

828

DENNISTON-BOYKIN COMPANY, |
INC., a corporation, et al., |
Complainants, |
-vs- |
BERTHA S. WILSEY, et al., |
Respondents. |

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
In Equity - #828

Now comes the respondent Frank B. Nihart, as Trustee for the Edwin F. Winegar Land Syndicate, and for answer to the bill of complaint as amended in the above styled cause, denies each and every allegation thereof and demands strict proof of the same.

Frank B. Nihart
As Trustee for the Edwin F. Winegar Land Syndicate, one of the Respondents in the above styled cause.

and who, being by me first duly sworn, on oath depose and say as follows:

That they are the respective presidents of the Denniston-Boykin Company, Inc., and the Baldwin Timber & Naval Stores Company, Inc., both of which said companies are corporations, and that they are authorized to make this affidavit; that they have read the foregoing amendment to the bill of complaint in the above styled cause and know the contents thereof, and that the facts therein alleged and stated are true and correct as therein written, to the best of their knowledge, information and belief.



H. S. Denniston



T. J. Rester

Subscribed and sworn to before me
this 10th day of October, 1942.



Notary Public, Mobile County, Alabama

DENNISTON-BOYKIN COMPANY, et al)
COMPLAINANTS)

VS.)

BERTHA S. WILSEY, et al,)
RESPONDENTS)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY

WHEREAS, Edwin F. Winegar Land Syndicate and Pearl G. Baker, individually and as a member of Edwin F. Winegar Land Syndicate, and Pearl G. Baker as Trustee of Edwin F. Winegar Land Syndicate, and Pearl G. Baker, individually, did on September 13, 1943, appeal to the Supreme Court of Alabama from the decree rendered by the Circuit Court of Baldwin County, Alabama, in Equity, March 13, 1943, in the above styled cause, and thereupon deposited with the undersigned, R. S. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in equity, notice of appeal and bond, the original copy of which is hereto attached, and

WHEREAS, I, as Such Register declined to approve said bond for the reason that the security of the same was not approved by me, and

✓ WHEREAS, said appellant has this day deposited with me as Register of the Circuit Court of Baldwin County, Alabama, in Equity, the sum of one thousand dollars (\$ 1,000.00) to add to the security offered in said bond,

NOW, THEREFORE, I, R. S. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby accept said deposit, and, in view of the same, I do hereby approve said bond as security for all costs of said appeal, said one thousand dollars to be held by me as further and additional security for payment of all costs of said appeal including the record made by the Register.

IN TESTIMONY WHEREOF, I have hereunto set my hand, this 11th 3rd day of December, 1943.

R. S. Duck
REGISTER OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY

DENNISTON-BOYKIN COMPANY INC.,
a Corporation, ET AL,

Complainants,

VS.

LANDS DESCRIBED IN BILL OF
COMPLAINT, ET AL,

Respondents.

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

Motion is hereby made for a Decree Pro Confesso against the persons hereinafter named, Defendants in the above styled cause, on the ground that copies of the Summons, Bill of Complaint, and Notice filed in this cause, were sent to said Defendants by Registered Mail, postage prepaid, marked "For delivery only to the person to whom addressed", and return receipts were demanded addressed to the Register of this Court; and that such receipts were duly received and filed in this cause, the names of such Defendants and the dates on which such return receipts, respectively, from each of them, were received and filed by the Register being as follows:- Bertha S. Wilsey, individually and as Executrix of and sole devisee under the Will of R. E. Wilsey, deceased, - July 22, 1942; Floyd R. Perkins, individually and as Trustee for the "Syndicate" - July 22, 1942; Bruce Etheridge- June 19, 1942; John D. Clarke- June 22, 1942, on the ground that more than thirty days have elapsed since the said return receipts, respectively, were received and filed in said cause, and that said Defendants have failed to answer, plead or demur to the Bill of Complaint in this cause, to the date hereof.

DATED this 5th day of September, 1942.

Robert P. Denniston
Hamilton
Thomas A. Hamilton
Idyball A. Gerson
Solicitors for Complainants.

DENNISTON-BOYKIN COMPANY, INC.,
a corporation, et al.,

Complainants

-vs-

LAND DESCRIBED IN THE BILL,
et al.,

Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY ALABAMA
In Equity

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority, personally appear-
ed, P. B. Patrick, who, being by me first duly sworn,
on oath deposes and says, that he is an agent of the complainants
in said cause and is authorized to make this affidavit; that W. D.
Owens, Emanuel Davidson, and H. L. Taylor also sometimes called
H. S. Taylor, are not now, and none of them was at the time said
suit was filed in the military, naval or other armed forces of
this country.

P. B. Patrick

Subscribed and sworn to
before me this 29th
day of August 1942.

Wm. O. Hamilton
Notary Public Mobile County, Alabama

DENNISTON-BOYKIN COMPANY et.al.)

Complainant,)

Vs

TENSAW LAND AND TIMBER COMPANY,)

Respondent,)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY - 828

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

Comes Tensaw Land & Timber Company and for answer says that it holds a lien against said property by virtue of judgments against Frank W. Boykin which have been transferred to it.

This defendant requests that a reference be had to determine the amount due under these judgment liens and that they be declared to be a lien against said property. Otherwise than this it admits all allegations.


Solicitors for Tensaw Land & Timber Co.

DENNISTON-BOYKIN COMPANY,
a Corporation, ET AL,

Complainants,

VS.

BERTHA S. WILSEY, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

#828

NOTE OF TESTIMONY

This cause is submitted for Final Decree on behalf
of the Complainants on the following:-

1. Original Bill of Complaint, together with Exhibits attached thereto and made a part thereof.
2. Amended Bill of Complaint filed October 12, 1942.
3. Order of Publication.
4. Notice of Publication.
5. Affidavit of Publication.
6. Admissions in Answers of Respondents.
7. Decree Pro Confesso After Notice By Registered Mail.
8. Decree Pro Confesso on Personal Service.
9. Decree Pro Confesso on Publication.
10. Affidavits as to non-military service of Respondents.
11. Interrogatories Propounded to H. S. Denniston, T. J. Rester, P. B. Patrick and Thomas A. Hamilton.
12. Commission To Take Testimony.
13. Testimony of H. S. Denniston, T. J. Rester, P. B. Patrick and Thomas A. Hamilton.

Robert P. Denniston

Thomas A. Hamilton

Myra L. Rester
Solicitors for Complainants.

R. D. DeLoach
Register.

DENNISTON-BOYKIN COMPANY INC.,)
 a Corporation, et al,)
 Complainants,)
 VS.)
 LANDS DESCRIBED IN BILL OF)
 COMPLAINT, ET AL,)
 Respondents.)

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

DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL

In this cause it being made to appear to the Register that a copy of the Summons, Bill of Complaint, and Notice filed in said cause were sent to the respondents hereinafter named by Registered Mail, postage prepaid, marked "For delivery only to the person to whom addressed", and return receipts were demanded addressed to the Register of said court.

And it further appearing to the Register that the receipt from Bertha S. Wilsey, individually and as Executrix of and sole devisee under the will of R. E. Wilsey, deceased, was duly received and filed by the Register on July 22, 1942; that the receipt from Floyd R. Perkins, individually and as Trustee for the "Syndicate", was duly received and filed by the Register on July 22, 1942; that the receipt from Bruce Etheridge was duly received and filed by the Register on June 19, 1942, and that the receipt from John D. Clarke was duly received and filed by the Register on June 22, 1942.

And it further appearing to the Register that said respondents have failed to plead, answer or demur to said Bill of Complaint to the date hereof.

And it further appears to the Register that on September 5, 1942, the complainants, acting by and through their Solicitors of Record, filed a motion for Decree Pro Confesso After Notice By Registered Mail, which motion was filed with me as Register of said Court.

And it further appears to the Register that by decree

(page two)

of F.W. Hare, Judge of said court, which decree was dated September 8, 1942, I, as such Register, was ordered to enter a Decree Pro Confesso against the respondents herein named.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Register that said Bill of Complaint be, and it hereby is, in all things taken as confessed against the said Bertha S. Wilsey, individually and as Executrix of and sole devisee under the will of R. E. Wilsey, deceased, Floyd R. Perkins, individually and as Trustee for the "Syndicate", Bruce Etheridge, and John D. Clarke, respondents in said cause.

DATED this 14th day of September, 1942.


Register.

DENNISTON-BOYKIN COMPANY, INC.,)
a Corporation, et al,)

Complainants,)

VS.)

LANDS DESCRIBED IN BILL OF)
COMPLAINT, ET AL,)

Respondents.)

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

DECREE PRO CONFESSO ON PERSONAL SERVICE

In the above styled cause it appears to the Register that personal service was had on the respondents, First National Bank of Mobile, Alabama, individually and as executor of and Trustee under the will of Aaron Lowenstein, deceased; John W. Daves, individually and as surviving partner of the firm of Industrial Finance Company, a co-partnership; James H. Daves Jr.; June Daves; Agnes Lartigue Daves; W. D. Owens; Emanuel Davidson; H. L. Taylor, also sometimes known as H. S. Taylor; Hiram C. Taylor as Trustee for Taylor-Lowenstein and Company, a co-partnership; Thomas J. Taylor and Sydney Lowenstein, individually and as surviving partners of the firm of Taylor-Lowenstein and Company, a co-partnership; T. W. Richerson; Jacob Schang; James K. Clarke, and Grover Boyington, by a duly authorized officer of the State of Alabama more than thirty days prior to September 5, 1942.

And it further appears to the Register that all of the above named respondents have to the date hereof failed to plead, demur to, or answer the Bill of Complaint filed in said cause.

And it further appears to the Register that the complainants, acting by and through their Solicitors of Record, filed a motion for decree pro confesso on Personal Service against such respondents on September 5, 1942, which motion was filed with me as Register of said court.

And it further appears to the Register that under and pursuant to the decree of F. W. Hare, Judge of said Court,

(page two)

dated September 8, 1942, I, as Register of said Court, was ordered to enter a Decree Pro Confesso against said respondents.

NOW THEREFORE it is ordered and decreed by me, as such Register, that the Bill of Complaint in this cause be, and it hereby is, in all things taken as confessed against the said First National Bank of Mobile, Alabama, individually and as executor of and Trustee under the will of Aaron Lowenstein, deceased; John W. Daves, individually and as surviving partner of the firm of Industrial Finance Company, a co-partnership; James H. Daves Jr.; June Daves and Agnes Lartigue Daves; W. D. Owens; Emanuel Davidson; H. L. Taylor, also sometimes known as H. S. Taylor; Hiram C. Taylor as Trustee for Taylor-Lowenstein and Company, a co-partnership; Thomas J. Taylor and Sydney Lowenstein, individually and ^{as} surviving partners of the firm of Taylor-Lowenstein and Company, a co-partnership; T. W. Richerson; Jacob Schang; James K. Clarke, and Grover Boyington, respondents in said cause.

DATED this 4th day of September, 1942.



Register.

Denniston Boykin et al
Complainant,
VS.
Mrs. B. Wilsey et-al
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY. NUMBER.....

NOTICE TO ADVERSE PARTY.

TO Hybert & Chason Atoys....., SOLICITOR FOR

Complainant
~~RESPONDENT:~~

You are hereby notified that Pearl G. Baker Trustee et-al.....
Respondent
the ~~Complainant~~ in the above stated cause, has filed in the Circuit Court of Baldwin County,
her/his demand for an oral examination of the following witnesses, who reside within one
hundred miles from the place of trial, to-wit: F. Nihart, Miss P. G. Baker Trustee

Claud Feteet et-al.....

and that R. S. Duck et-al:....., has been
suggested as a suitable person to act as commissioner. Said examination will take place at the
office of Register....., at Bay Minette....., Alabama,
on the 8th..... day of March....., 1943, between the hours of
9:00A. and 4:00 P., and continue from day to day, until completed.

M. W. Hawkins
Solicitor for Complainant.
Raskind

DENNISTON-BOYKIN COMPANY INC.,
a Corporation, ET AL,

Complainants,

VS.

LANDS DESCRIBED IN BILL OF
COMPLAINT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Motion is hereby made for a Decree Pro Confesso against the heirs, representatives and devisees of, and all persons claiming under Calvin Souther, deceased; all unknown members of the "Syndicate" and all persons claiming under Floyd R. Perkins, individually and as Trustee for the "Syndicate", and all persons claiming under said unknown members of said "Syndicate"; Mrs. M. M. Winegar, Mona Winegar, Harriett N. Winegar and all other heirs, representatives and devisees of, and all other persons claiming under Edwin F. Winegar, deceased; Guy W. French, individually and as Trustee for the proposed Wyobama Oil Syndicate, and all unknown members of said Syndicate, and all persons claiming under said Guy W. French, individually and as Trustee as aforesaid, and all persons claiming under said unknown members of said Syndicate; Irene Christine Asmus and all other heirs, representatives and devisees of, and all persons claiming under George Asmus, deceased, and all other persons claiming under said Irene Christine Asmus; Allan G. Gilmore; La Vonie A. Hamm, individually and as Trustee under the Will of Thomas P. Hamm, deceased, Thomas P. Hamm, Jr., Marguerite Hamm Borden, Ruth Hamm Piper, and all other heirs, representatives and devisees of, and all other persons claiming under Thomas P. Hamm, deceased; Alabama Tobacco Company, a corporation, and any and all persons claiming under it; Alabama Sumatra and Havana Tobacco Company, a Corporation, and any and all persons claiming under it; Juanita E. Stewart and all other heirs, representatives and devisees of, and all other persons claiming under James F. Stewart, deceased; R. Knight; Alexander P. Baker, Elinora T. Baker, John W. Baker, Mollie L. Weir, M. A. Reynolds, Margaret

(page two)

M. Mims, Sallie W. Stone, Robert Baker and William L. Baker, and all other heirs, representatives and devisees of, and all persons claiming under Robert A. Baker, deceased; the heirs, representatives and devisees of and all persons claiming under Stephen M. Potts, deceased; the heirs, representatives and devisees of, and all persons claiming under James T. Holtzclaw, deceased; the heirs, representatives, and devisees of, and all persons claiming under George Robbins/^{deceased}; the heirs, representatives and devisees of, and all persons claiming under Louis Bahr, deceased; the heirs, representatives and devisees of, and all persons claiming under Rush Taylor, deceased; the heirs, representatives/^{and devisees} of, and all persons claiming under Andrew J. Taylor, deceased; H. S. Derby, and all persons claiming under him; Fred Harford and all persons claiming under him; R. D. Byrne and all persons claiming under him; C. W. Worthington and all persons claiming under him; Elijah S. Taylor and all persons claiming under him; Alice C. Taylor and all persons claiming under her; Thomas P. Miller and all persons claiming under him; Rudolphus D. Williams and all persons claiming under him; John W. Miller and all persons claiming under him; George E. Miller, and all persons claiming under him; Charles B. Miller and all persons claiming under him; Edward C. Miller and all persons claiming under him; Henry L. Miller and all persons claiming under him; Mary L. Timney and all all persons claiming under her; the heirs, representatives and devisees/^{of,} and all persons claiming under Samuel Timney, also sometimes called Samuel Timmey, deceased; the heirs, representatives and devisees of, and all persons claiming under Apphia B. Lea, deceased; the heirs, representatives and devisees of, and all persons claiming under Moses R. Denning, deceased; the heirs, representatives and devisees of, and all persons claiming under Alex Johnston, deceased; Daniel Pettigrew and all persons claiming under him; Mary M. Queal and all other heirs, representatives and devisees of, and all other persons claiming under Luke Queal, deceased; J. D. Curtis and all persons claiming under him; Edwin F. Winegar Land Syndicate and all unknown members thereof, and H. W. Terry, William Rottermund, D. A. Baker, C. H. Johnston, K. M. Wease,

(page three)

individually and as members of said Edwin F. Winegar Land Syndicate, and as representatives of all other unknown members thereof, and all persons claiming under them and under Pearl G. Baker and under said Syndicate; and A. J. Zech and all persons claiming under him, Defendants in the above styled cause, on the ground that more than thirty days have elapsed since the perfection of publication under the Order of this Court, and it having been shown by due proof to the Court that said Defendants are non-residents of the State of Alabama, and have failed to answer, plead or demur to the Bill of Complaint in this cause, to the date hereof.

DATED this 5th day of September, 1942.

Robert P. Hamilton
J. Hamilton
Thomas A. Hamilton
Edward A. Mason
Solicitors for Complainants.

THE STATE OF ALABAMA.

Denniston-Boykin. Company. et al.

vs.

Bertha S Wilsey. et al.

Circuit Court _____ County.

To Denniston-Boykin. Company. et al.

or Hybart & Chason. ~~XXXX~~ _____, Attorneys of record:

Whereas, Edwin F Winegar Land Syndicate. and Pearl G Baker, ^{ha} ~~has~~ taken an appeal from the judgment of said Court, rendered at the March 3rd. Term, 19 43, thereof, in the above stated cause, returnable to the April. Term, 19 44, of the Supreme Court of Alabama:

Now, you are therefore cited to appear at the April. Term, 19 44, of said Supreme Court, to defend on said appeal, if you shall see proper so to do.

Witness this 20th day of December. _____, 19 43

R. Duck _____, Clerk.
Register.

2.

that on December 3, 1943, (which was more than six months after the date of the final decree), she again tendered to him the same instrument as such security for costs, and \$1,000 in cash. He considered the two ample security for the costs, and approved the security with the \$1,000 cash, all on December 3, 1943.

The motion to dismiss the appeal sets up these facts. The affidavit of the register is to like effect as his certificate of appeal above mentioned, including corroborating circumstances. After September 13th and before December 3d, the successful parties disposed of a large part of the property involved to innocent third persons, not parties to the litigation.

Appellant produced on this hearing the original instrument purporting to be the security for costs, marked approved December 3, 1943, and marked filed September 13, 1943, and offered evidence to show that the bond was good security as tendered on September 13, 1943; and that when tendered, the register remarked to appellant, "Now, Miss Baker, you are in court," and on September __, 1943, he mailed the bond back to her; that on December 3, 1943, her attorneys returned the bond to him together with \$1,000 in cashier's check, and "that thereupon, the said R. S. Duck (the register) endorsed on said bond, "Filed September 13, 1943, approved December 3, 1943."

That situation presents two aspects for consideration. One is whether the register in fact verbally approved the appeal bond when it was presented, and retained it, later changing his mind, and returning it to Miss Baker; and the second is the contention that the bond was good, and he should have approved it, though he may not have done so.

3.

A formal approval in writing is not necessary. - Williams v. McConico, 25 Ala. 536; Marshall v. Croxon, 50 Ala. 479. On collateral attack, and without more, we would give effect to the certificate of the clerk as to what constitutes the record in the case. - 3 Amer. Jur. 284, section 692; Essex Ins. Co. v. Shriner, 235 Ala. 65, 177 So. 397. In the case of Williams v. McConico, supra, on hearing in this Court a motion to dismiss the appeal, appellant moved for a special certiorari to perfect the record, requiring the judge of probate certifying to the transcript to certify the time when the bond was in fact approved.

The writ of special certiorari was for the purpose of getting into the record on appeal matter proper so to appear but which was not then a part of the written proceedings. When that was done and certified to this Court, the writ of special certiorari had served its purpose. There was in that case no contest as to the facts which occurred in respect to the approval of the bond.

In the instant case, the clerk has made that certificate, and if it were not contested, it would result in a dismissal of the appeal since it shows that the bond as tendered to him was not approved in due time and never was at any time approved without additional security. But the first aspect of the question we have makes a contest as to the truth of the certificate. As a general rule we treat the certified transcript on appeal as true and correct. The record of the trial court is there made up. That court is the appropriate tribunal in which all contests of that sort are triable. We pursued that course in the Shriner case, supra.

But here we are dealing with a status not required to be of record. It is one of whether this Court has acquired jurisdiction of this cause on appeal by the approval by the register of the security for costs on appeal, not made a matter of record in that court. We have the inherent power to determine the question of our jurisdiction, and in doing so to inquire into the facts on which that jurisdiction rests, pursuing such course to that end as in our judgment is appropriate and conducive to an accomplishment of it. There is no common law writ by whose restrictions we need to be hampered in looking into the question of our own jurisdiction. It is now well settled that an approval by the register need not be in writing nor formal, nor within the statutory period. - Thompson v. Mansfield, 218 Ala. 332, 118 So. 537; Redwall v. Dean, 221 Ala. 274, 128 So. 389; Lewis v. Martin, 210 Ala. 491, 98 So. 219; Eschren v. State, 206 Ala. 74, 89 So. 278.

But it must occur in respect to the security which was tendered and as it was tendered in that time if the approval was delayed until that time had expired. Unless the bond thus tendered is approved, then or later, no jurisdiction was transferred to this Court, and neither the register nor this Court could establish such jurisdiction by approving a bond which had not been tendered and with the same strength it had when tendered in the statutory time. - Hildebrand v. First National Bank, 221 Ala. 214, 128 So. 219; Journequin v. Land, 235 Ala. 29, 177 So. 132; Section 766, Title 7, Code of 1940.

We therefore, in that aspect, have only one power on this motion. That is to determine whether the register in point of fact approved the bond as tendered, or did he do so only after additional security was added. The burden is on appellant who would contradict the certificate of the register who is required by law to make such certificate.

We know of no circumstance shown by the record which would make her evidence more credible than that of the register. There are certain circumstances, such as the letter he wrote her, which corroborate him. We hold therefore that she has not carried the burden in this respect.

In the second aspect of the question, appellant contends that the security for the costs of appeal was financially sufficient when tendered and that the register should have approved the bond, and therefore if we find from the proof that it was financially sufficient, we should so treat it and overrule the motion to dismiss the appeal. The statute requires the approval to be by the clerk or register or (trial) court, respectively. - Sections 766 and 792, Title 7, Code of 1940. The statute confers a privilege in providing for an appeal and prescribes the terms on which it may be granted. It does not provide that this Court may approve the security. It has been firmly established in this State that the approval of the financial sufficiency of a bond entrusted to an administrative officer is a quasi judicial act by him and his decision is conclusive in an administrative sense, and no court will revise it by the process of mandamus. - Martha Harris, 52 Ala. 87; Ex parte Thompson, 52 Ala. 98; Pruffie v. Cook, 65 Ala. 430; Mobile Mutual Ins. Co. v. Cleveland, 76 Ala. 321; Payne v. Sprague, 207 Ala. 264 (4); Foshee v. State, 210 Ala. 153, 97 So. 565.

6.

In the case of Ex parte Edwards, 211 Ala. 530, 165 So. 519, this Court issued a mandamus to the register requiring him to approve an appeal bond and make up the transcript. But an examination of the original record in that case shows that it was not a dispute as to the financial sufficiency of the security, but as to whether the bond was in fact presented in due time, due to a mixup in the personnel of the register's office.

We have no case in which the judicial act of the clerk, register or probate court in passing on the financial sufficiency of a bond has been revised by mandamus or otherwise. But we are not willing to admit the impotence of this Court to superintend and control the proceedings of an "inferior jurisdiction" under section 140, Constitution, because the writ of mandamus has been held to be inappropriate for that purpose. But to do so, we can by that authority only issue such writs as are necessary to accomplish that purpose, and in this proceeding no application has been made that we superintend and control said inferior jurisdiction by the issuance of a writ. We are therefore confronted with the question of whether we have the duty in the present state of the record to exercise the power enjoined by section 140, supra.

We find in the record, filed on the submission of this motion, affidavits presented by appellants as to the financial sufficiency of the security as presented to the register in the statutory period. We could well take the position on hearing this motion that those affidavits are appropriate to secure the issuance of a revisory writ if they are sufficient to show that the judicial act of the register is subject to revision by any established process, although there is no prayer for such process.

This Court has accepted the established principle that courts will issue certiorari to make a limited review of the quasi judicial acts of administrative boards and officers. That limited power is to determine whether the acts in question were supported by any substantial evidence, or, otherwise stated, whether the findings and conclusions are contrary to the uncontradicted evidence, or whether there was an improper application of the findings viewed in a legal sense. - Alabama Power Co. v. City of Ft. Payne, 237 Ala. 459, 159 So. 12; Alman v. Morgan County, 83 (5th Div. 266) decided February 3, 1944.

The affidavits here presented do not show that in declining to approve the security the register acted contrary to the uncontradicted evidence before him or to facts brought to his attention in any way, or to those of which he was required to take notice, or that he misconceived his legal duty in that regard. As we have observed, we are not trying de novo the sufficiency of the security, but whether the register violated his legal duty in exercising his quasi judicial power in respect to the question. The form of such review is not particularly handicapped by the fact that there is no authority for a statutory bill of exceptions as in judicial proceedings to get before us the evidence submitted to the register, or other proceedings before him, since his return to any writ of certiorari which may be issued would be required to contain a full statement of such matters. That has been said to be the proper procedure to that end. - 11 Corpus Juris 177, note 34; 14 Corpus Juris Secundum 256, note 23; 4 Corpus Juris 218, note 86; 4 Corpus Juris Secundum 1300, note 12.

8.

So that assuming that an application was made for an appropriate writ which would be supported by the affidavits, it is our judgment that they do not make a showing for relief, and that no writ would serve to aid appellant in respect to the matter.

The motion to dismiss the appeal is sustained: appeal dismissed.

Gardner, C.J., Bouldin and Stakely, JJ., concur.

No 828.

THE STATE OF ALABAMA,

Baldwin. County.

CIRCUIT COURT.

Denniston- Boykin. Company. et al.

vs.

Bertha S Wilsey et al.

CITATION ON APPEAL.

Issued December. 20th 1943.

R. D. Duck

Register.

Executed by ~~se~~ a copy on

John Chason

on this

22 day of Dec 1943

W. E. Struhal

Sheriff.

Marshall & Bruce Co., Stationers, Nashville, Tenn.

RECORDED

MOTION FOR DECREE PRO CONFESSO

DENNISTON-BOYKIN COMPANY INC.,
A Corporation, ET AL,

Complainants,

VS.

LANDS DESCRIBED IN BILL OF
COMPLAINT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

FILED SEPTEMBER 6th, 1942.

Roscoe
Register.

828

BT-6-40-500

NOTICE TO ADVERSE PARTY

.....Denniston Boykin et-al.

Complainant,

Vs.

.....Bertha S. Wisley et.al.

Respondent.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA—IN EQUITY.

March 6 1943 12:15 PM
W. A. ...

Executed this the 8th
day of March 1943
by serving a copy
of the within notice
on John Chason at

W. B. Hunt
Sheriff
By A. Hunt, D.S.

RECORDED

DECREEE PRO CONFESSO ON
PERSONAL SERVICE.

DENNISTON-BOYKIN COMPANY, INC.,
a Corporation, et al,

Complainants,

VS.

LANDS DESCRIBED IN BILL OF
COMPLAINT ~~SET OFF~~

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

FILED SEPTEMBER 14th, 1942.

Raduck
Register.

RECORDED

MOTION FOR DECREE PRO CONFESSO

DENNISTON-BOYKIN COMPANY INC.,
A Corporation, ET AL,

Complainants,

Vs.

LANDS DESCRIBED IN BILL OF
COMPLAINT, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

FILED SEPTEMBER 5th, 1942.

Residual
Register.

~~RECORDED~~
~~RECORDED~~
AFFIDAVIT.

DENNISTON-BOYKIN COMPANY, INC.,
a corporation,

Complainants,

VS.

LANDS DESCRIBED IN THE BILL,
et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

FILED SEPTEMBER 5th, 1942.

R. S. Duck

Register.

3

Received in Sheriff's Office
this 12 day of Oct., 1942
W. R. STUART, Sheriff.

Executed by serving a copy of
the within Bill of Complaints on
Frank B. Nihart, as Trustee for the
Edwin B. Winegar Land Syndicate,
October 15th, 1942, and on the
22 day of Oct. 1942 I served a
copy of the amended Bill of
Complaint, on Southern
Plantation Development Company
a Corporation, by serving a copy
on Pearl H. Baker, as Secretary
and Pearl H. Baker, individually
and as a member of the
Edwin B. Winegar Land
Syndicate.

W. R. Stuart, Sheriff
By B. F. Kucina, D.S.

828 RECORDED

AMENDMENT TO BILL OF COMPLAINT

RECORDED

DENNISTON-BOYKIN COMPANY, INC.
et al,

Complainants,

-VS-

BERTHA S. WILSEY, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

FILED OCTOBER 12, 1942.

R. Deak
Register.

1942

1942

~~RECORDED~~
ANSWER.
~~RECORDED~~
~~RECORDED~~

DENNISTON-BOYKIN COMPANY, INC.,
A Corporation, et al,

Complainants,

Vs.

BERTHA S. WILSEY, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

FILED OCTOBER 17, 1942.

T. S. Luck
Register.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1st Div., No. 210,

Pearl C. Baker, Appellant,

vs.

Denniston-Boykin Co., et al., Appellee,s

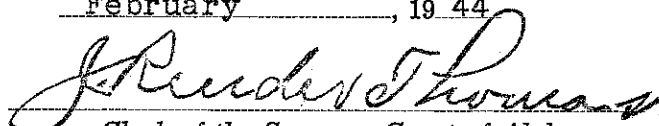
From Circuit Court.

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

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

Witness, J. Render Thomas, Clerk of the Supreme
Court of Alabama, this the 24th day of

February, 19 44


Clerk of the Supreme Court of Alabama.

DENNISTON-BOYKIN COMPANY, ET AL,) IN THE CIRCUIT COURT OF
Complainants,) BALDWIN COUNTY, ALABAMA
VS.)
LANDS DESCRIBED IN THE BILL,) IN EQUITY
ET AL,)
Respondents.) CASE NO. 828

MOTION TO CORRECT CLERICAL
MISTAKE IN DECREE

Comes now the Petitioner, O. H. DELCHAMPS, by his attorney, E. G. RICKARBY, and moves this Honorable Court to correct the clerical mistake appearing in the final decree of this Court in the captioned case dated the 13th day of March, 1943 and recorded in Deed Book 78, page 521, Probate Court Records, Baldwin County, Alabama so that the decree will refer to the Northeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 22, Township 5 South, Range 5 East, Baldwin County, Alabama instead of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of Section 22, Township 5 South, Range 5 East as appears in said decree, and for grounds of said motion says as follows:

That on, to-wit, March 10th, 1961, he purchased the Northeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 22, Township 5 South, Range 5 East, from Malbis Memorial Foundation by instrument which is recorded in the Probate Court of Baldwin County, Alabama;

That Malbis Memorial Foundation acquired this property from Malbis Memorial Foundation, as Trustee under Item 5 of the will of George Marinos, deceased, by instru-

ment dated June 9, 1960 and recorded in Deed Book 293, page 32;

That George Marinos acquired said property from S. M. Adams, Inc. by deed dated December 20, 1950 and recorded in Deed Book 161, page 242; that S. M. Adams, Inc. acquired this property from Baldwin Timber & Naval Stores Company, Inc. and Denniston-Boykin Company, Inc. by deed dated November 25, 1950 and recorded in Deed Book 161, page 268; that Denniston-Boykin Company, Inc. acquired this property from George A. Sossaman by deed dated July 12, 1937 and recorded in Deed Book 62, page 415 and later conveyed an undivided one-third interest in said property to Baldwin Timber & Naval Stores Company, Inc. by deed dated June 23, 1939 and recorded in Deed Book 70, page 68; that George A. Sossaman acquired the property by tax deed from the State of Alabama, dated January 23, 1932 and recorded in Deed Book 51, page 504, which tax deed resulted from a tax sale on May 27, 1929 to the State of Alabama, which is recorded in Sales Book 7, page 60;

That each of the above listed conveyances describes the property correctly as the Northeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 22, Township 5 South, Range 5 East, Baldwin County, Alabama;

That on May 28, 1942 Denniston-Boykin Company, Inc. and Baldwin Timber & Naval Stores Company filed a bill of complaint against Bertha S. Wilsey, et al in the Circuit Court of Baldwin County, Alabama in Equity (Case No. 828), which said bill of complaint is recorded in Final Record 8, page 277, and which said bill of complaint described, among other lands, the Northeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 22, Township 5 South, Range 5 East, Baldwin County, Alabama

and that this property, again correctly described, appeared in the notice required by law in the Baldwin County Times, Bay Minette, Alabama on June 25, 1942, July 2, 1942, July 9, 1942 and July 16, 1942 and likewise appeared, correctly described, in other documents involved in said suit;

That in the final decree in said cause dated the 18th day of March, 1943 and recorded in Deed Book 78, page 521, which said decree was signed by F. W. Hare, Judge, the property was incorrectly described as the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of Section 22, Township 5 South, Range 5 East instead of the Northeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 22, Township 5 South, Range 5 East; that Denniston-Boykin Company, Inc. and Baldwin Timber & Naval Stores Company, Inc. claimed to own no property in the Northeast Quarter of Section 22, Township 5 South, Range 5 East which was involved in said lawsuit and that in no instrument other than said final decree is the property incorrectly described;

That Rule 63 of the Alabama Equity Rules provides as follows:

"Clerical mistakes in decrees, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the Court at any time or of its own initiative or on the motion of any party after such notice, if any, as the Court orders";

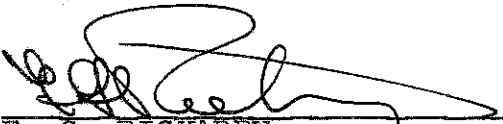
WHEREFORE, Petitioner, as present owner of the property described as the Northeast Quarter of the Northwest Quarter of the Southeast Quarter, Section 22, Township 5 South, Range 5 East, respectfully prays that the error appearing in said final decree be corrected by the Court without notice required to be given to any party.

FILED

JAN 21 1962

ALICE L. DUCK, CLERK
REGISTER

158


E. G. RICKARBY,
Attorney for O. H. Delchamps,
Petitioner

1

N O T I C E

In the Circuit Court of Baldwin County, Alabama, in Equity,
Case No. 828; Denniston-Boykin Company, Inc., a corporation,
and Baldwin Timber & Naval Stores Company, Inc., a corporation, Com-
plainants, vs. Lands Described in the Bill of Complaint, and against
~~Bertha S. Wilsey~~, individually and as executrix of and sole devisee
under the will of R. E. Wilsey, deceased, 1100 Sheridan Road, Evanston,
Illinois; ~~First National Bank of Mobile~~, a National Banking Association,
individually and as executor of and trustee under the will of Aaron
Lowenstein, deceased, Mobile, Alabama; ~~Tensas Land Company~~, a corpora-
tion, Mobile, Alabama; ~~John W. Daves~~, individually and as surviving
partner of the firm of Industrial Finance Company, a co-partnership,
120 South Commerce Street, Mobile, Alabama; ~~James F. Daves, Jr.~~, 25
Blacklawn, Mobile, Alabama; ~~June Daves~~, 25 Blacklawn, Mobile, Alabama;
~~and Agnes Lartigue Daves~~, 25 Blacklawn, Mobile, Alabama; ~~Southern~~
Plantation Development Company, a corporation, whose Secretary is
alleged, on information and belief, to be Pearl G. Baker, Foley,
Alabama; the heirs, representatives and devisees of and all persons
claiming under Calvin N. Souther, deceased, whose addresses are un-
known; ~~Floyd R. Perkins~~, individually and as trustee for the "Syndicate",
7433 Crandon Avenue, Chicago, Illinois, and all unknown members of
said Syndicate and all persons claiming under said Floyd R. Perkins,
individually and as trustee as aforesaid, and all persons claiming
under
/said unknown members of said Syndicate, addresses unknown; Mrs. M. M.
Winegar, Mona Winegar, Harriett N. Winegar and all other heirs,
representatives and devisees of and all other persons claiming under
Edwin F. Winegar, deceased, addresses unknown; Guy W. French, indi-
vidually and as trustee for the proposed Wyobama Oil Syndicate, and
all unknown members of said syndicate and all persons claiming under
said Guy W. French, individually and as trustee as aforesaid, and all
persons claiming under said unknown members of said syndicate, addresses
unknown; Irene Christine Asmus, who is alleged, on information and
belief, to be a non-resident of the State of Alabama, but whose address
is unknown, and all other heirs, representatives and devisees of and
all other persons claiming under George Asmus, deceased, addresses
unknown, and all persons claiming under said Irene Christine Asmus,
addresses unknown; ~~W. D. Owens~~, Atmore, Alabama; ~~Allan G. Gilmour~~,

2

5800 Winthrop Avenue, Chicago, Illinois;) La Vonie A. Hamm, individually and as trustee under the will of Thomas P. Hamm, deceased, Thomas P. Hamm, Jr., Marguerite Hamm Borden, Ruth Hamm Piper and all other heirs, representatives and devisees of and all other persons claiming under Thomas P. Hamm, deceased, addresses unknown; and any and all persons claiming under it, Alabama Tobacco Company, a corporation, /addresses unknown; Alabama Sumatra & Havana Tobacco Company, a corporation, ~~XXXXXXXXXXXX~~ and any and all persons claiming under it, addresses unknown; Juanita E. Stewart and all other heirs, representatives and devisees of and all other persons claiming under James F. Stewart, deceased, addresses unknown; Emanuel¹² Davidson, Bay Minette, Alabama; H. L. Taylor, also sometimes called H. S. Taylor, Robertsdale, Alabama; Hiram¹⁴ C. Taylor, as trustee for Taylor-Lowenstein & Company, a co-partnership, 56 North Commerce Street, Mobile,) Alabama; Thomas J. Taylor and Sydney Lowenstein, individually and as surviving partners of the firm of Taylor-Lowenstein & Company, a co-partnership, 56 North Commerce Street, Mobile, Alabama; T. W.¹⁷ Richerson, 27 South Lafayette Street, Mobile, Alabama; Bruce¹⁸ Etheridge, 216 B. Street, Pensacola, Florida;) (Jacob¹⁹ Schang; Lillian, Alabama;) Grover Boyington, Robertsdale, Alabama;) R. Knight, address unknown; Alexander P. Baker, Elinora T. Baker, John W. Baker, Mollie L. Weir, M. A. Reynolds, Margaret M. Mims, Sallie W. Stone, Robert Baker and William L. Baker, and all other heirs, representatives and devisees of and all persons claiming under Robert A. Baker, deceased, addresses unknown; the heirs, representatives^{and devisees} /of and all persons claiming under Stephen M. Potts, deceased, addresses unknown; the heirs, representatives^{and devisees} /of and all persons claiming under James T. Holtzclaw, deceased, addresses unknown; the heirs, representatives^{and devisees} /of and all persons claiming under George Robbins, deceased, addresses unknown; the heirs, representatives^{and devisees} /of and all persons claiming under Louis Bahr, deceased, addresses unknown; the heirs, representatives^{and devisees} /of and all persons claiming under Rush Taylor, deceased, addresses unknown; the heirs, representatives^{and devisees} /of and all persons claiming under Andrew J. Taylor, deceased, addresses unknown; H. S. Derby and all persons claiming under him, Fred Harford and all persons claiming under him, R. D. Byrne and all persons claiming under him, C. W. Worthington and all persons claiming under him, Elijah S. Taylor and all persons claiming under him, Alice C. Taylor

and all persons claiming under her, Thomas P. Miller and all persons claiming under him, Rudolphus D. Williams and all persons claiming under him, John W. Miller and all persons claiming under him, Charles B. Miller and all persons claiming under him, George E. Miller and all persons claiming under him, Edward C. Miller and all persons claiming under him, Henry L. Miller and all persons claiming under him, Mary L. Timney and all persons claiming under her, the addresses of all of whom are unknown; the heirs, representatives/^{and devisees} of and all persons claiming under Samuel Timney, also sometimes called Samuel Timney, deceased, addresses unknown; the heirs, representatives/^{and devisees} of and all persons claiming under Apphia B. Lea, deceased, addresses unknown; the heirs, representatives/^{and devisees} of and all persons claiming under Moses R. Denning, deceased, addresses unknown; the heirs, representatives/^{and devisees} of and all persons claiming under Alex Johnson, deceased, addresses unknown; (²¹James K. Clarke, Foley), (Alabama; John D. Clarke, ²³Darien, Georgia), Daniel Pettigrew, and all persons claiming under him, addresses unknown; Mary M. Queal and all other heirs, representatives and devisees of and all other persons claiming under Luke Queal, deceased, addresses unknown; J. D. Curtis and all persons claiming under him, addresses unknown; Edwin F. Winegar Land Syndicate and all unknown members thereof, and H. W. Terry, William Rottermund, D. A. Baker, C. H. Johnston, K. M. Wease and (¹Pearl G. Baker, individually and as members of said Edwin F. Winegar Land Syndicate) and as representatives of all other unknown members thereof, and all persons claiming under them and under said syndicate, the addresses of all of ~~whom~~ whom except Pearl G. Baker are unknown, the address of the said Pearl G. Baker being Foley, Alabama; and A. J. Zech and all persons claiming under him, addresses unknown; and against any and all persons, firms or corporations claiming any title to, interest in, or lien or encumbrance on said lands or any part thereof, Respondents.

Notice is hereby given that Denniston-Boykin Company, Inc., a corporation, and Baldwin Timber & Naval Stores Company, Inc., a corporation, on the 28th day of May, 1942, filed a bill of complaint in the Circuit Court of Baldwin County, Alabama, claiming to be in the actual, peaceable possession of, ~~xxxxxxx~~ and claiming to own absolutely and in fee simple, with an undivided two-thirds

interest vested in said Denniston-Boykin Company, Inc., and with an undivided one-third interest vested in said Baldwin Timber ~~and~~ & Naval Stores Company, Inc., the following described lands situated in Baldwin County, ~~Alabama~~ State of Alabama, to-wit:

~~... situated in the County of ...~~

North half of Northeast quarter of Southwest quarter; and East half of Southwest quarter of Southwest quarter of Section 2, Township 5 South, Range 4 East, containing 50.57 acres, according to the official plat of the Government Survey thereof.

West half of Northeast quarter; and Northeast quarter of Northwest quarter of Section 12, Township 5 South, Range 4 East, containing 119.75 acres, according to the official plat of the Government Survey thereof.

Southwest quarter of Northeast quarter; Northeast quarter of Southwest quarter; and Northwest quarter of Southeast quarter of Section 24, Township 5 South, Range 4 East, containing 119.82 acres, according to the official plat of the Government Survey thereof.

South half of southeast quarter of Northeast quarter of Southeast quarter of Section 25, Township 5 South, Range 4 East, containing 4.52 acres, according to the official plat of the Government Survey thereof.

Southeast quarter of Northwest quarter; South half of Southwest quarter; Northeast quarter of Southwest quarter and North half of Southeast quarter of Section 7, Township 5 South Range 5 East, containing 279.16 acres, according to the official plat of the Government Survey thereof.

South half of Northeast quarter of Southeast quarter of Northeast quarter; Southwest quarter of Southwest quarter of Northeast quarter; and South half of Southwest quarter of Southeast quarter of Northeast quarter of Section 9, Township 5 South, Range 5 East, containing 20.01 acres, according to the official plat of the Government Survey thereof.

North half of Northeast quarter of Northwest quarter; Southwest quarter of Northeast quarter of Northwest quarter; East half of Southwest quarter of Northwest quarter; Northwest quarter of Southwest quarter of Northwest quarter; and North half of Southwest quarter of Southwest quarter of Northwest quarter of Section 10, Township 5 South, Range 5 East, containing 64.52 acres, according to the official plat of the Government Survey thereof.

North half of Northeast quarter; Southwest quarter of Northeast quarter; North half of Northeast quarter; South half of Southwest quarter and Northeast quarter

6

of Southeast Quarter of Section 16, Township 5 South, Range 5 East, containing 380.56 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter of Northwest Quarter of Northeast Quarter; West half of Northwest Quarter of Northeast Quarter; North half of Northeast Quarter of Southwest Quarter of Northeast Quarter; South half of Southwest Quarter of Northeast Quarter; East half of Northwest Quarter; Northwest Quarter of Northwest Quarter; East half of Southwest Quarter and Southeast Quarter of Section 16, Township 5 South, Range 5 East, containing 414.27 acres, according to the official plat of the Government Survey thereof.

North half; Northeast Quarter of Southwest Quarter; Southwest Quarter of Southwest Quarter of Southwest Quarter of Southeast Quarter of Section 20, Township 5 South, Range 5 East, containing 440.00 acres, according to the official plat of the Government Survey thereof.

Northwest Quarter of Northeast Quarter; North half of Northwest Quarter and North half of Southeast Quarter of Northwest Quarter of Section 21, Township 5 South, Range 5 East, containing 140.00 acres, according to the official plat of the Government Survey thereof.

Southwest Quarter of Northwest Quarter; Northeast Quarter of Northwest Quarter of Southeast Quarter; South half of Northwest Quarter of Southeast Quarter; and Northwest Quarter of Northeast Quarter of Southeast Quarter of Section 22, Township 5 South, Range 5 East, containing 79.50 acres, according to the official plat of the Government Survey thereof.

Northwest Quarter of Northeast Quarter; Southwest Quarter of Northwest Quarter of Section 23, Township 5 South, Range 5 East, containing 79.95 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter of Northeast Quarter; South half of Northeast Quarter; and East half of Northwest Quarter of Section 24, Township 5 South, Range 5 East, containing 200.65 acres, according to the official plat of the Government Survey thereof.

North half of Northeast Quarter of Northeast Quarter of Section 27, Township 5 South, Range 5 East, containing 19.95 acres, according to the official plat of the Government Survey thereof.

North half of North half of Northwest Quarter of Northeast Quarter; South half of Northwest Quarter of Northwest Quarter of Northeast Quarter; South half of Southwest Quarter of Northeast Quarter; North half of Northwest Quarter of Southwest Quarter of Northeast Quarter; South half of Northeast Quarter of Southwest Quarter of Northeast Quarter; West half of Southeast Quarter of Northeast Quarter; Southeast Quarter of Southeast Quarter of Northeast Quarter; East half of Northwest Quarter of Southeast Quarter; Southeast Quarter of Northeast Quarter of Southeast Quarter; West half of Southwest Quarter of Southeast Quarter; and East half of Southeast Quarter of Southeast Quarter of Section 28, Township 5 South, Range 5 East, containing 144.90 acres, according to the official plat of the Government Survey thereof.

West half of Northeast Quarter; Northeast Quarter of Northwest Quarter of Section 29, Township 5 South, Range 5 East, containing 120.78 acres, according to the official plat of the Government Survey thereof.

West half of Northeast Quarter of Northwest Quarter; North half of Northeast Quarter of Northeast Quarter of Northwest Quarter; South half of Southeast Quarter of Northeast Quarter of Northwest Quarter; South half of South half of Northwest Quarter of Southeast Quarter of Section 30, Township 5 South, Range 5 East, containing 40.07 acres, according to the official plat of the Government Survey thereof.

Southwest Quarter of Northeast Quarter of Section 26, Township 6 South, Range 3 East, containing 40.18 acres, according to the official plat of the Government Survey thereof.

Southwest Quarter of Northwest Quarter of Section 28, Township 6 South, Range 3 East, containing 39.97 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter of Northeast Quarter of Section 34, Township 6 South, Range 3 East, containing 40.12 acres, according to the official plat of the Government Survey thereof.

West half of Northwest Quarter of Northwest Quarter of Section 35, Township 6 South, Range 3 East, containing 19.89 acres, according to the official plat of the Government Survey thereof.

Southeast Quarter of Southeast Quarter of Southwest Quarter of South half of Southeast Quarter of Section 1, Township 6 South, Range 4 East, containing 89.06 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter of Northwest Quarter of Section 3, Township 6 South, Range 4 East, containing 40.04 acres, according to the

official plat of the Government Survey thereof.

South half of Northwest quarter of Northwest quarter of Section 4, Township 3 South, Range 4 East, containing 25.01 acres, according to the official plat of the Government Survey thereof.

North half of Northeast quarter of Southeast quarter; North half of South half of Northeast quarter of Southeast quarter; South half of Southeast quarter of Northwest quarter of Southeast quarter; Northeast quarter of Northwest quarter of Southeast quarter, South half of Southwest quarter of Northwest quarter of Southeast quarter of South half of South half of Southwest quarter of Southeast quarter of Section 11, Township 3 South, Range 4 East, containing 28.42 acres, according to the official plat of the Government Survey thereof.

Northeast quarter of Northeast quarter; North half of Southeast quarter of Northeast quarter; Southeast quarter of Southeast quarter of Northeast quarter; Northwest quarter of Northwest quarter of Northwest quarter; Northwest quarter of Southwest quarter; South half of Southwest quarter; Northeast quarter of Southeast quarter; and East half of Southeast quarter of Southeast quarter of Section 12, Township 3 South, Range 4 East, containing 250.03 acres, according to the official plat of the Government Survey thereof.

Southwest quarter of Northeast quarter; North half of Southwest quarter; Southeast quarter of Southwest quarter; and Southeast quarter of Section 13, Township 3 South, Range 4 East, containing 312.03 acres, according to the official plat of the Government Survey thereof.

North half of Southwest quarter of Northeast quarter; North half of South half of Southwest quarter of Northeast quarter; Southwest quarter of Northeast quarter; Southeast quarter of Southwest quarter of Northwest quarter; North half of Southeast quarter of Northwest quarter; Southwest quarter of Southwest quarter of Northwest quarter; and North half of Northwest quarter of Southwest quarter of Section 14, Township 3 South, Range 4 East, containing 151.13 acres, according to the official plat of the Government Survey thereof.

Northeast quarter of Northeast quarter of Section 24, Township 3 South, Range 4 East, containing 40.13 acres, according to the official plat of the Government Survey thereof.

East half of southeast quarter of Northeast quarter; North half of Southwest quarter of Northeast quarter; Southwest quarter of Southwest quarter of Northeast quarter; South half of Southwest quarter of Southwest quarter; East half of Northeast quarter of Southwest quarter; and Southwest quarter of Southwest quarter of Southwest quarter of Section 25, Township 6 South, Range 4 East, containing 100.84 acres, according to the official plat of the Government survey thereof.

Northeast quarter of Northeast quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East, containing 10.00 acres, according to the official plat of the Government survey thereof.

South half of the Northeast quarter of Northeast quarter of Southwest quarter; North half of South half of Northeast quarter of Southwest quarter; South half of Southwest quarter of Northeast quarter of Southwest quarter of Section 29, Township 6 South, Range 4 East, containing 21.01 acres, according to the official plat of the Government survey thereof.

Northeast quarter of Northeast quarter of Northeast quarter; North half of southeast quarter of Northeast quarter of Northeast quarter; South half of Northeast quarter of Southwest quarter of Northeast quarter; East half of southeast quarter of Northeast quarter of Section 30, Township 6 South, Range 4 East, containing 60.55 acres, according to the official plat of the Government survey thereof.

North half of southwest quarter of Northwest quarter; North half of southeast quarter of Southwest quarter of Northeast quarter of Section 34, Township 6 South, Range 4 East, containing 24.75 acres, according to the official plat of the Government survey thereof.

Northwest quarter of Northeast quarter; and Northeast quarter of Southwest quarter of Northeast quarter of Section 36, Township 6 South, Range 4 East, containing 30.20 acres, according to the official plat of the Government survey thereof.

Southwest quarter; and North half of Southwest quarter of Section 1, Township 6 South, Range 5 East, containing 221.00 acres, according to the official plat of the Government survey thereof.

Southeast Quarter of Southwest Quarter of Section 4, Township 6 South, Range 5 East, containing 40.15 acres, according to the official plat of the Government Survey thereof.

East half of Northwest Quarter of Northwest Quarter; East half of Northwest Quarter of Southwest Quarter; North half of Northeast Quarter of Southwest Quarter and South half of South half of Southwest Quarter of Southeast Quarter of Section 6, Township 6 South, Range 5 East, containing 70.12 acres, according to the official plat of the Government Survey thereof.

North half of Northeast Quarter of Northwest Quarter; North half of South half of Northeast Quarter of Northwest Quarter; South half of Southwest Quarter of Northeast Quarter of Northwest Quarter; West half of Northwest Quarter of Northwest Quarter; West half of Southwest Quarter of Northwest Quarter; Southeast Quarter of Southwest Quarter of Northwest Quarter; West half of Northwest Quarter of Southwest Quarter; South half of Southeast Quarter of Northwest Quarter of Southwest Quarter of Section 7, Township 6 South, Range 5 East, containing 110.51 acres, according to the official plat of the Government Survey thereof.

Southeast Quarter of Southwest Quarter of Section 8, Township 6 South, Range 5 East, containing 40.28 acres, according to the official plat of the Government Survey thereof.

West half of Northwest Quarter of Section 12, Township 6 South, Range 5 East, containing 79.74 acres, according to the official plat of the Government Survey thereof.

Northwest Quarter of Southeast Quarter; South half of Southeast Quarter; East half of Southwest Quarter; and Southwest Quarter of Southwest Quarter of Section 13, Township 6 South, Range 5 East, containing 240.12 acres, according to the official plat of the Government Survey thereof.

West half of East half; East half of West half of Section 14, Township 6 South, Range 5 East, containing 322.26 acres, according to the official plat of the Government Survey thereof.

West half of Northeast Quarter of Northeast Quarter; South half of Northeast Quarter; West half of Northwest Quarter North half of Northwest Quarter of Southwest Quarter; Southwest Quarter of Southwest Quarter; and West half of Southeast Quarter of Southeast Quarter of Section 15, Township 6 South, Range 5 East, containing 261.56 acres, according to the official plat of the Government Survey thereof.

Northwest Quarter of Northeast Quarter;
West half of Northeast Quarter of Northeast Quarter;
North half of Northeast Quarter of Northeast Quarter of Northeast Quarter, and South Half of Southeast Quarter of Northeast Quarter of Northeast Quarter of Section 17, Township 6 South, Range 5 East, containing 80.76 acres, according to the official plat of the Government Survey thereof.

West half of Northwest Quarter; Northwest Quarter of Southwest Quarter; South half of South half of Section 18, Township 6 South, Range 5 East, containing 279.86 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter; East half of Northwest Quarter; Northwest Quarter of Northwest Quarter; North half of Southwest Quarter of Northwest Quarter; North half of Northeast Quarter of Southeast Quarter; Southwest Quarter of Northeast Quarter of Southeast Quarter; North half of Northeast Quarter of Southeast Quarter of Southeast Quarter; Southwest Quarter of Southeast Quarter of Southeast Quarter; South half of Southeast Quarter of Southeast Quarter of Southeast Quarter; North half of Southwest Quarter of Southwest Quarter; South half of Northwest Quarter of Southeast Quarter of Southwest Quarter; Southwest Quarter of Southeast Quarter of Southwest Quarter; and South half of Southeast Quarter of Southeast Quarter of Southwest Quarter of Section 19, Township 6 South, Range 5 East, containing 387.55 acres, according to the official plat of the Government Survey thereof.

North half of Southeast Quarter; Southwest Quarter of Southeast Quarter; East half of Southeast Quarter of Southeast Quarter; and South half of Southwest Quarter of Southeast Quarter of Southeast Quarter of Section 20, Township 6 South, Range 5 East, containing 146.57 acres, according to the official plat of the Government Survey thereof.

North half of North half of Northeast Quarter of Southwest Quarter; North half of Southwest Quarter of Northeast Quarter of Southwest Quarter, North half of North half of Northwest Quarter of Southwest Quarter; South half of Northeast Quarter of Northwest Quarter of Southwest Quarter; South half of Northeast Quarter of Southeast Quarter of Southwest Quarter; South half of South half of Southwest Quarter of Southwest Quarter; North half of Southeast Quarter of Southwest Quarter of Southwest Quarter of Section 21, Township 6 South, Range 5 East, containing 50.34 acres, according to the official plat of the Government Survey thereof.

North half of Southeast Quarter of Section 23, Township 6 South, Range 5 East, containing 80.50 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter; Southwest Quarter of Section 24, Township 6 South, Range 5 East, containing 321.28 acres, according to the official plat of the Government Survey thereof.

Southeast Quarter of Southwest Quarter; West half of Southwest Quarter of Southeast Quarter of Section 25, Township 6 South, Range 5 East, containing 60.45 acres, according to the official plat of the Government Survey thereof.

South half of Northeast Quarter; South half of Section 26, Township 6 South, Range 5 East, containing 402.37 acres, according to the official plat of the Government Survey thereof.

Northwest Quarter of Section 27, Township 6 South, Range 5 East, containing 159.87 acres, according to the official plat of the Government Survey thereof.

East half of Northwest Quarter of Northeast Quarter; Northeast Quarter of Northwest Quarter of Southwest Quarter; North half of Southwest Quarter of Northwest Quarter of Southwest Quarter; East half of Southeast Quarter of Southwest Quarter of Section 28, Township 6 South, Range 5 East, containing 55.35 acres, according to the official plat of the Government Survey thereof.

Southeast Quarter of Northwest Quarter of Southeast Quarter; Southwest Quarter of Southeast Quarter of Southwest Quarter; and South half of Southeast Quarter of Southeast Quarter of Southwest Quarter of Section 29, Township 6 South, Range 5 East, containing 25.52 acres, according to the official plat of the Government survey thereof.

Northeast Quarter of Northeast Quarter of Northeast Quarter; South half of Northeast Quarter of Northeast Quarter; South half of Northwest Quarter of Northwest Quarter of Northeast Quarter; North half of Southwest Quarter of Northwest Quarter of Northeast Quarter; Southeast Quarter of Southwest Quarter of Northeast Quarter; Southwest Quarter of Northwest Quarter; Southeast Quarter of Southwest Quarter; Southwest Quarter of Southeast Quarter; West half of Southeast Quarter of Southeast Quarter; South half of Southeast Quarter of Southeast Quarter of Southeast Quarter of Section 30, Township 6 South, Range 5 East, containing 193.94 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter of Northeast Quarter of Southeast Quarter; South half of Northwest Quarter of Northeast Quarter of Southeast Quarter of Section 35, Township 6 South, Range 5 East, containing 15.46 acres, according to the official plat of the Government Survey thereof.

Northwest Quarter of Northwest Quarter of Northwest Quarter; South half of Northeast Quarter of Northwest Quarter of Northwest Quarter of Section 36, Township 6 South, Range 5 East, containing 15.00 acres, according to the official plat of the Government Survey thereof.

Southwest Quarter of Southwest Quarter of Section 20, Township 6 South, Range 6 East, containing 39.77 acres, according to the official plat of the Government Survey thereof.

East half of Northeast Quarter of Northwest Quarter of Section 30, Township 6 South, Range 6 East, containing 19.83 acres, according to the official plat of the Government Survey thereof.

Northwest Quarter of Northeast Quarter; West half of Southeast Quarter of Northeast Quarter; East half of Northeast Quarter of Southwest Quarter; West half of Southwest Quarter of Southeast Quarter of Section 31, Township 6 South, Range 6 East, containing 98.60 acres, according to the official plat of the Government Survey thereof.

All of the foregoing lands are described with reference to the 31st parallel of North Latitude and the St Stephens Meridian and contain in the aggregate 8143.26 acres, according to the Official Plats of the Government Survey thereof.

All Section 1, Township 5 South, Range 4 East, except Northeast Quarter of Northeast Quarter, containing 599.55 acres.

Northeast Quarter of Southeast Quarter of Northwest Quarter; South half of Northwest Quarter of Southeast Quarter of Northwest Quarter and Southwest Quarter of Southeast Quarter of Northwest Quarter of Section 2, Township 5 South, Range 4 East, containing 24.92 acres.

Northwest Quarter of Northwest Quarter of Section 27, Township 5 South, Range 5 East, containing 40 acres more or less.

Southwest Quarter of Southwest Quarter ; Southwest Quarter of Southeast Quarter of Southwest Quarter; South half of Northeast Quarter of Southeast Quarter of Southwest Quarter; North half of Southeast Quarter of Southeast Quarter of Southwest Quarter of Section 5, Township 6 South, Range 5 East, containing 60.19 acres.

That there is excepted from the above described property the following lands, which have been conveyed to Baldwin County for road purposes:

(a). A strip of land twenty feet wide running from the West line East across the West Half of Southwest Quarter of Southeast Quarter of Section 31, Township 6 South Range 6 East, the South line of said strip being the South line of said described land and the North line of said strip being twenty feet North of said South line and parallel therewith.

(b). A strip of land twenty feet wide running East and West on the South line of the Southeast Quarter of Southwest Quarter of Section 4, Township 6 South Range 5 East.

(c). A strip of land fifteen feet in width from North to South, running East and West across the South line of the Southwest Quarter of Northeast Quarter of Section 12, Township 5 South Range 4 East.

(d). A strip of land twenty feet wide, running North and South on the East line of the East Half of Southeast Quarter of Southeast Quarter of Section 2; a strip of land twenty feet wide, running North and South on the West line of the Northwest Quarter of Southeast Quarter of Section 20; a strip of land twenty feet wide, running North and South on the West line of the South Half of South Half of Southwest Quarter of Southwest Quarter of Section 21; a strip of land twenty feet wide, running North and South on the West line of the North Half of Southwest Quarter of Northwest Quarter of Southwest Quarter of Section 28; a strip of land forty feet wide, running East and West on the line between the North Half of Southeast Quarter and the Southwest Quarter of Southeast Quarter and East Half of Southeast Quarter of Section 20; all in Township 6 South Range 5 East.

And there is also excepted from the lands against which this proceeding is brought, a certain right of way which has been granted to the Baldwin County Electric Membership Corporation, a corporation, by instrument dated January 21, 1939, and recorded in Deed Book 70, page 18, of the Baldwin County Probate Records, over the Southwest Quarter of the Northeast of Section 26, Township 6 South, Range 5 East, Baldwin County, Alabama.

Complainants allege in their bill of complaint that they obtained and acquired the legal title to said lands under and by virtue of the following deeds, and ^{that} their title to and interest in said lands so stands upon the Probate Records of Baldwin County, Alabama:

16

SIXTH

~~That your Grators claim to own the above described lands, except as to the rights of way noted in the preceding paragraph hereof, absolutely and in fee simple, with an undivided two-thirds interest vested in said Dominion-Baykin Company, Inc., and with an undivided one-third interest vested in said Baldwin Timber & Naval Stores Company, Inc., and that they are in the actual, possessible possession of said lands and no suit is pending to test their title to, interest in, or their right to the possession of such lands.~~

SEVENTH

~~That your Grators obtained and acquired the legal title to said lands under and by virtue of the following deeds and their title and interest in said lands so stands upon the Probate Records of Baldwin County, Alabama:~~

- (a) That certain deed executed by George A. Sossaman, unmarried, individually, and as trustee, on, to-wit, July 12, 1937, recorded in Deed Book 62, pages 415-417, of the Baldwin County Probate Records;
- (b) That certain deed from the State of Alabama, executed by Henry S. Long, State Land Commissioner, on, to-wit, November 4, 1937, recorded in Deed Book 64, page 140, of the Baldwin County Probate Records;
- (c) That certain deed from the State of Alabama, executed by Henry S. Long, State Land Commissioner, on, to-wit, November 4, 1937, recorded in Deed Book 64, page 142, of the Baldwin County Probate Records;
- (d) That certain deed from the State of Alabama, executed by Henry S. Long, State Land Commissioner, on, to-wit, November 4, 1937, recorded in Deed Book 64, page 137, of the Baldwin County Probate Records;
- (e) That certain deed executed by T. J. Rester and Helen M Rester, his wife, on, to-wit, June 26, 1939, recorded in Deed Book 70, pages 63-66, of the Baldwin County Probate Records;
- (f) That certain deed executed by W. D. Stapleton and Leila Stapleton, his wife, on, to-wit, January 29, 1942, recorded in Deed Book 77 page 180 of the Baldwin County Probate Records;

Complainants further allege in their bill of complaint that they, or one of them, or their agents, have been in possession of all of said lands since the year 1932, and that complainants do not know who, if anyone, was in possession thereof prior to that time; and complainants further allege in their bill of complaint that the taxes upon said lands, during the ten years next preceding the filing of said bill of complaint, have been assessed and paid

as follows:

(12)

17

- (a) That certain deed executed by Frank W. Boykin and Oella Boykin, his wife, L. S. Denniston and Florence P. Denniston, his wife, and by George A. Sorenson individually and as trustee for Frank W. Boykin, L. S. Denniston, Denniston-Boykin Company, Inc., and for Martha Wilsey, a widow, executrix of and sole devisee under the will of M. E. Wilsey, deceased, and by Dorothy R. Soudan, wife of said George A. Sorenson, and also by E. J. Hunter and Helen A. Hunter, his wife and, to-wit, October 23, 1941, recorded in Deed Book 77 pages 176-177, of the Baldwin County Probate Records;
- (b) That certain deed executed by Denniston-Boykin Company, Inc., and by Baldwin Timber & Lumber Stores Company, Inc., as, to-wit, March 11, 1942, recorded in Deed Book 77 page 178-180, of the Baldwin County Probate Records;
- (c) That certain deed executed by Laura B. Owen and E. D. Owen, her husband, as, to-wit, October 28, 1938, recorded in Deed Book 70, page 400, of the Baldwin County Probate Records;
- (d) That certain deed executed by Denniston-Boykin Company, Inc., to Baldwin Timber & Lumber Stores Company, Inc., as, to-wit, June 25, 1940, recorded in Deed Book 70, page 40, of the Baldwin County Probate Records.

Northeast Quarter of Southwest Quarter
of Section 13, Township 6 South, Range 5
East.

South half of Southwest Quarter of Section
13, Township 6 South, Range 5 East.

West half of Southeast Quarter of Section
13, Township 6 South, Range 5 East.

West half of Northeast Quarter of Section
14, Township 6 South, Range 5 East.

East half of Northwest Quarter of Section
14, Township 6 South, Range 5 East.

West half of Northeast Quarter of Northeast
Quarter of Section 16, Township 6 South,
Range 5 East.

West half of Northwest Quarter of Section
16, Township 6 South, Range 5 East.

South half of Northeast Quarter of Section
16, Township 6 South, Range 5 East.

North half of Northwest Quarter of South-
west Quarter of Section 16, Township 6 South,
Range 5 East.

Southwest Quarter of Southwest Quarter of
Section 16, Township 6 South, Range 5 East.

West half of Southeast Quarter of Southeast
Quarter of Section 16, Township 6 South,
Range 5 East.

Northwest Quarter of Northeast Quarter;
West half of Northeast Quarter of North-
east Quarter;
North half of Northeast Quarter of North-
east Quarter of Northeast Quarter, and South
Half of Southeast Quarter of Northeast Quarter
of Northeast Quarter of Section 17, Township
6 South, Range 5 East..

North half of Northeast Quarter of Southeast
Quarter of Southeast Quarter of Section 19,
Township 6 South, Range 5 East.

South half of Southeast Quarter of Southeast
Quarter of Southeast Quarter of Section 19,
Township 6 South, Range 5 East.

Southwest Quarter of Southeast quarter of
Southeast Quarter of Section 19, Township
6 South, Range 5 East.

Northwest Quarter of Northeast Quarter of
Section 24, Township 6 South, Range 5 East.

West half of Northwest Quarter of Section 27,
Township 6 South, Range 5 East.

Southeast Quarter of Northwest Quarter of
Section 27, Township 6 South, Range 5 East.

Northeast Quarter of Northeast Quarter of
Northeast Quarter of Section 30, Township
6 South, Range 5 East.

South half of Northwest quarter of Northwest quarter of Section 30, Township 6 South, Range 3 East.

Southwest quarter of Southeast quarter of Section 30, Township 6 South, Range 3 East.

West half of Northwest quarter of Southeast quarter of Section 30, Township 6 South, Range 3 East.

South half of Northwest quarter of Southeast quarter of Northwest quarter of Section 30, Township 6 South, Range 3 East.

And certain things have been recorded of the lands so assessed, and sold, in the State of Missouri, were returned by George A. Johnson on, to-wit, January 19, 1937, and February 6, 1937, which said returns covered taxes for the years 1932, 1933, 1934, 1935 and 1936, and said lands so returned.

(a) The lands described in sub-paragraph "(a)" hereabove as having been conveyed by the State of Missouri to said Baldwin Barber & Naval Stores Company, Inc., were assessed in the name of said Company for taxes for 1936 and 1937 and said taxes were paid, and said ~~lands~~ were assessed in the name of said Company for taxes for 1938, and said taxes have not been paid.

(b) The lands described in sub-paragraph "(a)" hereabove as having been returned by George A. Johnson, were assessed in the name of said Company for taxes for the years 1937 and 1938 and said taxes were paid, and said lands were assessed in the name of E. J. Lester for taxes for the year 1939 and said taxes were paid, and said lands were assessed in the name of Hamilton-Wykin Company, Inc., a dividend 2/3 interest, and Baldwin Barber & Naval Stores Company, Inc., undivided 1/3 interest, for taxes for 1940 and 1941, and said taxes were paid, and for taxes for 1942, and said taxes have not been paid.

(c) The following lands were assessed in the name of George A. Johnson for taxes for the year 1936 and for said taxes for the years 1937, 1938, 1939, 1940, 1941, and same were assessed to George Johnson, Trustee, for taxes for the year 1937, and same were assessed to said Hamilton-Wykin Company, Inc., for taxes for the years 1938 and 1939, and all of said taxes were paid, and said lands were assessed in the name of Hamilton-Wykin Company, Inc., undivided 2/3 interest, and Baldwin Barber & Naval Stores Company, Inc., undivided 1/3 interest for taxes for 1940 and 1941, and said taxes were paid, and for taxes for 1942, and said taxes have not been paid.

122

All Section 1, Township 3 South, Range 4 East, except Northeast quarter of Northeast quarter, containing 100.53 acres.

Northeast quarter of Southeast quarter of Northwest quarter, South half of Northwest quarter of Southeast quarter of Northwest quarter of Southeast quarter of Northwest quarter of Section 2, Township 3 South, Range 4 East, containing 31.22 acres.

Northwest quarter of Northwest quarter of Section 27, Township 3 South Range 3 East, containing 40 acres, more or less.

South west quarter of Southwest quarter; Southwest quarter of Southeast quarter of Southwest quarter; South half of Northeast quarter of Southeast quarter of Southwest quarter; North half of Southeast quarter of Southeast quarter of Southwest quarter of Section 3, Township 3 South, Range 3 East, containing 33.19 acres.

The following lands were assessed in the name of "Owner Unknown No. 10" for taxes for the year 1932 and sold to the State of Alabama for taxes for that year on, to-wit, September 1, 1932, and said State of Alabama conveyed the same by tax deed dated May 2, 1937, to E. Davidson and H. L. Taylor, taxes for the year 1937 being included in said deed:

North half of Northeast quarter of Northwest quarter; and South half of Southwest quarter of Northeast quarter of Northwest quarter of Section 14, Township 3 South, Range 3 East,

Said lands were assessed in the names of E. Davidson and H. L. Taylor for taxes for the years 1932 and 1933 and said taxes were paid, and said lands were so assessed for taxes for 1934, but said taxes were not paid.

(c) The following land was assessed to Jennie Stewart for taxes for the years 1932, 1933, 1934, 1935, and 1936 and said taxes were paid:

South half of Northwest quarter of Southwest quarter of Southwest quarter of Section 1, Township 3 South, Range 4 East.

Said land was assessed for taxes for 1937 in the name of said Jennie Stewart and sold to the State of Alabama for taxes for that year on, to-wit, June 15, 1938, and was again assessed in her name for taxes for the year 1939.

(d) All of Section 1, Township 3 South, Range 4 East, except Northeast quarter of Northeast quarter, was assessed to Laura E. Owen for taxes for the years 1932 and 1933, but no taxes were paid under this assessment, nor was said land sold for those taxes.

(h)

North half of North half of Northwest quarter of Northwest quarter of Section 22, Township 5 South, Range 5 East was assessed in the name of Oliver Boyington for taxes for 1940 and 1942 and said taxes were not paid, and for taxes for 1941 and said taxes were paid, and was assessed in the name of E. Davidson and H. L. Taylor for taxes for 1943 and said taxes have not been paid.

~~and your Grantees allege that they, or one of them, or their~~
~~grants have been in possession of all of said lands since the year~~
~~1941, and that neither do nor have they, or anyone, nor if possession~~
~~thereof prior to that time.~~

~~and~~

~~or~~

~~and Grantees allege that none of the parties respondent~~
~~to this bill of complaint, heretofore named, claim or are or~~
~~intend to claim some right, title, or interest in, or encumbrance upon~~
~~said lands, or any portion thereof.~~

~~and~~

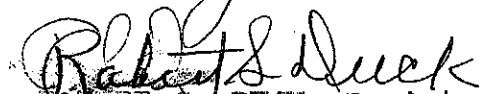
~~and your Grantees being in the title of complaint against~~
~~the lands described in paragraph above recited, and against said~~
~~persons, firms and corporations named in the first (un-numbered)~~
~~paragraph hereof, and against any and all other persons claiming~~
~~or purporting to claim adversely to your Grantees any title to,~~
~~interest in, lien or encumbrance on said lands, or any part there-~~
~~of, for the purpose of establishing their title to and interest in~~
~~said lands and clearing up all doubts and disputes concerning the~~

~~wherefore~~

~~wherefore, the premises considered, your Grantees pray that~~
~~the lands above described, that Martha S. Casey, individually~~
~~and as executrix of and sole devisee under the will of H. B. Hilsey,~~
~~deceased; First National Bank of Milledgeville, Alabama, a national bank~~
~~for Association, individually and as executor of and trustee un-~~
~~der the will of Aaron Lowenstein, deceased; Tensas Land Company, a~~
~~corporation; John S. Hayes, individually and as surviving partner~~
~~in the firm of Commercial Finance Company, a co-partnership;~~

Complainants further allege in their bill of complaint that some or all of the parties respondent to said bill of complaint, hereinbefore named, claim or are reputed to claim some right, title, or interest in or encumbrance upon said lands, or some portion thereof; that no suit is pending to test their title to, interest in, or their right to the possession of said lands, and that their bill of complaint is filed for the purpose of establishing complainants' title to and interest in said lands and clearing up all doubts and disputes concerning the same.

Witness my hand this the 15 day of June, 1942.


ROBERT S. DUCK, Register

ROBERT P. DENNISTON,
HAMILTONS, and
THOMAS A. HAMILTON
Solicitors for Complainants.

STATE OF ALABAMA, BALDWIN COUNTY

Filed JUN 16 1942

210R

Recorded *Sub Ord* book *1* page *201-10*
and I certify that the following Privilege Tax has
been paid.

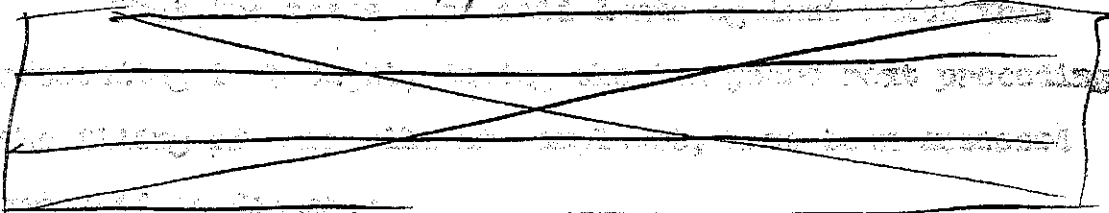
Dead Tax

Mortgage Tax

W. Roberts
Notary Public

By

R. S. Duck *R/35*



(a) All of the lands described herein on the maps
 systems filed in the Secretary of the Interior
 the lands described in paragraphs (a) and (b)
 sections, were accepted for purchase for the year
 1922 by the State of Idaho. Sections, Township,
 No. 1, T₂S, R₂E, No. 1, No. 2, and were sold
 to the State of Idaho for taxes for that year
 on, to-wit, September 1, 1922.

and various claims that, of said lands
 so assessed and sold to the State of Idaho
 the State, the following lands were conveyed
 by the State of Idaho to said B. Lewis
 and B. Lewis Stone Company, Inc., by these
 tax deeds, dated November 1, 1927, which said
 tax deeds covered land for the years 1922,
 1923, 1924, 1925, 1926 and 1927, on the
 lands so conveyed, described as follows, to-wit:

FEB 24 1944

THE STATE OF ALABAMA - - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1943-44.

1 Div. 210.

Pearl G. Baker

v.

Denniston-Boykin Co., et al.,

Appeal from Baldwin Circuit Court.

FOSTER, Justice.

The formal question in this case now before us is whether the motion to dismiss the appeal should be sustained.

A final decree in equity was rendered March 13, 1943, from which an appeal must be taken within six months. - Section 754, Title 7, Code of 1940.

The register in making certificate of appeal as required by section 751, Title 7, Code of 1940, certified that on September 13, 1943, certain named parties as principals with a certain named party as surety tendered to him security for the cost of appeal; that said security for costs was not approved by him, because it was deemed by him to be insufficient, and was returned to one of the would be appellants, who tendered it:

Lots of folks both young and old got itching feet when the War Manpower Commission announced...

But that's only half the story. War work includes food production. WMC says we need 3,500,000 extra workers to help on farms.

There isn't room for more people in some Southern cities, and northern industrial centers are over-crowded...

Dentists Feel the War WPB orders have teeth in them, and this week a new order...

WPB is encouraging beekeepers to produce more honey as a sugar substitute.

Movies Simplify Sets Effective July 1, price ceilings cover services as well as goods. This includes shoe shines and repairs...

Wanted--Wrecked Autos If you have an old jalopy that won't run, send it to the junkyard. It will be broken up and used to make fighting machines.

Owners and drivers of trucks will soon be asked to enlist in a "U. S. Truck Conservation Corps" which will be a home front move to break the transportation bottleneck.

Patents owned by Axis subjects are being seized by the U. S. Some of these cover oil refining processes, chemicals, and aircraft machinery.

The following is a list of persons who have either subscribed, or renewed their subscription, to the Baldwin Times within the past two weeks:

- A. J. Anderson, Summerdale
C. C. Bagge, Magnolia Springs
Malbis Farms, Daphne
A. I. Cortie, Fairhope
Alonzo Hall, Fairhope
Arthur Alms, Elberta
Joe Mullek, Elberta
H. V. Harrell, Stapleton
Mrs. T. D. Franklin, Mobile
Mary Fullford, Mobile
Jesse L. Donald, Mobile
Margaret Mason, Birmingham
Agricultural Editor, Auburn
Miss Ellen Meaghen, New York City
2nd Lt. Larkin T. Rhodes Jr., San Francisco, Calif.
Mrs. L. V. Boutwell, Farmersville, Ala.
Georgé Edward Bryant, San Diego, Calif.
Orvis M. Brown, Miami
Mary Corwin, Tuscaloosa
Mrs. Mary Ethridge, Bay Minette
H. P. Jones, Bay Minette
J. M. Welch, Bay Minette
Reubin Baker, Stockton
George T. Byrne, Bay Minette
R. W. Cabaniss, Bay Minette
Gordon Flowers, Bay Minette
W. H. Moorer, Bay Minette
Carl White, Bay Minette
H. B. McGill, Perdido
Mattie Sue Abercrombie, Robertsdale
J. J. Ganus, Robertsdale
R. D. Hooks, Jr., Robertsdale
Dr. W. H. Lee, Robertsdale
W. E. Everhart, Silverhill
Frank Postalek, Silverhill
Albert Pearson, Silverhill
Frank Struma, Silverhill
H. E. Peterson, Muscogee
J. R. Crow, Troy
T. V. Duck, Barrineau Park, Fla.
W. N. Ford, Shreveport, La.
John L. Gwaltney, Camp Bowie, Tex.
Mrs. L. T. Rhodes Jr., Los Angeles, Calif.
C. J. Smith, Whistler
Jack V. Waters, Camp Shelby, Miss.
Lee Weekley, Plateau
Jesse Phillips, Little River

Classified Advertisements in "The Market Place" are on strictly CASH BASIS. Ad in These Columns Cost Only 1c per Word, With a Minimum of 10 Words.

For Rent FOR RENT—Garage or storage building on Hoyle Ave. See Miss Cornelia Hall, Bay Minette, Ala. 22-51a

For Sale FOR SALE—Two mules, weight 1,600 pounds. Rudolf Doubrava, Silverhill, Ala. 21-2tp

For Sale FOR SALE—40-acre farm, good soil, five-room stucco house, tile chicken houses, 1,000-hen capacity, frame barn, 30x50, tile garage, 20x20, located 2 1/2 miles south of Robertsdale. Visitors are welcomed to get more information. For further details see or write Henry Tietgen, Summerdale, Ala. 21-4tp

For Sale FOR SALE—One pair 1100-pound, 7-year-old mules. Will sell single or double. L. T. Rhodes, Bay Minette. 22-1tc

For Sale FOR SALE—Five acres, 1 3/4 miles from town, 7-room, modern house, two garages, barn, running water. Priced to sell. Immediate possession. 18 acres 1 mile from town, 6-room house, pecans, easy terms. See Ori H. Ertzinger, Bay Minette. 22-5tc

For Sale LOST—600x20 heavy duty 6-ply tire, on good 6-in. wheel, lost on Dixie road, or between Summerdale and Robertsdale, on highway at 10 o'clock June 19. \$5 reward. Roy Milkless, Summerdale. 21-2tp

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MORE ABOUT A Week of the War

Continued from front page-- sident signed legislation authorizing a 25-percent increase in pay for naval officers assigned to submarine duty and providing a \$5-an-hour bonus for Navy divers engaged in hazardous undertakings.

THE WAR FRONT

A European theater of operations for U. S. forces was established with Maj. Gen. Dwight D. Eisenhower, formerly Assistant Chief of Staff in charge of the operations division, as Commanding General. Headquarters will be in London. Brig. Gen. Hugh Casey of the Army Engineer Corps reported the Allied Works Council and the U. S. Army Engineers in Australia have built 100 military airdromes, built or improved thousands of miles of strategic roads, and are working on 12,000 separate projects in Australia. U. S. airmen damaged a

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New Cartoon Sell

It is good to hear Americans are now puddin' 10% of der pay into Bonds. Includes cartoon illustration of a man and a woman.

21-44 SOLICITORS FOR COMPLAINTS. ROBERT S. DUCK, Register. of June, 1942. of Alabama for taxes for that year on...

LOTTIE Mrs. J. H. Biggs

NOTICE

In the Ch. Ct. Court of Baldwin County, Alabama, in Equity, Case No. 828; Deniston-Boykin Company, Inc., a corporation and Baldwin Timber & Naval Stores Company, Inc. a corporation, Complainants, vs. Lands Described in the Bill of Complaint, and against Bertha S. Wilsey, individually and as executrix of and sole devisee under the will of R. E. Wilsey, deceased, 1100 Sheridan Road, Evanston, Illinois; First National Bank of Mobile, a National Banking Association, individually and as executor of and trustee under the will of Aaron Lowenstein, deceased, Mobile, Alabama; Tensas Land Company, a corporation, Mobile, Alabama; John W. Daves, individually and as surviving partner of the firm of Industrial Finance Company, a co-partnership, 120 South Commerce Street, Mobile, Alabama; James F. Daves, Jr., 25 Blacklawn, Mobile, Alabama, June Daves, 25 Blacklawn, Mobile, Alabama, and Agnes Lartigue Daves, 25 Blacklawn, Mobile, Alabama; Southern Plantation Development Company, a corporation, whose Secretary is alleged, on information and belief, to be Pearl G. Baker, Foley, Alabama; the heirs, representatives and devisees of and all persons claiming under Calvin N. Souther, deceased, whose addresses are unknown; Floyd R. Perkins, individually and as trustee for the "Syndicate," 7433 Crandon Avenue, Chicago, Illinois, and all unknown members of said syndicate and all persons claiming under said Floyd R. Perkins, individually, and as trustee as aforesaid, and all persons claiming under said unknown members of said Syndicate, addresses unknown; Mrs. M. M. Winegar, Mona Winegar, Harriett N. Winegar and all other heirs, representatives and devisees of and all other persons claiming under Edwin F. Winegar, deceased, addresses unknown; Guy W. French, individually and as trustee for the proposed Wyobama Oil Syndicate, and all unknown members of said syndicate and all persons claiming under said Guy W. French, individually and as trustee as aforesaid, and all persons claiming under said unknown members of said syndicate, addresses unknown; Irene Christine Asmus, who is alleged, on information and belief, to be a non-resident of the State of Alabama, but whose address is unknown, and all other heirs, representatives and devisees of and all other persons claiming under George Asmus, deceased, addresses unknown, and all persons claiming under said Irene Christine Asmus, addresses unknown; W. D. Owens, Atmore, Alabama; Allan G. Gilmour, 5800 Winthrop Avenue, Chicago, Illinois; La. Vonis A. Hamm, individually and as trustee under the will of Thomas P. Hamm, deceased, Thomas P. Hamm, Jr., Marguerite Hamm Borden, Ruth Hamm Piper and all other heirs, representatives and devisees of and all other persons claiming under Thomas P. Hamm, deceased, addresses unknown; Alabama Tobacco Company, a corporation, and any and all persons claiming under it, addresses unknown; Alabama Sumatra & Havana Tobacco Company, a corporation, and any and all persons claiming under it, addresses unknown; Juanita E. Stewart and all other heirs, representatives and devisees of and all other persons claiming under James F. Stewart, deceased, addresses unknown; Emanuel Davidson, Bay Minette, Alabama; H. L. Taylor, also sometimes called H. S. Taylor, Robertsdale, Alabama; Hiram C. Taylor, as trustee for Taylor-Lowenstein & Company, a co-partnership, 56 North Commerce Street, Mobile, Alabama; Thomas J. Taylor and Sydney Lowenstein, individually and as surviving partners of the firm of Taylor-Lowenstein & Company, a co-partnership, 56 North Commerce Street, Mobile, Alabama; T. W. Richardson, 27 South Lafayette Street, Mobile, Alabama; Bruce Etheridge, 216 E. Street, Pensacola, Florida; Jacob Schang, Lilliam, Alabama; Grover Boyington, Robertsdale, Alabama; R. Knight, address unknown; Alexander P. Baker, Elinora T. Baker, John W. Baker, Mollie L. Weir, M. A. Reynolds, Margaret M. Mims, Sallie W. Stone, Robert Baker and William L. Baker, and all other heirs, representatives and devisees of and all persons claiming under Robert A. Baker, deceased, addresses unknown; the heirs, representatives and devisees of and all persons claiming under Stephen M. Potts, deceased, addresses unknown; the heirs representatives and devisees of and all persons claiming under James T. Holtzclaw, deceased, addresses unknown; the heirs, representatives and devisees of and all persons claiming under George Robbins, deceased, addresses unknown; the heirs, representatives and devisees of and all persons claiming under Louis Bahr, deceased, addresses unknown; the heirs, representatives and devisees of all persons claiming under Rush Taylor, deceased, addresses unknown; the heirs, representatives and devisees of and all persons claiming under Andrew J. Taylor, deceased, addresses

Section 7, Township 5 South, Range 5 East, containing 279.16 acres, according to the official plat of the Government Survey thereof. South half of Northwest Quarter of Southeast Quarter of Northeast Quarter; Southwest Quarter of Southeast Quarter of Northeast Quarter; and South half of Southeast Quarter of Southeast Quarter of Northeast Quarter of Section 9, Township 5 South, Range 5 East, containing 20.04 acres, according to the official plat of the Government Survey thereof. North half of Northeast Quarter of Northwest Quarter; Southwest Quarter of Northeast Quarter of Northwest Quarter; East half of Southwest Quarter of Northwest Quarter; Northwest Quarter of Southwest Quarter of Northwest Quarter; and North half of Southwest Quarter of Southwest Quarter of Northwest Quarter of Section 10, Township 5 South, Range 5 East, containing 64.80 acres, according to the official plat of the Government Survey thereof. North half of Northeast Quarter; Southwest Quarter of Northeast Quarter; North half of Northwest Quarter; South half of Southwest Quarter and Northeast Quarter of Southeast Quarter of Section 16, Township 5 South, Range 5 East, containing 330.56 acres, according to the official plat of the Government Survey thereof. Northeast Quarter of Northwest Quarter of Northeast Quarter, West half of Northwest Quarter of Northeast Quarter; North half of Northeast Quarter of Southwest Quarter of Northeast Quarter; South half of Southwest Quarter of Northeast Quarter; East half of Northwest Quarter; Northwest Quarter of Northwest Quarter; East half of Southwest Quarter and Southeast Quarter of Section 18, Township 5 South, Range 5 East, containing 44.27 acres, according to the official plat of the Government Survey thereof. North half; Northeast Quarter of Southwest Quarter; Southwest Quarter of Southwest Quarter and Southwest Quarter of Southeast Quarter of Section 20, Township 5 South, Range 5 East, containing 140.00 acres, according to the official plat of the Government Survey thereof. Northwest Quarter of Northeast Quarter; North half of Northwest Quarter and North half of Southeast Quarter of Northwest Quarter of Section 21, Township 5 South, Range 5 East, containing 140.00 acres, according to the official plat of the Government Survey thereof. Southwest Quarter of Northwest Quarter; Northeast Quarter of Northwest Quarter of Southeast Quarter; South half of Northwest Quarter of Southeast Quarter; and Northwest Quarter of Northeast Quarter of Southeast Quarter of Section 22, Township 5 South, Range 5 East, containing 79.93 acres, according to the official plat of the Government Survey thereof. Northwest Quarter of Northeast Quarter; Southwest Quarter of Northwest Quarter of Section 23, Township 5 South, Range 5 East, containing 79.93 acres, according to the official plat of the Government Survey thereof. Northeast Quarter of Northeast Quarter; South half of Northeast Quarter; and East half of Northwest Quarter of Section 24, Township 5 South, Range 5 East, containing 200.65 acres, according to the official plat of the Government Survey thereof. North half of Northeast Quarter of Northeast Quarter of Section 27, Township 5 South, Range 5 East, containing 19.95 acres, according to the official plat of the Government Survey thereof. North half of North half of Northwest Quarter of Northeast Quarter; South half of Northwest Quarter of Northwest Quarter of Northeast Quarter; South half of Southwest Quarter of Northeast Quarter; North half of Northwest Quarter of Southwest Quarter of Northeast Quarter; South half of Northeast Quarter of Southwest Quarter of Northeast Quarter; Southwest Quarter of Northeast Quarter of Southwest Quarter of Northeast Quarter; West half of Southeast Quarter of Northeast Quarter of Northeast Quarter; Southeast Quarter of Southeast Quarter of Northeast Quarter; East half of Northwest Quarter of Southeast Quarter; Southeast Quarter of Northeast Quarter of Southeast Quarter; West half of Southwest Quarter of Southeast Quarter; and East half of Southeast Quarter of Southeast Quarter of Section 28, Township 5 South, Range 5 East, containing 144.90 acres, according to the official plat of the Government Survey thereof. West half of Northeast Quarter; Northeast Quarter of Northwest Quarter of Section 29, Township 5 South, Range 5 East, containing 120.78 acres, according to the official plat of the Government Survey thereof. West half of Northeast Quarter of Northwest Quarter; North half of Northeast Quarter of Northeast Quarter of Northwest Quarter; South half of Southwest Quarter of Northeast Quarter of Northwest Quarter; South half of Southwest Quarter of Southwest Quarter of Southeast Quarter of Section 30, Township 5 South,

North Survey thereof. Northeast Quarter of Northeast Quarter of Southwest Quarter of Section 28, Township 6 South, Range 4 East, containing 10.00 acres, according to the official plat of the Government Survey thereof. South half of the Northeast Quarter of Northeast Quarter of Southeast Quarter; North half of South half of Northeast Quarter of Southeast Quarter; South half of Southwest Quarter of Northeast Quarter of Southeast Quarter of Section 29, Township 6 South, Range 4 East, containing 20.01 acres, according to the official plat of the Government Survey thereof. Northeast Quarter of Northeast Quarter of Northeast Quarter; North half of Southeast Quarter of Northeast Quarter of Northeast Quarter; South half of Northeast Quarter of Southeast Quarter of Northeast Quarter; West half of Southeast Quarter of Northeast Quarter of Section 33, Township 6 South, Range 4 East, containing 88.58 acres according to the official plat of the Government Survey thereof. North half of Southwest Quarter of Northwest Quarter; North half of Southwest Quarter of Southwest Quarter of Northwest Quarter of Section 34, Township 6 South, Range 4 East, containing 24.75 acres, according to the official plat of the Government Survey thereof. Northwest Quarter of Northwest Quarter; and Northwest Quarter of Southwest Quarter of Northwest Quarter of Section 36, Township 6 South, Range 4 East, containing 56.60 acres, according to the official plat of the Government Survey thereof. Southwest Quarter; and North half of Southeast Quarter of Section 1, Township 6 South, Range 5 East, containing 238.68 acres, according to the official plat of the Government Survey thereof. Southeast Quarter of Southwest Quarter of Section 4, Township 6 South, Range 5 East, containing 40.15 acres, according to the official plat of the Government Survey thereof. East half of Northwest Quarter or Northwest Quarter; East half of Northwest Quarter of Southwest Quarter; North half of Northeast Quarter of Southwest Quarter and South half of South half of Southwest Quarter of Southeast Quarter of Section 6, Township 6 South, Range 5 East, containing 70.12 acres, according to the official plat of the Government Survey thereof. North half of Northeast Quarter of Northwest Quarter; North half of South half of Northeast Quarter of Northwest Quarter; South half of Southwest Quarter of Northeast Quarter of Northwest Quarter; West half of Northwest Quarter of Northwest Quarter; West half of Southwest Quarter of Southwest Quarter; Southeast Quarter of Southwest Quarter of Northwest Quarter; West half of Northwest Quarter of Southwest Quarter; South half of Southeast Quarter of Northwest Quarter of Southwest Quarter of Section 7, Township 6 South, Range 5 East, containing 110.31 acres, according to the official plat of the Government Survey thereof. Southeast Quarter of Southwest Quarter of Section 8, Township 6 South, Range 5 East, containing 40.28 acres, according to the official plat of the Government Survey thereof. West half of Northwest Quarter of Section 12, Township 6 South, Range 5 East, containing 79.74 acres, according to the official plat of the Government Survey thereof. Northwest Quarter of Southeast Quarter; South half of Southeast Quarter; East half of Southwest Quarter; and Southwest Quarter of Southwest Quarter of Section 13, Township 6 South, Range 5 East, containing 240.12 acres, according to the official plat of the Government Survey thereof. West half of East half; East half of West half of Section 14, Township 6 South, Range 5 East, containing 322.26 acres according to the official plat of the Government Survey thereof. West half of Northeast, Quarter of Northeast Quarter; South half of Northeast Quarter; West half of Northwest Quarter; North half of Northwest Quarter of Southwest Quarter; Southwest Quarter of Southwest Quarter; and West half of Southeast Quarter of Southeast Quarter of Section 16, Township 6 South, Range 5 East, containing 261.56 acres, according to the official plat of the Government Survey thereof. Northwest Quarter of Northeast Quarter; West half of Northeast Quarter of Northeast Quarter; North half of Northeast Quarter of Northeast Quarter; and South half of Southeast Quarter of Northeast Quarter of Section 17, Township 6 South, Range 5 East, containing 80.76 acres, according to the official plat of the Government Survey thereof. West half of Northwest Quarter; Northwest Quarter of Southwest Quarter; South half of South half of Section 18,

of Northeast Quarter; Southwest Quarter of Northeast Quarter; Southeast Quarter of Southwest Quarter; Southwest Quarter of Southeast Quarter; West half of Southeast Quarter of Southeast Quarter; South half of Southeast Quarter of Southeast Quarter of Section 30, Township 6 South, Range 5 East, containing 193.94 acres, according to the official plat of the Government Survey thereof. Northeast Quarter of Northeast Quarter of Southeast Quarter; South half of Northwest Quarter of Northeast Quarter of Southeast Quarter of Section 33, Township 6 South, Range 5 East, containing 15.46 acres, according to the official plat of the Government Survey thereof. Northwest Quarter of Northwest Quarter of Northwest Quarter; South half of Northeast Quarter of Northwest Quarter of Northwest Quarter of Section 31, Township 6 South, Range 5 East, containing 15.00 acres, according to the official plat of the Government Survey thereof. Southwest Quarter of Southwest Quarter of Section 20, Township 6 South, Range 6 East, containing 39.77 acres according to the official plat of the Government Survey thereof. East half of Northeast Quarter of Northwest Quarter of Section 30, Township 6 South, Range 6 East, containing 19.33 acres, according to the official plat of the Government Survey thereof. Northwest Quarter of Northeast Quarter; West half of Southeast Quarter of Northeast Quarter; East half of Northeast Quarter of Southwest Quarter; West half of Southwest Quarter of Southeast Quarter of Section 31, Township 6 South, Range 6 East, containing 93.60 acres, according to the official plat of the Government Survey thereof. All of the foregoing lands are described with reference to the 31st parallel of North Latitude and the St. Stephen Meridian and contain in the aggregate 8144.26 acres, according to the official Plats of the Government Survey thereof. All Section 1, Township 5 South, Range 4 East, except Northeast Quarter of Northeast Quarter, containing 599.8 acres. Northeast Quarter of Southeast Quarter of Northwest Quarter; South half of Northwest Quarter of Southeast Quarter of Northwest Quarter and Southwest Quarter of Southeast Quarter of Northwest Quarter of Section 2, Township 5 South, Range 4 East, containing 24.6 acres. Northwest Quarter of Northwest Quarter of Section 27 Township 5 South, Range 5 East, containing 40 acres, more or less. Southwest Quarter of Southwest Quarter; Southwest Quarter of Southeast Quarter of Southwest Quarter; South half of Northeast Quarter of Southeast Quarter of Southwest Quarter; North half of Southeast Quarter of Southeast Quarter of Southwest Quarter of Section 5, Township 6 South, Range 5 East, containing 60.19 acres. That there is excepted from the above described property the following land which have been conveyed to Baldwin County for road purposes: (a). A strip of land twenty feet wide running from the West line East across the West half of Southwest Quarter of Southeast Quarter of Section 31, Township 6 South, Range 6 East, the South line of said strip being the South line of said described land and the North line of said strip being twenty feet North of said South line and parallel therewith. (b). A strip of land twenty feet wide running East and West on the South line of the Southeast Quarter of Southwest Quarter of Section 4, Township 6 South, Range 5 East. (c). A strip of land fifteen feet wide from North to South, running East and West across the South line of the Southwest Quarter of Northeast Quarter of Section 12, Township 5 South, Range 4 East. (d). A strip of land twenty feet wide running North and South on the East line of the East half of Southeast Quarter of Southeast Quarter of Section 20; a strip of land twenty feet wide, running North and South on the West line of the Northwest Quarter of Southeast Quarter of Section 20; a strip of land twenty feet wide, running North and South on the West line of the South half of South half of Southwest Quarter of Southwest Quarter of Section 21; a strip of land twenty feet wide, running North and South on the West line of the North half of Southwest Quarter of Northwest Quarter of Southwest Quarter of Section 23; a strip of land forty feet wide, running East and West on the line between the North half of Southeast Quarter and the Southwest Quarter of Southeast Quarter and East half of Southeast Quarter of Southeast Quarter of Section 20; all in Township 6 South, Range 5 East. And there is also excepted from the lands against which this proceeding brought, a certain right of way which

Get Long Term Leases For Clients

Want To Give Families Chance To Plan Development

• A step has been taken in Alabama to obtain farm leases for periods long enough and binding enough on both sides to permit soil improvement, building improvement, community participation and other long-range development, it was reported today by Charles L. Mathews, Farm Security Administrator supervisor for Baldwin County.

Mathews reported completion of 190 ten-year leases in Alabama, as a result of the Farm Security effort to build security of tenure. This, he said, was the first step in a program which is expected to increase in scope.

Thirteen of these 10-year leases are in this county.

Mathews said that the 10-year lease program opens the prospect of a new day in landlord-tenant relationships, for the benefit of both parties and of Southern farming generally. For lack of definite agreements in the past, the tenant has lacked incentive to improve land, change types of farming when necessary, go farther in food production, and enter into community life.

The "new day" leases involve agreements of mutual obligation between tenants and landlords to make improvements. In Alabama, 89 of the leases carry agreements for kudzu planting, 93 for terracing, 184 for pasture improvement, 183 for dwelling improvement, 152 for improvement of barns, 81 of smokehouses, 69 of poultry houses, 113 for fencing, 153 for water improvement, 156 for sanitation.

In addition, Mathews reported, a large percentage of the leases provide for better care and protection of woodland, rotation of crops and in some instances options to purchase.

The long leases were made possible by activities of the Farm Security administration's section on Farm Debt Adjustment and Tenure Improvement, and by its function of making loans where necessary for the needed improvements. Outstanding features of the new agreements, Mathews pointed out, include compensation of tenants upon termination of the unexhausted value of improvements that they have made, provision if the lease is terminated without cause, and also in the acceptance of improvements in lieu of rent. Mathews is in charge of

ular appointment at the Methodist church Saturday evening, Sunday morning and evening. The public is invited to attend the services.

• D. C. Hayles has returned home from the Atmore hospital where he recently underwent an operation. We hope for him a rapid recovery.

• Sunday visitors of Mr. and Mrs. Dallis Taylor included Mr. and Mrs. Leslie Drew and children of Mobile and the Clarence Laugham family.

• Hilary Moseley has improved from a recent illness.

• Mrs. R. T. Solomon of Jay, Fla., is the guest of Mr. and Mrs. Jim Solomon.

• P. R. Pettis, assistant county agent, was in our community Monday making the acquaintance of some of the 4-H club members.

Caution Urged In Cutting Kudzu

• With an ever increasing demand for milk and livestock produce as a result of the Food-for-Freedom program, farmers may be tempted to graze or cut kudzu for hay before it has become well established.

In this connection H. T. James of the Mobile River Soil Conservation District points out that kudzu is easily destroyed if utilized before the third or fourth year.

"It usually requires at least three years for it to reach the required growth. Even after it is well established, it must be handled as a crop. Good stands can and have been seriously injured by over-grazing or cutting too often for hay," he said.

James goes on to recommend that kudzu planted this past spring be cultivated all during the summer to keep down weeds and grass. Kudzu that is cultivated the first year is much more likely to become successfully established. Besides controlling weeds and grass, cultivation will keep the soil in good shape for the vines to take root at the joints.

Many farmers grow such crops as corn, cowpeas, watermelons, and any other cultivated crop between the rows of kudzu the first year. This insures adequate cultivation the first growing season and also utilizes the bare space between the rows for the production of a crop while the stand is becoming established.

the program in this area, and a committee of substantial private citizens aids him in the county, the members being Evan Higbee, Fairhope; H. P. Jones, Bay Minette, and John Pimperel, Dyas.

tians. The sinking of 17 more merchant vessels by enemy submarines was announced.

TRANSPORTATION AND RUBBER SALVAGE

• The Office of Defense Transportation established a U. S. truck conservation corps to mobilize the country's 5,000,000 trucks for more efficient war service. The Office said conversion of the trucking industry to a wartime basis is effecting a big saving of rubber and equipment, despite a sharp increase in the volume of business. Railroads in 1941 set an all-time record of ton-miles of freight carried and increased circulation of freight cars by 33 percent over 1929. Passenger service of both railroads and buses is about 50 percent greater this year than last, Mr. Eastman said.

President Roosevelt extended until midnight July 10 the scrap rubber collection campaign because the response was disappointing and yielded only 219,000 tons as of July 27.

AGRICULTURE

• Agriculture Secretary Wickard said the U. S. must have to rely more and more on the contribution small farmers can make toward meeting wartime goals for food production. He said the Agriculture Department is doing everything it can to help such farmers purchase new equipment and stock for expanding crops. The Department estimated the 1942 pig crop at a record total of 105 million head, compared with 85 million head in 1941. Total milk production as of June 1 was more than 3 percent greater than last year. The Department reported almost 12 million persons were employed on farms June 1—more than a million above the May 1 total and 99 percent of the 1940-41 average. Farm wage rates on June 1 were 183 percent of the 1910-14 average.

• Under an agreement with the Peruvian government, the Commodity Credit Corporation will purchase up to 200,000 bales of cotton a year from Peru during the war.



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East half of Northwest Quarter of Northeast Quarter; Northeast Quarter of Northwest Quarter of Southwest Quarter; North half of Southwest Quarter of Northwest Quarter of Southwest Quarter; East half of Southeast Quarter of Southwest Quarter of Section 28, Township 6 South, Range 5 East, containing 55.33 acres, according to the official plat of the Government Survey thereof.

Southeast Quarter of Northwest Quarter of Southeast Quarter; Southwest Quarter of Southeast Quarter of Southwest Quarter; and South half of Southeast Quarter of Southeast Quarter of Southwest Quarter of Section 29, Township 6 South, Range 5 East, containing 25.32 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter of Northeast Quarter of Northeast Quarter; South half of Northeast Quarter of Northeast Quarter; South half of Northwest Quarter of Northwest Quarter of Northeast Quarter; North half of Southwest Quarter of Northwest Quarter of Northeast Quarter; Southeast Quarter of Southwest Quarter of Northeast Quarter; Southwest Quarter of Northwest Quarter; Southeast Quarter of Southwest Quarter; Southwest Quarter of Southeast Quarter; West half of Southeast Quarter of Southeast Quarter of Southeast Quarter of Section 30, Township 6 South, Range 5 East, containing 193.94 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter of Northeast Quarter of Southeast Quarter; South half of Northwest Quarter of Northeast Quarter of Southeast Quarter of Section 33, Township 6 South, Range 5 East, containing 15.46 acres, according to the official plat of the Government Survey thereof.

Northwest Quarter of Northwest Quarter of Northwest Quarter; South half of Northeast Quarter of Northwest Quarter of Northwest Quarter of Section 36, Township 6 South, Range 5 East, containing 15.00 acres, according to the official plat of the Government Survey thereof.

Southwest Quarter of Southwest Quarter of Section 20, Township 6 South, Range 6 East, containing 39.77 acres, according to the official plat of the Government Survey thereof.

East half of Northeast Quarter of Northwest Quarter of Section 30, Township 6 South, Range 6 East, containing 19.83 acres, according to the official plat of the Government Survey thereof.

Northwest Quarter of Northeast Quarter;
West half of Southeast Quarter of North-
east Quarter; East half of Northeast
Quarter of Southwest Quarter; West half
of Southwest Quarter of Southeast Quarter
of Section 31, Township 6 South, Range
6 East, containing 98.60 acres, according
to the official plat of the Government
Survey thereof.

All of the foregoing lands are described
with reference to the 31st parallel of
North Latitude and the St Stephens Merid-
ian and contain in the aggregate 8143.26
acres, according to the official Plats of
the Government Survey thereof.

All Section 1, Township 5 South, Range 4 East,
except Northeast Quarter of Northeast Quarter,
containing 599.55 acres.

Northeast Quarter of Southeast Quarter of
Northwest Quarter; South half of Northwest
Quarter of Southeast Quarter of ~~Southwest~~ ^{NE}
Quarter and Southwest Quarter of Southeast
Quarter of Northwest Quarter of Section 2,
Township 5 South, Range 4 East, containing
24.92 acres.

Northwest Quarter of Northwest Quarter of
Section 27, Township 5 South, Range 5 East,
containing 40 acres, more or less.

Southwest Quarter of Southwest Quarter; South-
west Quarter of Southeast Quarter of Southwest
Quarter; South half of Northeast Quarter of
Southeast Quarter of Southwest Quarter; North
half of Southeast Quarter of Southeast Quarter
of Southwest Quarter of Section 5, Township 6
South, Range 5 East containing 60.19 acres,

That there is excepted from the above described property the
following lands, which have been conveyed to Baldwin County
for road purposes:

(a). A strip of land twenty feet wide running
from the West line East across the West Half
of Southwest Quarter of Southeast Quarter of
Section 31, Township 6 South Range 6 East, the
South line of said strip being the South line
of said described land and the North line of
said strip being twenty feet North of said South
line and parallel therewith.

(b). A strip of land twenty feet wide running
East and West on the South line of the Southeast
Quarter of Southwest Quarter of Section 4, Town-
ship 6 South Range 5 East.

(c). A strip of land fifteen feet in width
from North to South, running East and West
across the South line of the Southwest Quar-
ter of Northeast Quarter of Section 12,
Township 5 South Range 4 East.

(d). A strip of land twenty feet wide, running North and South on the East line of the East half of Southeast Quarter of Southeast Quarter of Section 20; a strip of land twenty feet wide, running North and South on the West line of the Northwest Quarter of Southeast Quarter of Section 20; a strip of land twenty feet wide, running North and South on the West line of the South Half of South Half of Southwest Quarter of Southwest Quarter of Section 21; a strip of land twenty feet wide, running North and South on the West line of the North half of Southwest Quarter of Northwest Quarter of Southwest Quarter of Section 28; a strip of land forty feet wide, running East and West on the line between the North Half of Southeast Quarter and the Southwest Quarter of Southeast Quarter and East half of Southeast Quarter of Southeast Quarter of Section 20; all in Township 6 South Range 5 East.

And there is also excepted from said lands a certain right of way which has been granted to the Baldwin County Electric Membership Corporation, a corporation, by instrument dated January 21, 1939, and recorded in Deed Book 70, page 18, of the Baldwin County Probate Records, over the Southwest Quarter of the Northeast Quarter of Section 26, Township 6 South, Range 3 East, Baldwin County, Alabama.

And the court has further ascertained that the complainants, as shown by the testimony in this cause, obtained and acquired the legal title to said lands, with an undivided two-thirds interest vested in said Denniston-Boykin Company, Inc., and with an undivided one-third interest vested in said Baldwin Timber & Naval Stores Company, Inc., by virtue of the following deeds:

- (a) That certain deed executed by George A. Sossaman, unmarried, individually, and as trustee, on, to-wit, July 12, 1937, recorded in Deed Book 62, pages 415-417, of the Baldwin County Probate Records;
- (b) That certain deed from the State of Alabama, executed by Henry S. Long, State Land Commissioner, on, to-wit, November 4, 1937, recorded in Deed Book 64, page 140, of the Baldwin County Probate Records;
- (c) That certain deed from the State of Alabama, executed by Henry S. Long, State Land Commissioner, on, to-wit, November 4, 1937, recorded in Deed Book 64, page 142, of the Baldwin County Probate Records;
- (d) That certain deed from the State of Alabama, executed by Henry S. Long, State Land Commissioner, on, to-wit, November 4, 1937, recorded in Deed Book 64, page 137, of the Baldwin County Probate Records;

- (e) That certain deed executed by T. J. Rester and Helen M. Rester, his wife, on, to-wit, June 26, 1939, recorded in Deed Book 70, pages 63-66, of the Baldwin County Probate Records;
- (f) That certain deed executed by W. D. Stapleton and Leila Stapleton, his wife, on, to-wit, January 29, 1942, recorded in Deed Book 77 page 180 of the Baldwin County Probate Records;
- (g) That certain deed executed by Frank W. Boykin and Ocllo Boykin, his wife, H. S. Denniston and Florence F. Denniston, his wife, and by George A. Sossaman individually and as Trustee for Frank W. Boykin, H. S. Denniston, Denniston-Boykin Company, Inc., and for Bertha Wilsey, a widow, Executrix of and sole devisee under the Will of R. E. Wilsey, deceased, and by Dorothy B. Sossaman, wife of said George A. Sossaman, and also by T. J. Rester and Helen M. Rester, his wife on, to-wit, October 20, 1941, recorded in Deed Book 77 pages 176-177, of the Baldwin County Probate Records; 181-182 ✓
- (h) That certain deed executed by Denniston-Boykin Company, Inc., and by Baldwin Timber & Naval Stores Company, Inc., on, to-wit, March 11, 1942, recorded in Deed Book 77 page 179-180, of the Baldwin County Probate Records; ✓
- (i) That certain deed executed by Laura E. Owens and W. D. Owens, her husband, on, to-wit, October 28, 1939, recorded in Deed Book 70, page 466, of the Baldwin County Probate Records; and,
- (j) That certain deed executed by Denniston-Boykin Company, Inc., to Baldwin Timber & Naval Stores Company, Inc., on, to-wit, June 23, 1939, recorded in Deed Book 70, page 68, of the Baldwin County Probate Records.

And the Court has further ascertained that the taxes on said lands, during the ten years next preceding the filing of this suit have been assessed and paid as follows:

- (a) All of the lands described herein, being the lands against which this proceeding was brought except the lands described in sub-paragraph "(d)" hereinbelow, were assessed for taxes for the year 1932 in the name of Edwin F. Winegar, Trustee, No. 1, No. 2, No. 3 and No. 4, and were sold to the State of Alabama for taxes for that year on, to-wit, September 1, 1933.

Of said lands so assessed and sold to the State of Alabama for taxes, the following lands were conveyed by the State of Alabama to said Baldwin Timber & Naval Stores Company, Inc., by three tax deeds, dated November 4, 1937, which said tax deeds covered taxes for the years

Southeast Quarter of Northwest Quarter of Section 27, Township 6 South, Range 5 East.

Northeast Quarter of Northeast Quarter of Northeast Quarter of Section 30, Township 6 South, Range 5 East.

South half of Northeast Quarter of Northeast Quarter of Section 30, Township 6 South, Range 5 East.

Southwest Quarter of Southeast Quarter of Section 30, Township 6 South, Range 5 East.

West half of Southeast Quarter of Southeast Quarter of Section 30, Township 6 South, Range 5 East.

South half of Southeast Quarter of Southeast Quarter of Section 30, Township 6 South, Range 5 East.

The remainder of the lands so assessed and sold to the State of Alabama were redeemed by George A. Sossaman, to-wit, January 19, 1937, and February 4, 1937, which said redemption covered taxes for the years 1932, 1933, 1934, 1935 and 1936 on such lands so redeemed.

- (b) The lands described in sub-paragraph "(a)" hereinabove as having been conveyed by the State of Alabama to said Baldwin Timber & Naval Stores Company, Inc., were assessed in the name of said Company for taxes for 1939 and 1940 and said taxes were paid, and said lands were assessed in the name of said Company for taxes in 1941 and 1942, and said taxes have not been paid.
- (c) The lands described in sub-paragraph "(a)" hereinabove as having been redeemed by George A. Sossaman, were assessed in the name of said Sossaman for taxes for the years 1937 and 1938 and said taxes were paid, and said lands were assessed in the name of T. J. Rester for taxes for the year 1939 and said taxes were paid, and said lands were assessed in the name of Denniston-Boykin Company, Inc., undivided 2/3 interest, and Baldwin Timber & Naval Stores Company, Inc., undivided 1/3 interest, for taxes for 1940 and 1941, and said taxes were paid, and for taxes for 1942, and said taxes have not been paid.
- (d) The following lands were assessed in the name of George A. Sossaman for taxes for the year 1936 and for back taxes for the years 1932, 1933, 1934, 1935, and same were assessed to George Sossaman, Trustee, for taxes for the year 1937, and same were assessed to said Denniston-Boykin Company, Inc., for taxes for the years 1938 and 1939, and all of said taxes were paid, and said lands were assessed in the name of Denniston-Boykin Company, Inc., undivided 2/3 interest, and Baldwin Timber & Naval Stores Company, Inc., undivided 1/3 interest, for taxes for 1940 and 1941, and said taxes were paid, and for taxes for 1942, and said taxes have not been paid:

All Section 1, Township 5 South, Range 4 East, except Northeast Quarter of Northeast Quarter, containing 599.55 acres.

Northeast Quarter of Southeast Quarter of Northwest Quarter; South half of Northwest Quarter of Southeast Quarter of Northwest Quarter of Southwest Quarter of Southeast Quarter of Northwest Quarter of Section 2, Township 5 South, Range 4 East, containing 24.92 acres.

Northwest Quarter of Northwest Quarter of Section 27, Township 5 South, Range 5 East, containing 40 acres, more or less.

Southwest Quarter of Southwest Quarter; Southwest Quarter of Southeast Quarter of Southwest Quarter; South half of Northeast Quarter of Southeast Quarter of Southwest Quarter; North half of Southeast Quarter of Southeast Quarter of Southwest Quarter of Section 5, Township 6 South, Range 5 East, containing 60.19 acres.

The following lands were assessed in the name of "Owner Unknown No. 16" for taxes for the year 1932 and sold to the State of Alabama for taxes for that year on, to-wit, September 1, 1933, and said State of Alabama conveyed the same by tax deed dated May 3, 1937, to E. Davidson and H. S. Taylor, taxes for the year 1937 being included in said deed:

North half of Northeast Quarter of Northwest Quarter; and South Half of Southwest Quarter of Northeast Quarter of Northwest Quarter of Section 10, Township 5 South, Range 5 East.

Said lands were assessed in the names of E. Davidson and H. L. Taylor for taxes for the years 1938 and 1940 and said taxes were paid, and said lands were so assessed for taxes for 1930, but said taxes were not paid.

- (f) The following land was assessed to Juanita Stewart for taxes for the years 1932, 1933, 1934, 1935, and 1936 and said taxes were paid:

South Half of Northwest Quarter of Southwest Quarter of Southeast Quarter of Section 1, Township 6 South, Range 4 East.

Said land was assessed for taxes for 1937 in the name of said Juanita Stewart and sold to the State of Alabama for taxes for that year on, to-wit, June 15, 1938, and was again assessed in her name for taxes for the year 1938.

- (g) All of Section 1, Township 5 South, Range 4 East, except Northeast Quarter of Northeast Quarter, was assessed to Laura E. Owens for taxes for the years 1932 and 1933, but no taxes were paid under this assessment, nor was said land sold for these taxes.

(h) North Half of North Half of Northwest Quarter of Northeast Quarter of Section 28, Township 5 South, Range 5 East was assessed in the name of Grover Boyington for taxes for 1939 and 1940 and said taxes were not paid, and for taxes for 1941 and said taxes were paid, and was assessed in the name of E. Davidson and H. L. Taylor for taxes for 1942 and said taxes have not been paid.

And the Court has further ascertained that the complainants, or their agents, were in the possession of said lands in the year 1952 and have been in possession thereof since said time; that no other suit is pending to test Complainants' title to, interest in, or their right to the possession of said lands, and that the other allegations of the bill complaint are true and that the complainants now hold and own the complete legal and equitable title to said lands in proportions as aforesaid;

IT IS NOW, THEREFORE, CONSIDERED, ORDERED, ADJUDGED, AND DECREED BY THE COURT, that the complainant Denniston-Boykin Company, Inc., a corporation, is the true and lawful owner in fee simple of an undivided two-thirds interest in and to the property above described, and that the complainant Baldwin Timber & Naval Stores Company, Inc., a corporation, is the true and lawful owner in fee simple of an undivided one-third interest in and to the property above described, and that the complainants have judgement as prayed for in their bill of complaint against said lands, and against any and all persons, firms, or corporations, claiming any right or title to, or interest in or lien or encumbrance on said lands, or any part thereof, and especially the claims of the following persons, firms and corporations, namely, Bertha S. Wilsey, individually and as executrix of and sole devisee under the will of R. E. Wilsey, deceased; First National Bank of Mobile, Alabama, a National Banking Association, individually and as executor of and trustee under the will of Aaron Lowenstein, deceased; Tensas Land Company, a corporation; John W. Daves, individually

and as surviving partner of the firm of Industrial Finance Company, a co-partnership; James F. Daves, Jr., June Daves and Agnes Lartigue Daves; Southern Plantation Development Company, a corporation; the heirs, representatives and devisees of and all persons claiming under Calvin N. Souther, deceased; Floyd R. Perkins, individually and as trustee for the "Syndicate", and all unknown members of said Syndicate and all persons claiming under said Floyd R. Perkins, individually and as trustee as aforesaid, and all persons claiming under said unknown members of said Syndicate; Mrs. M. M. Winegar, Mona Winegar, Harriett N. Winegar and all other heirs, representatives and devisees of and all other persons claiming under Edwin F. Winegar, deceased; Guy W. French, individually and as trustee for the proposed Wyobama Oil Syndicate, and all unknown members of said syndicate and all persons claiming under said Guy W. French, individually and as trustee as aforesaid, and all persons claiming under said unknown members of said syndicate; Irene Christine Asmus and all other heirs, representatives and devisees of and all persons claiming under George Asmus, deceased, and all other persons claiming under said Irene Christine Asmus; W. D. Owens; Allan G. Gilmore; La Vonie A. Hamm, individually and as trustee under the Will of Thomas P. Hamm, deceased, Thomas P. Hamm, Jr., Marguerite Hamm Borden, Ruth Hamm Piper and all other heirs, representatives and devisees of and all other persons claiming under Thomas P. Hamm, deceased; Alabama Tobacco Company, a corporation, and any and all persons claiming under it; Alabama Sumatra & Havana Tobacco Company, a corporation, and any and all persons claiming under it; Juanita E. Stewart and all other heirs, representatives and devisees of and all other persons claiming under James F. Stewart, deceased; Emanuel Davidson; H. L. Taylor, also sometimes called H. S. Taylor; Hiram C. Taylor, as trustee for Taylor-Lowenstien & Company, a co-partnership; Thomas J. Taylor and Sydney Lowenstein, individually and as surviving partners of the firm of Taylor-Lowenstein & Com-

pany, a co-partnership; T. W. Richerson; Bruce Etheridge; Jacob Schang; Grover Boyington; R. Knight; Alexander P. Baker, Elinora T. Baker, John W. Baker, Mollie L. Weir, M. A. Reynolds, Margaret M. Mims, Sallie W. Stone, Robert Baker and William L. Baker, and all other heirs, representatives and devisees of and all persons claiming under Robert A. Baker, deceased; the heirs, representatives and devisees of and all persons claiming under Stephen M. Potts, deceased; the heirs, representatives and devisees of and all persons claiming under James F. Holtzclaw, deceased; the heirs, representatives and devisees of and all persons claiming under George Robbins, deceased; the heirs, representatives and devisees of and all persons claiming under Louis Bahr, deceased; the heirs, representatives and devisees of and all persons claiming under Rush Taylor, deceased; the heirs, representatives and devisees of and all persons claiming under Andrew J. Taylor, deceased; H. S. Derby and all persons claiming under him; Fred Harford and all persons claiming under him; R. D. Byrne and all persons claiming under him; C. W. Worthington and all persons claiming under him; Elijah S. Taylor and all persons claiming under him; Alice C. Taylor and all persons claiming under her; Thomas P. Miller and all persons claiming under him; Rudolphus D. Williams and all persons claiming under him; John W. Miller and all persons claiming under him; Charles B. Miller and all persons claiming under him; George E. Miller and all persons claiming under him; Edward C. Miller and all persons claiming under him; Henry L. Miller and all persons claiming under him; Mary L. Timney and all persons claiming under her; the heirs representatives and devisees of and all persons claiming under Samuel Timney, also sometimes called Samuel Timmey, deceased; the heirs, representatives and devisees of and all persons claiming under Apphia B. Lea, deceased; the heirs, representatives and devisees of and all persons claiming under Moses R. Denning, deceased; the heirs, representatives and devisees of and all persons claiming under Alex

Johnson, deceased; James K. Clarke; John D. Clarke; Daniel Pettigrew and all persons claiming under him; Mary M. Queal and all other heirs, representatives and devisees of and all persons claiming under Luke Queal, deceased; J. D. Curtis and all persons claiming under him; Edwin F. Winegar Land Syndicate and all unknown members thereof, and H. W. Terry, William Rottermund, D. A. Baker, C. H. Johnston, K. M. Wease and Pearl G. Baker, individually and as members of said Edwin F. Winegar Land Syndicate, and as representatives of all other unknown members thereof, and all persons claiming under them and under said syndicate, and A. J. Zech and all persons claiming under him, and Frank B. Nihart, as trustee for the Edwin F. Winegar Land Syndicate, named as respondents in this cause, are hereby adjudged and decreed to be invalid, groundless and of no effect, and complainants' title to said lands is hereby quieted against all persons, firms or corporations claiming any right or title to, interest in, or lien or encumbrance on said land, or any part thereof;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Register of this Court shall, within thirty days from the rendition of this decree, prepare and file a certified copy thereof in the office of the Judge of Probate of Baldwin County, Alabama, for record, and tax the expense thereof as a part of the costs in this cause, and that the Probate Judge of Baldwin County, Alabama, shall record said certified copy in the same book and in the same manner in which deeds are recorded, and index the same in the name of the persons, firms and corporations, respectively, named in the next preceding paragraph of this decree, in the direct index and in the named of Denniston-Boykin Company, Inc., and Baldwin Timber & Naval Stores Company, Inc., in the reverse index.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the title hereby established and quieted in complainants shall enure to the benefit of all persons who

1932, 1933, 1934, 1935, 1936, 1937
and 1938, on the lands so conveyed, de-
scribed as follows, to-wit:

Northeast Quarter of Southwest Quarter
of Section 13, Township 6 South, Range 5
East.

South half of Southwest Quarter of Section
13, Township 6 South, Range 5 East.

West half of Southeast Quarter of Section
13, Township 6 South, Range 5 East.

West half of Northeast Quarter of Section
14, Township 6 South, Range 5 East.

East half of Northwest Quarter of Section
14, Township 6 South, Range 5 East.

West half of Northeast Quarter of Northeast
Quarter of Section 16, Township 6 South,
Range 5 East.

West half of Northwest Quarter of Section
16, Township 6 South, Range 5 East.

South half of Northeast Quarter of Section
16, Township 6 South, Range 5 East.

North half of Northwest Quarter of South-
west Quarter of Section 16, Township 6 South,
Range 5 East.

Southwest Quarter of Southwest Quarter of
Section 16, Township 6 South, Range 5 East.

West half of Southeast Quarter of Southeast
Quarter of Section 16, Township 6 South,
Range 5 East.

Northwest Quarter of Northeast Quarter;
West half of Northeast Quarter of North-
east Quarter;
North half of Northeast Quarter of North-
east Quarter of Northeast Quarter, and
South half of Southeast Quarter of North-
east Quarter of Northeast Quarter of Section
17, Township 6 South, Range 5 East.

North half of Northeast Quarter of South-
east Quarter of Southeast Quarter of Section
19, Township 6 South, Range 5 East.

South half of Southeast Quarter of Southeast
Quarter of Southeast Quarter of Section 19,
Township 6 South, Range 5 East.

Southwest Quarter of Southeast Quarter of
Southeast Quarter of Section 19, Township
6 South, Range 5 East.

Northwest Quarter of Northeast Quarter of
Section 24, Township 6 South, Range 5 East.

West half of Northwest Quarter of Section 27,
Township 6 South, Range 5 East.

derive title to said lands or to any interest therein from or through the complainants, Denniston-Boykin Company, Inc., and Baldwin Timber & Naval Stores Company, Inc.;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the complainants be taxed with all costs incurred in this cause, for which let execution issue.

Done in term time this 13th day of March, 1943.

J. M. Hare

JUDGE.

Filed 3/15/1943

Red D B 74 pp 521-529

Marginal notation for amended decree
See D B 83 pp 558-9 (not on land)

DENNISTON-BOYKIN COMPANY, et al.,		IN THE CIRCUIT COURT
Complainants		OF BALDWIN COUNTY,
vs.		ALABAMA.
LAND DESCRIBED IN BILL, et al.,		In Equity
Respondents.		No. <u>828</u>

DECREE

This cause, coming on to be heard, is submitted for final decree on the pleadings, decrees pro confesso and the testimony as shown by the note of evidence on file; thereupon, the Court ascertains that this cause is at issue, and, upon consideration thereof, the Court ascertains that the complainants, Denniston-Boykin Company, Inc., a corporation, and Baldwin Timber & Naval Stores Company, Inc., a corporation, were, at the time they filed the bill of complaint in this cause, and on the date of this decree are, in the actual and peaceable possession of the following described land in the County of Baldwin, State of Alabama, to-wit:

North half of Northeast Quarter of Southwest quarter; and East half of Southwest Quarter of Southwest Quarter of Section 2, Township 5 South, Range 4 East, containing 39.97 acres, according to the official plat of the Government survey thereof.

West half of Northeast Quarter; and North east Quarter of Northwest Quarter of Section 12, Township 5 South, Range 4 East, containing 119.75 acres, according to the Official plat of the Government Survey thereof.

Southwest Quarter of Northeast Quarter; Northeast Quarter of Southwest Quarter; and Northwest Quarter of Southeast Quarter of Section 24, Township 5 South, Range 4 East, containing 119.52 acres, according to the official plat of the Government Survey thereof.

South half of Southeast Quarter of Northeast Quarter of Southeast Quarter of Section 35, Township 5 South, Range 4 East, containing 4.89 acres, according to the official plat of the Government Survey thereof.

Southeast Quarter of Northwest Quarter; South half of Southwest quarter; Northeast Quarter of Southwest Quarter and North half of Southeast Quarter of Section 7, Township 5 South, Range 5 East, containing 279.16 acres, according to the official plat of the Government Survey thereof.

South half of Northwest Quarter of Southeast Quarter of Northeast Quarter; Southwest Quarter of Southeast Quarter of Northeast Quarter; and South half of Southeast Quarter of Southeast Quarter of Northeast Quarter of Section 9, Township 5 South, Range 5 East, containing 20.04 acres, according to the official plat of the Government Survey thereof.

North half of Northeast Quarter of Northwest Quarter; Southwest Quarter of Northeast Quarter of Northwest Quarter; East half of Southwest Quarter of Northwest Quarter; Northwest Quarter of Southwest Quarter of Northwest Quarter; and North half of Southwest Quarter of Southwest Quarter of Northwest Quarter of Section 10, Township 5 South, Range 5 East, containing 64.80 acres, according to the official plat of the Government Survey thereof.

North half of Northeast Quarter; Southwest Quarter of Northeast Quarter; North half of Northwest Quarter; South half of Southwest Quarter and Northeast Quarter of Southeast Quarter of Section 16, Township 5 South, Range 5 East, containing 320.56 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter of Northwest Quarter of Northeast Quarter, West half of Northwest Quarter of Northeast Quarter; North half of Northeast Quarter of Southwest Quarter of Northeast Quarter; South half of Southwest Quarter of Northeast Quarter; East half of Northwest Quarter; Northwest Quarter of Northwest Quarter; East half of Southwest Quarter and Southeast Quarter of Section 18, Township 5 South, Range 5 East, containing 414.27 acres, according to the official plat of the Government Survey thereof.

North half; Northeast Quarter of Southwest Quarter; Southwest Quarter of Southwest Quarter and Southwest Quarter of Southeast Quarter of Section 20, Township 5 South, Range 5 East, containing 440.00 acres, according to the official plat of the Government Survey thereof.

Northwest Quarter of Northeast Quarter; North half of Northwest Quarter and North half of Southeast Quarter of Northwest Quarter of Section 21, Township 5 South, Range 5 East, containing 140.00 acres, according to the official plat of the Government Survey thereof.

59 — Southwest Quarter of Northwest Quarter;
Northeast Quarter of Northwest Quarter of
Northeast Quarter; South half of Northwest
Quarter of Southeast Quarter; and North-
west Quarter of Northeast Quarter of South-
east Quarter of Section 22, Township 5
South, Range 5 East, containing 79.50 acres,
according to the official plat of the Gov-
ernment Survey thereof.

Northwest Quarter of Northeast Quarter;
Southwest Quarter of Northwest Quarter of
Section 23, Township 5 South, Range 5 East,
containing 79.95 acres, according to the
official plat of the Government Survey
thereof.

Northeast Quarter of Northeast Quarter;
South half of Northeast Quarter; and East
half of Northwest Quarter of Section 24,
Township 5 South, Range 5 East, containing
200.65 acres, according to the official
plat of the Government Survey thereof.

North half of Northeast Quarter of North-
east Quarter of Section 27, Township 5
South Range 5 East, containing 19.95 acres,
according to the official plat of the Gov-
ernment Survey thereof.

North half of North half of Northwest
Quarter of Northeast Quarter; South half
of Northwest Quarter of Northwest Quarter
of Northeast Quarter, South half of South-
west Quarter of Northeast Quarter; North
half of Northwest Quarter of Southwest
Quarter of Northeast Quarter; South
half of Northeast Quarter of Southwest
Quarter of Northeast Quarter; West half
of Southeast Quarter of Northeast Quarter;
Southeast Quarter of Southeast Quarter of
Northeast Quarter; East half of Northwest
Quarter of Southeast Quarter; Southeast
Quarter of Northeast Quarter of Southeast
Quarter; West half of Southwest Quarter of
Southeast Quarter; and East half of South-
east Quarter of Southeast Quarter of Section
28, Township 5 South, Range 5 East, contain-
ing 144.90 acres, according to the official
plat of the Government Survey thereof.

West half of Northeast Quarter; Northeast
Quarter of Northwest Quarter of Section 29,
Township 5 South, Range 5 East, contain-
ing 120.78 acres, according to the official
plat of the Government Survey thereof.

West half of Northeast Quarter of Northwest
Quarter; North half of Northeast Quarter of
Northeast Quarter of Northwest Quarter;
South half of Southeast Quarter of North-
east Quarter of Northwest Quarter; South
half of South half of Northwest Quarter of
Southeast Quarter of Section 30, Township
5 South, Range 5 East, containing 40.07
acres, according to the official plat of
the Government Survey thereof.

Southwest Quarter of Northeast Quarter of Section 26, Township 6 South, Range 3 East, containing 40.18 acres, according to the official plat of the Government Survey thereof.

Southwest Quarter of Northwest Quarter of Section 28, Township 6 South, Range 3 East, containing 39.97 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter of Northeast Quarter of Section 34, Township 6 South, Range 3 East, containing 40.12 acres, according to the official plat of the Government Survey thereof.

West half of Northwest Quarter of Northwest Quarter of Section 35, Township 6 South, Range 3 East, containing 19.89 acres, according to the official plat of the Government Survey thereof.

Southeast Quarter of Southeast Quarter of Southwest Quarter and South half of Southeast Quarter of Section 1, Township 6 South, Range 4 East, containing 89.06 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter of Northwest Quarter of Section 3, Township 6 South, Range 4 East, containing 40.04 acres, according to the official plat of the Government Survey thereof.

South half of Northwest Quarter of Northwest Quarter of Section 4, Township 6 South, Range 4 East, containing 20.01 acres, according to the official plat of the Government Survey thereof.

North half of Northeast Quarter of Southeast Quarter; North half of South half of Northeast Quarter of Southeast Quarter; South half of Southeast Quarter of Northeast Quarter of Southeast Quarter; Northeast Quarter of Northwest Quarter of Southeast Quarter; South half of Southwest Quarter of Northwest Quarter of Southeast Quarter and South half of South half of Southwest Quarter of Southeast Quarter of Section 11, Township 6 South, Range 4 East, containing 60.46 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter of Northeast Quarter;
North half of Southeast Quarter of North-
east Quarter; Southeast Quarter of South-
east Quarter of Northeast Quarter; North-
west Quarter of Northwest Quarter of
Northwest Quarter; Northwest Quarter of
Southwest Quarter; South half of Southwest
Quarter; Northeast Quarter of Southeast
Quarter; and East half of Southeast Quarter
of Southeast Quarter of Section 12, Town-
ship 6 South, Range 4 East, containing
258.05 acres, according to the official
plat of the Government Survey thereof.

Southwest Quarter of the Northeast Quarter;
North half of Southwest Quarter; Southeast
Quarter of Southwest Quarter; and Southeast
Quarter of Section 13, Township 6 South,
Range 4 East, containing 318.96 acres,
according to the official plat of the Gov-
ernment Survey thereof.

North half of Southeast Quarter of North-
east Quarter; North half of South half of
Southeast Quarter of Northeast Quarter;
Southwest Quarter of Northeast Quarter;
Southeast Quarter of Southwest Quarter of
Northwest Quarter; North half of Southeast
Quarter of Northwest Quarter; Southeast
Quarter of Southeast Quarter of Northwest
Quarter; and North half of Northwest Quar-
ter of Southeast Quarter of Section 14,
Township 6 South, Range 4 East, containing
131.10 acres, according to the official
plat of the Government Survey thereof.

Northeast Quarter of Northeast Quarter of
Section 24, Township 6 South, Range 4 East,
containing 40.10 acres, according to the
official plat of the Government Survey
thereof.

East half of Southeast Quarter of Northeast
Quarter; North half of Southwest Quarter
of Northeast Quarter; Southeast Quarter
of Southwest Quarter of Northeast Quarter;
South half of Southwest Quarter of South-
west Quarter; East half of Northwest Quar-
ter of Southeast Quarter; and Southwest
Quarter of Northwest Quarter of Southeast
Quarter of Section 25, Township 6 South,
Range 4 East, containing 100.84 acres,
according to the official plat of the Gov-
ernment Survey thereof.

Northeast Quarter of Northeast Quarter of

Northeast Quarter of Northeast Quarter of Northeast Quarter; North Half of Southeast Quarter of Northeast Quarter of Northeast Quarter; South half of Northeast Quarter of Southeast Quarter of Northeast Quarter; West half of Southeast Quarter of Northeast Quarter, of Section 33, Township 6 South, Range 4 East, containing 88.58 acres according to the official plat of the Government Survey thereof.

North half of Southwest Quarter of Northwest Quarter; North half of Southeast Quarter of Southwest Quarter of Northwest Quarter of Section 34, Township 6 South, Range 4 East, containing 24.75 acres, according to the official plat of the Government Survey thereof.

Northwest Quarter of Northwest Quarter; and Northwest Quarter of Southwest Quarter of Northwest Quarter of Section 36, Township 6 South, Range 4 East, containing 50.60 acres, according to the official plat of the Government Survey thereof.

Southwest Quarter; and North half of Southeast Quarter of Section 1, Township 6 South, Range 5 East, containing 238.68 acres, according to the official plat of the Government Survey thereof.

Southeast Quarter of Southwest Quarter of Section 4, Township 6 South, Range 5 East, containing 40.15 acres, according to the official plat of the Government Survey thereof.

East half of Northwest Quarter of Northwest Quarter; East half of Northwest Quarter of Southwest Quarter; North half of Northeast Quarter of Southwest Quarter and South half of South half of Southwest Quarter of Southeast Quarter of Section 6, Township 6 South, Range 5 East, containing 70.12 acres, according to the official plat of the Government Survey thereof.

North half of Northeast Quarter of Northwest Quarter; North half of South half of Northeast Quarter of Northwest Quarter; South half of Southwest Quarter of Northeast Quarter of Northwest Quarter; West half of Northwest Quarter of Northwest Quarter; West half of Southwest Quarter of Northwest Quarter; Southeast Quarter of Southwest Quarter of Northwest Quarter;

Southeast Quarter of Southwest Quarter of Section 8, Township 6 South, Range 5 East, containing 40.28 acres, according to the official plat of the Government Survey thereof.

West half of Northwest Quarter of Section 12, Township 6 South, Range 5 East, containing 79.74 acres, according to the official plat of the Government Survey thereof.

Northwest Quarter of Southeast Quarter; South half of Southeast Quarter; East half of Southwest Quarter; and Southwest Quarter of Southwest Quarter of Section 13, Township 6 South, Range 5 East, containing 240.12 acres, according to the official plat of the Government Survey thereof.

West half of East half, East half of West half of Section 14, Township 6 South, Range 5 East, containing 322.26 acres, according to the official plat of the Government Survey thereof.

West half of Northeast Quarter of Northeast Quarter; South half of Northeast Quarter; West half of Northwest Quarter; North half of Northwest Quarter of Southwest Quarter; Southwest Quarter of Southwest Quarter; and West half of Southeast Quarter of Southeast Quarter of Section 16 Township 6 South, Range 5 East, containing 261.56 acres, according to the official plat of the Government Survey thereof.

Northwest Quarter of Northeast Quarter; West half of Northeast Quarter of Northeast Quarter; North half of Northeast Quarter of Northeast Quarter, and South half of Southeast Quarter of Northeast Quarter of Northeast Quarter of Section 17, Township 6 South, Range 5 East, containing 80.76 acres, according to the official plat of the Government Survey thereof.

West half of Northwest Quarter; Northwest Quarter of Southwest Quarter; South half of South half of Section 18, Township 6 South, Range 5 East, containing 279.86 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter; East half of Northwest Quarter; Northwest Quarter of Northwest Quarter; North half of Southwest Quarter of Northwest Quarter; North half of Northeast Quarter of Southeast Quarter; Southwest Quarter of Northeast Quarter of Southeast Quarter; North half of Northeast Quarter of Southeast Quarter of Southeast Quarter; Southwest Quarter of Southeast Quarter of Southeast Quarter; South half of Southeast Quarter of Southeast Quarter of Southeast Quarter; North half of Southwest Quarter of Southwest Quarter; South half of Northwest Quarter of Southeast Quarter of Southwest Quarter; Southwest Quarter of Southeast Quarter of Southwest Quarter; and South half of Southeast Quarter

of Southeast Quarter of Southwest Quarter of Section 19, Township 6 South, Range 5 East, containing 387.55 acres, according to the official plat of the Government Survey thereof.

North half of Southeast Quarter; Southwest Quarter of Southeast Quarter; East half of Southeast Quarter of Southeast Quarter; and South half of Southwest Quarter of Southeast of Southeast Quarter of Section 20, Township 6 South, Range 5 East, containing 146.57 acres, according to the official plat of the Government Survey thereof.

North half of North half of Northeast Quarter of Southwest Quarter; North half of Southwest Quarter of Northeast Quarter of Southwest Quarter; North half of North half of Northwest Quarter of Southwest Quarter; South half of Northeast Quarter of Northwest Quarter of Southwest Quarter; South half of Northeast Quarter of Southeast Quarter of Southwest Quarter; South half of South half of Southwest Quarter of Southwest Quarter; North half of Southeast Quarter of Southwest Quarter of Southwest Quarter of Section 21, Township 6 South, Range 5 East, containing 50.34 acres, according to the official plat of the Government Survey thereof.

North half of Southeast Quarter of Section 23 Township 6 South, Range 5 East, containing 80.30 acres, according to the official plat of the Government Survey thereof.

Northeast Quarter; Southwest Quarter of Section 24, Township 6 South, Range 5 East, containing 321.23 acres, according to the official plat of the Government Survey thereof.

Southeast Quarter of Southwest Quarter; West half of Southwest Quarter of Southeast Quarter of Section 25, Township 6 South, Range 5 East, containing 60.45 acres, according to the official plat of the Government Survey thereof.

South half of Northeast Quarter; South half of Section 26, Township 6 South, Range 5 East, containing 402.37 acres, according to the official plat of the Government Survey thereof.

Northwest Quarter of Section 27, Township 6 South, Range 5 East, containing 159.87 acres, according to the official plat of the Government Survey thereof.