

STATE OF ALABAMA, Complainant,)	IN THE CIRCUIT COURT,
VS)	BALDWIN COUNTY, ALABAMA
HOLMAN JOHNS, Defendant.)	IN EQUITY

To the Honorable John D. Leigh, Judge of the Circuit Court Equity Side, Twenty-First Judicial Circuit:

Your petitioner FRANK M. HILL representing unto your honor that he is over the age of Twenty-one and resides at Daphne Baldwin County, Alabama and asks leave of court to file this his interplea, in the above stated cause and shows unto your honor:

FIRST: That heretofore on to wit the sixth day of May, 1919 before the filing of this complaint HOLMAN JOHNS was or pretended to be seized in fee simple and was in actual possession of the land and premises in said bill mentioned in respect whereof condemnation of the same is sought in this cause and that your petitioner believing that the said HOLMAN JOHNS was so seized and entitled loans to said HOLMAN JOHNS the sum of TWO HUNDRED (\$200.00) DOLLARS on to wit the May 6th, 1919 in good faith and without knowledge that said premises were being used or being permitted to be used for any unlawful purposes and that thereupon the said HOLMAN JOHNS and GEORGIANA JOHNS his wife executed and delivered to your petitioner a certain note and mortgage which is recorded in the Probate records of Baldwin County, Alabama in book numbered Twenty-two of mortgages at page Three Hundred and Twenty on the 19th day of June, 1919. Said note and mortgage being hereto attached to this petition marked Exhibit A and is hereby referred to and made a part of this petition.

SECOND: That on to wit February 17th, 1921 the said HOLMAN JOHNS was or pretended to be seized in fee simple of the lands described in said complaint and was in actual possession of the same before the offense complained of occurred if it

of the same before the expense complained of occurred it is

found described in said complaint and was in actual possession

JOHN was or pretended to be acted in the name of the

SECOND: That on or about January 17th, 1919, JOHN H. H. H.

petition.

Exhibit A and to hereby referred to and have a part of this

and mortgage being hereto a loaned to this petition marked

and January on the 15th day of June, 1919. Said note and

book numbered Twenty-two of mortgages at large three hundred

entered in the public records of Baldwin County, Alabama in

to four petition a certain note and mortgage which is re-

ferred and also of the JOHN H. H. H. H. H. H. H. H. H. H. H. H. H.

any voluntary payment and that therefore the said JOHN H. H.

petition as being used as being intended to be used for

JOHN H.

JOHN H.

JOHN H.

JOHN H.

JOHN H.

JOHN H.

JOHN H.

JOHN H.

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JOHN H.

JOHN H.

JOHN H.

JOHN H.

JOHN H.

JOHN H.

JOHN H.

IN WITNESS

JOHN H.

IN THE CIRCUIT COURT,

JOHN H.

AS

SEAL OF ALABAMA, COMPTROLLER

did occur and that this petitioner FRANK M. HILL loans the said HOLM N JOHNS the sum of ONE HUNDRED AND TWENTY-FIVE(\$125.00) DOLLARS in good faith and without knowledge that said premises had been used or were being used for any unlawful purposes. Said loan is evidenced by a certain note and mortgage marked Exhibit B and made a part of this petition and filed for record in the office of the Probate Judge on the 27th day of August, 1921.

THIRD: That said amounts of money aggregating THREE HUNDRED AND TWENTY-FIVE(\$325.00)DOLLARS were loaned by petitioner to HOLM N JOHNS bona-fides and without any knowledge on the part of the petitioner that said buildings or premises described in the original bill were being used for any unlawful purposes prohibited by the statute of Alabama.

The petitioner prays that he be permitted to file this his interplea and that in the event that the said HOLM N JOHNS be convicted for violating the prohibition laws of the state of Alabama or of distilling prohibited liquors and beverages upon said premises and in the further event that said premises be decreed, forfeited and sold by the state of Alabama with petitioners rights under and to above mortgage will and always be protected and your honor may render may be subject to the rights of petitioner secured in good faith by the two mortgage above set out and in the event that your petitioner is entitled to any further or different relief than above prayed for that your honor will grant the same to him, and in duty bound he will ever pray.

Before me T. W. Richerson, clerk of the Circuit Court and Register in Chancery personally appeared FRANK M. HILL who is known to me and before me duly sworn deposes and says under oath that the matter above annexed are true.

only that the matter above mentioned was done.
known to me and before me duly sworn deponent and wife under
Registered in my own and personally appeared FRANK N. HILL who is
Before me I, W. M. Nicholson, clerk of the Circuit Court and

and to him, and in my hand he will over this.
I have then above stated for that FRANK N. HILL is the
Your petition is entitled to my further or different
faith by the parties above set out and in the event that
may be subject to the claims of creditors named in good
faith and always be protected and your honor may consider
of Alabama with better than others under and to above state-
that said petition be decreed, corrected and sold by the state
and balances upon said premises and in the future event
of the state of Alabama or of anything prohibited by law
NOW I JOHN H. JONES do hereby certify that the petition was
this my intention and that in the event that the same
The petition being such to be returned to this
lawful purposes prohibited by the statute of Alabama.
deposited in the court and all being used for any un-
part of the petition that said petition or premises
to JOHN H. JONES bond-giver and without any knowledge on the
and JAMES-ALVIN (STATE) DOTY were named by petitioner
and that said amount of money belonging to JOHN H. JONES
August, 1901.
record in the office of the Probate Judge on the 27th day of
petitioner and made a part of this petition and filed for
said loan is evidenced by a certain note and mortgage which
had been used or were being used for any unlawful purpose.
DOTY in good faith and without knowledge that said petition
said JOHN H. JONES the sum of ONE HUNDRED AND TWENTY-FIVE (25.00)
the court and that this petitioner FRANK N. HILL loans the

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 Holman Johns,

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

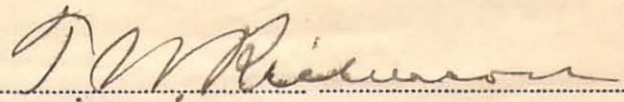
State of Alabama,

against said Holman Johns,

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 20th, day of July,

1921.



Register.

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

Serve on

Circuit Court of Baldwin County
In Equity

No.

SUMMONS

State of Alabama.

vs.

Holman Johns.

Page and Moorer.

Solicitor for Complainant

Recorded in Vol. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this

day of 192

Sheriff

Executed this day of

..... 192

by leaving a copy of the within summons with

Defendant

Sheriff

By

Deputy Sheriff

*Frank M. Miller
Deputy Sheriff
Ala.*

STATE OF ALABAMA, Complainant,	}	
VS		IN THE CIRCUIT COURT,
HOLMAN JOHNS, Defendant.		BALDWIN COUNTY, ALABAMA
		IN EQUITY

To the Honorable John D. Leigh, Judge of the Circuit Court
Equity Side, Twenty-First Judicial Circuit:

Your petitioner FRANK M. HILL representing unto your honor that he is over the age of Twenty-one and resides at Daphne Baldwin County, Alabama and asks leave of court to file this his interplea, in the above stated cause and shows unto your honor:

FIRST: That heretofore on to wit the sixth day of May, 1919 before the filing of this complaint HOLMAN JOHNS was or pretended to be seized in fee simple and was in actual possession of the land and premises in said bill mentioned in respect whereof condemnation of the same is sought in this cause and that your petitioner believing that the said HOLMAN JOHNS was so seized and entitled, loans to said HOLMAN JOHNS the sum of TWO HUNDRED (\$200.00) DOLLARS on to wit the May 6th, 1919 in good faith and without knowledge that said premises were being used or being permitted to be used for any unlawful purposes and that thereupon the said HOLMAN JOHNS and GEORGIANA JOHNS his wife executed and delivered to your petitioner a certain note and mortgage which is recorded in the Probate records of Baldwin County, Alabama in book numbered Twenty-two of mortgages at page Three Hundred and Twenty on the 19th day of June, 1919. Said note and mortgage being hereto attached to this petition marked Exhibit A and is hereby referred to and made a part of this petition.

SECOND: That on to wit February 17th, 1921 the said HOLMAN JOHNS was or pretended to be seized in fee simple of the lands described in said complaint and was in actual possession of the same before the offense complained of occurred in it

did occur and that this petitioner FRANK M. HILL loans the said HOLM N JOHNS the sum of ONE HUNDRED AND TWENTY-FIVE(\$125.00) DOLLARS in good faith and without knowledge that said premises had been used or were being used for any unlawful purposes. Said loan is evidenced by a certain note and mortgage marked Exhibit B and made a part of this petition and filed for record in the office of the Probate Judge on the 27th day of August, 1921.

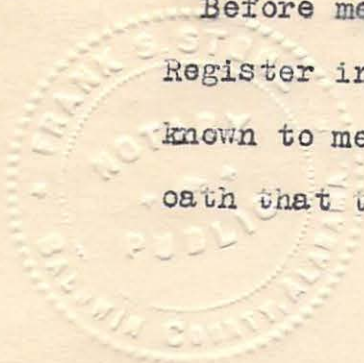
THIRD: That said amounts of money aggregating THREE HUNDRED AND TWENTY-FIVE(\$325.00)DOLLARS were loaned by petitioner to HOLMAN JOHNS bona-fides and without any knowledge on the part of the petitioner that said buildings or premises described in the original bill were being used for any unlawful purposes prohibited by the statute of Alabama.

The petitioner prays that he be permitted to file this his interplea and that in the event that the said HOLMAN JOHNS be convicted for violating the prohibition laws of the state of Alabama or of distilling prohibited liquors and beverages upon said premises and in the further event that said premises be decreed, forfeited and sold by the state of Alabama with petitioners rights under and to above mortgage will and always be protected and ^{that any decree} your honor may render may be subject to the rights of petitioner secured in good faith by the two mortgage above set out and in the event that your petitioner is entitled to any further or different relief than above prayed for that your honor will grant the same to him, and in duty bound he will ever pray.

Frank M Hill

Before me ~~Frank S Stone~~ a Notary Public ~~Baldwin County~~ Ala. Register in Chancery personally appeared FRANK M. HILL who is known to me and before me duly sworn deposes and says under oath that the matter above annexed are true.

Frank Stone



STATE OF ALABAMA. COMPLAINANT.)

VS.)

HOLMAN JOHNS . DEFENDANT.)

IN THE CIRCUIT COURT OF BALDWIN

COUNTY. EQUITY SIDE.

ANSWER OF RESPONDENT.

Comes the respondent , Holman Johns and for answer to the bill of com
plaint, and each paragraph thereof , severally and separately denies
the allegations of the same, from Paragraph I to 5 inclusive.

~~Holman Johns~~
~~State of Alabama~~
By Robert Howell

HIS SOLICITORS.

STATE OF ALABAMA.

VS

HOLMAN JOHNS.

ANSWER OF RESPONDENT.

Filed this Aug. 24th. 1921

J. W. McArthur

Register.

STONE & SCOTT
SOLICITORS FOR RESPONDENT.

T. W. RICHERSON
CLERK AND REGISTER CIRCUIT COURT
BALDWIN COUNTY, ALA.

BAY MINETTE, ALA., June 22nd, 1922

Received from T.W.Richerson Mortgage deed and note signed by
Holman Johns and Georgianer Johns that was filed in cause of
state of Alabama vs Holman Johns (In Equity).

Frank Mitchell

THE STATE OF ALABAMA
BALDWIN COUNTY

M. J. Stone
2/2/21

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of ONE HUNDRED AND FIFTY (\$150.00) DOLLARS, to me in hand paid by STONE & STONE, a firm composed of FRANK S. STONE and NORBORNE C. STONE, as evidenced by three promissory notes of even date each for the sum of FIFTY (\$50.00) DOLLARS and due respectively sixty, ninety and one hundred and twenty days after date we hereby grant, bargain, sell and convey to said FRANK S. STONE and NORBORNE C. STONE composing the firm of STONE & STONE, the following described property to-wit:
That piece or parcel of land described as follows:

Beginning at the North-east corner of South-west Quarter, Section Fifteen (15), Township Five (5) South, Range Two (2) East, run thence West 1320 feet for a beginning corner, thence South 1671 feet, thence West 627 feet, thence North 908 feet, thence East 191 feet, thence North 768 feet, thence East 369 feet to point of beginning, less Two (2) Acres heretofore sold to Ivan Stanton, situated, lying and being in Baldwin County, Alabama.

Warranted free from incumbrances except as to a prior mortgage executed to FRANK M. HILL of Daphne, Alabama, this being a second mortgage on said premises.

PROVIDED HOWEVER, and upon expressed conditions that if we pay said STONE & STONE the notes with interest when due this deed to be void, but if we fail to pay said notes or any one of them together with the interest on the same when due then all of the notes hereby secured become due and the said firm of STONE & STONE composed of FRANK S. STONE and NORBORNE C. STONE, their agent or assigns are authorized to take possession of said property and after giving three weeks notice by publication in some newspaper published in Baldwin County, Alabama, to sell the same at auction to the highest bidder for cash in front of the court house door of Baldwin County, Alabama, and the proceeds be applied to paying the expenses of advertisement and selling and the payment of an attorney's fee of FIFTEEN PER CENT (15%) of the amount due for

foreclosing this mortgage.

SECOND: The amount with interest which may be due on said notes and the surplus, if any, to be turned over to the undersigned and the mortgagee or either of them or their assigns are authorized to bid and become the purchaser at said sale in which case the auctioneer conducting the sale is authorized to make a deed to the purchaser.

Witness our hands and seals this _____ day of August, 1921.

BOND

_____ (L.S.)

_____ (L.S.)

NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA

August, 1921.

In witness whereof I hereto set my hand this _____ day of _____
year, constraints or threats on the part of the husband.
signed her name of her own free will and accord, and without
her signature to the within conveyance, acknowledged that she
who, being examined separately and apart from the husband touching
named Georgiana Johns, wife of the within named Holman Johns,
on the _____ day of August, 1921, came before me the within
I, Helen Harnett, a Notary Public, hereby certify, that

THE STATE OF ALABAMA
BALDWIN COUNTY

NOTARY PUBLIC, BALDWIN COUNTY, ALA

Witness my hand this _____ day of August, 1921.

_____ do so.
they executed the same voluntarily, on the day the same were
this day, that, being informed of the contents of the conveyance
advance, and who are known to me, acknowledged before me on
Georgiana Johns whose names are signed to the foregoing con-
and county do hereby certify that Holman Johns and his wife
I, Helen Harnett, a Notary Public, in and for said state

THE STATE OF ALABAMA
BALDWIN COUNTY

Inc.

MS/121

NY

SEAN & JOHN HARRIS

FOUR VOL. 1917

NO ORDER TO TAKE YOU OUT OF SERVICE

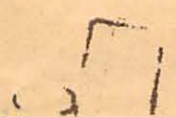
Be certain to get your money up in time to pay the
notes when due. We will send these notes down to the bank of
Boston where they will be collected. The notes are due on
the 15th of the month. We expect them to be paid when they are due.

I would like to enclose the three notes and perhaps
and want you to sign them all three of the notes
and also sign the mortgage. Do this before a notary public.
Miss Butler and her husband so far as I can see
based on your case. You must understand that you have the
doubtless speaking for you in the time and also the chance of losing
your home. It will take a short time of hard work to save you.

Dear Sir:

John J. Harris
Boston, Mass.

ARTHUR W. HARRIS, 1917



STATE OF ALABAMA, Complainant, :
: vs :
Holman Johns, Defendant. . :

IN THE CIRCUIT COURT,
BALDWIN COUNTY, ALABAMA.
In Equity.

To the Honorable John D. Leigh, Judge of the Circuit Court,
Baldwin County, Alabama.

The State of Alabama, by its Deputy Solicitor of
Baldwin County, Henry D. Moorner, respectfully represents and
shows unto your Honor as follows:

1. That Henry D. Moorner is Deputy Solicitor of Baldwin
County, Alabama, and who prosecutes for the State, and under
and by virtue of the provisions of an Act of the Legislature
of Alabama, approved January 25th, 1919, entitled an Act "to
suppress the evils of intemperance", is authorized to file
this bill for and on behalf of the State of Alabama.
2. That Holman Johns is a resident of Baldwin County,
Alabama and is over the age of twenty-one years of age; that
he has been a resident of said County and State for a period
of more than the last 12 months just preceeding the filing
of this bill, residing at Daphne in said County.
3. That on or about, to-wit: July 25th, 1921, in Bald-
win County, Alabama, the said Holman Johns, did permit or allow
some to have, possess, operate or locate on his premise, an
apparatus, plant or structure for the distilling, making or
manufacturing of prohibited liquors or beverages; and that the
said Holman Johns is the owner of the said premises upon which
was located the apparatus, plant or structure for distilling,
making or manufacturing prohibited liquors which is herein-
after described.
4. That on or about the said date, July 25th, 1921, the
said Holman Johns did distill, make or manufacture, alcoholic,
spirituous, vinous or malt liquors on the following described
premise, to-wit:

Beginning at the Northeast corner of Southwest quarter, Section Fifteen, Township Five South, Range Two East, run thence West 1320 feet for a beginning corner, thence South 1671 feet, thence West 527 feet, thence North 90⁵/₈ feet, thence East 19¹/₂ feet, thence North 768 feet, thence East 369 feet to point of beginning, less two acres heretofore sold to Ivan Stanton, situated, lying and being in Baldwin County, Alabama. That the said premise was used for and in connection with the distilling^m making or manufacturing spirituous, vinous or malt liquors on or about the 2nd day of July, 1921.

5. That the said Holman Johns did ~~permit~~ knowingly permit or allow to be operated or located on the said above described premises an apparatus, plant or structure used for the purpose of distilling, making or manufacturing spirituous, vinous or malt liquors on or about the 2nd day of July, 1921, said premises being described above.

PRAYER FOR PROCESS.

The premises considered, the Complainant prays that Holman Johns be made party Defendant to this bill of complaint by the usual process of this Honorable Court, and that he be required to plead to, answer or demur to same within the time and under the penalties as prescribed by law or that the same be forever confessed.

PRAYER FOR RELIEF.

That upon the final hearing of this cause Your Honor will adjudge, order and decree that the property described herein together with the buildings and appurtenances ~~therein~~ thereto belonging be condemned and forfeited to the State of Alabama; that Your Honor will make an order or decree directing the Register of this Court to sell the said property or so much of same as by the evidence may have been used in connection with the operation of the said still, according to the time, place, and terms as stated in said order or decree.

That if the Complainant, the State of Alabama, by its Deputy Solicitor, is ~~wisdom~~ mistaken in the relief prayed then your Honor will grant unto it such other, further and different relief as it may in equity and justice be entitled, etc.

~~Henry B. Mackery~~

Page & Moorer, Solicitors for
State of Alabama.

FOOT NOTE:

The Respondent, Holma Johns is required to answer each and every allegation contained in paragraphs numbered 1 to 5 inclusive, but not under oath, answer under oath being hereby expressly waived.

P A G E & M O O R E R ,
Solicitors for State of
Alabama.

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 Holman Johns,

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

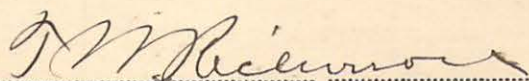
State of Alabama,

against said Holman Johns,

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 29th, day of July,

1927.



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. _____

SUMMONS

State of Alabama.

vs.

Holman Johns.

P. ge and Moorer.

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this _____
day of _____ 192_____

Sheriff

Executed this 13th day of
Aug 1921

by leaving a copy of the within summons with

Holman Johns

Defendant

W. K. Stewart

Sheriff

By _____
Deputy Sheriff

RECORDED