

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

SPECIAL TERM 1957-58

~~October Term, 1958~~To the CLERK of the CIRCUIT Court,BALDWIN County—Greeting:

Whereas, the Record and Proceedings of the CIRCUIT Court
of said county, in a certain cause lately pending in said Court between

ALBERT STEWART, Appellant,

and

SHIRLEY JOINER, Appellee,

wherein by said Court it was considered adversely to said appellant, were brought before our
Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant.

NOW, IT IS HEREBY CERTIFIED, That it was thereupon considered, ordered, and adjudged by
our Supreme Court, on the 11th day of SEPTEMBER, 19 58, that said

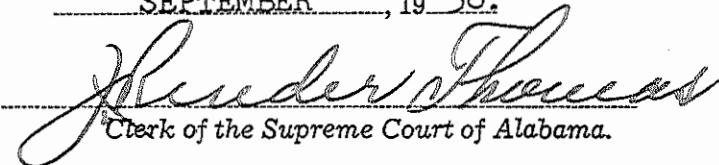
JUDGMENT of said CIRCUIT Court be in all things
affirmed, and that it was further considered, ordered, and adjudged that the appellant : ~~and~~

Albert Stewart, and Clark Hadley, B. L. Joiner, Walter Joiner,and Woodrow Bryant, sureties on the supersedeas bond, pay theamount of the judgment of the Circuit Court, and ten per centum[10%] damages thereon, and interest, and

the costs accruing on said appeal in this Court and in the Court below, for which costs let execution
issue.

Witness, J. Render Thomas, Clerk of the Supreme

Court of Alabama, at the Judicial Department

Building, this the 11th day ofSEPTEMBER, 19 58.

Clerk of the Supreme Court of Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA;

You are hereby commanded to summon ALBERT STEWART 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 same, then and there to answer the complaint of SHIRLEY JOINER.

WITNESS my hand this 16 day of Oct September, 1957.


Clerk.

SHIRLEY JOINER,

Plaintiff,

vs.

ALBERT STEWART,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

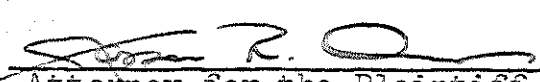
AT LAW.

COMPLAINT:

The Plaintiff sues to recover possession of the following tract of land:

From the Northwest corner of Section 3, Township 1 South, Range 3 East, run thence South 2424 feet to a stake which is the point or place of beginning; run thence East 681 feet to a point; run thence North 291 feet to a point; run thence West 681 feet to a point; run thence South 291 feet to the point or place of beginning,

of which he was in possession and upon which, pending such possession, and before the commencement of this suit, the Defendant entered and unlawfully withholds, together with \$500.00 for the detention thereof.


Attorney for the Plaintiff.

Received _____ day of Oct 1957
nd on 18 day of Oct 1957
served a copy of the within s/c.
Albert Stewart

service on _____
TAYLOR WILKINS, Sheriff
By W.A. Tolbert D. S.
Rabon

Sheriff claims 22 miles at
Ten Cents per mile Total \$2.20
TAYLOR WILKINS, Sheriff
BY Tolbert
DEPUTY SHERIFF

SUMMONS & COMPLAINT

SHIRLEY JOINER,
Plaintiff,
vs.
ALBERT STEWART,
Defendant.

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

FILED
OCT 16 1957
ALICE J. DUCK, Clerk

JAMES R. OWEN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

SUPERSEDEAS BOND

KNOW ALL MEN BY THESE PRESENTS: That the undersigned _____
Albert Stewart _____, as Principal, and
the undersigned Clark Hadley, B.L. Joiner, Walter Joiner, Woodrow
Bryant _____, as Surety, are held and firmly bound
unto Shirley Joiner _____, in the full
sum of One Thousand Dollars, (\$1,000.00) _____, for the
payment of which well and truly to be made and done, the Principal
binds himself, his heirs, executors and administrators, and the
Surety Binds itself, its successors and assigns, jointly and
severally, firmly by these presents.

Sealed with our seals and dated on this the _____ day of April,
1958.

The condition of the above obligation is such that, Whereas,
Shirley Joiner, obtained a judgment in the above styled cause in
the Circuit Court of Baldwin County, Alabama, at law, on the
_____ day of _____, 1958, from which judgment the said Albert
Stewart has obtained an appeal returnable to the next term of the
Supreme Court of Alabama. Now, therefore, if the said Albert Stewart
shall prosecute the said appeal to effect and satisfy such judgment
as may be rendered against him in the said cause by the said Supreme
Court, then this obligation is to be null and void; otherwise,
to remain in full force and effect.

IN WITNESS WHEREOF, the Principal has hereunto set his hand
and affixed his seal, and the Sureties have hereunto set their hand
and affixed their seal, on this the day and year first above written.

<u>Albert Stewart</u>	(SEAL)
<u>Clark Hadley</u>	(SEAL)
<u>B.L. Joiner</u>	(SEAL)
<u>Walter Joiner</u>	(SEAL)
<u>Woodrow Bryant</u>	(SEAL)
_____	(SEAL)

Taken and approved on this the 5 day of April, 1958.

Eric J. Smith
Clerk, Circuit Court of Baldwin County,
Alabama, at law.

SHIRLEY JOINER,

Plaintiff,

vs.

ALBERT STEWART,

Defendant.

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


AMENDED COMPLAINT:

Now comes the Plaintiff and amends the complaint heretofore filed in this cause so that as amended the said complaint will read as follows:

"The Plaintiff sues to recover possession of the following tract of land situated in Baldwin County, Alabama, to-wit:

From the Northwest corner of Section 3, Township 1 South, Range 3 East, run thence South 2424 feet to a stake which is the point or place of beginning; run thence East 681 feet to a point; run thence North 291 feet to a point; run thence West 681 feet to a point; run thence South 291 feet to the point or place of beginning,

of which he was in possession and upon which, pending such possession, and before the commencement of this suit, the Defendant entered and unlawfully withholds, together with \$500.00 for the detention thereof.


Attorney for the Plaintiff."

Div. No. _____

CERTIFICATE OF APPEAL. (Civil Cases.)

No. 3358

THE STATE OF ALABAMA

BALDWIN County.

I, ALICE J. Duck, Clerk of the Circuit Court of Baldwin County, in and for said State and County, hereby certify that the foregoing pages numbered from one to _____, both inclusive, contain a full, true and complete transcript of the record and proceedings of said Court in a certain cause lately therein pending wherein _____

SHIRLEY JOINER
was plaintiff, and ALBERT STEWART

was Defendant, as fully and completely as the same appears of record in said Court.

And I further certify that the said ALBERT STEWART did on the 9th day of April, 1958, pray for and obtain an appeal from the judgment of said Court to the Supreme Court of Alabama to reverse said judgment of said Court upon entering into bond with Clark Hadley, B.L. Joiner, Walter Joiner, ~~Walter Joiner~~, Woodrow B. Bryant as surety thereon, which said bond has been approved by me.

Witness my hand and the seal of said Circuit Court of _____
BALDWIN County is hereto affixed, this the 9th
day of April, 1958

Alice J. Duck
Clerk of the Circuit Court of
BALDWIN County, Alabama.

(Code 1940, Title 7, Sec. 767)

THE STATE OF ALABAMA }
Baldwin County - Circuit Court }

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the

Second Monday in March, 1958, in a cer-

tain cause in said Court wherein SHIRLEY JOINER

Plaintiff, and ALBERT STEWART

Defendant, a judgement was rendered against said

Defendant

to reverse which Judgement, the said

Albert Stewart

applied for and obtained from this office an APPEAL, returnable to the Next

Term of our Supreme Court of the State of Alabama, to be held at Montgomery,

on the day of, 1958 next, and the necessary bond

having been given by the said Albert Stewart

with Clark Hadley, B.L. Joiner, Walter Joiner, Woodrow Bryant, sureties,

Now, You Are Hereby Commanded, without delay, to cite the said

Shirley Joiner or James R. Owens

, attorney, to appear at the Next Term of our

said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 9th

day of April, A. D., 1958.

Attest:

Alice J. Duck Clerk.

SHIRLEY JOINER,

PLAINTIFF,

VS

ALBERT STEWART,

DEFENDANT.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes Albert Stewart, Defendant in the above styled
cause, and gives notice of Appeal from the verdict of the Jury
and the judgment of the Circuit Court, rendered on the 13th day
of March, 1958, to the Supreme Court of Alabama.

THOMPSON & WHITE

BY



Shirley Joiner } In the Circuit Court
vs }
Albert Stewart } Baldwin County
Civil # 3358

Come the defendant in the
above styled Cause and for
answer to said Complaint ~~and~~
as amended, and says -
Not Guilty.

Thompson & White
By C. L. Don Thompson
Counsel for Defendant

Filed
3-13-58
A. J. G. G. G.
Clerk

SHIRLEY JOINER,
PLAINTIFF,

VS

ALBERT STEWART,
DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

DEMURRER

Comes the Defendant in the above styled cause and demurs
to the ~~complaint~~ filed in said cause and assigns the following separate and several grounds, viz;

1. That said Complaint does not state a cause of action.
2. That the property referred to in said complaint is not properly described.
3. That it is not alleged in said complaint that the property sued for is located in Baldwin County, Alabama.

Chason & Stone
Attorney for Defendant

The Defendant demands a trial of this
cause by jury.

Chason & Stone
Attorneys For Defendant

Filed Nov. 1, 1957
Alice J. Duck, Clerk.

SHIRLEY JOINER,

Plaintiff,

vs.

ALBERT STEWART,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

STATE OF ALABAMA)

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BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to deliver to Shirley Joiner possession of the lands and tenements which the said Shirley Joiner recovered of Albert Stewart by the judgment of our Circuit Court, held for the County of Baldwin on the 13th day of March, 1958, to-wit:

From the Northwest corner of Section 3, Township 1 South, Range 3 East, run thence South 2424 feet to a stake which is the point or place of beginning; run thence East 681 feet to a point; run thence North 291 feet to a point; run thence West 681 feet to a point; run thence South 291 feet to the point or place of beginning.

You are further commanded of the goods and chattels, lands and tenements of the said Albert Stewart and Clark Hadley, B. L. Joiner, Walter Joiner and Woodrow Bryant, you cause to be paid the sum of FOUR HUNDRED NINETY FIVE DOLLARS (\$495.00) damages adjudged due the said Shirley Joiner, and also the further sum of \$58.10 costs of suit; and make return of this writ and the execution thereof according to law.

WITNESS my hand this 17 day of September, 1958.

Reice J. Hume
Clerk.

SHIRLEY JOINER,
Plaintiff,
vs.
ALBERT STEWART,
Defendant.

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

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to deliver to Shirley Joiner possession of the lands and tenements which the said Shirley Joiner recovered of Albert Stewart by the judgment of our Circuit Court, held for the County of Baldwin on the 13th day of March, 1958, to-wit:

From the Northwest corner of Section 3, Township 1 South, Range 3 East, run thence South 2424 feet to a stake which is the point or place of beginning; run thence East 681 feet to a point; run thence North 291 feet to a point; run thence West 681 feet to a point; run thence South 291 feet to the point or place of beginning.

You are further commanded of the goods and chattels, lands and tenements of the said Albert Stewart, you cause, to be paid the sum of FOUR HUNDRED FIFTY DOLLARS (\$450.00), damages, adjudged due the said Shirley Joiner, and also the further sum of \$ 96.40, costs of suit; and make return of this writ and the execution thereof according to law.

WITNESS my hand, this 14 day of March, 1958.

Reese J. Wink
Clerk.

SHIRLEY JOINER,

Plaintiff,

vs.

ALBERT STEWART,

Defendant.

X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

Comes the Defendant in the above styled cause and demurs to the complaint filed in said cause and assigns the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That the property referred to in said complaint is not properly described.
3. That it is not alleged in said complaint that the property sued for is located in Baldwin County, Alabama.


Attorneys for Defendant

The Defendant demands a trial of this cause by jury.


Attorneys for Defendant

SHIRLEY JOINER,
Plaintiff,
vs.
ALBERT STEWART,
Defendant.

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

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to deliver to Shirley Joiner possession of the lands and tenements which the said Shirley Joiner recovered of Albert Stewart by the judgment of our Circuit Court, held for the County of Baldwin on the 13th day of March, 1958, to-wit:

From the Northwest corner of Section 3, Township 1 South, Range 3 East, run thence South 2424 feet to a stake which is the point or place of beginning; run thence East 681 feet to a point; run thence North 291 feet to a point; run thence West 681 feet to a point; run thence South 291 feet to the point or place of beginning.

You are further commanded of the goods and chattels, lands and tenements of the said Albert Stewart, you cause, to be paid the sum of FOUR HUNDRED FIFTY DOLLARS (\$450.00), damages, adjudged due the said Shirley Joiner, and also the further sum of \$ 86.80, costs of suit; and make return of this writ and the execution thereof according to law.

WITNESS my hand, this 11th day of March, 1958.

David J. Duck
Clerk.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1st Div., No. 776,

ALBERT STEWART, Appellant

vs.

SHIRLEY JOINER, Appellee,

From BALDWIN Circuit Court.

The State of Alabama,
City and County of Montgomery, }

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages, numbered from one to FOUR inclusive, contain a full, true and correct copy of the opinion of said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.

Witness, J. Render Thomas, Clerk of the Supreme
Court of Alabama, this the 11th day of

SEPTEMBER, 1958

J. Render Thomas
Clerk of the Supreme Court of Alabama