COURT

Mrs. Louis Bunkerlee

Plaintiff...

vs.

Pete Dalme

Defendant...

Detinue Summons and Complaint

Filed *8-29*, 194*5*

Dee French Clerk

Plaintiff's Attorney

Defendant's Attorney

To the Sheriff of said County:

Whereas, the Plaintiff in the within stated cause has made affidavit and given bond as required by law you are hereby required to take the property mentioned in Complaint into your possession unless the Defendant gives bond payable to the Plaintiff with sufficient surety in double the amount of the value of the property, with condition that if the Defendant is cast in the suit he will within thirty days thereafter, deliver the property to the Plaintiff, and pay all damages and costs which may accrue from the detention thereof

Dee French, Clerk.

Defendant lives at _____

Received in office _____

_____, 194____

_____, Sheriff.

I have executed this summons

this *29 Aug*, 19*55*
by leaving a copy with _____

*on Pete Dalme
and attached four head
of cattle brand of B.
marked crop & split on
right ear and crop
and under back on
left ear.
Deft. failed to make
bond Sept 6, 1955
Signed by me, Deputy
Sheriff, Charlie Penland
Ray G. Penland*

Taylor Wilkins, Sheriff
Edney Steadman, Deputy Sheriff

STATE OF ALABAMA, }
 Baldwin County. }

KNOW ALL MEN BY THESE PRESENTS, That We, Mrs. Louis Bankester

as principal, and _____

as surety, are held and firmly bound unto Pete Dolive

in the sum of Four Hundred (\$400.00) ----- DOLLARS,

to be paid to the said Pete Dolive, his heirs, executors, administrators or assigns; for which payment, well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally and firmly, by these presents. Sealed with our seals, and dated this _____ day of _____ in the year of our Lord, 19-----

The condition of the above obligation is such, That whereas the above bound Pete Dolive, on the day of the date hereof hath obtained at the suit of Mrs. Louis Bankester vs. Pete Dolive,

a summons and complaint for the recovery of personal property in specie against said defendant and asks an endorsement by the Clerk of this Court "That the Sheriff is required to take the property mentioned in said complaint into his possession," as required by law in such cases, which summons and complaint are returnable to the next term of the Circuit Court of said County, and which said endorsement is made upon the plaintiff entering into this bond.

Now, if the said Plaintiff shall fail in this suit, and shall pay the Defendant all such costs and damages as he may sustain by reason of the wrongful complaint in said case, then this obligation to be void, otherwise to remain in full force and effect.

Mrs Louis Bankester (L. S.)

Charlie D. Bankester (L. S.)

_____(L. S.)

Approved this _____ day of _____ 19____

 Clerk.

MRS. LOUIS BANKESTER

PLAINTIFF

VS

HARRY L. (PETE) DOLIVE

DEFENDANT

IN THE CIRCUIT COURT COURT
OF BALDWIN COUNTY, ALABAMA,

AT LAW

CASE NO. 2710

Comes now the Defendant in the above styled cause and for answer to the
Complaint plead in abatement thereto, and for grounds of abatement say:

1.

That the Plaintiff's cattle trespassed upon the lands of the Defendant,
did damage to his personal property and the Plaintiff has failed to tender
payment to the Defendant for this damage.

Wilters & Brantley

BY: H. L. Dolive
Attorneys for the Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me

J. Oliver M. Brantley

, a Notary Public, in and for said
County, in said State, personally appeared Harry L. Dolive, who being by
me first duly sworn says on oath, that the facts set forth in the foregoing
plea are true and correct.

Sworn to and subscribed before me this 10 day of October, 1955.

J. Oliver M. Brantley
Notary Public, Baldwin County, Alabama

The Defendant demands a trial by jury.

Wilters & Brantley

BY: J. Oliver M. Brantley
Attorneys for the Defendant

HARRY L. (PETE) DOLIVE
PLAINTIFF
VS
MRS. LOUIS BANKESTER
DEFENDANT

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

Comes now the Plaintiff in the above styled cause and amends Count
One of his complaint to read as follows:

1.

The Plaintiff claims of the Defendant the sum of NINE HUNDRED SIXTY EIGHT and 14/100 (\$968.14) DOLLARS damages for that on or about the 30th day of May, 1955, and at divers times until 29th day of August, 1955, the Defendant's cattle entered into and upon the Plaintiff's land and damaged and destroyed personal property belonging to the Plaintiff, to-wit: his garden, sweet potatoes, irish potatoes, shrubbery, flowers, fruit trees, fence, wearing apparrel and linens, to Plaintiff's damage to said amount of NINE HUNDRED SIXTY EIGHT and 14/100 (\$968.14) DOLLARS, and the Plaintiff avers that the Defendant, as the owner of the cattle, voluntarily permitted them to run at large, the said cattle entered upon the lands of the Plaintiff and destroyed the Plaintiff's personal property as aforesaid, all to the loss of the Plaintiff in the aforesaid amount.

Wilters & Brantley

BY: Albert M. Brantley
Attorneys for the Plaintiff