

Mrs. William A. Ferguson,

vs.

E.S. Jayne, Elizabeth B.

Spear, Zoa Morehouse, and Samuel M.

Jayne,

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, _____

Affidavit as to non-residents, Proof of Publication and Publisher's
Affidavit, Decree Pro Confesso on Publication,

and in behalf of Defendant upon _____

Robert S. Duck

Register.

126 1/2

RECORDED
One

No. 126 1/2

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

Mrs. William A. Ferguson,

vs.

E. S. Jayne, et al

NOTE OF TESTIMONY

Filed in Open Court this 25th

day of July 1955

Robert D. ...

REGISTER

MRS. WILLIAM A. FERGUSON
COMPLAINANT,
VS

E.S. JAYNE, ELIZABETH B. SPEAR,
ZOA MOREHOUSE AND SAMUEL M. JAYNE,
RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

No. 126 1/2

BILL OF COMPLAINT

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

Comes Mrs. William A. Ferguson and humbly complaining against E.S. Jayne, Elizabeth B. Spear, Zoa Morehouse and Samuel M. Jayne, respectfully shows unto your Honor as follows:-

FIRST:-

That Your Complainant is over the age of twenty-one years and a resident of Hattiesburg, Mississippi, her post-office address being 101 Melrose Street; that the said Defendant, E.S. Jayne, is over the age of twenty-one years and a resident of Algonquin, Illinois; that the Defendant, Elizabeth B. Spear, is over the age of twenty-one years and a resident of Chicago, Illinois, her particular address being unknown to your complainant; that the said defendant, Zoa Morehouse, is over the age of twenty-one years and a resident of Chicago, Illinois, a more particular address being unknown to your complainant; that the said Defendant, Samuel M. Jayne, is over the age of twenty-one years and a resident of Chicago, Illinois, a more particular address being unknown to your complainant.

SECOND:

That your complainant is the owner of and is in the actual peaceable possession of that certain tract of land in Baldwin County, Alabama, described as follows:-

The Northwest Quarter of the Southwest Quarter of Section eight (8), Township five (5) South, Range Three (3) East.

THIRD:-

That the Defendants and each of them claims or is reputed to claim some right, title or interest in, or incumbrance upon said lands, or some part thereof.

FOURTH:

FOURTH:

That no suit is pending to enforce or eontest the valid-
ity of such claim, right, title or interest in, or incumbrance
upon the said lands, or any part thereof, and that complainant
calls upon the defendants and each of them to set forth and specify
his or her title, claim or interest, in , or incumbrance upon the
said lands, or any part thereof, and to show how and by what ins-
truemtn or instruments the same is derived or created.

WHEREFORE, Your complainant prays this Honorable Court
will take jurisdiction of the cause made by this bill of Complaint
and by proper processmake the said E. S. Jayne, Elizabeth B. Spear,
Zoa Morehouse and Samuel M. Jayne defendants to this bill of com-
plaint, requiring them and each of them to plead, answer or demur
to the same within the time and under the terms prescribed by law
and under the practice of this Honorable Court.

Complainant further prays that upon a hearing of the
Cause made by this Bill of Complaint this Honorable Court will
made and enter an order and decreeestablishing the title of com-
plainant in and to the said lands and each part thereof, and further
find, order, adjudge and decree that the said E. S. Jayne,, Elizabeth
B. Spear, Zoa Morehouse and Samuel M. Jayne, and each of them,
have no claim, right , title or interest in, or incumbrance upon
the said lands, or any part thereof, and that this Honorable
Court will grant unto this complainant, such other, further or
different relief as in equity and good conscience she shall be
entitled to receive.

Mrs. William A. Ferguson,
Complainant,

STATE OF MISSISSIPPI
COUNTY OF FORREST...

Before me, the undersigned, a Notary Public in and for said State and County, this day personally appeared Mrs. William A. Ferguson, who being by me first duly sworn, deposes and says that she is complainant in the foregoing bill of complaint against E.S. Jayne, Elizabeth B. Spear, Zoa Morehouse and Samuel M. Jayne; that she is informed and believes and upon such information and belief says that the said Defendant, E. S. Jayne, is over the age of twenty-one years and his address is Algonquin , Illinois; that the said Defendant, Elizabeth B. Spear, is over the age of twenty-one years and a resident of Chicago, Illinois; that the said Defendant, Zoa Morehouse, is over the age of twenty-one years and a resident of Chicago , Illinois; that the said Defendant, Samuel M. Jayne, is over the age of twenty-one years and a resident of Chicago Illinois, that she has made diligent search and inquiry to ascertain the post-office address of each of the said Defendants and has been unable to ascertain a more particular place of residence and post-office address than as aforesaid; that she is informed and believes that the said Defendants, and each of them are the heirs and all of the heirs of Virginia H. Struble, deceased, formerly a resident of Baldwin County, Alabama, who at one time owned the lands described in the foregoing bill of complaint.

Mrs. William A. Ferguson

Sworn to and subscribed before me on
this the 7th day of May, 1935.

W.A. LOVETT,
Notary Public, Forrest County, Mississippi.

Filed May 8th, 1935
Robert S. Duck, Clerk

126 1/2

RECORDED

Mrs. William A. Ferguson

Complainant

vs.

E. J. Payne et al.,
Defendants.

Circuit Court of

Baldwin Co., Ala.

Bill to Quiet

Title

Filed May 8, 1935

Robert S. Black-

Clark,

PROOF OF PUBLICATION

This the 8th day of May, 1935, In this cause it being made to appear to the Clerk of this Court by the affidavit of Mrs. William A. Ferguson that the Defendants, E. S. Jayne, Elizabeth B. Spear, Zoa Morehouse and Samuel M. Jayne, are non-residents of the State of Alabam , their addresses being as follows: E.S.Jayne, Algonquin Illinois; Elizabeth B. Spear, Chicago Illinois, Zoa Morehouse, Chicago , Illinois; Samuel M. Jayne, Chicago, Illinois; and further that , in the belief of said Affiant the Defendants are over the age of 21 years, it is therefore ordered that publication be made in the Fairhope Courier, a newspaper published in Fairhope ,Baldwin County, Alabama, once a week, for four consecutive weeks, requiring the said E.S.Jayne, Elizabeth B. Spear, Zoa Morehouse and Samuel M. Jayne, Defendants to answer or demur to the Bill of Complaint in this cause by the 17th day of June, 1935, or after thirty days therefrom a Decree Pro Confesso may be taken against them.

Robert S. Duck, Register.,

AFFIDAVIT OF PUBLISHER

STATE OF ALABAMA

COUNTY OF BALDWIN.

E.B. Gaston, being by me first duly sworn on oath says: That he is the Publisher of the Fairhope Courier, a newspaper of general circulation, published weekly in the Town of Fairhope, in said County and State; that the attached legal notice was published for 4 consecutive weeks, in each of the regular issues of said newspaper to-wit in the issues of May 9, 16, 23, and 29.

E.B.Gaston, Publisher,

Subscribed and sworn to before me this

the 24th day of July, 1935.

G.E.Perkins, Notary Public, Baldwin County,

Filed July 25th, 1935 ,
Robert S. Duck, Register

MOTION FOR DECREE PRO CONFESSO

ON PUBLICATION -----

Motion is hereby made for a decree Pro Confesso against E.S.Jayne, Elizabeth B. Spear, Soa Morehouse and Samuel M. Jayne, Defendants in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 18th day of July, 1935.

BEEBE & Hall,
Solicitors.

Filed July 18th, 1935.
Robert S. Duck, Register.,

DECREE PRO CONFESSO ON PUBLICATION

In this cause it appears to the Register Robert S. Duck, that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 9th day of May, 1935, in the Fairhope Courier, a newspaper published in Baldwin County, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 9th day of May, 1935, and

And it further appearing to the Register, Robert S. Duck, that the said E. S. Jayne, Elizabeth B. Spear, Zoa Morehouse and Samuel M. Jayne, Defendants, 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 E. S. Jayne, Elizabeth B. Spear, Soa Morehouse and Samuel M. Jayne.

This 18th day of July, 1935.

Robert S. Duck, Register.

STATE OF ALABAMA

BALDWIN COUNTY...

I, Robert S. Duck, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court, on the 30 th day of July, 1935, in the cause of

MRS. WILLIAM A. FERGUSON

Complainant

VS

B. S. JAYNE, ELIZABETH B. SPEAR, ZOA MOREHOUSE and SAMUEL M. JAYNE,

Respondents.

as appears of record in said Court.

Witness my hand and the seal of said Court, this the 15th day of August, 1935.

Register.

(SEAL)

MRS. WILLIAM A. FERGUSON,
Complainant,

vs.

E. S. JAYNE, ELIZABETH B.
SPEAR, ZOA MOREHOUSE and
SAMUEL M. JAYNE,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

No. 126 1/2

FINAL DECREE.

This cause coming on to be heard, was submitted for final decree on the bill of complaint, decree pro confesso and proof as noted by the Register, and upon consideration thereof, the court is of the opinion that the complainant is entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendants, E. S. Jayne, Elizabeth B. Spear, Zoa Morehouse and Samuel M. Jayne, have no title, right, claim, interest in or encumbrance upon the following described lands, or any part thereof, situated in Baldwin County, Alabama, to-wit:

The Northwest quarter of the southwest quarter of Section eight (8), Township five (5) South, Range three (3) East;

and that the title to the same is vested in the said Mrs. William A. Ferguson as against the said E. S. Jayne, Elizabeth B. Spear, Zoa Morehouse and Samuel M. Jayne.

IT IS FURTHER ORDERED that the Register of this court shall within thirty (30) days from the rendition of this decree, file a certified transcript thereof for record in the Probate Court of Baldwin County, Alabama, and that the expense thereof be taxed in the cost of this cause.

IT IS FURTHER ORDERED that complainant pay the cost in this cause, for which execution may issue.

Done at Monroeville, Ala., on this the 30th day of July, 1935.

A. W. Kase

Judge of the 21st Judicial Circuit of Alabama.

**CHANCERY EXECUTION
BILL OF COSTS**

No. 126 1/2 vs. Wm. W. Hanna a Trustee Plaintiff
Es James Neal Defendant

FEES OF REGISTER		Dollars	Cents	Brought Forward	
Filing each bill and other papers	\$ 10		50	For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
Issuing each subpoena	50			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof	40			Each notice sent by mail to creditor	15
Entering each return thereof	15			Filing, receipting for and docketing each claim, etc.	25
For each order of publication	1 00	1 00		For all entries on subpoena docket, etc.	50
Issuing writ of injunction	1 50			For all entries on commission docket, etc.	50
For each copy thereof	50			Making final record, per 100 words	15
Entering each return thereof	15			Certified copy of decree	1 00
Issuing Writ of Attachment	1 00			Report of divorce to State Health Office (Acts 1915)	50
Entering each return thereof	15			Total Fees of Register	1 145
Docketing each case	1 00	1 00		FEES OF SHERIFF	
Entering each appearance	25			Serving and returning subpoena on deft.	\$1 50
Issuing each decree pro confesso on per. ser.	1 00			Serving and returning subpoena for witness	65
Issuing each decree pro confesso on publica.	1 00	1 00		Levying attachment	3 00
Each order appointing guardian	1 00			Entering and returning same	25
Any other order by Register	50			Selling property attached	
Issuing commission to take testimony	50			Impanelling Jury	75
Receiving and filing	10			Executing writ of possession	2 50
Endorsing each package	10			Collecting execution for costs	1 50
Entering order submitting cause	50	50		Serving and returning sci. fa., each	65
Entering any other order of court	25			Serving and returning notice	65
Noting all testimony	50	50		Serving and returning writ of injunction	1 50
Abstract of cause, etc.	1 00			Serving and returning writ of exeat	1 50
Entering each decree	75			Taking and approving bonds, each	75
For every 100 words over 500	15	75		Collecting money on execution	
Taking account, etc.	3 00			Making deed	2 50
Taking testimony, etc.	15			Serving and returning application, etc.	1 00
Each report, 500 words or less	2 50			Serving attachment, contempt of court	1 50
For every 100 words over 500	15			Total Fees of Sheriff	
Amount claimed less than \$500, etc.	2 00			RECAPITULATION	
Issuing each subpoena	25			Register's Fees	1 145
Witness certificate, each	25			Sheriff's Fees	
Issuing execution, each	75			Commissioner's Fees	
Entering each return	15			Solicitor's Fees	
Taking and approving bond, each	1 00			Witness Fees	
Making copy of bill, etc.	15			Guardian Ad Litem	
Each notice not otherwise provided for	50			Printer's Fees	10 31
Each certificate or affidavit, with seal	50			Trial Tax	3 00
Each certificate or affidavit, no seal	25			Recording Decree in Probate Court	1 00
Hearing and passing on application, etc.	3 00			Total	25 76
Each settlement with receiver, etc.	3 00				
Examining each voucher of Receiver, etc.	10				
Examining each answer, etc.	3 00				
Recording resignation, etc.	75				
Entering each certificate to Supreme Court	50				
Taking questions and answers, etc.	25				
For all other ser relating to such proceedings	1 00				
For services in proceeding to relieve minors, etc.. same fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per ct.; all over \$100 and not exceeding \$1,000, 1 1-2 per ct: all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.					
Sub Total Carried Forward		6 45			

The State of Alabama, No. 126 1/2
Baldwin County. **Circuit Court, In Equity** Term, 1936

To Any Sheriff of the State of Alabama—GREETING:
You are hereby commanded, That of the goods and chattels, lands and tenements of

Wm. W. Hanna a Trustee Defendant

you cause to be made the sum of _____ Dollars,
which _____ Plaintiff

recovered of _____ on the 10 day of July 1936
by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____ Dollars,

costs of suit, and have the same to render to the said Robert D. Bush
and make return of this Writ and the execution thereof, according to law.

Interest from _____ 1936 to date of collection.

Witness my hand, this 11 day of July 1936
Robert D. Bush, Register.

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

Comes MRS. WILLIAM A. FERGUSON and humbly complaining
against E. S. JAYNE, ELIZABETH B. SPEAR, ZOA MOREHOUSE and SAMUEL
M. JAYNE, respectfully shows unto your Honor as follows:

FIRST:

That your complainant is over the age of twenty-one
years and a resident of Hattiesburg, Mississippi, her post-office
address being 101 Melrose Street; that the said defendant, E. S.
Jayne, is over the age of twenty-one years and a resident of
Algonquin, Illinois; that the said defendant, Elizabeth B. Spear,
is over the age of twenty-one years and a resident of Chicago,
Illinois, her particular address being unknown to your complain-
ant; that the said defendant, Zoa Morehouse, is over the age of
twenty-one years and a resident of Chicago, Illinois, a more
particular address being unknown to your complainant; that the
said defendant, Samuel M. Jayne, is over the age of twenty-one
years and a resident of Chicago, Illinois, a more particular ad-
dress being unknown to your complainant.

SECOND:

That your complainant is the owner of and is in the
actual peaceable possession of that certain tract of land in
Baldwin County, Alabama, described as follows:

The Northwest quarter of the Southwest quarter of
Section eight (8), Township five (5) South, Range
three (3) East.

THIRD:

That the defendants and each of them claims or is re-
puted to claim some right, title or interest in, or incumbrance
upon the said lands, or some part thereof.

FOURTH:

That no suit is pending to enforce or contest the valid-
ity of such claim, right, title or interest in, or incumbrance

STATE OF MISSISSIPPI.

COUNTY OF FORREST.

Before me, the undersigned, a Notary Public in and for said State and County, this day personally appeared MRS. WILLIAM A. FERGUSON, who being by me first duly sworn, deposes and says that she is complainant in the foregoing bill of complaint against E. S. Jayne, Elizabeth B. Spear, Zoa Morehouse and Samuel M. Jayne; that she is informed and believes and upon such information and belief says that the said defendant, E. S. Jayne, is over the age of twenty-one years and his address is Algonquin, Illinois; that the said defendant, Elizabeth B. Spear, is over the age of twenty-one years and a resident of Chicago, Illinois; that the said defendant, Zoa Morehouse, is over the age of twenty-one years and a resident of Chicago, Illinois; that the said defendant, Samuel M. Jayne, is over the age of twenty-one years and a resident of Chicago, Illinois; that she has made diligent search and inquiry to ascertain the post-office address of each of the said defendants and has been unable to ascertain a more particular place of residence and post-office address than as aforesaid; that she is informed and believes that the said defendants, and each of them, are the heirs and all of the heirs of Virginia H. Struble, deceased, formerly a resident of Baldwin County, Alabama, who at one time owned the lands described in the foregoing bill of complaint.

X Mrs. William A. Ferguson

Sworn to and subscribed before
me on this the 7th day of
May, 1935.

[Signature]
Notary Public, Forrest County,
Mississippi.