

E. F. SANDERS,
Complainant,

- vs -

INEZ M. JOHNSON, FLORENCE A.
McCASKILL and MAGNOLIA SPRINGS
LAND COMPANY, a Corporation,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

CERTIFICATE OF REGISTER

STATE OF ALABAMA }
BALDWIN COUNTY }

I, Robert S. Duck, register of the Circuit Court, in equity, of Baldwin County, Alabama, do hereby certify that the following order of publication heretofore made in this cause was published for four (4) consecutive weeks commencing on the 2nd of May, 1935, in The Onlooker, a newspaper published in Foley, Alabama, and that a copy of said order was posted at the Court house door in Bay Minette, Baldwin County, Alabama, on the 1st day of May, 1935, and that another copy thereof was deposited in the Postoffice in Bay Minette, Alabama, on the 1st day of May, 1935, directed to Magnolia Springs Land Company, at 945 George Street, Chicago, Illinois, its place of business, said order being as follows: to-wit:-

It being made to appear from the affidavit of the complainant that the respondents, Inez M. Johnson and Florence A. McCaskill, are non-residents of the state of Alabama, and that respondent, Magnolia Springs Land Company is a corporation, whose president or other head, secretary, cashier and managing agent are absent from the state and that there is no person in the employ of such corporation or doing business for it in this state, it is therefore ordered that notice to said respondents and each of them be given by publication.

It is further ordered that said respondents and each of them are hereby required to answer or demur to the bill of complaint in this cause on or before the 3rd day of June, 1935.

It is further ordered that this order be published in the Foley Onlooker, a newspaper published at Foley, Alabama, for four (4) consecutive weeks and a copy thereof posted at the door of the Court house, Baldwin County, Alabama.

Dated this 1st day of May, 1935.

That no copy was mailed to the respondents, Inez M. Johnson and Florence A. MCCaskill for the reason that their places of residence are unknown.

WITNESS my hand this 7 day of June, 1935.

Robert H. Duck

Register.

The State of Alabama, { Circuit Court of Baldwin County, In Equity
Baldwin County }

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Magnolia Springs Land
Company, Grant S. Oliver, as manager, Summerdale,

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 Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by
E.F. Sanders,

against said Magnolia Springs Land Company, Grant S. Oliver,
manager, Summerdale, Alabama,

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, Robert S. Duck, Register of said Circuit Court, this 2nd day
of May 1935

Robert S. Duck Register

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

125

E. F. SANDERS,
Complainant,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

- vs -

AFFIDAVIT

INEZ M. JOHNSON, FLORENCE A.
McCASKILL and MAGNOLIA SPRINGS
LAND COMPANY, a Corporation,
Respondents.

STATE OF ALABAMA)
BALDWIN COUNTY)

E. F. Sanders, being first duly sworn on his oath deposes and says:

That he is the above named complainant and that the above named respondent, Inez M. Johnson, is over the age of twenty-one years and a non-resident of the state of Alabama and affiant is informed and believes, and upon such information and belief states that she is a resident of the state of Florida, but that her address therein is unknown to affiant.

That the above named respondent, Florence A. McCaskill, is over the age of twenty-one years and a non-resident of the state of Alabama and affiant is informed and believes and upon such information and belief states that she is a resident of the state of Florida, but that her address therein is unknown to affiant.

That the above named respondent, Magnolia Springs Land Company is a corporation organized under the laws of the state of Alabama, but with no place of business therein and that the president or other head of such corporation, the secretary, cashier and managing agent thereof are absent from the state and affiant is informed and believes, and upon such information and belief states that there is no person in the employ of such corporation or doing business for it in this state and that the place of business of such corporation is 945 George Street, in the city of Chicago, in the state of Illinois.

Subscribed in my presence and sworn to before me this 26 day of April, 1935.

E. F. Sanders
Notary Public

Circuit Court, Baldwin County, Ala.,

IN EQUITY.

8135

E. J. Sanders

Gregory M. Johnson vs. *Harriet M. Carrell and Co*

PLAINTIFF

DEFENDANT

BILL OF COST

	Dollars	Cts.		\$	Cts.
Fees of Register			AMOUNT BROUGHT FORWARD		
Filing each bill and other papers			For receiving, keeping and paying out or distributing money, etc. 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.	7	0
Issuing each Subpoena			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per cr. of amount received.		
Issuing each copy thereof			Each Notice Sent by Mail to Creditors	15	
Entering each return thereof			Filing, Receipting for and Docketing each Claim, etc	25	
For each Order of Publication			For all entries on Subpoena Docket, etc.	50	
Issuing Writ of Injunction			For all entries on Commission Docket, etc.	50	
For each Copy thereof			Making Final Record, per hundred words	15	
Entering each return thereof			Certified Copy of Decree	1 00	
Issuing Writ of Attachment			Report of Divorce to State Health Office, Acts 1915	50	
Entering each return thereof			Total Fees of Register	118	
Docketing each case			FEEES OF SHERIFF		
Entering each Appearance			Serving and Returning Subpoena on Deft.	\$1 50	
Issuing each Decree Pro Confesso on personal service			Serving and Returning Subpoena for Witness	65	
Issuing each Decree Pro Confesso on publication			Levying Attachment	3 00	
Each Order Appointing Guardian			Entering and Returning same	25	
Any other order by Register			Entering and Returning Execution	25	
Issuing Commission to Take Testimony			Selling Property Attached	25	
Receiving and Filing			Impanelling Jury	75	
Endorsing each package			Executing Writ of Possession	2 50	
Entering Order Submitting Cause			Collecting Execution for Costs	1 50	
Entering any other Order of Court			Serving and Returning Sci. Fa., each	65	
Noting all Testimony			Serving and Returning Notice	65	
Abstract of Cause, etc.			Serving and Returning Writ of Injunction	1 50	
Entering each Decree			Serving and Returning Writ of Exeat	1 50	
For Every Hundred Words Over Five Hundred			Taking and Approving Bonds, each	1 00	
Taking Account on Reference			Collecting Money on Execution		
Taking Testimony, etc.			Making Deed	2 50	
Each Report, Five Hundred Words or less			Serving and Returning Application	1 00	
For every Hundred Words Over Five Hundred			Serving Attachment, Contempt of Court	1 50	
Amount Claimed, Less than Five Hundred Dollars, etc.			TOTAL FEES OF SHERIFF	1 50	
Issuing each Subpoena			Recapitulation		
Witness Certificate, each			Register's Fees		
Issuing Execution, each			Sheriff's Fees		
Entering each Return			Commissioner's Fees		
Taking and Approving Bond, each			Solicitor's Fees		
Making Copy of Bill, etc.			Witness Fees		
Each notice not otherwise provided for			Guardian Ad Litem		
Each Certificate or Affidavit, with Seal			Printer's Fees		
Each Certificate or Affidavit, no Seal			Trial Tax	3 00	
Hearing and passing on application for Receiver or Trustee			Recording Decree in Probate Court		
Each Settlement with Receiver or Trustee			Total	1655	
Examining each Voucher of Receiver or Trustee					
Examining each Answer on Exception					
Recording Resignation or Suggestion of Death of Trustee					
Entering each Certificate to Supreme Court					
Taking Questions and Answers, etc.					
For all other service relating to such proceedings					
For service in proceeding to relieve minors, etc. same fee as in similar cases.					
Commission on sales, etc.: 1st \$100, 2 percent; all over \$100, and not exceeding \$1000, 1 1/2 per cent; all over \$1,000 and not exceeding \$20,000, 1 per cent; all over \$20,000, 1-4 of 1 per cent.					
Sub Total Carried Forward					

Received payment this _____ day of _____ 193_____

Register.

NOTE: Unless the above costs in this cause are paid within ten days of the present date, execution will be issued and placed in the hands of Sheriff for collection, creating more costs.

E. F. SANDERS,
Complainant,

-vs-

INEZ M. JOHNSON, FLORENCE A.
McCASKILL and MAGNOLIA SPRINGS
LAND COMPANY, a Corporation
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

CERTIFICATE OF REGISTER

STATE OF ALABAMA)
BALDWIN COUNTY)

I, Robert S. Luck, Register of the Circuit Court, in equity, of Baldwin County, Alabama, do hereby certify that the following order of publication heretofore made in this cause was published for four (4) consecutive weeks commencing on the 2nd of May, 1935, in The Onlooker, a newspaper published in Foley, Alabama, and that a copy of said order was posted at the Court house door in Bay Minette, Baldwin County, Alabama, on the 1st day of May, 1935, and that another copy thereof was deposited in the Postoffice in Bay Minette, Alabama, on the 1st day of May, 1935, directed to Magnolia Springs Land Company, at 945 George Street, Chicago, Illinois, its place of business, said order being as follows: to-wit:

It being made to appear from the affidavit of the complainant that the respondents, Inez M. Johnson, and Florence A. McCaskill, are non-residents of the state of Alabama, and that respondent, Magnolia Springs Land Company is a corporation, whose president or other head, secretary, cashier and managing agent are absent from the state and that there is no person in the employ of such corporation or doing business for it in this state, it is therefore ordered that notice to said respondents and each of them be given by publication.

It is further ordered that said respondents and each of them are hereby required to answer or demur to the bill of complaint in this cause on or before the 3rd day of June, 1935.

It is further ordered that this order be published in The Foley Onlooker, a newspaper published at Foley, Alabama, for four (4) consecutive weeks and a copy thereof posted at the door of the Court house, Baldwin County, Alabama.

Dated this 1st day of May, 1935.

That on the 2nd day of May, 1935, summons to respondent, Magnolia Springs Land Company, was issued to the sheriff and on the 7th day of May, 1935, by him returned showing service upon Grant S. Oliver, as managing agent of respondent, Magnolia Springs Land Company, no president, secretary or other officer of said corporation being found in Baldwin County.

That no copy was mailed to the respondents, Inez M. Johnson and Florence A. McCaskill for the reason that their places of residence are unknown.

WITNESS my hand this 7th day of June, 1935.

Robert S. Duck

Register

The State of Alabama,
Baldwin County.

No. 125 CIRCUIT COURT IN EQUITY.

E. F. Sanders

Complainant

vs.

Inez M. Johnson, Florence A. McGaskill and

Defendant

Magnolia Springs Land Co., Grant S. Oliver, Mgr.

In this cause it appears to the

Register,

that a summons requiring the Defendant Magnolia Springs Land Company,

Grant S. Oliver, Manager,

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon him

was served upon him by the Sheriff of Baldwin County, Alabama, on the 7th day of May 19 35

And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of Lloyd A. Magney,

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said Magnolia Springs Land Company, and Grant S. Oliver, Manager.

Defendant aforesaid.

This 10th day of June 19 35

Rubens Duck

Register.

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.
No. 125 Summer Term, 1923

E. F. Sanders, Complainant.

vs. Inez M. Johnson, Florence A. McCaskill and Magnolia Springs Land Comapny, Grant S. Oliver, Mgr. Defendant.

In this cause it appears to the Register R. S. Duck, that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 2nd day of May, 1923, in the Foley Onlooker

a newspaper published in Foley, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 2nd day of May, 1923, and

And it now further appearing to the Register Robert S. Duck, that the said Inez M. Johnson, Florence A. McCaskill,

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register Robert S. Duck, that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Inez M. Johnson, and Florence A. McCaskill,

This 10th day of June 1923

Robert S. Duck Register.

E. F. SANDERS,

Complainant,

- vs -

INEZ M. JOHNSON, FLORENCE A.
McCASKILL and MAGNOLIA SPRINGS
LAND COMPANY, a Corporation,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

ORDER

It being made to appear from the affidavit of the complainant that the respondents, Inez M. Johnson and Florence A. McCaskill, are non-residents of the state of Alabama, and that respondent, Magnolia Springs Land Company is a corporation, whose president or other head, secretary, cashier and managing agent are absent from the state and that there is no person in the employ of such corporation or doing business for it in this state, it is therefore ordered that notice to said respondents and each of them be given by publication.

It is further ordered that said respondents and each of them are hereby required to answer or demur to the bill of complaint in this cause on or before the 3rd day of June, 1935.

It is further ordered that this order be published in the Foley Onlooker, a newspaper published at Foley, Alabama, for four (4) consecutive weeks and a copy thereof posted at the door of the Court house, Baldwin County, Alabama.

Dated this 1st day of May, 1935.

Rutland Duck

Register

RECORDED

125

Serve on Grant S. Oliver

**Circuit Court of Baldwin County
IN EQUITY**

No. 125

S U M M O N S

E. F. Sanders,

vs.

Inez M. Johnson, Florence

A. McCaskill and

Magnolia Springs, Land Co.,

Grant S. Oliver, Mgr.

Lloyd A. Magney,

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office

RECORDED

day of May, 1935

W. H. Baldwin

SHERIFF

Executed this 7 day of

May 1935

by leaving a copy of the within Summons with

Grant S. Oliver

Defendant

M. H. Williams

Sheriff

B. N. Williams

Deputy Sheriff

125
RECORDED
INDEXED
125

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

E. F. SANDERS,

Complainant,

- VS -

INEZ M. JOHNSON, FLORENCE A.
McCASKILL and MAGNOLIA SPRINGS
LAND COMPANY, a Corporation,

Respondents.

AFFIDAVIT

Filed May 12 1938
Richard S. Dyer
Registrar

LLOYD A. MAGNEY
Attorney
Foley, Alabama.

125

Circuit Court, Baldwin County, Ala.
In Equity.

No.

VS.

Cost Bill

Paid _____, 193

Register.

MOORE PRINTING CO., BAY MINETTE, ALA.

125
RECORDED
INDEXED
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

E. F. SANDERS,

Complainant,

-VS-

INEZ M. JOHNSON, FLORENCE VA.
McCASKILL and MAGNOLIA SPRINGS
LAND COMPANY,

Respondents.

CERTIFICATE OF REGISTER

Filed June 7, 1935
Robert S. Black

LLOYD A. MAGNEY
Attorney
Foley, Alabama.

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125

~~Black~~
Black

No. 125 Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

E. F. Senders,

vs.

Inez W. Johnson, Florence
A. McCaskill, and Magnolia
Springs Land Co., Grant S.
Oliver, Manager.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE**

Issued June 10th, 1935

Register.

Moore Printing Company, Bay Minette, Ala.

No. 125

Book

Page

125

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

F. F. Sanders,

Inez M. Johnson, ^{vs} Florence A.

McCaskill, and Magnolia Springs,

Land Company, Grant S. Oliver,

Manager,

DECREE PRO CONFESSO
OF PUBLICATION

Issued June 10th 1935

Register.

Recorded in Record

Vol. Page

Register.

Moore Printing Company, Bay Minette, Ala.

125

125
CORNING
Lynch

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

E. F. SANDERS,

Complainant,

- vs -

INEZ M. JOHNSON, FLORENCE A.
McCASKILL and MAGNOLIA SPRINGS
LAND COMPANY, a Corporation,

Respondents.

ORDER

Filed May 1st 1935
Robert W. Rye

LLOYD A. MAGNEY
Attorney
Foley, Alabama.

125

AFFIDAVIT OF PUBLICATION

JUN 1 1935

E. F. Sanders,
Complainant,
vs.
Inez M. Johnson,
Florence A. Mc-
Caskill and
Magnolia Springs
Land Company,
Respondents.

In the Circuit
Court of Baldwin
County,
Alabama:
In Chancery
Order.

I, Frank V. Barchard

Editor of The Onlooker, published at
Foley, Ala., do solemnly swear that a copy of the above notice,
as per clipping attached, was published once each week in the
regular and entire edition of said newspaper, and not in any
supplement thereof, for 4 consecutive weeks, com-
mencing with the issue dated May 2, 1935, and
ending with the issue dated May 23, 1935.

Frank V. Barchard

Subscribed and sworn to before me this 21 day

of May, 1935.

Lloyd A. Magney
Notary Public.

It being made to appear from the affidavit of the complainant that the respondents, Inez M. Johnson and Florence A. McCaskill, are non-residents of the State of Alabama, and that respondent, Magnolia Springs Land Company is a corporation, whose president or other head, secretary, cashier and managing agent are absent from the state and that there is no person in the employ of such corporation or doing business for it in this state, it is therefore ordered that notice to said respondents and each of them be given by publication.

It is further ordered that said respondents and each of them are hereby required to answer or demur to the bill of complaint in this cause on or before the 3rd day of June, 1935.

It is further ordered that this order be published in the Foley Onlooker, a newspaper published at Foley, Alabama, for four (4) consecutive weeks and a copy thereof posted at the door of the Court House, Baldwin County, Alabama.

Dated this 1st day of May, 1935.
ROBERT S. DUCK,
Register.
LLOYD A. MAGNEY,
Attorney.

125

~~SECRET~~

Wells

Files June 12, 1936
Robert L. Dixon,
Reports

E.F. Sanders,

vs.

Inez M. Johnson, Florence A.

McCaskill, and Magnolia Springs

Land Company., Grant S. Oliver, Mgr.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____
Personal Service on Grant S. Oliver, Mgr. Magnolia Springs Land
Co., Order of Publication, Affidavit as to Non-residents,
Proof of Publication, and Publishers Affidavit, Certificate of
Register, Decree Pro Confesso on Personal Service and on
Publication, --

and in behalf of Defendant upon _____

Robert Oliver

Register.

125

~~SECRET~~
Notes

Tiles from 12.73
Bates & Davis
Reports

125

AFFIDAVIT OF PUBLICATION

E. F. Sanders,
Complainant,Inez M. Johnson,
Florence A. Mc-
Caskill and
Magnolia Springs
Land Company,
Respondents.In the Circuit
Court of Baldwin
County,
Alabama;
In Chancery
Order.I, Frank V. Barchard

Editor of The Onlooker, published at
Foley, Ala., do solemnly swear that a copy of the above notice,
as per clipping attached, was published once each week in the
regular and entire edition of said newspaper, and not in any
supplement thereof, for 4 consecutive weeks, com-
mencing with the issue dated May 2, 1935, and
ending with the issue dated May 23, 1935.

Frank V. Barchard

Subscribed and sworn to before me this 21 day

of May, 1935.

Lloyd A. Magney
Notary Public.

It being made to appear from the
affidavit of the complainant that the
respondents, Inez M. Johnson and
Florence A. McCaskill, are non-
residents of the State of Alabama,
and that respondent, Magnolia
Springs Land Company is a corpora-
tion, whose president or other head,
secretary, cashier and managing
agent are absent from the state and
that there is no person in the employ
of such corporation or doing business
for it in this state, it is therefore
ordered that notice to said respond-
ents and each of them be given by
publication.

It is further ordered that said re-
spondents and each of them are hereby
required to answer or demur to the
bill of complaint in this cause on or
before the 3rd day of June, 1935.

It is further ordered that this order
be published in the Foley Onlooker,
a newspaper published at Foley, Ala-
bama, for four (4) consecutive weeks
and a copy thereof posted at the door
of the Court House, Baldwin County,
Alabama.

Dated this 1st day of May, 1935.

ROBERT S. DUCK,
Register.

LLOYD A. MAGNEY,
Attorney.

E. F. SANDERS,
Complainant,

-vs-

INEZ M. JOHNSON, FLORENCE A.
McCASKILL and MAGNOLIA SPRINGS
LAND COMPANY, a Corporation
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

CERTIFICATE OF REGISTER

STATE OF ALABAMA }
BALDWIN COUNTY }

I, Robert S. Duck, Register of the Circuit Court, in equity, of Baldwin County, Alabama, do hereby certify that the following order of publication heretofore made in this cause was published for four (4) consecutive weeks commencing on the 2nd of May, 1935, in The Onlooker, a newspaper published in Foley, Alabama, and that a copy of said order was posted at the Court house door in Bay Minette, Baldwin County, Alabama, on the 1st day of May, 1935, and that another copy thereof was deposited in the Postoffice in Bay Minette, Alabama, on the 1st day of May, 1935, directed to Magnolia Springs Land Company, at 945 George Street, Chicago, Illinois, its place of business, said order being as follows: to-wit:

It being made to appear from the affidavit of the complainant that the respondents, Inez M. Johnson, and Florence A. McCaskill, are non-residents of the state of Alabama, and that respondent, Magnolia Springs Land Company is a corporation, whose president or other head, secretary, cashier and managing agent are absent from the state and that there is no person in the employ of such corporation or doing business for it in this state, it is therefore ordered that notice to said respondents and each of them be given by publication.

It is further ordered that said respondents and each of them are hereby required to answer or demur to the bill of complaint in this cause on or before the 3rd day of June, 1935.

It is further ordered that this order be published in The Foley Onlooker, a newspaper published at Foley, Alabama, for four (4) consecutive weeks and a copy thereof posted at the door of the Court house, Baldwin County, Alabama.

Dated this 1st day of May, 1935.

HAMPTON D. EWING,

Complainant

versus

BAY MINETTE LAND COMPANY, a
corporation, THE FIRST JOINT
STOCK LAND BANK OF MONTGOMERY,
ALABAMA, a corporation, et als,

Respondents

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN EQUITY

BRIEF ON BEHALF OF RESPONDENT, THE FIRST
JOINT STOCK LAND BANK OF MONTGOMERY, ALA-
BAMA UPON THE HEARING FOR A PRELIMINARY
INJUNCTION

SMITH & JOHNSTON

RECORDED

March 26 11 20 AM

of May 13 1884

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insertion sent on

Jan 21 1884

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HARRY T. SMITH & GARRETT

ATTORNEYS AT LAW

402 FIFTH AVENUE, NEW YORK

MOBILE, ALA.

STATE OF ALABAMA,
COUNTY OF BALDWIN.

Personally appeared before me, _____
Robert A. Ewing, a Notary Public in and
for said State and County, T. W. Gilmer, who, upon oath, de-
poses and says that he is one of the solicitors for the com-
plainant, Hampton D. Ewing, in the above entitled cause and
that the facts alleged in the foregoing bill of complaint
are true.

T. W. Gilmer

Subscribed and sworn to before me
this 10th day of May, 1935.

Robert A. Ewing
Notary Public, Baldwin County, Alabama.

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THE STATE OF ALABAMA
COUNTY OF [unclear]

Know all men by these presents

that

JOHN [unclear] [unclear]

of the County of [unclear]

do hereby certify

that [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]

FLOYD A. MAGNEY
ATTORNEY AT LAW
MOBILE, ALABAMA

IN THE OFFICIAL COURT OF
BIRMINGHAM COUNTY, ALABAMA
JIM CHENEY

E. P. SANDERS,

Complainant,

- vs -

LEONARD JOHNSON, EDWIN
A. COOKS, JR. and WYNOLA
SPRINGS LIME COMPANY, a
Corporation,

Respondents

CRIMINAL JUSTICE CENTER

LEONARD A. MAGNEY

ATTORNEY AT LAW
FOLLET ALABAMA

E. F. SANDERS,
 Complainant,
 -vs-
 INEZ M. JOHNSON, FLORENCE A.
 McCASKILL and MAGNOLIA SPRINGS
 LAND COMPANY, a Corporation,
 Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

DECREE

This cause coming on to be heard on the Bill of Complaint, the Certificate of the Register as to service upon the respondents and decrees pro confesso against each of said respondents, and it appearing to the Court from the proof on file that the service upon the respondents, Inez M. Johnson and Florence A. McCaskill was by publication and was in all respects due and regular and in conformity with the laws of the State of Alabama, and that the respondent, Magnolia Springs Land Company, was duly and regularly served with summons, the Court finds that it has jurisdiction of the parties and of the subject matter of the cause.

And the allegations of the Bill of Complaint being taken as confessed by the decrees pro confesso the Court further finds that the allegations of the Bill of Complaint are true; that complainant, E. F. Sanders, is the owner and is in the actual, peaceable possession, claiming to own the same in his own right of the following described lands in Baldwin County, Alabama, to-wit:

Lots twenty-three (23) and twenty-four (24)
 in block twenty-seven (27) in the Town of
 Foley.....

That the respondent, Inez M. Johnson, Florence A. McCaskill and Magnolia Springs Land Company have no right, title or interest in or encumbrance on such lands and that the title of the complainant in and to the same ought to be, and the same hereby is, quieted and confirmed in the complainant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the title of the complainant, E. F. Sanders, in and to lots twenty-three (23) and twenty-four (24) in block twenty-seven (27) in the Town of Foley, Baldwin County, Alabama, be and the same hereby is quieted and confirmed in the said E. F. Sanders; that the respondents,

Inez M. Johnson, Florence A. McCaskill and Magnolia Springs Land Company and each of them be and they hereby are forever enjoined from having, claiming or asserting any right title or interest in or encumbrance upon such lands or any part thereof; that a copy of this decree be filed for record in the office of the Judge of Probate of Baldwin County, Alabama, as by law provided and that the complainant pay the costs of this action taxed at \$ 16 55

Dated this 13th day of June, 1935.

F. W. Hare

Judge

COURT OF COMMONS
SALISBURY COUNTY, ALABAMA
IN CHANCERY

E. P. SANDERS,

Complainant,

- 75 -

WILLIAM JOHNSON, DECEASED
WILLIAM W. JOHNSON, ADMINISTRATOR
AND WENDELL S. JOHNSON,
Respondents,

Respondents.

FILED FOR RECORD

John Maguire
Notary Public

LEONDA MAGNEY
ATTORNEY AT LAW
FOLEY ALABAMA

E. F. SANDERS,
Complainant,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

- vs -

BILL OF COMPLAINT

INEZ M. JOHNSON, FLORENCE A.
McCASKILL and MAGNOLIA SPRINGS
LAND COMPANY, a Corporation,
Respondents.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, IN CHANCERY SITTING:

PART ONE

Your complainant, E. F. Sanders, respectfully shows to the Court that he is over the age of twenty-one years and a bona fide resident of the state of Alabama, residing at Foley, in Baldwin County; that the respondent, Inez M. Johnson, is over the age of twenty-one years and is a nonresident of the state of Alabama, residing, as your complainant is informed and believes, in the state of Florida, a more, definite and certain address therein being unknown to your complainant; that the respondent, Florence A. McCaskill, is also over the age of twenty-one years and a nonresident of the state of Alabama and a resident, as your complainant is informed and believes, of the state of Florida, her more definite and certain place of residence therein being unknown to your complainant; that Magnolia Springs Land Company is a corporation organized under the laws of the state of Alabama, but with no place of business within the state of Alabama, and that the president or other head of such corporation, the secretary, cashier and managing agent thereof are absent from the state and your complainant is informed and believes there is no person in the employ of such corporation or doing business for it in this state, and that the place of business of such corporation is at 945 George Street, in the city of Chicago, in the state of Illinois.

PART TWO

1. Your complainant further alleges and shows to the Court that he is the owner of and in the actual, peaceable possession, claim-

ing to own the same in his own right, of the following described lands in Baldwin County, Alabama, to-wit:-

Lots twenty-three (23) and twenty-four (24)
in block twenty-seven (27) in the town of
Foley.....

2. That the respondents, Inez M. Johnson, Florence A. McCaskill and Magnolia Springs Land Company, each claims or is reputed to claim some right, title or interest in or encumbrance upon such lands and no suit is pending to enforce or test the validity of such title, claim or encumbrance and your complainant brings this suit to settle the title to such lands and to clear up all doubts or disputes concerning the same.

3. Your complainant calls upon the said Inez M. Johnson, Florence A. McCaskill and Magnolia Springs Land Company and each of them to set forth and specify their title, claim, interest or encumbrance in, to and upon said land and how and by what instrument the same is derived and created.

PRAYER FOR RELIEF

WHEREFORE, your complainant prays that your Honor will take jurisdiction of his cause and will adjudge and decree whether the respondents or any of them has any right, title or interest in or encumbrance upon such lands or any part thereof, and will further decree that such respondents and each of them have no right, title, interest or encumbrance upon said lands or any part thereof, and that the title of your complainant in and to said lands be quieted and confirmed in him, and that your complainant may have such other and further relief in the premises as may be just and equitable.

PRAYER FOR PROCESS

And your complainant would pray that your Honor direct that the register of this Court make out and superintend the appropriate order of publication to the non-resident respondents, Inez M. Johnson, Florence A. McCaskill and Magnolia Springs Land Company, a corporation, commanding them within thirty days after the period specified in the order of publication to appear before your Honor in this Honorable Court and then and there to answer all and

singular the premises, and to stand to and abide such order and decree therein as to this Honorable Court shall seem meet; and your complainant shall ever pray & c.

Solicitor for Complainant

FOOTNOTE

The respondents, Inez M. Johnson, Florence A. McCaskill and Magnolia Springs Land Company, are hereby required to answer the allegations of part two of the above bill, from section one to three, inclusive, but not under oath, oath to answer being expressly waived.

Solicitor for Complainant

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 First Joint Stock Land Bank of
Montgomery, a Corporation, Hampton D. Ewing, Bay Minette Land Com-
pany, a Corporation, J. A. Sims, Hampton Bush, Mrs. Lula Morris,
Dr. W. W. Stuart, J. B. Stuart, Mrs. Alene McKinney, Mrs. Henry Lyde,
Mrs. Rosa McKinney, D. T. Stuart, D. O. Stuart, H. A. Stuart, J. Clay
Dickman, Henry Edward Duck, Joseph S. Mayo, The Newport Company, a
Corporation, Willis Clopton, Pearl Clark Chambers, Mamie Alexander
Evans, William S. Alexander, Sr., Larkin T. Rhodes, Douglas Williams
and Ernest Alexander,

of _____ 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 Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by
W. R. Stuart, W. M. Stuart and Consumer's Oil Company, a Corporation,

against said First Joint Stock Land Bank of Montgomery, et al

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, Robert S. Duck, Register of said Circuit Court, this 7th day
of August 1936

Robert S. Duck Register

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

*Mrs. Olive M & Kinney
1240 S. Perry St.
Serve on Monday, Oct 1, 1936*

Circuit Court of Baldwin County
IN EQUITY

No. _____

SUMMONS

VS.

Solicitor for Complainant

Recorded in Vol. _____ Page _____

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THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this

SEP 1 - 1936

day of

Haygood Paterson, Sheriff

, 193-

SHERIFF

Executed this _____ day of _____ 193-

by leaving a copy of the within Summons with

*not found in my
county 9/3/36*
Defendant

Haygood Paterson
Sheriff

By *Haygood Paterson*
Deputy Sheriff

TO THE HONORABLE F. W. HARE,
JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, SITTING IN EQUITY:

Now comes the complainant, Hampton D. Ewing, who is over the age of twenty-one (21) years, and is a bona-fide resident and citizen of the State of New York, and brings this his bill of complaint against the Bay Minette Land Company, a corporation organized under the laws of the State of Alabama and having its principal place of business in Bay Minette, Alabama; and against First Joint Stock Land Bank of Montgomery, Alabama, a corporation organized under the Federal Farm Loan Act of Congress of August 22, 1922, having its principal place of business in Montgomery, Alabama, but which is also doing business by agent in Baldwin County, Alabama; and against L. T. Rhodes; Jos. S. Mayo; J. A. Sims and Hampton Bush, all of whom are over the age of twenty-one (21) years except Hampton Bush, who is a minor nineteen years of age, and all of whom reside in Baldwin County, in the State of Alabama, and shows unto Your Honor:

FIRST::::: That on the first day of March, 1926, complainant and his wife, Maria D. Ewing, executed a mortgage to the defendant First Joint Stock Land Bank of Montgomery, Montgomery, Alabama, to secure a large sum of money, payable in semi-annual installments, several of which said installments are now past due. Said mortgage contained a power of sale in case of default, and the defendant First Joint Stock Land Bank

of Montgomery, has now given notice of foreclosure of the said mortgage, in which it has described the lands by copying the description contained in said mortgage, which said notice is in words and figures as follows:

"MORTGAGE FORECLOSURE SALE.

Default having been made in the payment of the indebtedness secured by that certain mortgage executed by Hampton D. Ewing and wife, Maria D. Ewing to The First Joint Stock Land Bank of Montgomery, Montgomery, Alabama, on the 1st day of March, 1926, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Book No. 35 of Mortgages on Pages 344-47, the undersigned mortgagee will, under and by virtue of the power of sale contained in said mortgage, sell at auction to the highest bidder for cash, at the Baldwin County Court House at Bay Minette, Alabama, between 11 o'clock A. M. and 4 o'clock P. M. on Saturday, May 11th, 1935, the property described in said mortgage, which description is hereby referred to and made a part hereof, said property being situated in Baldwin County, State of Alabama, to-wit:

Parcel No. 1. Block One Hundred and Ninety (190) and One Hundred and Ninety-eight (198) of the Hand Land Company, addition to Bay Minette, as shown on plat recorded in the office of the Probate Judge of Baldwin County, Alabama, in Book 4 N. S. of Deeds, pages 160 and 161, comprising Twenty-three (23) acres, more or less.

Parcel No. 2. Known as the Fort Morgan Field, being bounded and described as follows: Beginning at the point in the Southeast quarter of the North-east quarter of Section Sixteen (16) Township Two (2) South, Range Three (3) East of St. Stephens Meridian, on the South line of the public road known as the Brady Road, and on the Easterly line of a Five (5) acre tract known as or formerly belonging to Stanmyres, thence running South Forty-four (44) minutes West five hundred Forty-one and Eight-tenths (541.8) feet to a point, thence North Eighty-nine (89) degrees, Sixteen (16) minutes West Sixty-four and Four-tenths (64.4) feet to a point, thence South Forty-four (44) minutes, West Twenty-seven Hundred Ninety-one and Five-tenths (2791.5) feet to a point, thence South Sixty-two (62)degrees Twenty-four (24) minutes East Four Hundred and Fifty-five feet to the Westerly line of the right of way of the Bay Minette and Fort Morgan Railroad Company, thence North Nine (9) degrees Forty-four (44) minutes East Twenty-eight Hundred Nine and Five-tenths (2809.5) feet to the Southerly line of the said Brady Road, thence North-westerly as the Southerly line of the said Brady Road turns, Four Hundred Seven and Four-tenths (407.4) feet

Parcel No. 3. All that certain tract of land lying in Section Ten (10), Township Two (2) South, Range Three (3) East of St. Stephens Meridian known as the L. & N. Field, bounded on the East and on the West by the land heretofore leased by the Bay Minette Land Company to the Newport Turpentine and Resin Company, by lease or leases recorded in the office of the Judge of Probate of Baldwin County, Alabama, on the South by the South boundary line running East and West of said Section Ten (10), and on the North by the South line of the right of way of the L. & N. Railroad, containing Sixty-five (65) acres, more or less.

Parcel No. 4. All of the land South of the Hurricane Road lying in the Northeast quarter of Section Twenty (20) and Northwest quarter of Section Twenty-one (21), in Township Two (2) South, Range Three (3) East of St. Stephens Meridian, excepting the lands heretofore sold to L. T. Rhodes, C. E. Evans, Allen Anderson, Amos Anderson and Ed. James, said lands conveyed by this instrument being One Hundred and Twenty (120) acres, more or less, said parcel herein described being known as the Douglas Field.

Parcel No. 5. Beginning at the Northwest corner of the Northeast quarter of Section Eight (8), Township Two (2) South, Range Three (3) East of St. Stephens Meridian, running thence South along the West line of the Northeast quarter of said Section Eight (8), to the North line of Fourteenth Street, thence Northeasterly along the North line of Fourteenth Street to the West line of Clark Avenue, thence Northwesterly along the West line of Clark Avenue, to the

North line of said Section (8), thence West along the said Section line to the point of beginning, containing Twenty-five (25) acres, more or less. Said street and map herein mentioned/being shown on the map of the Hand Land Company's addition to the Town of Bay Minette, recorded in Deed Book 4 N. S., page 158 to 161 in the office of the Judge of Probate, Baldwin County, Alabama.

Parcel No. 6. ~~W~~All that certain tract of land lying in Section Twenty-one (21), Township Two (2) South, Range Three (3) East of St. Stephens Meridian, bounded and described as follows: On the North by the land heretofore conveyed to Leonard J. Hooper by deed recorded in the office of the Judge of Probate of Baldwin County, Alabama, on the East by the West line of the right of way of the Bay Minette and Fort Morgan Railroad, on the South by the land heretofore conveyed by the Bay Minette Land Company to Charles C. Hand, by deed recorded in the office of the Judge of Probate, Baldwin County, Alabama, and on the West by the Easterly line of the public road known as the Daphne Road, comprising Twenty (20) acres, be the same more or less.

Parcel No. 7. All that certain tract of land lying partly in the West half of Section Twenty-one (21) and partly in the North half of Section Twenty-eight (28), Township Two (2) South, Range Three (3), East of St. Stephens Meridian, bounded and described as follows: The Southeast quarter of the Southwest quarter of said Section Twenty-one (21), the Northeast quarter of the Northwest quarter of Section Twenty-eight (28), also all of the land lying in the quadrangular

piece adjoining the above described land on the South now under fence lying on the Westerly side of the public road, comprising about Three (3) acres, be the same more or less, which is described as follows: Beginning at intersection of the West line of Daphne Road with the South line of the North half of the North half of Section Twenty-eight (28), thence Southerly along the line of Daphne Road One Hundred and Eighty-eight (188) feet to a point, thence North Seventy-two (72) degrees and Twelve (12) minutes West Five Hundred and Eighteen (518) feet to a point, thence North Thirty-nine (39) degrees and Thirty-two (32) minutes West Seventy-five (75) feet to the South line of the North half of the North half of Section Twenty-eight (28), thence East to West line of Daphne Road and the point of Beginning, containing Eighty-three and Twelve Hundredths (83.12) acres, more or less.

Parcel No. 8. All that portion of the Southwest quarter of Section Seventeen (17), Township Two (2) South, Range Three (3) East of St. Stephens Meridian, lying North of the right of way of the Louisville & Nashville Railroad, excepting therefrom the land in the roadway known as Dolive Street and a One (1) acre lot lying on Dolive Street, conveyed by the Bay Minette Land Company to George R. Henderson as appears by the said conveyance recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 29, N. S., page 570 and a tract of land about One (1) acre in the Northwest quarter of the said Southwest quarter of said Section as fenced by and now in possession of William Carroll, and excepting a tract of Twenty (20) acres under contract with I. E. Heaton, One (1) acre with J. H.

Martin and Two (2) acres with Earnest Alexander and the said parcel comprising about Fifty-six (56) acres, be the same more or less.

Parcel No. 9. All of Section Thirty-one (31), Township Two (2) North, Range Four (4) East of St. Stephens Meridian, and containing Six Hundred and Forty (640) acres, more or less; subject to Turpentine lease of Clyde Weekly to expire January 1, 1929.

All of the above described lands containing in the aggregate Ten Hundred Seventy-seven and Eighty-two Hundredths (1077.82) acres, more or less.

This sale will be made for the purpose of realizing the mortgage debt, together with all expenses of the sale and a reasonable attorney's fee.

THE FIRST JOINT STOCK LAND BANK OF
MONTGOMERY, MONTGOMERY, ALABAMA.

Mortgagee.

J. M. Williams, Jr.,
Attorney for Mortgagee."

SECOND::::: Complainant further shows unto Your Honor that since the execution of said mortgage he has sold and conveyed to Larkin T. Rhodes, on the 21st day of December, 1929, the following described portion of the property covered by said mortgage, viz.:

"Beginning at a point 1296 feet east of the northwest corner of the southeast quarter of the northwest quarter of section twenty in township two south of range three east, run thence north 722 feet to the Hurricane Road, run thence north 71 deg. 30 min. east 443 feet to a point, run thence south 10 deg. 30 min. west 850 feet run thence south 75 deg. 43 min. east 293.6 feet, run thence south 12 deg. 16 min. east 224 feet, run thence south 80 deg. 36 min. east 309 feet, run thence north 10 deg. 46 min. east 258 feet, thence south 88 deg. 14 min. east 337 feet thence south 79 deg. 39 min. east 600 feet, thence south 3 deg. 21 min. west 347 feet thence south 66 deg. 54 min. east 705 feet, thence south 1 deg. 30 min. west 550 feet thence west 2469 feet, thence north 1361 feet to the point of beginning, situated in Baldwin County, Alabama."

And the complainant further avers that his deed to the said Larkin T. Rhodes contained the following covenant upon his part, viz.:-

"And the parties of the first part, for themselves and their heirs, executors and administrators, hereby covenant and warrant to and with party of the second part, his heirs and assigns, that they are seized in fee simple of the above described premises; that they have the right to sell and convey the same; that said premises are free from all encumbrances except one mortgage herein-after specifically set out; that they will guarantee the peaceable possession of the property hereby conveyed and they will and their heirs, executors and administrators shall forever warrant and defend the title to the premises hereby conveyed unto the said party of the second part, his heirs and assigns, against the lawful claims of all persons whomsoever.

The property hereby conveyed is covered by that certain mortgage from parties of the first part to the First Joint Stock Land Bank of Montgomery of date the 1st day of March, 1926, and of record in the

office of the Judge of Probate of Baldwin County, Alabama, in Mortgage Book 35, pages 344-7; and the parties of the first part further covenant and agree to have released from the lien thereof the properties hereby conveyed so that neither the party of the second part, his heirs or assigns nor said property shall be in any wise subject thereto; such release to be effected not later than the 1st day of August, 1930."

And the complainant further avers that since the execution of the said deed of conveyance to the said Larkin T. Rhodes, he has executed and delivered to the Bay Minette Land Company, a corporation, in the year 1927, a conveyance containing a statutory warranty, by which he conveyed to the Bay Minette Land Company, a corporation, all of the land covered by said mortgage, with the exception of that which he had previously conveyed to Larkin T. Rhodes, as hereinabove alleged, and with the further exception of Blocks 190 and 198 of the Hand Land Addition to Bay Minette as shown on plat recorded in the Office of the Probate Judge of Baldwin County, Alabama, in Book 4 N. S., of Deeds, page 160 and 161, comprising twenty-three (23) acres, more or less, and with the further exception of Section 31, Township 2 North, Range 4 East, Baldwin County, Alabama, said conveyance by the plaintiff to the Bay Minette Land Company, a corporation, being based upon a consideration of many thousand dollars.

Complainant further avers that the Bay Minette Land Company, a corporation, contracted with the complainant ^{in part consideration of said sale} that it would assume and pay the indebtedness secured by said mortgage.

Complainant further avers that after the execution of his said deed to the Bay Minette Land Company, a corporation, and before the commencement of the foreclosure proceedings herein alleged, the complainant leased to J. A.

Sims, for a valuable consideration, and for a term ending on January 1st, 1937, the growing pine timber on Section 31, Township 2 North, Range 4 East in Baldwin County, Alabama, and put said J. A. Sims in possession thereof and he is still engaged in working said timber for turpentine purposes under said lease.

And complainant further avers that since the execution of the said deed to the Bay Minette Land Company, a corporation, and on the 18th day of October, 1934, he leased to Hampton Bush, for a valuable consideration, the said Block Number 198 of the Hand Land Addition to Bay Minette, which said lease was in words and figures as follows:-

"10-18-34

"Hampton Bush, Esq.,
Bay Minette, Ala.

Dear Sir:-

I have this day agreed to lease to you for the year beginning January 1, 1935, my block No. 198 on the edge of Bay Minette. The terms of the lease are as follows:

You are to furnish yourself with a mule and its feed and meet all of the expenses and plant the field in corn. You are to deliver to me, at the barn of the Bay Minette Land Company, one-fourth of the corn produced, for rent.

Very truly yours,

HAMPTON D. EWING

HDE:R"

And complainant further avers that he put said Hampton Bush in possession under the terms of said lease and that he is still cultivating said lands thereunder and is growing crops thereon.

And ~~the~~ complainant further avers that he, the

complainant, is still in possession of said Block 190.

THIRD::::: And the complainant further shows unto the Court that since the conveyance of said property by the complainant to the Bay Minette Land Company, a corporation, and prior to the beginning of the foreclosure proceedings herein alleged, that company has executed and delivered a number of warranty deeds to different persons, by which it has conveyed to each of them a part of the land covered by this mortgage. A detail of which said conveyances is as follows:

1. On the 11th day of July, 1927, the Bay Minette Land Company, a corporation, conveyed, by warranty deed, to the Consumers Oil Company the following described lands:

"The following described lands situated in Baldwin County, Alabama, to-wit:

All that certain tract of land lying on the west side of the Public Road leading from Bay Minette to Daphne:

Beginning at the northeast corner of the forty (40) acre tract known as the southeast quarter of the southwest quarter of Section 21, Township 2 South, Range 3 east and running thence west along the quarter section line 25 feet to a point, thence south 66 feet for the point of beginning, the said point of beginning lying on the west line of the Road leading from Bay Minette to Daphne, thence running north 85 degrees 27 minutes west 430 feet, thence due south 209 feet to a point thence easterly and parallel with the first mentioned course 430 feet, more or less, to the west boundary line of the said Daphne Road, thence north along the said westerly line of the said Daphne Road to the point or place of beginning, the above described property lying in the southeast quarter of the southwest quarter of said Section 21. Subject to a right-of-way hereby reserved by the grantors for the use of the public as a public road over a strip of land $17\frac{1}{2}$ feet wide lying along the entire north boundary line of the property above described."

PRAYER FOR PROCESS.

To the end that equity may be done in the premises, the complainant prays that the said Bay Minette Land Company, a corporation; the said First Joint Stock Land Bank of Montgomery, Alabama, a corporation; L. T. Rhodes; Jos. S. Mayo; J. A. Sims and Hampton Bush may each be made parties defendant to this the complainant's bill of complaint, and that due process of subpoena may be issued to and served upon each of the said defendants according to the course and practice of this Honorable Court.

PRAYER FOR RELIEF.

And the complainant further prays that upon the presentation of this the complainant's bill of complaint, this Honorable Court will fix a time at which this complainant's prayer for the issuance of an injunction pendente lite, for the purpose of restraining the defendant, the First Joint Stock Land Bank of Montgomery, Alabama, from proceeding with said foreclosure proceedings, in violation of the complainant's equitable right, may be heard and passed upon, and that this Honorable Court will, in the meantime, by a writ of restraint, or by such other means as this Court may think proper, restrain the said First Joint Stock Land Bank of Montgomery, Alabama, from further proceeding with the foreclosure of said mortgage, in accordance with the said notice which it has already given,

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(and from otherwise proceeding with the sale of any portions of said mortgaged property, which has been so sold, contracted to be sold, or leased to third persons by the complainant since the execution of said mortgage hereinabove described,) without first having exhausted the security provided to the defendant First Joint Stock Land Bank of Montgomery, Alabama, by the sale of such portions of the mortgaged property as were conveyed by the complainant to the Bay Minette Land Company, a corporation, (in consideration of which it has assumed the payment of said mortgage debt;) and that the defendant First Joint Stock Land Bank of Montgomery, Alabama, may be further restrained from selling any other piece of property covered by said mortgage until it has first sold and subjected to the payment of its debt, so much of said lands as the title to which still remains in the complainant.

And complainant further prays that the defendant First Joint Stock Land Bank of Montgomery, Alabama, may be further enjoined and restrained from making any sale of any other portion of said lands until it has first sold and subjected to the payment of said debt all of the lands which were conveyed to the Bay Minette Land Company, a corporation, and which it has not sold or leased to third persons.

And complainant further prays that this Honorable Court will marshal the several portions of said lands, which have been sold and conveyed, or leased, by the complainant, or by the Bay Minette Land Company, a corporation, and those portions which have not been so sold or conveyed, in that order in which the different parcels of land should, in equity and good conscience

be subjected to the payment of the said mortgage indebtedness, and that the defendant First Joint Stock Land Bank of Montgomery, Alabama, may be enjoined pendente lite from further proceeding with the foreclosure of said mortgage until said different parcels can be so marshalled by this Honorable Court, and that upon the final hearing this Honorable Court will establish and decree the order in which said different portions of said lands should be sold, and that the defendant First Joint Stock Land Bank of Montgomery, Alabama, may be enjoined from proceeding with the said foreclosure except in the order in which the said marshalling may require, and the complainant further prays that he may have such other and further relief as he may be equitably entitled to, the premises considered, as in duty bound he will ever pray.

Harry T. Smith & Caffey
HARRY T. SMITH AND CAFFEY.
SOLICITORS FOR COMPLAINANT.

~~T. W. Gilmer~~
SOLICITOR FOR COMPLAINANT.

FOOT NOTE:-

Each of the defendants, namely,- Bay Minette Land Company, a corporation; First Joint Stock Land Bank of Montgomery, Alabama, a corporation; L. T. Rhodes; Jos. S. Mayo; J. A. Sims and Hampton Bush,- is required to answer each and every allegation of the above and foregoing bill of complaint, from paragraph First to paragraph Fourth, both inclusive, but not under oath, oath as to each of said answers being hereby expressly waived.

Harry T. Smith & Caffey
HARRY T. SMITH & CAFFEY.
SOLICITORS FOR COMPLAINANT.

~~T. W. Gilmer~~
T. W. GILMER,
SOLICITOR FOR COMPLAINANT.