

HERMAN KOEHLER

VS.

H. H. MONTGOMERY, AS SUPERINTENDENT
OF BANKS OF THE STATE OF ALABAMA.

} IN THE CIRCUIT COURT OF
}
} BALDWIN COUNTY, ALABAMA.
}

This cause coming on to be heard on this day, upon the petition of Herman Koehler, and being argued by the attorneys for the petitioner and respondent, and it being established by the evidence, to the satisfaction of the Court, that the facts stated in the petition are true, it is therefore ordered, adjudged and decreed that a peremptory writ of mandamus issue to the respondent, H. H. Montgomery, as Superintendent of Banks of the State of Alabama, commanding him to permit the incorporation of the State Bank of Elberta, in accordance with the prayer of the petition, and the provisions of the Act applicable to this proceeding. It is further ordered and adjudged that the cost of this proceeding be taxed against the respondent, H. H. Montgomery, as Superintendent of Banks of the State of Alabama, for which execution may issue.

IN WITNESS WHEREOF, I have hereunto set my hand, on this, the 23rd. day of February, 1922.

John D. Leigh

JUDGE.

STATE OF ALABAMA,)
COUNTY OF BALDWIN.)

STATE OF ALABAMA, EX RELATIONE
HERMAN KOEHLER,

VS.

H. H. MONTGOMERY, AS SUPERINTENDENT
OF BANKS OF THE STATE OF ALABAMA.

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA:

Your petitioner, the State of Alabama, on the relation of Herman Koehler, hereinafter called the petitioner, brings this petition for a writ of mandamus against the said H. H. Montgomery, as Superintendent of Banks of the State of Alabama, and for grounds of said writ of mandamus, shows as follows:

FIRST:- That the said H. H. Montgomery is the duly appointed and qualified Superintendent of Banks of the State of Alabama, and is now, and was, at the times hereinafter referred to, exercising the powers and functions of said office, and, by virtue thereof, was empowered to grant or refuse charters to banks which it was proposed to be established under the laws of this State.

SECOND:- Your petitioner, Herman Koehler, is a bona fide resident of Baldwin County, Alabama, and one of the subscribers to the capital stock of a bank that it was proposed to be established in the Village of Elberta, Baldwin County, Alabama, to be known as The State Bank of Elberta, and which it was proposed to commence business with a capital of ten thousand dollars, all of which had been duly subscribed for and paid in, and due publication had been had, and all proceedings had been taken, as required by law, for the organization and incorporation of said bank, save the approval thereof by the said Superintendent of Banks, and his permission for said bank to begin business. Said notice and proof

of publication, subscription to stock, proposed certificate of incorporation, and all other necessary papers in connection therewith, were duly filed with the said Superintendent of Banks, on the day of , 1921, and, after same had been considered, he, on, to-wit, August tenth, 1921, transmitted to the Judge of Probate of Baldwin County, his refusal to grant a charter to the said State Bank, upon the ground that there was no public necessity for the same, and notified your petitioner, in a letter to that effect, returning to him all papers filed in connection with such application.

THIRD:- Petitioner further states that the character and general fitness of the persons named as stockholders in such application for charter for such bank, and subscription list, commended the confidence of the community in which such bank is proposed to be located, at the time of the filing of such application, and at the present time, and that there is a public necessity for, and sufficient business to support, said bank, in said community.

WHEREFORE, petitioner prays that your Honor will take jurisdiction of this petition by extraordinary writ of mandamus, and that you will straightway issue and direct, in the name of the State of Alabama, order for the alternative writ and rule nisi, to the said H. H. Montgomery, as Superintendent of Banks of the State of Alabama, at an early date, to be fixed and designated in the said order, to show cause, if any there be, why a charter should not be granted to said bank, and it be allowed to do business as requested; and that, upon the return of the said rule nisi, and the hearing of this petition, and of any answers that may be filed thereto, a writ of mandamus may be issued out of the Circuit Court of Baldwin County, Alabama, directing the said Superintendent of Banks to permit the incorporation of such bank, in accordance with the provision in such case made and provided, in Section 15 of an Act to amend an Act to create the Banking Department, which original Act was approved March 2nd., 1911, and said amending Act, February 15th., 1915, said Section 15, amending said Section 30,

being found on page 99, of the General Acts, 1915. And this petitioner prays for such other and further relief as it may be entitled to under the allegations and proof.

Webb Wilkins & Co.
ATTORNEYS FOR PETITIONER.

Hermann Koehler
PETITIONER.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

Personally appeared before me, the said Herman Koehler, who, being duly sworn, deposes and says that the statement of facts contained in the foregoing petition are true.

Edgar Koehler

Sworn to and subscribed before me, this, the 9 day of January, 1922.

Edgar Koehler
Notary Public, Baldwin County, Alabama.



STATE OF ALABAMA, EX RELATIONE
HERMAN KOEHLER,

~~VS~~

H. H. MONTGOMERY, AS SUPERINTENDENT
OF BANKS OF THE STATE OF ALABAMA.

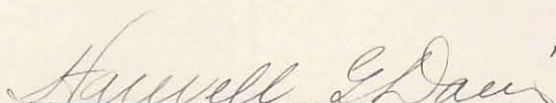
It is hereby agreed that the petition heretofore filed in this cause be so amended as to eliminate the State of Alabama as the petitioner, leaving relator, Herman Koehler, as the petitioner or plaintiff in said proceeding. And by striking out the first two lines of said petition, the following words: "The State of Alabama, on the Relation of", leaving said paragraph to read: "Your petitioner, Herman Koehler, hereinafter called the petitioner, brings this petition for a writ of mandamus, etc.", and by striking out of the prayer, on page 2, the following, in the third and fourth lines thereof: "in the name of the State of Alabama", inserting in lieu thereof, the word "an".

W. M. & A. P. [Signature]
ATTORNEYS FOR PETITIONER.

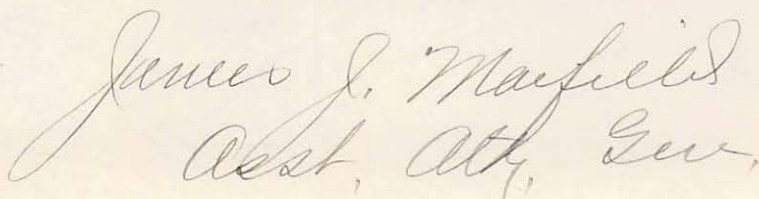
Lawrence G. Davis
att. general
J. J. Mayfield, Spec. Atty. Gen.
ATTORNEYS FOR H. H. MONTGOMERY, AS SUPER-
INTENDENT OF BANKS FOR THE STATE OF
ALABAMA.

3. The petition purports to be filed under the authority of an Act of the Legislature or statutes of this State creating a Banking Department of the State of Alabama, and Acts amendatory thereof, and yet no authority is conferred by such Act upon the petitioner or any other private person to institute this proceeding or one like this, by and in the name of the State of Alabama against this respondent or defendant as Superintendent of Banks for the State of Alabama.

4. Whether or not a proceeding like this should be instituted by or in the name of the State of Alabama against this respondent or defendant, by the law of this State, is vested in the Attorney General of this State, and the petition fails to show that the Attorney General of the State of Alabama, has authorized or directed this proceeding to be instituted by and in the name of the State of Alabama against this respondent or defendant.



Harwell G. Davis,
Attorney General for the State
of Alabama.


Asst. Atty. Gen.

TWENTY-FIRST JUDICIAL CIRCUIT
OF ALABAMA
JOHN D. LEIGH, JUDGE
BREWTON, ALA

Feb. 27, 1922.

Hon. T. W. Richerson,
Bay Minette, Alabama.

Dear Mr. Richerson:-

RE: Herman Koehler, etc. vs. H. H. Mont-
gomery, etc.

Enclosed herewith you will find decree in the above stated cause. I am just in receipt of a letter from Hon. J. H. Webb and he stated that Mr. Montgomery and Mr. Lamar Fields, Assistant Attorney-General, talked the matter over with him on the train going to Mobile and Mr. Montgomery advised him he would not ~~make~~ ^{take} an appeal in the case and told him to proceed with the purchasing of furniture etc. so they might open the bank as early as possible. I am delighted Mr. Montgomery decided to accept the decision I made, as I felt like that under the evidence adduced at the trial I could make but one decision and that was to grant the writ, and of course I am glad Mr. Montgomery has finally reached the same conclusion.

With regards and best wishes, I am,

Yours very sincerely,

John D. Leigh

jdl/es

ELBERTA

Shown by Bradstreet January 1922.

Population— 50 —

		Rating
✓ 1.	Alms, Fred W. General Store	None
✓ 2.	Elberta Cash Store " " \$ 500	2nd. credit
3.	Hinkelman, August ,Blacksmith " "	"
✓ 4.	Keune, Albert G. S. " "	"
5.	Lenz, George Garage	None
6.	Lewis, Henry C. Saw Mill	"
✓ 7.	Schroeder Herman, G. S. & Bakery, \$ 1,000	1st. credit
8.	Wilk, Joe Blacksmith & Garage \$ 500	2nd. credit

BALDWIN COUNTY

	<u>1920</u>	<u>1910</u>
Population	20,730	18,178

Precinct 13 Elberta Josephine

	<u>1920</u>	<u>1910</u>
Population	1,025	715

(2)

SUMMARY OF THE CONDITION OF THE STATE BANKS OF ALABAMA, 251 BANKS, 20 BRANCHES, ON THE CALL, DECEMBER 31, 1921

RESOURCES

	Dec. 31, 1921	Dec. 31, 1920
Loans and Discounts.....	\$ 78,651,827.11	\$ 89,769,008.57
Overdrafts	144,400.15	169,761.15
U. S. Bonds.....	3,202,520.69	5,709,950.70
Other Bonds, Stocks and Warrants.....	4,650,365.58	4,453,387.05
Banking House, Furniture and Fixtures.....	3,274,536.30	2,912,846.08
Other Real Estate.....	1,564,928.50	1,376,999.40
Cash	3,841,213.22	5,072,347.77
Due from Banks and Bankers.....	13,854,290.99	17,254,600.63
Checks and Cash Items.....	1,875,382.20	547,767.95
Other Resources	406,796.00	295,799.53
Total.....	\$ 111,466,260.74	\$ 127,562,468.83

LIABILITIES

Capital Stock Paid in.....	\$ 11,510,500.00	\$ 11,772,762.78
Surplus and Undivided Profits.....	8,173,738.18	8,381,321.96
Demand Deposits.....	55,357,492.01	65,631,390.23
Savings Deposits.....	27,096,694.11	28,679,129.95
Bills Payable	6,026,309.50	10,423,281.13
Bills Rediscounted	3,093,414.73	2,333,096.57
Other Liabilities	208,112.21	341,486.21
Total.....	\$ 111,466,260.74	\$ 127,562,468.83

SHOW DECLINE OF 12 1/2%

Total Resources -> DECLINE OF 12% OVER 1920

B.P. shows decline of approximately 30% over 1920.

SUMMARY OF THE CONDITION

OF THE

**State
Banks of Alabama**

(251 Banks, 20 Branches)

**ON THE CALL
DECEMBER 31, 1921**



H. H. MONTGOMERY
SUPERINTENDENT OF BANKS

List and comparative statement of Loans, capital stock, surplus and profits, bills payable and deposits of the banks of Baldwin County, Alabama, for 1920 and 1921.

December 31, 1920

Baldwin County Bank,	Bay Minette, Ala.
Daphne State Bank,	Daphne, "
Bank of Fairhope,	Fairhope, "
State Bank of Foley,	Foley, "
Loxley State Bank,	Loxley, "
Robertsdale State Bank,	Robertsdale, "

Total Loans,-----	\$1,051,348.00
" Capital Stock,-----	100,000.00
" Surplus and undivided profits,-----	67,692.00
" Bills payable,-----	26,000.00
" Deposits,-----	1,385,381.00
" Resources,-----	<u>1,580,015.00</u>

December 31, 1921

Baldwin County Bank,	Bay Minette, Ala.
Daphne State Bank,	Daphne, "
Bank of Fairhope,	Fairhope, "
State Bank of Foley,	Foley, "
South Baldwin State Bank	" "
Loxley State Bank,	Loxley, "
Robertsdale State Bank,	Robertsdale, "

Total Loans,-----	\$1,113,805.00
C " Capital Stock,-----	130,000.00
" Surplus and profits,-----	57,702.00
" Bills Payable,-----	77,500.00
" Deposits,-----	1,188,669.00
" Total Resources,-----	<u>1,453,876.00</u>

x Net reduction in deposits under 1920 of \$196,712.00.
 o " " " total resources of 126,139.00.

DEPOSITS x This show decline of 14% over 1920 -
 RESOURCES o " " " of almost 9% over 1920 -
 B.P. shows increase over 1920 approximately 60%

List of banks at Foley and Robertsedale and comparative statement of Loans, Capital, Surplus and Profits, Bills Payable and Deposits for 1920 and 1921:

December 31, 1920:

State Bank of Foley, Baldwin County, Ala.
Robertsedale State Bank, Robertsedale, "

Total Loans,-----	\$361,919.49
" Capital,-----	20,000.00
" Surplus and Profits,-----	38,390.02
" Bills Payable,-----	None
" Deposits,-----	541,992.08
" Resources,-----	<u>601,321.70</u>

December 31, 1921:

State Bank of Foley, Foley, Baldwin County, Ala.
South Baldwin State Bank, Foley, " " "
Robertsedale State Bank, Robertsedale, " " "

Total Loans,-----	\$462,586.47
" Capital,-----	50,000.00
" Surplus and Profits,-----	24,049.59
" Bills Payable,-----	70,000.00
" Deposits,-----	463,710.22
" Resources,-----	<u>607,759.81</u>

Net reduction in deposits under 1920, of \$78,281.86
" increase " total resources,----- 6,438.11.

NET DECLINE Deposits 14%
 NET INCREASE TOTAL RESOURCES APPROX'MT 1% HOWEVER
 Capt. Surplus & profits increased 16% Most of which is
 attributed to New Bank with 15% Capital.

20606/86

1 - 1025

(7) - 2961

357 - 6577

117 - 3209

4 - 7221

9 - 7221

4 - 6110

1025-

30,730

2,348,174-

22464

28884

38103

Alberta

British

Alta

Coastline

Thorne

Langford

Merrill	28884	4 - 7221
Escombina	22464	7 - 3209
Adobe	2,348,174	357 - 6577
Baldwin	20,730	(7) - 2961
Alberta	1025	1 - 1025

--ra

2606/86

Baldwin County Bank

located at Bay Minette, Alabama,
at the close of business December
31st, 1921.

RESOURCES

Loans and Discounts	\$467,105.86
Overdrafts	\$757.89
U. S. Bonds, Cert. of Ind., and W. S. Stamps	3,427.62
Other Bonds, Stocks and War- rants	\$11,100.000
Baking House	None
Furniture and Fixtures	\$1,400.00
Other Real Estate	\$18,199.33
Currency	\$13,468.00
Gold	\$1,957.50
Silver, Nickels & Pennies	\$4,397.66
Total	\$19,823.16
Due from Banks	\$57,041.87
Due from Federal Re- serve Bank	None
Exchanges for Clear- ing House	None
Checks and Cash Items	\$3,155.76
Cash Items in Transit	None
Other Resources	None
TOTAL	\$582,011.49

LIABILITES

Capital Stock paid in	\$50,000.00
Surplus Fund	\$18,000.00
Undivided profits less expenses and taxes paid	\$6,131.46
Reserve for taxes and in- terest	None
Individual De- posits	\$317,229.71
Cashier's Checks	\$1,507.75
Total	\$318,737.46
Savings	\$82,452.55
Time Certifica- tes	\$106,690.02
Total	\$189,142.57
Notes and Bills Payable	None
Notes and Bills Re- discounted	None
Bonds Borrowed	None
Other Liabilities	None
TOTAL	\$582,011.49

The State of Alabama, Baldwin
County—Before me came O. C.
Hall, Cashier of the Baldwin Coun-
ty Bank, who being duly sworn,
says that the above and foregoing
statement is true and gives the ac-
tual condition of said Bank, as
shown by the books on file in said
Bank.

O. C. HALL, Cashier.

Sworn to and subscribed before
me, this 9th day of January, 1922.

A. H. MacDonald,

Notary Public.

ATTEST:

W. D. Stapleton,

L. T. Rhodes,

James M. Voitz,

Directors.

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LEGAL ADVERTISEMENTS

Report of Condition of the
Loxley State Bank
 Located at LOXLEY, ALABAMA,
 at the close of business October 17,
 1921.

RESOURCES

Loans and Discounts	\$53,142 73
Overdrafts,.....	94 25
U. S. Bonds Cert. of Ind., and W. S. Stamps.....	None
Furniture and Fixtures	1,563 85
Other Real Estate.....	None
Cash	
a. Currency.....	\$1,998 00
c. Silver, nickels and pennies	598 23
Total.....	\$ 2,596 23
Due from Banks.....	3,363 57
Due from Federal Reserve Bank....	None
Exchanges for Clearing House.....	None
Checks, and cash items.....	439 55
Total.....	\$61,200 18

LIABILITIES

Capital Stock paid in,.....	10,000 00
Surplus Fund.....	None
Undivided Profits, less Expenses and Taxes paid	1,659 52
Reserve for Taxes and Interest.....	None
Demand Deposits	
a. Individual Deposits \$26,459 28	
b. Demand Certificates	None
c. Due to Clearing House	None
d. Due to Banks	None
e. Due to Fed. Res. Banks	None
f. Cashier's Checks..... \$ 704 86	
g. Certified Checks..... 51 69	
h. Unpaid Dividends....	None
Total.....	\$ 27,215 83
Time Deposits	
b Time Certificates \$ 18,824 83	
Total.....	18,824 83
Notes and Bills payable.....	3,500 00
Notes and Bills Rediscounted.....	None
Bonds Borrowed.....	None
Other Liabilities.....	None
Total.....	\$ 61,200 18

The State of Alabama, Baldwin County.
 Carl L. Schlich, Cashier of

STATEMENT OF
THE CONDITION OF THE
South Baldwin State Bank

located at Foley, Ala., at the close
of business October 17, 1921.

RESOURCES

Loans and Discounts	\$41,977.90
Overdrafts	50.05
Banking House	1,454.00
Furniture and Fixtures	1,776.08
Other Real Estate	1,500.00
Currency	\$450.00
Gold	125.00
Silver, Nickels, and Pennies	\$74.40
TOTAL	<u>1,447.40</u>
Due from Banks	8,742.77
Checks and Cash Items	1,829.82
GRAN TOTAL	<u>\$58,784.02</u>

LIABILITIES

Capital Stock Paid in	\$15,000.00
Undivided Profits less Expenses and Taxes paid	334.80
Ind'l Dep'ts	\$33,297.35
Cashier's Checks	548.51
TOTAL	<u>33,845.86</u>
Time Certificates	9,603.36
TOTAL	<u>9,603.36</u>
GRAND TOTAL	<u>\$58,784.02</u>

The State of Alabama, Baldwin County.—Before me came A. N. Hayselden cashier of the South Baldwin State Bank, located at Foley, Alabama, who being duly sworn, says that the above and foregoing statement is true and gives the actual condition of said Bank, as shown by the books on file in said Bank. A. N. Hayselden, cashier.

Sworn to and subscribed before me, this 25th day of October, 1921, Claude Peteet, Notary Public.

ATTEST:

H. Brockmann,
Wm. Ramsay,
W. F. Hilcher, Directors.

Report of Condition of the Loxley State Bank

located at Loxley, Alabama,
at the close of business December
31st, 1921.

RESOURCES

Loans and Discounts	\$50,579 37
Overdrafts,.....	121 89
U. S. Bonds Cert. of Ind., and W. S. Stamps.....	None
Furniture and Fixtures.....	1,819 85
Other Real Estate.....	None
Cash	
a. Currency.....	\$1,085 00
c. Silver, nickels and pennies.....	325 85
Total.....	\$ 1,410 85
Due from Banks.....	11,143 09
Due from Federal Reserve Bank....	None
Exchanges for Clearing House.....	None
Checks, and cash items.....	329 93
Total.....	\$65,404 98

LIABILITIES

Capital Stock paid in.....	10,000 00
Surplus Fund.....	None
Undivided Profits, less Expenses and Taxes paid	1,683 22
Reserve for Taxes and Interest.....	None
Demand Deposits	
a. Individual Deposits \$31,613 42	
b. Demand Certificates	None
c. Due to Clearing House	None
d. Due to Banks	None
e. Due to Fed. Res. Banks	None
f. Cashier's Checks.... \$ 383 07	
g. Certified Checks..... 51 69	
h. Unpaid Dividends....	None
Total.....	\$ 32,048 18
Time Deposits	
b Time Certificates \$ 20 673 58	
Total.....	20 673 58
Notes and Bills payable.....	1,000 00
Notes and Bills Rediscounted.....	None
Bonds Borrowed.....	None
Other Liabilities.....	None
Total.....	\$ 65,404 98

The State of Alabama, Baldwin County.

Before me came Carl L. Schlich, Cashier of Loxley State Bank, who being duly sworn, says that the above and foregoing statement is true and gives the actual condition of said Bank, as shown by the books on file in said Bank,

Carl L. Schlich, Cashier.

Sworn to and subscribed before me, this 9th day of January, 1922.

W. Percy Hall, Notary Public.
Baldwin County, Ala.

ATTEST:

Orrie Stapleton, M. B. Dewey, J. W. Randall,

1

STATEMENT OF
THE CONDITION OF THE
Robertsdale State Bank

located at Robertsdale, Ala., at the close
of business Dec. 31, 1921

RESOURCES

Loans and Discounts	\$152,733.50
Overdrafts	\$390.95
U. S. Bonds, Cert. of Ind., and W. S. Stamps	\$41,302.75
Other Bonds, Stocks and Warrants	\$4,176.65
Banking House	\$2,423.41
Furniture and Fixtures	\$1,924.93
Other Real Estate	\$2,550.00
Currency	\$5,614.00
Gold	\$55.00
Silver, Nickels and Pennies	\$713.04

TOTAL	\$6,382.04
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Due from Banks	\$5,286.10
Checks and Cash Items	\$2,623.87
Cash items in transit	1,163.50
Other Resources Revenue Stamps	\$55.00

GRAND TOTAL	\$221,012.70
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LIABILITIES

Capital Stock paid in	\$10,000.00
Surplus Fund	\$15,000.00
Undivided Profits, less Current Expenses and Taxes paid	\$1,781.77
Ind'l Dep'ts	\$95,384.79
Cashier's C'ks	\$261 53

TOTAL	\$95,646.32
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Savings	\$49,730.87
Time Cert.	\$38,853.74

TOTAL	\$88,584.61
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Notes and Bills payable	\$10,000.00
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TOTAL	\$221,012.70
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The State of Alabama, Baldwin County.—Before me came R. G. Pearson, Cashier of Robertsdale State Bank, who being duly sworn, says that the above and foregoing statement is true and gives the actual condition of said Bank, as shown by the books on file in said Bank.

R. G. Pearson, Cashier.

Sworn to and subscribed before me, this 10th day of January, 1922.

L. Glendinning, Notary Public.

My commission expires Feb. 12, 1923.

Attest:

OSCAR JOHNSON,
A. N. HAYSELDEN,
W. A. HAMMOND,
Directors.

The fellow who has the ability to recognize both the sublime and the

MA

ROLLS, PIES, CAKES &
EVERY DAY
Y BAKERY

Foley, Alabama.

STATEMENT OF
THE CONDITION OF THE
South Baldwin State Bank

located at Foley, Ala., at the close
of business Decembr 31, 1921

RESOURCES

Loans and Discounts	\$57,210.44
Overdrafts	48.51
Banking House	4,029.00
Furniture and Fixtures	1,776.83
Other Real Estate	1,500.00
Currency	\$3,650.00
Gold	145.00
Silver, Nickels, and Pennies	944.44
TOTAL	<u>4,739.44</u>
Due from Banks	5,534.23
Checks and Cash Items	4,298.72
GRAND TOTAL	<u>\$79,137.17</u>

LIABILITIES

Capital Stock Paid in	\$15,000.00
Undivided Profits less Expenses and Taxes paid	812.21
nd'l Deposits	\$50,394.56
Cashier's Checks	2,530.64
TOTAL	<u>52,925.20</u>
ime Certificates	10,399.76
TOTAL	<u>10,399.76</u>
GRAND TOTAL	<u>\$79,137.17</u>

The State of Alabama, Baldwin
County.—Before me came A. N.
Hayselden, Cashier of the South
Baldwin State Bank, located at Foley,
Alabama, who being duly sworn, says
that the above and foregoing state-
ment is true and gives the actual
condition of said Bank, as shown by
the books on file in said Bank.

A. N. Hayselden, Cashier.

Sworn to and subscribed before me,
his 10th day of January, 1922.

E. J. Walker, Notary Public.

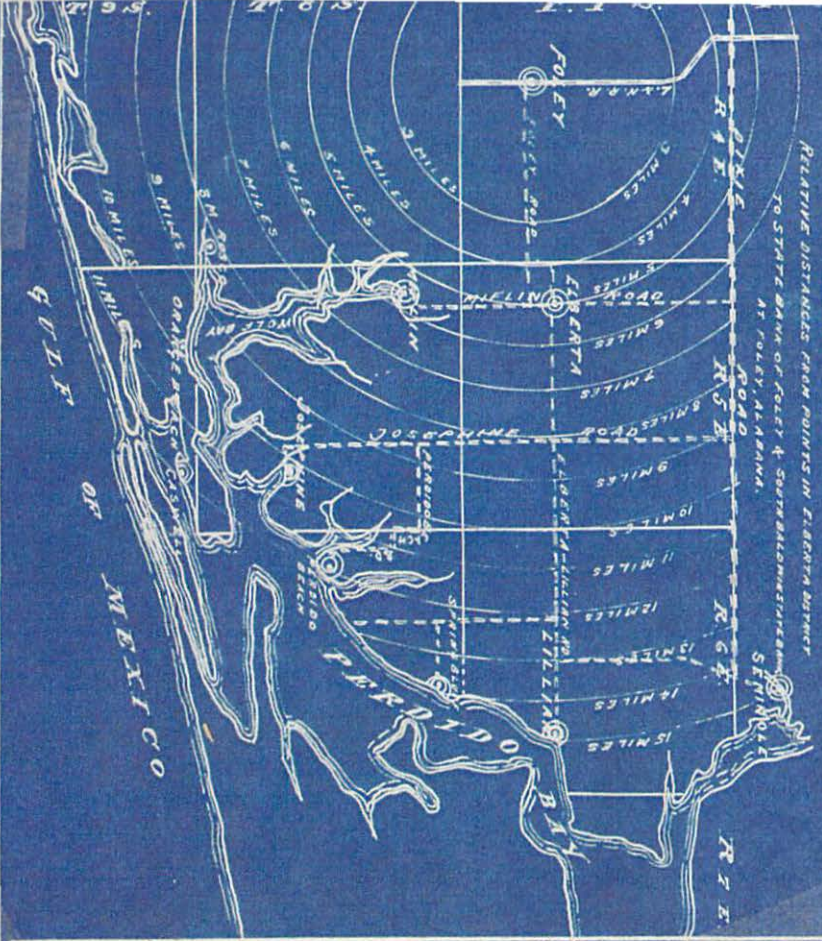
My commission expires July 16, 1925

ATTEST:

W. F. Hileher,
B. F. Patterson,
H. Brockmann,
Directors.

6969 MAP 8000

— SHOWING —

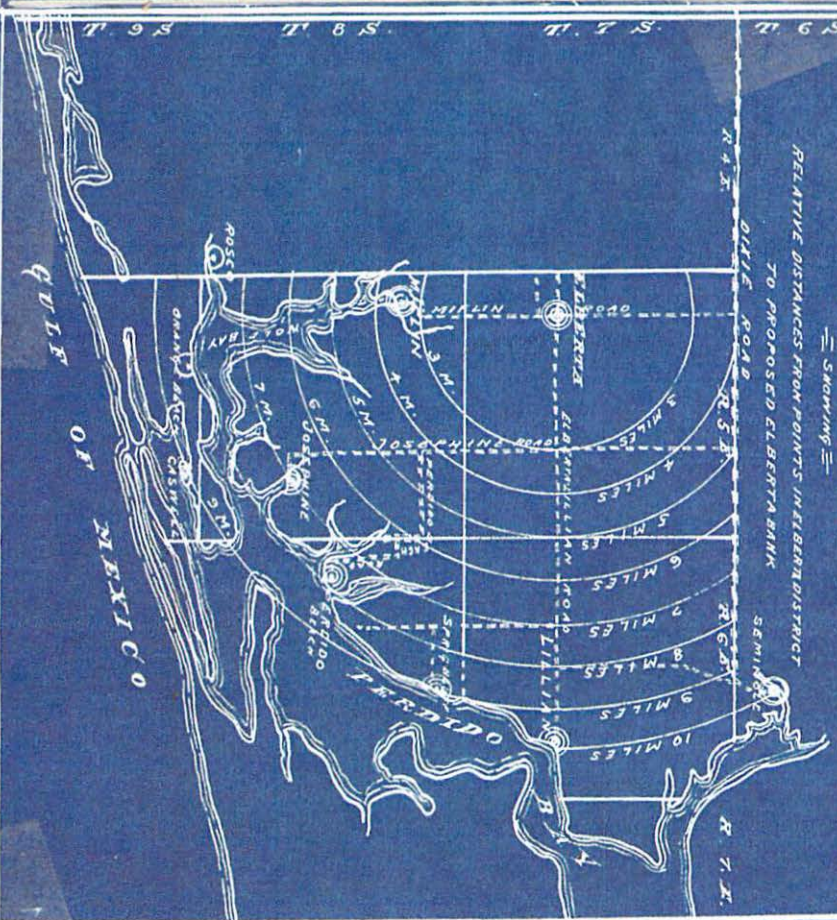


RECAPITULATION

WILKIN TO FOLEY ALONG PUBLIC ROAD	8 1/2 MILES
WILKIN TO ELBERTA	3 3/4 "
JOSEPHINE TO FOLEY	15 "
JOSEPHINE TO ELBERTA	9 1/2 "
PENDIDO BEACH TO FOLEY	16 "
ALVARO BAY TO ELBERTA	10 1/2 "
SPRING BLUFF TO FOLEY	17 "
SPRING BLUFF TO ELBERTA	11 1/2 "
LILLIAN TO FOLEY	15 1/4 "
LILLIAN TO ELBERTA	9 3/4 "
SEMINOLE TO FOLEY	19 1/2 "
SEMINOLE TO ELBERTA	14 "

6969 MAP 8000

— SHOWING —



S. ATT. OF ALABAMA
 BIRMINGHAM
 HENRY CERTIFY THAT THE ABOVE MAPS AND
 DISTANCES ARE TRUE AND CORRECT.
 THIS THE 29TH DAY OF JAN. 1922
 Theo. Mitchell, C. E.
 SURVEYOR

STATE OF ALABAMA)
COUNTY OF BALDWIN)

STATE OF ALABAMA, EX RELATIONE)
HERMAN KOEHLER)

vs.)

H. H. MONTGOMERY, AS SUPERINTENDENT)
OF BANKS OF THE STATE OF ALABAMA.)

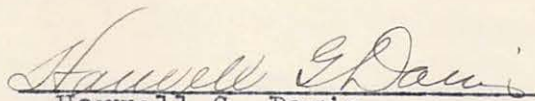
TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA:

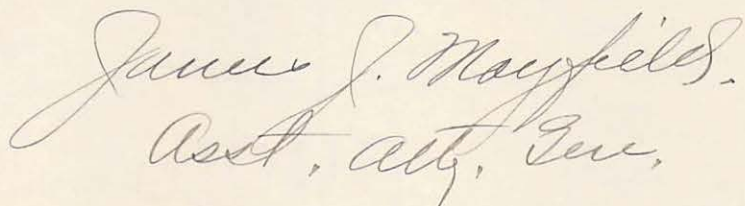
MOTION TO DISMISS PETITION OR PROCEEDINGS.

Comes the respondent H. H. Montgomery, as Superinten-
dent of Banks of the State of Alabama, and moves the Court
to dismiss this petition or proceeding out of this Court, and
for grounds of this motion assigns the following:

1. The petition is filed in the name of and by
the State of Alabama on the relation of Herman Koehler who
has no authority, right or power to file such petition or
institute such proceedings in the name of the State of Alabama.

2. The Attorney General of this State is the person,
officer or agency in which the law of this State has vested
the authority and power to institute proceedings like this
in the name of or by the State of Alabama.


Harwell G. Davis,
Attorney General
for the State of Alabama.


Asst. Atty. Gen.