

1051

Arthur A Newman.

VS.

August Ewel et als.

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY
CIRCUIT COURT OF BALDWIN COUNTY

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____

~~Decree pro Confesso on Publication. and Testimony of~~
~~Arthur A Newman and H M Hall.~~

and in behalf of Defendant upon _____

BeeBe & Hall. Solicitors. Register.

REQUEST FOR DECREE IN VACATION

Printed by The Baldwin Times

State of Alabama,
Baldwin County.

} NO. _____

JULY

TERM, 1944.

ARTHUR A. NETTAN

Complainant—

VS.

AUGUST EWEL

Respondent—

TO R. S. DUCK, REGISTER:

In the above stated cause a decree pro confesso
having been taken against _____ the Respondent—,
and evidence having been taken, and the cause being ready for submission for final decree, and
no defense having been interposed, the complainant—, by Beebe & Hall,
Solicitor ~~s~~ of record, now files with the Register of this Court this written request to deliver the
papers in this cause to the Judge for final decree in vacation. BEEBE & HALL.

By

Solicitor— for Complainant—.

ARTHUR A. NEWMAN
COMPLAINANT

VS

AUGUST EWEL, ET AL
RESPONDENTS

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

TO HELEN A. MCGOWAN, BAY MINETTE, ALABAMA, GREETINGS;

Know you that we, imposing confidence in your integrity,
skill, and ability, have appointed you commissioner to take the
testimony of:

Arthur A. Newman, Elberta, Alabama
Hubert M. Hall, Bay Minette, Alabama

material witnesses in a suit now pending in our Chancery Court, of
Baldwin County, Alabama, wherein ARTHUR A. NEWMAN is complainant, and
August Ewel and the Baldwin County Colonization Company are
Respondents, and we hereby authorize and empower you to call and
cause to come before you the said witnesses and their depositions on
oath to take, touching their knowledge of the matters and things in
controversay in said suit, which depositions when so taken shall be
signed by said witnesses and certified by you as such commissioner
as herein, and you are further commanded that the depositions so
taken, with this commission, to return under your hand and seal
to the Register of said Court, with all convenient speed.


Register.

ARTHUR A. NEWMAN,
COMPLAINANT
VS
AUGUST EWEL, ET AL,
RESPONDENTS.

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

TO HONORABLE R. S. DUCK, REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY:

The Complainant wishes to take, orally, testimony on behalf of
the Complainant the following named witnesses:

Arthur A. Newman, Elberta, Alabama.
Hubert M. Hall, Bay Minette, Alabama.

It is hereby requested that you give proper and legal notice and
that Helen A. McGowan be duly appointed as Special Commissioner to take the
testimony of the said witnesses, and that due and legal notice of said request
and said appointment be given as required by law.

BEEBE & HALL

BY: 

ARTHUR A. NEWMAN

COMPLAINANT

VS

AUGUST EWEL, ET AL,

DEFENDANTS.

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

NO. _____

Motion is hereby made for a decree pro confesso against August Ewel, the Baldwin County Colonization Company and the known heirs, devisees, grantees, personal representatives, successors and assigns of them, if they should be dead, and any other business, firm or corporation claiming to own in right, title to, interest in or encumbrance upon the following described land in Baldwin County, Alabama, to-wit:

Southwest quarter of the Southeast quarter
of Section 7, Township 7 South, Range 5
East

the Defendants in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

Dated this the 5 day of July, 1944.


BEEBE & HALL

BY J. M. B. B.
Solicitors for Complainant.

representatives or assigns, or any other person, firm or corporation claiming any rights, title to, interest in, or incumbrance upon said lands herein described in Baldwin County, or any part or parcel thereof, appear in this Court and plead, answer, or demur to the Bill of Complaint in this cause filed on or before the 28th day of February, 1944, or upon their having failed to do so at the expiration of thirty days from date, a decree pro confesso will be taken against them.

It is further ordered that this order and notice be published in the "Baldwin Times" a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, R. S. Duck, as Register, have hereunto set my hand and seal on this 27 day of January, 1944.


Register of the Circuit Court, Baldwin
County, Alabama.

BEEBE & HALL
Solicitors for Complainant.

STATE OF ALABAMA
BALDWIN COUNTY.

I, R. S. Duck, Register of the Circuit Court, Baldwin County, Alabama, certify that the above is a full, true, correct and complete copy of the notice given by publication in the Baldwin Times, a newspaper published at Bay Minette, Alabama, in the cause of Arthur A. Newman vs Baldwin County Colonization Company, a corporation, et al, Respondents, and filed in the office of the Probate Judge of Baldwin County, Alabama, the County in which said land lies, in accordance with the provisions of Article 2, Chapter 32, of the 1940 Code of Alabama.

In witness whereof, I have hereunto set my hand and seal of office, on this the 27 day of January, 1944.


Register.

ARTHUR A. NEWMAN,
 COMPLAINANT
 VS
 AUGUST EWEL, ET AL
 RESPONDENTS.

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

This cause coming on to be heard was submitted for final decree upon the pleading, decree pro confesso, and proof as noted by the Register, and it appearing to the Court that the Complainant is the owner of and in the peaceable possession of the said land and each and every parcel thereof, and that the title of the Complainant has been duly and justly proved by legal and competent evidence, the Court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS THEREFORE ORDERED AND DECREED that the Respondents August Ewel and the Baldwin County Colonization Company, and the known heirs, devisees, grantees, successors and assigns of August Ewel and the Baldwin County Colonization Company, and each of them and any and all other businesses, firms or corporations claiming any title to, interest in, lien or encumbrance upon the said land or any part or parcel thereof for any estate, claim, interest in or encumbrance upon the following described land or any part or parcel thereof in Baldwin County, Alabama, to-wit:

Southwest quarter of the Southeast quarter
of Section 7, Township 7 South, Range 5
East.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the full, fee simple title to the said land, to-wit:

Southwest quarter of the Southeast quarter
of Section 7, Township 7 South, Range 5
East,

in Baldwin County, Alabama is vested absolutely in the Complainant, Arthur A. Newman.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama, in the direct index in the name of August Ewel and the Baldwin County Colonization Company, and the known heirs, devisees, grantees, personal representatives, successors and assigns of August Ewel and the Baldwin County Colonization Company, and in the indirect index in the name of Arthur A. Newman.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register shall within thirty days from the rendition of this decree file a certified copy in the office of the Probate Judge of Baldwin County, Alabama, for record, and that the costs thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainant pay the costs of this cause, for which execution may issue.

Dated at Monticello, Alabama, this the 20th day of July, 1944.

J. W. Hare

ARTHUR A. NEWMAN,
COMPLAINANT

VS

THE SOUTHWEST QUARTER OF
THE SOUTHEAST QUARTER OF SECTION
SEVEN, TOWNSHIP SEVEN SOUTH OF RANGE
FIVE EAST, BALDWIN COUNTY, ALABAMA, AND
AUGUST EWEL, IF HE BE LIVING OR, IF HE BE
DEAD, THE UNKNOWN HEIRS, DEVISEES, GRANTEES
PERSONAL REPRESENTATIVES OR ASSIGNS, AND
EACH OF THEM, OF THE SAID AUGUST EWEL, AND
THE BALDWIN COUNTY COLONIZATION COMPANY,
A CORPORATION, ITS SUCCESSORS, ASSIGNS, OR
UNKNOWN GRANTEES,
RESPONDENTS.

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

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

Comes your Complainant, ARTHUR A. NEWMAN and presents this,
his bill of complaint against the following described lands in Baldwin County,
Alabama, to-wit:

Southwest Quarter of the Southeast Quarter of Section
Seven, Township Seven South of Range Five East,

and against August Ewel, a non-resident of the State of Alabama, and whose last
known address was Chicago, Illinois, a better address not being known, and the
Baldwin County Colonization Company, a corporation, and against each of them
separately and severally, and if either or any of them be dead, then against their
heirs, and each of their heirs, devisees, grantees, personal representatives,
successors and assigns, separately and severally, and against any and all other
persons, firms or corporations claiming any title to, interest in, lien or in-
cumbrance upon the said land, or any part or parcel thereof, and respectfully
represents and shows unto Your Honor and this Honorable Court as follows:

1.

That your Complainant is over twenty one years of age, and a
bona fide resident of Baldwin County, Alabama; that August Ewel is over twenty
one years of age and a non-resident of the State of Alabama; that the Baldwin
County Colonization Company is a corporation organized under the laws of the State
of Alabama, but having no local representative in Baldwin County, Alabama; that
the Complainant is the owner in fee simple and in the actual possession of said
lands in Baldwin County, Alabama, described as follows, to-wit:

Southwest Quarter of the Southeast Quarter of Section
Seven, Township Seven South of Range Five East

2.

That no suit is pending to test the complainant's title to, interest in, or rights of possession of said land;

3.

That the Complainant obtained title to said lands by purchase from Wilhelmine Kroessin, by deed dated July 30th, 1943.

4.

That the title to said lands as claimed by the Complainant stands upon the records of Baldwin County, Alabama in the names of Baldwin County Colonization Company, a corporation, and August Ewel, and in the name of the Complainant, Arthur A. Newman;

5.

That no one has at any time within ten years next preceding the filing of this bill of complaint, paid any taxes upon or had any possession of the said lands except Arthur A. Newman, Wilhelmine Kroessin, A. Noltensmeier, and the Baldwin County Colonization Company;

6.

That the only person or corporation known by your Complainant to claim said land, or any part thereof, or any interest therein, are Arthur A. Newman, August Ewel and the Baldwin County Colonization Company, a corporation; that a diligent search and inquiry has been made from residents of Elberta, in Baldwin County, Alabama, the vicinity in which said lands are located, from individuals and records at Bay Minette, the County seat of Baldwin County, Alabama, to ascertain the present ages and addresses of the said parties, whose addresses are unknown, and whether or not they, or any of them, are dead and, if dead, the names, ages and addresses of their, and each of their, heirs, successors or assigns, and that they are unknown; that from such information obtainable the Respondents are over twenty one years of age, and non-residents of the State of Alabama.

WHEREFORE, your Complainant prays that this Honorable Court will take jurisdiction of the cause made by this Bill of Complaint, and by appropriate process make the said August Ewel and the Baldwin County Colonization Company, a corporation, and each of them, and the unknown heirs, devisees, personal representatives, successors and assigns of them, if any or either of them should be dead, and any other person, firm or corporation claiming any title to, interest

in, lien or incumbrance upon said land, to-wit: Southwest Quarter of the Southeast Quarter of Section Seven, Township Seven South of Range Five East, or any part thereof, to be made parties Respondent to this Bill of Complaint and by appropriate process require them and each of them to separately and severally plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of incumbrances, to the said land and to each part and parcel thereof, is vested in your Complainant, Arthur A. Newman as against August Ewel, the Baldwin County Colonization Company, a corporation, if they be living and, if they be dead, their, and each of their, unknown heirs, devisees, grantees, personal representatives, successors, and assigns, and any and all persons, firms or corporations claiming any title to, interest in, or lien or incumbrance upon the said lands or any part thereof, and that any and all doubts and disputes concerning the same be cleared up, and your Complainant prays for such other, further, different or general relief as in equity and good conscience shall seem meet and proper.

BEEBE & HALL

By *Shmuck*
Solicitors for Complainant.

STATE OF ALABAMA.
BALDWIN COUNTY.

Before me, the undersigned authority in and for said County and State, personally appeared Arthur A. Newman, who is known to me, and who, having been by me first duly sworn, deposes and says that he is the Complainant in the above styled cause, and that the facts stated in the foregoing bill of complaint, from all information obtainable, are true, and from such information obtained he verily believes, and so states, the same to be true.

Arthur A. Newman

Sworn to and subscribed before me on
this the 21 day of January, 1944.

Helen Lewis
Notary Public, Baldwin County, Alabama.

RECORDED

No. 1051.

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Arthur A Newman.

VS.

August Ewel et als.

NOTE OF TESTIMONY

Filed in Open Court this 14th

day of July 1944

R. E. Ewel

Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 1151. July, Term, 1944

Arthur A Newman. Complainant

Vs.

August Ewell. et als. Defendant

In this cause it appears to the Register R S Duck. that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 27th day of January, 1944, in the Baldwin. a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in ~~XXX~~ Baldwin. County, on the 24th day of January 1944 and

And it now further appearing to the Register R S Duck. that the said Respondents.

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register R S Duck. that the Bill of Complaint in this cause be, and it hereby is in all things taken as

RECORDED

No. 115.

Page

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

August A Newman.

Vs.

August Ewel et as1.

Decree Pro Confesso of Publication

Issued July 5th 19 44

August Ewel

Register.

Recorded in Record

Vol. Page

Register.

Moore Printing Co., Bay Minette, Ala.

JAMES H. FAULKNER
EDITOR AND PUBLISHER

The BALDWIN Times

ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

Yord Cook, being duly sworn, deposes and says
that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Lis Pendens Notice

LIS PENDENS NOTICE
ARTHUR A. NEWMAN,
COMPLAINANT
VS
BALDWIN COUNTY COLONIZATION
COMPANY, ET AL
RESPONDENTS
IN THE CIRCUIT COURT
OF BALDWIN COUNTY,
ALABAMA
IN EQUITY
It having been made to appear in the
above cause by the affidavit of Arthur
A. Newman, Complainant, that the Bald-
win County Colonization Company, a

corporation organized under the laws
of the State of Alabama, but having no
representative resident of Baldwin
County, Alabama, and that August
Ewel is a non-resident of the State of
Alabama, and whose address is Chicago,
Illinois, if he be living, and if he be
dead, his heirs, devisees, grantees, per-
sonal representatives, or assigns, are
non-residents of the State of Alabama,
their address being unknown.

That the said Complainant owns in
fee simple the following described lands
in Baldwin County, Alabama, to-wit:
Southwest Quarter of the Southeast
Quarter of Section Seven, Township
Seven South of Range Five East,
having acquired the same by purchase
from Wilhelmine Kroessin on July 30th,
1943; that the title to said lands stands
on the records in the Probate Court of
Baldwin County, Alabama, in the names
of Arthur A. Newman, Baldwin County
Colonization, a corporation, and August
Ewel; that no person is known to have
paid taxes upon said land or to have
been in possession of said lands or any
part thereof within ten years next
preceding the filing of this Bill of Com-
plaint, except Arthur A. Newman, Bald-
win County Colonization Company, a
corporation, and August Ewel.

IT IS THEREFORE ORDERED, and
notice is hereby given that said Re-
spondents, the Baldwin County Coloniza-
tion Company, a Corporation, August
Ewel, his heirs, devisees, grantees, personal
representatives, or assigns, or any other
person, firm, or corporation claiming
any right, title to, interest in, or in-
cumbrance upon said lands herein de-
scribed in Baldwin County, or any part
or parcel thereof, appear in this Court
and plead answer or demur to the
Bill of Complaint in this cause filed on
or before the 28th day of February, 1944,
or upon their having failed to do so at
the expiration of thirty days from

COST STATEMENT

445 WORDS @ 04 1/2 cents \$ 20.03

I hereby certify this is correct, due and unpaid (~~paid~~).

Yord Cook
Publisher.

Was published in said newspaper for _____ consecutive weeks in the following issues:

Date of 1st publication Jan. 27, 1944 Vol. 54 No. 52

Date of 2nd publication Feb. 3, 1944 Vol. 55 No. 1

RS Dusk

IN ACCOUNT WITH
G. W. ROBERTSON
JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
<i>Deceased Robert a woman August 1944</i>					<i>75</i>
<i>Paid</i> <i>W. R. B.</i>					