

A. B. CROSBY,
Plaintiff.

-vs-

NORMA AIKEN AND JOHN G.
AIKEN,
Defendants.

CIRCUIT COURT OF BALDWIN COUNTY.

Now come the defendants in the above entitled cause and demur to the complaint in said cause and for grounds of demurrer assign separately and severally the following:

1. Because the same constitutes a misjoinder of causes of action.
2. Because the plaintiff has undertaken to join in the same complaint an action on an open account with an action for damages for trespass to real estate, also with an action for trespass to personal property, and with an action for conversion of personal property.
3. Because said complaint undertakes to join an action on account with an action of trespass to try title.
4. Because said complaint joins a cause of action on an account with a cause of action for conversion.
5. Because said complaint undertakes to unite in one ~~account~~ a suit on an account with a suit in trespass and a suit for conversion.

Defendants demur to so much of the complaint as is contained in the first paragraph thereof, and for grounds of demurrer assign separately and severally the following:

1. Because it is not alleged that the account sued on was an account between the plaintiff and the defendants.
2. Because it is not alleged that the account sued on was due from the defendants to the plaintiff.

Defendants demur to the third paragraph of the complaint and for grounds of demurrer assign separately and severally the following:

1. Because it is not alleged when the defendants wrongfully took the chattels referred to in said paragraph.

2. Because the chattels alleged to have been wrongfully taken by the defendants are not alleged with sufficient certainty and particularity.

Defendants demur to the fourth paragraph of the complaint and for grounds of demurrer assign separately and severally the following:

1. Because the chattels alleged to have been converted by the defendants are not described with sufficient certainty and particularity.

Harry J. Smith & Coyle
Attorneys for Defendants.

Deanna

Ed Crosby

OK

Wm John Baker

Filed 8/30 - 1917

T W Reiman

Wm Baker

HARRY T. SMITH & CAFFEY

ATTORNEYS AT LAW

716 - 722 NATIONAL CITY BANK BUILDING

MOBILE, ALA

A. B. CROSBY,
Plaintiff,

-vs-

CIRCUIT COURT OF BALDWIN COUNTY.

NORMA AIKEN AND JOHN
G. AIKEN,
Defendant.

Now comes the defendant, Norma Aiken, and answering the interrogatories propounded by the plaintiff to her in said cause says:

1. Answering the 1st interrogatory, the defendant says :

That she took some logs from that portion of the Louis Baudin tract, which lies north of Bayou Jessamine, and which conflicts with the so called Francis Girard tract. These logs were not taken by this defendant personally, but by her agent.

2. Answering the 2nd interrogatory, the defendant says:

That she does not know of her own knowledge how many logs, nor the size of the logs taken, nor the aggregate amount in feet of each kind of log that was taken from said land; that to the best of her information and belief, seventy logs were taken from the land above referred to.

3. Answering the 3rd interrogatory, the defendant says:

That John G. Aiken had nothing to do with the taking of said logs.

4. Answering the 4th interrogatory, the defendant says:

That she personally had nothing to do with the taking of said logs.

5. Answering the 5th interrogatory, the defendant says:

That she employed George Smith to cut and raft the logs and supposes that he did so.

6. Answering the 6th interrogatory, the defendant says:

That she employed George Smith to cut the logs.

7. Answering the 7th interrogatory, the defendant says:

That she sold said logs for about Two Hundred Ninety and no/100 (\$290.00) Dollars, which was the reasonable value of said logs at that time.

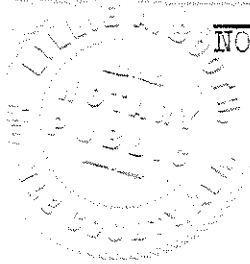
Norma Atkins

Subscribed and sworn to before

me this 26th day of November, 1918.

Lillie A. Booth

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.



A. B. CROSBY,
Plaintiff.

-vs-

NORMA AIKEN AND JOHN G.
AIKEN,
Defendants.

CIRCUIT COURT OF BALDWIN COUNTY.

INTERROGATORIES PROPOUNDED BY THE DEFENDANTS TO
THE PLAINTIFF UNDER SECTION 4049 OF THE CODE OF
ALABAMA.

1. Please state whether or not you claim any right, title or interest in or to that certain parcel of land in Baldwin County, Alabama, described as follows:

"That piece, parcel or lot of land known as the Francis Girard Tract, and particularly described as Section 44, Township 1 North, Range 2 East, North of Bayou Jessamine."

2. If you say that you do claim any right, title or interest in or to the above described parcel of land, then please state exactly how your claim to said land arises.

3. Please state each conveyance, instrument or document under which you claim some right, title or interest in or to the above described land, identifying such conveyance, instrument or document by its date, and the names of the parties thereto, or in some other manner.

4. Please state exactly what right, title or interest you claim in or to the parcel of land described in the first interrogatory, and if you have not already done so, please state fully and in detail how you claim to have derived such right, title or interest in such property.

5. If you claim under a deed from Varice Nicholas, et als. to Thomas Greig and Joaquine Eslava, dated on, to-wit, the

3rd day of June, 1845, please state whether, of your own personal knowledge, Varice Nicholas or any of the other grantors in said deed ever entered into possession of the land described in the first interrogatory, and if so, state exactly when.

6. Please state, if you know, of your own personal knowledge, where Varice Nicholas and where each of the other grantors in the deed to Thomas Greig and Joaquine Eslava, above referred to, lived on the 3rd day of June, 1845.

7. Please state of your own personal knowledge whether or not Thomas Greig or Joaquine Eslava ever took possession of the property described in the deed above referred to, and if so, when.

8. Is it not a fact that both Thomas Greig and Joaquine Eslava lived in Mobile, Alabama, and is it not a fact that the land above described was at that time and has since been unenclosed wild lands which have not been cultivated and on which no one lived?

9. Please state whether or not you claim any right, title or interest in or to said land under a deed from one Edwar Fisher and wife to Robinson and McMillan dated October 14th, 1880.

10. Please state, if you know, of your own personal knowledge, where Edwar Fisher and his wife lived at the time of the deed last above referred to.

11. Please state whether or not Robinson and McMillan ever took possession of the land described in said deed from Edwar Fisher and wife, and if you say that they did, then please state exactly what the said Robinson and McMillan did at the time you claim that they took possession of said land.

12. Please state exactly what part of the land described in the deed from Edwar Fisher and wife to Robinson and McMillan you say that the said Robinson and McMillan took possession of.

13. Please state whether or not Robinson and McMillan entered upon said land at the time they received the deed from Edwar Fisher and wife, and if you say that they did, then please

state which one of them entered upon said land and the exact point where he entered upon the same, and state exactly what he did at the time he entered upon said land, how long he remained thereon, and when he next returned thereto.

14. If you say that Robinson and McMillan, or either of them, began to cut timber on the land described in the deed from Edwar Fisher and wife to Robinson and McMillan, then please state exactly where, on the land described in said deed, the said parties cut timber. State the exact amount of timber cut, giving as nearly as you can the number of trees that were cut and the number of men and the names of the men employed in the cutting, also the length of time occupied in the cutting.

15. Please state whether or not you ~~remained upon the land~~ remained upon the land during the time that this cutting took place.

16. If you did not remain upon the land, then state exactly where they were cutting when you left it and state exactly how many trees they had cut.

17. Please state whether or not, of your own personal knowledge, any trees were cut and removed from that parcel of land described in the first interrogatory, between October 14th, 1880 and August 1st, 1884.

18. If you say that you know, of your own personal knowledge, that any trees were cut off that parcel of land described in interrogatory one above, between the 14th day of October, 1880, and the 21st day of August, 1884, then please state exactly how many trees were cut from said parcel of land between said dates. State as nearly as you can the number of men employed in cutting said trees, and state as nearly as you can the exact time consumed in the cutting of said trees, and whether or not said cutting was on more than one occasion, and if so, on how many occasions said cuttings took place.

19. Please state, of your own personal knowledge, exactly what disposition was made of said trees.

20. Please state whether or not Robinson and McMillan conveyed whatever right, title or interest they had in and to said lands described in the deed from Edwar Fisher and wife to them to J. Pollock on August 21st, 1884.

21. Please state whether or not you claim any right, title or interest in or to said land under a deed from Robinson and McMillan to J. Pollock dated August 21st, 1884.

22. Please state whether or not, of your own personal knowledge, J. Pollock was ever upon the land described in the deed from Edwar Fisher and wife to Robinson and McMillan.

23. Please state whether the said J. Pollock cut any timber from the land described in the deed of Edwar Fisher and wife to Robinson and McMillan, and if so, state as nearly as you can the exact number of times that the said J. Pollock cut timber from the said lands, the quantity of timber that he cut, the length of time occupied in each of the cuttings and what disposition was made of the timber cut.

24. Please state whether or not, of your own personal knowledge, J. Pollock ever cut any timber from that parcel of land described in the first interrogatory.

25. If you say that he did cut timber from the land just referred to, then please state exactly on what part of said land said timber was cut, the exact amount cut, the exact time it was cut, as nearly as you can give it, and the number of men employed in the cutting, also what disposition was made of said timber.

26. Please state whether or not J. Pollock ever entered into possession, personally, of the land described in a deed from Robinson and McMillan to J. Pollock. If so, please state exactly what part of said land he entered upon and what he did when he entered upon same; how long he continued thereon and how frequently he returned to said land.

27. Please state fully and in detail every act of possession by J. Pollock, or his agents, upon the land described in

the deed from Edwar Fisher and wife to Robinson and McMillan. State exactly when and where such act of possession took place and how long it continued, and if you cannot state these matters exactly, then state them as nearly as you can.

28. Is it not a fact that J. Pollock lived in Mobile and never came upon the land described in the deed from Edwar Fisher and wife to Robinson and McMillan or any part thereof?

29. Please state whether or not you claim any right, title or interest under a deed from J. Pollock to the Stockton Lumber Company, dated the 13th day of March, 1891.

30. If you say that you do claim some right, title or interest under the deed just above referred to, please state whether the Stockton Lumber Company ever entered into possession of that part of the land described in said deed which was included in the deed from Edwar Fisher and wife to Robinson and McMillan, above referred to, and if so, please state exactly what part of said lands said Stockton Lumber Company entered upon and what they did when they entered upon the same.

31. If you say that the Stockton Lumber Company cut timber from the said land, then please state how many times they cut timber from said land; state the exact amount of timber cut, the number of men employed in the timber operations, and the length of time of each of the cuttings of timber, and if you can not state these matters exactly, then state them as nearly as you can.

32. Please state whether or not the Stockton Lumber Company, between the 14th day of September, 1898, and the 31st day of August 1909, ever cut any timber on that parcel of land described in interrogatory one above. If you say that it did, then please state the exact time, or the time as nearly as you can give it, of each of said cuttings; state the number of trees cut, as nearly as you can, the number of men employed in the cutting and the length of time consumed in each of said cuttings.

33. Please state exactly how the timber cut from said parcel of land was disposed of.

34. Please state whether or not the Stockton Lumber Company, a corporation, has ever been dissolved, and if so, exactly when the said corporation was dissolved, or, if you can not give the exact date, give it as nearly as you can.

35. Please state who the directors of the corporation were at the time the same was dissolved.

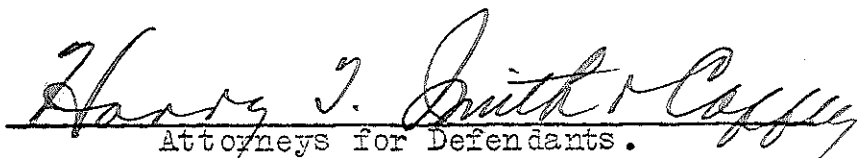
36. Please state what was done by you on the land described in the deed from Stockton Lumber Company to you dated September 14th, 1898.

37. Is it not a fact that all that you used any part of the land described in said deed for was to pasture cattle on a part thereof?

38. Is it not a fact that you simply drove your cattle across the river onto what is known as Fisher's Island and let them remain there during the Fall and Winter, taking them out in the Spring, and did you not so swear in the case of McMillan vs. Aiken?

39. Is it not a fact that Fisher's Island is the only portion of the land conveyed by the deed from Stockton Lumber Company to you dated September 14th, 1898, on which you undertook to pasture your cattle, and did you not so swear in the case of McMillan vs. Aiken?

40. Please state fully and in detail exactly what acts of possession you exercised on the land described in the deed from Stockton Lumber Company to you dated September 14th, 1898, and separately every act of possession on that parcel of land described in interrogatory one, giving fully and in detail every act of possession by you which you can recall, stating the character of the act, the duration thereof, and when and where the same occurred as nearly as you can.


Attorneys for Defendants.

STATE OF ALABAMA)

COUNTY OF MOBILE }

Personally appeared before me, Lillie A. Booth, a Notary

Public in and for said County in said State, WM. G. CAFFEY, who, upon oath, deposes and says that he is one of the attorneys for the defendants in the above entitled cause, and that the above and foregoing interrogatories, if well and truthfully answered, will be material evidence for the defendants in said cause.

Wm. G. Caffey

Subscribed and sworn to before me

this 29th day of August, 1917.

Lillie A. Booth

Notary Public, Mobile County, Alabama.

Interrogatories

Original

A B Crosby

or
Donna & John G. Allen

Filed 8/30/17
Prothonotary
Clerk

Recd copy on
A. B. Crosby

HARRY T. SMITH & CAFFEY
ATTORNEYS AT LAW
716 - 722 NATIONAL CITY BANK BUILDING
MOBILE, ALA.

24
a copy of the within Interrogatories
to be made by
C. B. Banks & Co. Sheriff

To any Sheriff of the Syate of Alabama Greeting:

You are hereby commanded to notify John G Aiken and Norma Aiken Defendants in the cause of A .B.Crosby----vs--- John G Aiken and Norma Aiken that a Writ of Garnishment was this day issued from this Court to Bacon Underwood Veneer Company, as Garnishee, for the sum of \$250.00 debt and damages and for costs in this cause.

Witness My Hand this 14th, day of August 1917.

GW Reeves Clerk

Green

[illegible][illegible]

Original

A. B. Crosby
V. a

John & Aiken
and Norma Aiken

Executed Oct 15th 1911
By serving a copy
of the within of
John & Aiken
and Norma Aiken

C. C. Bryant
Sheriff
By D. B. Cheeson
D.S.

Witness my hand this 15th day of August 1911.

Witness and for costs in this case.

Becon Underwood Veneer Company, as garnishee, for the sum of \$250.00 debt and
that a writ of garnishment was this day issued from this Court to
Defendants in the case of A. B. Crosby-----vs----- John & Aiken and Norma Aiken

You are hereby commanded to notify John & Aiken and Norma Aiken

To any Sheriff of the State of Alaska greeting:

STATE OF ALABAMA,
COUNTY OF BALDWIN.

Before me W. F. M. Millard, a Notary Public
in and for said State and County, personally appeared A. B. Crosby
who being sworn says upon information and belief that John G. Aikin
and Norma Aikin are indebted to affiant in the sum of \$250.00; that
the Bacon-Underwood Veneer Company are supposed to be indebted to
to have effects of the said John G. Aikin and Norma Aikin in their
possession or under their control, and that he believes process of
garnishment against the said Bacon-Underwood Veneer Company is nec-
essary to obtain satisfaction of said claim.

A B Crosby

Sworn to and subscribed before
me this 17 day of April, 1917.

W. F. M. Millard
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

STATE OF ALABAMA.
COUNTY OF BALDWIN.

KNOW ALL MEN BY THESE PRESENTS, That we A. B. Crosby,
and W. F. M. Millard, are held and firmly
bound unto John G. Aikin and Norma Aikin in the full sum of \$500.00,
for the payment of which well and truly to be made we bind ourselves,
and each of us, our and each of our heirs, executors and administra-
tors jointly and severally firmly by these presents. Sealed with our
seals and dated this 17 day of April, 1917.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas
the above bounden A. B. Crosby has the day of the date hereof prayed
process of garnishment against the Bacon-Underwood Veneer Company on
a summons and complaint at the suit of himself against John G. Aikin
and Norma Aikin for the sum of \$250.00, and has obtained the same re-
turnable to the next term of the Circuit Court of Baldwin County,
Alabama:

NOW THEREFORE if the said A. B. Crosby shall prose-
cute said suit to effect, and pay the defendants all such damages as
they may sustain by the wrongful and vexatious suing out of said
garnishment, then this obligation to be void; otherwise to remain in
full force and effect.

Signed, sealed and delivered on the date above
written.

A B Crosby (SEAL).
W. F. M. Millard Jr (SEAL).
____ (SEAL).

A. B. CROSBY,
Plaintiff.

NORMA AIKEN AND JOHN
G. AIKEN,
Defendants.

Now comes the defendant John G. Aiken and, answering the interrogatories propounded by the plaintiff to him in said cause, says:

Answering the second question in said interrogatory, he says: That he did not take any logs from said land.

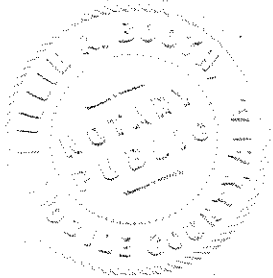
* The logs were cut on that portion of the confliction between the Louis Baudin Tract, and the so-called Francis Girard Tract which lies north of Bayou Jassamine.

was the reasonable value of the logs at that time.*

John G. Aikin

Subscribed and sworn to before
me this 21st day of November, 1918.

Lillie A. Booth
Notary Public, Mobile County, Alabama.



❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖

IN CIRCUIT COURT

OF BALDWIN COUNTY.

* * * * *

Plaintiff claims of defendants the sum of \$250.00,
due by account on to-wit: April 1st, 1917, with interest.

Plaintiff claims of defendants the further sum of \$250.00, damages for trespass by defendants on the following tract of land, viz: That piece, parcel or lot of land known as the Francis Girard Tract, and particularly described as, Section 44 Township 1 North Range 2 East, North of Bayou Jessamine, in the possession of plaintiff, and for cutting and removing timber from said land on to-wit: During the month of March, 1917.

Plaintiff claims of defendants the further sum of \$250.00, damages for wrongfully taking the following goods and chattels, property of plaintiff, viz: Gum logs, Ash logs and Cyprus logs.

Plaintiff claims of defendants the further sum of \$250.00, damages for conversion by them on to-wit: During the month of March, 1917, of the following chattels, the property of plaintiff, viz: Gum logs, Ash logs and Cyprus logs.

B. J. McNeill
ATTORNEY FOR PLAINTIFF.

Plaintiff demands a jury trial.

B. J. McMillan
ATTORNEY FOR PLAINTIFF.

The State of Alabama
Baldwin County

No.

Circuit Court

Fall Term, 191 7

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon Norma Aiken and John G. Aiken

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against them

the Defendant by A.B. Crosby

Plaintiff

Witness my hand this 14th day of August 191 7

Clerk.

Complaint

Plaintiff Versus

The plaintiff claims of the defendant

Dollars due by

Plaintiff's Attorney.

Original
1st

No.

State of Alabama
Baldwin County

CIRCUIT COURT

A.B. Crosby

vs.

Plaintiffs

Norma Aiken and John

G. Aiken.

Defendants

Summons and Complaint

Filed August 14th 1917

D.W. Richman Clerk.

Defendant lives at

Stockton, Ala.

B.F. Mc Millan Jr.

Plaintiff's Attorney

Defendant's Attorney

Times Print—Bay Minette.

Received in office

August 14th, 1917

C.E. Eubank No. Sheriff

I have executed this Writ

this Oct 10th 1917
by leaving a copy of the within summons and complaint with

Miss Norma Aiken
and John G. Aiken

C.E. Eubank No. Sheriff.
D.B. Richman Deputy Sheriff.

A. B. CROSBY,
Plaintiff.

v.

NORMA AIKIN, ET AL.,
Defendants.

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*
*
*

IN CIRCUIT COURT OF BALDWIN COUNTY.

1400

I claim the land described in the 1st interrogatory.

I claim this land by purchase from the Stockton Lumber Company.

I am not familiar with ^{all the} instruments forming a link in my chain of title and cannot give you the dates and record citations and am advised it is not my duty to do so and will not do so unless required by Court.

I claim absolute title to the land and derive my title from deeds ^{new} ~~of record~~ and by adverse possession, ~~and~~ by myself and those under whom I claim.

I don't know where Varice Nicholas or the other grantors in the deed, referred to in question 6, lived nor whether the grantees ^{had} ~~got~~ ^{physical} possession of the property; the land is unenclosed and uncultivated.

My recollection is that the Edward Fisher deed forms a link in my chain of title; I don't know where he lives.

Robinson & McMillan did take possession of the land by timber operations; I can't give the exact spot; they actually and personally went on them; they had possession for many years and I think both of them went on the land but I can't give the exact spot.

I can't give the exact spot where the timber was cut nor tell you the amount of timber cut, nor number of trees, nor number of men or their names.

I don't think I was ^{personally} ~~actually~~ on the land all the while this cutting took place and can't tell you exactly where they were cut when I left it.

I think some cutting was done during the periods named in the 17th interrogatory; I can't tell you the exact number of trees nor number of men.

^{Recollection was}
I have no personal ~~knowledge~~ of what was done with the trees nor personal knowledge of the deed referred to in the 20th interrogatory except that it forms a link in my chain of title.

My recollection is that the deed mentioned in the 21st interrogatory forms a link in my chain of title.

I never saw Pollock on the land; I think he entered into possession through Robinson & McMillan, his representative; I cannot enumerate the acts of possession done.

I think Pollock lived in Mobile and think the deed referred to in the 29th interrogatory formed a link in my chain of title.

My understanding is that the Stockton Lumber Company did have possession of this land; I think they had it all and cut over it during the entire time they had it but can't ~~xxxxxxx~~ give you the amount of timber or men employed.

I don't know how the timber was disposed of; I don't know whether the Stockton Lumber Company has ever been dissolved or not; I don't know who the directors were.

They conducted their timber operations openly in the same manner as other people who owned ^{after} land conducted operations ^{on their} ~~therein~~.

I did use the land to pasture cattle.

Sworn to and subscribed before
me this 24 day of ^{March} 1918.

A. B. Brasley
Notary Public, Baldwin County, Ala.

State of Alabama, }
Baldwin County }

CIRCUIT COURT.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

WHEREAS, A.B. Crosby

has commenced suit by Summons and Complaint returnable to the next term of the Circuit Court of said County, against

Norma Aiken and John G. Aiken

for the sum of Two hundred and fifty Dollars and whereas, the said

A.B. Crosby

has entered into bond, and made affidavit as required by law, that the said Norma Aiken and John G.

Aiken is indebted to him in the sum of

\$ 250.00

Dollars, and that process of garnishment is believed to be necessary

to obtain satisfaction of such judgment as may be recovered by Plaintiff, and that Bacon Underwood Veneer Co
pany. is believed to be chargeable as garnishee in the cause.

YOU ARE THEREFORE, commanded to summon the said Bacon Underwood Veneer Company

to be and appear at the next

term of the Circuit Court, to be holden for the County of Baldwin, on 19th November, 1917,

then and there to answer, upon oath, whether, at the time of the service of this garnishment, or at the time of making your answer, or at any time intervening between the time of serving the garnishment and making the answer, you were indebted to the defendant, and whether, you will not be indebted to him in the future by a contract then existing, and whether by a contract then existing, you are liable to him for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and whether you have not in your possession or under your control money or effects belonging to the defendant.

Witness my hand this 14th day of August, 1917.

J. P. Richardson

Clerk.

22000

No.

Circuit Court of Baldwin County.

A. B. Crosby

VS. } Garnishment on Summons

Norma Aiken and John G Aiken

Bacon Underwood Veneer Co, Garnishee.

Issued 14th day of Aug 1917

Plff's Attorney.

Received in office August 14th 1917
and executed August 14th 1917 by
Serving a copy of the within Subpoena
on John McMillan, Manager of
the Bacon Underwood Veneer Co
A E Centurdo Sheriff
By O. B. Johnson D.S.

State of Alabama)
Baldwin County)

Circuit Court, Baldwin County, Alabama.

A. B. Crosby, Plaintiff)

vs.)

Bacon-Underwood Veneer Company,
Garnishee.)

Norma Aiken and)

John G. Aiken, --- Defendant.)

KNOW ALL MEN BY THESE PRESENTS, that we Norma Aiken and

W. G. Aiken
ARE HELD and firmly bound unto A. B. Crosby, the plaintiff in the above styled cause in the sum of Five Hundred Dollars, to be paid to the said above named plaintiff, his heirs, executors, administrators or assigns for which payment well and truly to be made, we bind ourselves and each of us, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

And for the payment of this bond, and such judgment as may be rendered thereunder, we hereby waive our right to claim personal property as exempt to us under the constitution and laws of the State of Alabama.

Norm Sealed with our seals and dated this the 12 day of October, 1917.

The condition of the above obligation is such, that whereas on the 14th day of August, 1917, the above named plaintiff procured the issuance of a writ of garnishment out of said court, in the above styled cause to the Bacon-Underwood Veneer Company, garnishee therein named, for the sum of Two Hundred and Fifty Dollars, summoning the said garnishee to appear before the said court and make answer as such garnishee as required in said writ of garnishment. And whereas the said defendant desires to procure the dissolution of the said garnishment, and the discharge of the said garnishee.

Now therefore, if the said above bound defendant, shall pay or cause to be paid to the said plaintiff, such judgment as may be rendered, or ascertained to exist, in favor of the said plaintiff, and against said defendants in said cause, together with the costs of suit, then this obligation to be null and void; otherwise to be and remain in full force and effect.

Witness our hands and seals this 12 day of ~~Nov~~ 1917.

Norma Aiken (SEAL).

W. G. Aiken M.D. (SEAL).

____ (SEAL).

Taken and approved this 13th day of ~~Nov~~ 1917.

T. W. Richmond
Clerk Circuit Court, Baldwin County, Alabama.

STATE OF ALABAMA,

COUNTY OF MOBILE.

It is hereby agreed by and between the undersigned attorneys of record in the various cases of McMillan vs. Ailen, and Aiken vs. McMillan, et als, Crosby vs. Aiken, and Aiken vs. Crosby, et als, now pending in the Circuit Court of Baldwin County, that these cases be continued at the November term of the Baldwin County Circuit Court ~~to await the decision of the Supreme Court in the case of McMillan vs. Aiken, which is now in appeal in that Court.~~ Dated this 11th day of October, 1923.

Braas McMillan

Harry J. Smith Coffey

A.B. Crosby, Plaintiff.

---vs---

Norma Aiken and John G Aiken,

Defendants.

Circuit Court of Baldwin County.

Interrogatories propounded by the Defendants to the Plaintiff
Under Section 4049 of the Code of Alabama.

1. Please state whether or not you claim any right, title or interest in or to that certain parcel of land in Baldwin County, Alabama, described as follows:

"That piece, parcel or lot of land known as the Francis Girard Tract, and particularly described as Sections 44, Township 1 North, Range 2 East, North of Bayou Jessamine."

2. If you say that you do claim any right, title or interest in or to the above described parcel of land, then please state exactly how your claim to said land arises, each

3. Please state/conveyance instrument or docket under which you claim some right, title or interest in or to the above described land, identifying such conveyance, instrument or document by its date, and the names of the parties thereto, or in some other manner.

4. Please state exactly what right, title or interest you claim in or to the parcel of land described in the first interrogatory, and if you have not already done so, please state fully and in detail how you claim to have derived such right, title or interest in such property.

5. If you claim under a deed from Varice Nicholas, et-als, to Thomas Greig and Joaguine Eslava, dated to-wit, the 3rd, day of June 1845, please state whether, of your own personal knowledge, Varice Nicholas or any of the other grantors in said in said deed ever entered into possession of the land described in the first interrogatory, and if so, state exactly when.

6. Please state if you know, of your own personal knowledge, where Varice Nicholas and where each of the other grantors in the deed to Thomas Greig and Joaguine Eslava, above referred to, live on the 3rd, day of June, 1845.

7. Please state of your own personal knowlege whether or not Thomas Greig or Josephine Eslava ever took possession of the property described in the above deed above referred to, and if so, when.

8. Is it not a fact that both Thomas Greig and Joaguine Eslava lived in Mobile, Alabama, and is it not a fact that the land above described was at that time and has been since been unenclosed wild lands which have not been cultivated and on which no one lived?

9. Please state whether or not you claim any right, title or interest in or to said land under a deed from one Edwar Fisher and wife to Robinson and Mc Millan dated October 14th, 1880.

10. Please state if you know, of your own personal knowledge, where Edwar Fisher and his wife lived at the time of the deed last referred to.

11. Please state whether or not Robinson and Mc Millan ever took possession of the land described in said deed from Edwar Fisher and wife, and if you state they did, then please state exactly what the said Robinson and Mc Millan did at the time you claim that they took possession of said land.

12. Please state exactly what part of the land described in the deed from Edward Fisher and wife to Robinson and Mc Millan you say that the said Robinson and Mc Millan-~~deed~~ took possession of .

13. Please state whether or not Robinson and Mc Millan entered upon said land at the time they received the deed from Edward Fisher and wife, and if they say ~~you-said~~ that they did, then please state which one of them entered upon said land and the exact point where he entered upon the ~~same~~, and state exactly what he did at the time he entered upon said land, how long he remained thereon, and when he next returned thereto.

14. If you say that Robinson and Mc Millan, or either of them began to cut timber on the land described in the deed from Edward Fisher and wife to Robinson and Mc Millan, then please state exactly where, on the land described in said deed, the parties cut timber. State the ~~exact~~ amount of timber cut, giving as nearly as you can the number of trees that were cut and the number of men and the names of the men employed in the cutting, also the length of time occupied in the cutting.

15. Please state whether or not you remained upon the land during the time that this cutting took place.

16. If you did not remain upon the land, then state exactly where they were cutting when you left it and state exactly how many trees they had cut.

17. Please state whether or not, of your own personal knowledge, any trees were cut and removed from that parcel of land described in the first interrogatory, between October 14th, 1880 and August 1st, 1884.

18. If you say that you know, of your own personal knowledge, that any trees were cut off that parcel of land described in interrogatory one above, between the 14th day of October, 1880, and the 21st day of August, 1884, then please state exactly how many trees were cut from said parcel of land between said dates. State as nearly as you can the number of men employed in cutting said trees, and state as nearly as you can the exact time consumed in the cutting of said trees, and whether or not said cutting was on more than one occasion, and if so, on how many occasions said cuttings took place.

19. Please state of your own personal knowledge, exactly what disposition was made of said trees.

20. Please state whether or not Robinson and Mc Millan conveyed whatever right, title or interest they had in and to said lands described in the deed from Edward Fisher and wife to them to J. Pollock on August 21st, 1884.

21. Please state whether or not you claim any right, title or interest in or to said land under a deed from Robinson and Mc Millan to J. Pollock dated August 21st, 1884.

22. Please state whether or not, of your own personal knowledge, J. Pollock was ever upon the land described in the deed from Edward Fisher and wife to Robinson and Mc Millan.

23. Please state whether or not the said J. Pollock cut any timber from the land described in the deed of Edward Fisher and wife to Robinson and Mc Millan and if so, state as nearly as you can the exact number of trees times that the said J. Pollock cut timber from the said lands, the quantity of timber that he cut, the length of time occupied in each of the cuttings and what disposition was made of the timber cut.

24. Please state whether or not, of your own personal knowledge J. Pollock ever cut any timber from that parcel of land described in the first interrogatory.

25. If you say that he did cut timber from the land just referred to, then please state exactly on what part of said land said timber was cut, the exact amount cut, the exact time it was cut, as nearly as you can give it, and the number of men employed in the cutting, also what disposition was made of said timber.

26. Please state whether or not J. Pollock ever entered into possession personally, of the land described in a deed from Robinson and Mc Millan, to J. Pollock. If so, please state exactly what part of said

land he entered upon and what he did when he entered upon same; how long he continued thereon and how frequently he returned to said land.

27. Please state fully and in detail every act of possession by J Pollock, or his agents, upon the land described in the deed from Edwar Fisher and wife to Robinson and Mc Millan. State exactly when and where such act of possession took place and how long it continued, and if you cannot state these matters exactly, then state them as nearly as you can.

28. Is it not a fact that J. Pollock lived in Mobile and never came upon the land described in the deed from Edwar Fisher and wife to Robinson and Mc Millan or any part thereof?

29. Please state whether or not you claim any right, title or interest under a deed from J. Pollock to the Stockton Lumber Company, dated the 13th day of March, 1891.

30. If you say that you do claim some right, title or interest under the deed just above referred to, please state whether the Stockton Lumber Company ever entered into possession of that part of the land described in said deed which was included in the deed from Edwar Fisher and wife to Robinson and Mc Millan, above referred to, and if so, please state exactly what part of said lands said Stockton Lumber Company entered upon and what they did when they entered upon the same.

31. If you say that the Stockton Lumber Company cut timber from the said land, then state how many times they cut timber from said land; state the exact amount of timber cut, the number of men employed in the timber operations, and the length of time of each of the cuttings of timber, and if you can not state these matters exactly, then state them as nearly as you can.

32. Please state whether or not the Stockton Lumber Company, between the 14th day of September, 1898, and the 31st day of August 1909, ever cut any timber on that parcel of land described in interrogatory one above.

If you say that it did, then please state the exact time, or the time as nearly as you can give it, of each of said cuttings; state the number of trees cut, as nearly as you can, the number of men employed in the cutting and the length of time consumed in each of said cuttings.

33. Please state exactly how the timber cut from said parcel of land was disposed of.

34. Please state whether or not the Stockton Lumber Company, a Corporation, has ever been dissolved, and if so, exactly when the said corporation was dissolved, or, if you can not give the exact date, give it as nearly as you can.

35. Please state who the directors of the corporation were at the time the same was dissolved.

36. Please state what was done by you on the land described in the deed from Stockton Lumber Company to you dated September 14th, 1898.

37. Is it not a fact that all that you used any part of the land described in said deed for was to pasture cattle on a part thereof?

38. Is it not a fact that you simply drove your cattle across the river onto what is known as Fishers Island and let them remain there during the Fall and Winter, taking them out in the Spring, and did you not swear in the case of Mc Millan---vs--- Aikens?.

39. Is it not a fact that Fisher's Island is the only portion of the land conveyed by the deed from Stockton Lumber Company to you dated September 24th, 1898, on which you undertook to pasture your cattle, and did you not swear in the case of Mc Millan vs Aiken?

40. Please state fully and in detail exactly what acts of possession you exercised ~~ever~~ on the land described in the deed from Stockton Lumber Company to you dated September 14th, 1898, and separately every act of possession on that parcel of land described in interrogatory one, giving fully and in detail every act of possession by you which you can recall, stating the character of the act, the duration thereof, and when and where the same occurred as nearly as you can.

Harry T Smith and Caffey

State of Alabama,
County of Mobile.

Personally appeared before me, Lillie A Booth, a
Notary Public in and for said County and State, Wm G Caffey, who upon
oath deposes and says that he is one of the Attorneys for the
defendants in the above entitled cause, and the above and foregoing
interrogatories, if well and truthfully answered, will be of material
evidence for the defendant in said cause.

Wm G Caffey.

Subscribed and sworn to before me this
29th day of August, 1917.

Lillie A Booth,

Notary Public, Mobile, County, Alabama.

(Seal)

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

November 21, 1923.

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

Dear Mr. Richerson:-

RE: McMillan vs. Aiken et. al.

Enclosed herewith you will find agreement between the attorneys in the above styled case and other cases growing out of this matter. You will note that they have agreed to continue the cases at the November term, 1923. I wish you would please file this instrument and notify the witnesses that they need not appear at this term of the court.

With regards and best wishes, I am,

Yours sincerely,

John D. Leigh

jdl/s

A. B. CROSBY,
PLAINTIFF.

vs.

NORMA AIKIN AND
JOHN G. AIKIN,
DEFENDANTS.
.....

IN CIRCUIT COURT OF
BALDWIN COUNTY.

INTERROGATORIES PROPOUNDED BY PLAINTIFF TO EACH OF THE
DEFENDANTS UNDER SECTIONS 40-45 ET SEQ OF THE
CODE OF ALABAMA.

Did you personally or by Agents take any logs and timber from the lands described in the complaint in the Spring freshet of 1917? State how many logs and the number and the size of each kind and the aggregate amount in feet of each kind of logs and timber you took from said lands. State fully and in detail just exactly what the defendant John G. Aikin had to do with the taking of said logs. State fully and in detail what the defendant Norma Aikin had to do with the taking of said logs. State what individuals took said logs. Who employed such individuals to cut said logs. What was the value of the logs taken?

B. F. McMillan, Jr.
ATTORNEY FOR PLAINTIFF.

STATE OF ALABAMA

Mobile
COUNTY OF BALDWIN.

Before me W. C. Cooke a Notary Public in and for said State and County personally appeared B. F. McMillan, Jr., who being sworn says on oath that he is attorney for plaintiff in the foregoing cause; that as such attorney he has propounded to the defendants the foregoing interrogatories, and that the answers thereto will be material testimony in trial of said cause.

B. F. McMillan, Jr.

Sworn to and subscribed before me
this 2 day of April, 1917.

W. C. Cooke
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.
Mobile

Original

A. B. Crosby

via

John Aiken
& Norma Aiken

Interrogatories

Dated 8/14/17

J. W. McNamee

2-14

Executed Oct 10th 1917 By Serving a
Copy of the within Interrogatories on
John J. Aiken and Norma Aiken
V. A. C. Aiken & Sheriff
By J. B. McNamee D.S.