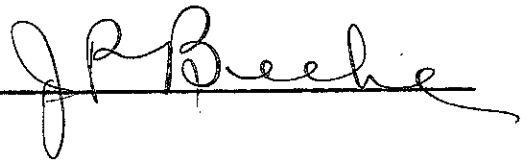


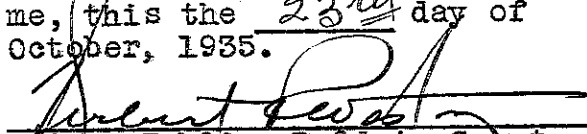
STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned authority in and for said State and County, this day personally appeared J. P. BEEBE, who is known to me and who having been by me first duly sworn, deposes and says that he is solicitor of record for the complainants in the case of E. W. Walthall and Randolph McGowan, complainants, vs. Baldwin County Colonization Company, a corporation, Joseph Prescher and Jacob Prescher, respondents; that as such solicitor and in line with his authority and duties he has made diligent search and inquiry to ascertain the present officers of the Baldwin County Colonization Company, a corporation; that it is a corporation duly organized and existing under the laws of the State of Alabama, with its principal place of business at Elberta, in Baldwin County, Alabama; that from all information available, having inquired of L. Lindoerfer and Max Neumann, residents of Elberta, Alabama, and various other business men in and around Elberta, he is unable to ascertain or learn the name or names of any officer or officers of said corporation, but from such information states that there is no officer, representative or agent of such corporation within the State of Alabama, and that your affiant has made diligent inquiry to ascertain the present known addresses of the said Joseph Prescher and Jacob Prescher, and that he is not able to ascertain the same, but from such information states that they are non-residents of the State of Alabama, and their present post-office addresses are unknown to your affiant.

  
\_\_\_\_\_

Sworn to and subscribed before  
me, this the 23<sup>rd</sup> day of  
October, 1935.

  
\_\_\_\_\_  
Notary Public, Baldwin County,  
Alabama.

171  
RECORDED  
6-228

E. W. WALTHALL and  
RANDOLPH MCGOWAN,  
Complainants,

vs.

BALDWIN COUNTY COLONIZ-  
ATION COMPANY, a cor-  
poration, and JOSEPH  
PRESCHER and JACOB  
PRESCHER,  
Defendants.

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

BILL OF COMPLAINT.

Filed Oct 13, 1935

*Robert S. Welch* Clerk

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned authority in and for said State and County, this day personally appeared J. P. BEEBE, who is known to me and who having been by me first duly sworn, deposes and says that he is solicitor of record for the complainants in the case of E. W. Walthall and Randolph McGowan, complainants, vs. Baldwin County Colonization Company, a corporation, Joseph Prescher and Jacob Prescher, respondents; that as such solicitor and in line with his authority and duties he has made diligent search and inquiry to ascertain the present officers of the Baldwin County Colonization Company, a corporation; that it is a corporation duly organized and existing under the laws of the State of Alabama, with its principal place of business at Elberta, in Baldwin County, Alabama; that from all information available, having inquired of L. Lindorfer and Max Neumann, residents of Elberta, Alabama, and various other business men in and around Elberta, he is unable to ascertain or learn the name or names of any officer or officers of said corporation, but from such information states that there is no officer, representative or agent of such corporation within the State of Alabama, and that your affiant has made diligent inquiry to ascertain the present known addresses of the said Joseph Prescher and Jacob Prescher, and that he is not able to ascertain the same, but from such information states that they are non-residents of the State of Alabama, and their present post-office addresses are unknown to your affiant.

*J. P. Beebe*

Sworn to and subscribed before me, this the 22<sup>nd</sup> day of October, 1935.

*Robert Lee*  
Notary Public, Baldwin County, Alabama.

22nd Oct 1935  
J. P. Beebe  
Notary Public

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

Come your complainants, E. W. WALTHALL and RANDOLPH  
McGOWAN, and humbly complaining against the BALDWIN COUNTY COLONI-  
ZATION COMPANY, a corporation, and JOSEPH PRESCHER and JACOB PRESCH-  
ER, respectfully represent and show unto your Honor:

FIRST:

That your complainants are bona fide residents of Baldwin  
County, Alabama, both over the age of twenty-one years.

SECOND:

That the Baldwin County Colonization Company is a corpora-  
tion duly organized and existing under the laws of the State of Ala-  
bama, with its principal place of business at Elberta, in Baldwin  
County, Alabama, and that its last known officers were Theobald  
Mueller, President, and Henry C. Bertling, Secretary, whose particu-  
lar places of residence and post-office addresses are unknown; that  
Joseph Prescher and Jacob Prescher are both over the age of twenty-  
one years and are non-residents of the State of Alabama.

THIRD:

That your complainants have made diligent search of the  
records of Baldwin County, Alabama, in order to ascertain the pres-  
ent known addresses of the said Joseph Prescher and Jacob Prescher;  
that your complainants have made inquiry in and around Elberta,  
Alabama, and have been unable to ascertain the present known ad-  
dresses of the said Joseph Prescher and Jacob Prescher.

FOURTH:

That your complainants allege that they are in the quiet,  
peaceable possession of certain lands in Baldwin County, Alabama,  
claiming to own the same under a tax deed dated July 12, 1928, made  
by S. H. Blan, State Auditor, to your complainants, which said tax  
deed was filed for record in the office of the Judge of Probate of

Baldwin County, Alabama, on September 10, 1928, and recorded in 45 N. S., pages 256-7, said lands being described as follows, to-wit:

Northeast quarter (NE $\frac{1}{4}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ) of Section eighteen (18), Township seven (7) South, Range five (5) East, lying and being in Baldwin County, Alabama, containing 40 acres, more or less;

and that the said possession has been continuous from the date of said tax deed.

FIFTH:

Complainants further allege that the defendants, Baldwin County Colonization Company, Joseph Prescher and Jacob Prescher, claim or are reputed to claim some right, title or interest in or incumbrance upon said lands.

SIXTH:

Complainants further allege that no suit is pending to enforce or test the validity of said claim, right, title or interest in or incumbrance upon said lands, and the complainants therefore call upon the defendants, the Baldwin County Colonization Company, a corporation, Joseph Prescher and Jacob Prescher, to set forth and specify their right, title or interest in or incumbrance upon said lands, and to show how and by what instrument the same is derived and created.

PRAYER FOR PROCESS.

WHEREFORE, the premises considered, your complainants pray that your Honor will take jurisdiction of the cause made by this bill of complaint and by appropriate process make the said Baldwin County Colonization Company, a corporation, Joseph Prescher and Jacob Prescher parties defendant to this bill of complaint, requiring them to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

PRAYER FOR RELIEF.

Complainants further pray that upon a hearing of this cause, this Honorable Court establish the title of complainants in and to the lands herein described, and further find and decree that the said Baldwin County Colonization Company, Joseph Prescher and Jacob Prescher have no claim, right, title or interest in or incumbence upon the said lands herein described, or any part thereof, and grant unto your complainants such other, further or different relief as they may in equity be entitled to receive. And as in duty bound, they will ever pray.

Beebe & Hall  
Solicitors for Complainants.

FOOT NOTE:

The defendants are required to answer each and every allegation of the foregoing bill of complaint, Paragraphs FIRST to SIXTH inclusive, but not under oath, oath being hereby expressly waived.

Beebe & Hall  
Solicitors for Complainants.

171

E. W. WALTHALL and  
RANDOLPH MCGOWAN,

Complainants,

vs.

BALDWIN COUNTY COLONI-  
ZATION COMPANY, a cor-  
poration, and JOSEPH  
PRESCHER and JACOB  
PRESCHER,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 171.

FINAL DECREE.

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

It is therefore ORDERED, ADJUDGED AND DECREED that the respondents, Baldwin County Colonization Company, a corporation, Joseph Prescher and Jacob Prescher, have no estate, right, claim, interest in or incumbrance upon the following described lands, or any part thereof, situated in Baldwin County, Alabama, to-wit:

Northeast quarter (NE $\frac{1}{4}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ) of Section eighteen (18), Township seven (7) South, Range five (5) East, containing 40 acres more or less;

and that the title to the same is vested in the said E. W. Walthall and Randolph McGowan as against the said Baldwin County Colonization Company, a corporation, Joseph Prescher and Jacob Prescher.

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

It is further ORDERED that the complainants pay the cost

in this cause, for which execution may issue.

Done at Bay Minette, Alabama, on this the 1<sup>st</sup> day  
of April, 1936.

*J. W. Hare*

---

Judge of the 21st Judicial  
Circuit of Alabama.



# CHANCERY EXECUTION

## BILL OF COSTS

No. 171

*E. W. Walthal*  
vs. *Carle*

vs. *Baldwin County Calypso Co* PLAINTIFF  
DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward	
Filing each bill and other papers	\$	10	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
Issuing each subpoena		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof		40	Each notice sent by mail to creditor	15
Entering each return thereof		15	Filing receipting for and docketing each claim, etc.	25
For each order of publication	1	00	For all entries on subpoena docket, etc.	50
Issuing Writ of injunction	1	50	For all entries on commission docket, etc.	50
For each copy thereof		50	Making final record, per 100 words	15
Entering each return thereof		15	Certified copy of decree	1 00
Issuing Writ of Attachment	1	00	Report of divorce to State Health Office (Acts 1915)	50
Entering each return thereof		15	<b>TOTAL FEES OF REGISTER</b>	<b>12 45-</b>
Docketing each case	1	00	<b>FEES OF SHERIFF</b>	
Entering each appearance		25	Serving and returning subpoena on deft.	\$1 50
Issuing each decree pro confesso on per ser.	1	00	Serving and returning subpoena for witness	65
Issuing each decree pro confesso on publica	1	00	Levying attachment	3 00
Each order appointing guardian	1	00	Entering and returning same	25
Any other order by Register		50	Selling property attached	
Issuing Commission to take testimony		50	Impaneling Jury	75
Receiving and filing		10	Executing Writ of possession	2 50
Endorsing each package		10	Collecting execution for costs	1 50
Entering order submitting cause		50	Serving and returning sci. fa., each	65
Entering any other order of court		25	Serving and returning notice	65
Noting all testimony		50	Serving and returning writ of injunction	1 50
Abstract of cause, etc.	1	00	Serving and returning writ of exeat	1 50
Entering each decree		75	Taking and approving bonds, each	75
For every 100 words over 500		15	Collecting money on execution	
Taking account, etc.	3	00	Making Deed	2 50
Taking testimony, etc.		15	Serving and returning application, etc.	1 00
Each report, 500 words or less	2	50	Serving attachment, contempt of court	1 50
For every 100 words over 500		15	<b>TOTAL FEES OF SHERIFF</b>	<b>15 45-</b>
Amount claimed less than \$500, etc.	2	00	<b>RECAPITULATION</b>	
Issuing each subpoena		25	Register's Fees	
Witness certificate, each		25	Sheriff's Fees	1 50
Issuing execution, each		75	Commissioner's Fees	
Entering each return		15	Solicitor's Fees	
Taking and approving bond, each	1	00	Witness Fees	
Making copy of bill, etc.		15	Guardian Ad Litem	
Each notice not otherwise provided for		50	Printer's Fees <i>Baldwin Law</i>	10 35-
Each certificate or affidavit, with seal		50	Trial Tax	3 00
Each certificate or affidavit, no seal		25	Recording Decree in Probate Court	1 25-
Hearing and passing on application, etc.	3	00	<b>TOTAL</b>	<b>28 55-</b>
Each settlement with Receiver, etc.	3	00		
Examining each voucher of Receiver, etc.		10		
Examining each answer, etc.	3	00		
Recording resignation, etc.		75		
Entering each certificate to Supreme Court		50		
Taking questions and answers, etc.		25		
For all other ser relating to such proceedings	1	00		
For services in proceeding to relieve minors, etc., same fee as in similar cases.				
Commission on sales, etc: 1st \$100, 2 per cent; all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent.				
Sub Total Carried Forward				

The State of Alabama, }  
Baldwin County

No. 171  
Circuit Court, In Equity April Term, 1934

To any Sheriff of the State of Alabama—GREETING:  
You are hereby commanded, That of the goods and chattels, lands and tenements of E. W. Walthal and Randolph McLawman Defendant  
you cause to be made the sum of \_\_\_\_\_ Dollars,  
which Baldwin County Calypso Co Plaintiff  
recovered of them on the 14 day of April 1934  
by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of \_\_\_\_\_ Dollars,  
costs of suit, and have the same to render to the said Rodney  
and make return of this Writ and the execution thereof, according to law.  
Interest from \_\_\_\_\_ 1934 to date of collection.  
Witness my hand, this 10 day of March 1934  
Rodney Register

E. W. WALTHALL and  
RANDOLPH McGOWAN,

Complainants,

vs.

BALDWIN COUNTY COLONI-  
ZATION COMPANY, a cor-  
poration, JOSEPH PRESCH-  
ER and JACOB PRESCHER,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

It being made to appear from the affidavit of J. P. Beebe, solicitor of record for the complainants, that the defendants, Baldwin County Colonization Company, a corporation, with its principal place of business in Elberta, Alabama, whose officers or managing agents are absent from the State, and that there is no person in the employ of such corporation or doing business for it in this State, and that Joseph Prescher and Jacob Prescher are non-residents of the State of Alabama; IT IS THEREFORE ORDERED that notice to said defendants be given by publication;

IT IS FURTHER ORDERED that said defendants, Baldwin County Colonization Company, a corporation, Joseph Prescher and Jacob Prescher, are hereby required to answer or demur to the bill of complaint in this cause on or before the 28th day of December, 1935;

IT IS FURTHER ORDERED that this notice be published in The Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, for four consecutive weeks and a copy thereof posted at the door of the Court House of Baldwin County, Alabama.

Dated this the 23 day of October, 1935.

  
\_\_\_\_\_  
Register.

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

Come your complainants, E. W. WALTHALL and RANDOLPH  
McGOWAN, and humbly complaining against the BALDWIN COUNTY COLONI-  
ZATION COMPANY, a corporation, and JOSEPH PRESCHER and JACOB PRESCH-  
ER, respectfully represent and show unto your Honor:

FIRST:

That your complainants are bona fide residents of Baldwin  
County, Alabama, both over the age of twenty-one years.

SECOND:

That the Baldwin County Colonization Company is a corpora-  
tion duly organized and existing under the laws of the State of Ala-  
bama, with its principal place of business at Elberta, in Baldwin  
County, Alabama, and that its last known officers were Theobald  
Mueller, President, and Henry C. Bartling, Secretary, whose particu-  
lar places of residence and post-office addresses are unknown; that  
Joseph Prescher and Jacob Prescher are both over the age of twenty-  
one years and are non-residents of the State of Alabama.

THIRD:

That your complainants have made diligent search of the  
records of Baldwin County, Alabama, in order to ascertain the pres-  
ent known addresses of the said Joseph Prescher and Jacob Prescher;  
that your complainants have made inquiry in and around Elberta,  
Alabama, and have been unable to ascertain the present known ad-  
dresses of the said Joseph Prescher and Jacob Prescher.

FOURTH:

That your complainants allege that they are in the quiet,  
peaceable possession of certain lands in Baldwin County, Alabama,  
claiming to own the same under a tax deed dated July 12, 1928, made  
by S. H. Blan, State Auditor, to your complainants, which said tax  
deed was filed for record in the office of the Judge of Probate of

Baldwin County, Alabama, on September 10, 1928, and recorded in 45 N. S., pages 256-7, said lands being described as follows, to-wit:

Northeast quarter (NE $\frac{1}{4}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ) of Section eighteen (18), Township seven (7) South, Range five (5) East, lying and being in Baldwin County, Alabama, containing 40 acres, more or less;

and that the said possession has been continuous from the date of said tax deed.

FIFTH:

Complainants further allege that the defendants, Baldwin County Colonization Company, Joseph Prescher and Jacob Prescher, claim or are reputed to claim some right, title or interest in or incumbrance upon said lands.

SIXTH:

Complainants further allege that no suit is pending to enforce or test the validity of said claim, right, title or interest in or incumbrance upon said lands, and the complainants therefore call upon the defendants, the Baldwin County Colonization Company, a corporation, Joseph Prescher and Jacob Prescher, to set forth and specify their right, title or interest in or incumbrance upon said lands, and to show how and by what instrument the same is derived and created.

PRAYER FOR PROCESS.

WHEREFORE, the premises considered, your complainants pray that your Honor will take jurisdiction of the cause made by this bill of complaint and by appropriate process make the said Baldwin County Colonization Company, a corporation, Joseph Prescher and Jacob Prescher parties defendant to this bill of complaint, requiring them to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

PRAYER FOR RELIEF.

Complainants further pray that upon a hearing of this cause, this Honorable Court establish the title of complainants in and to the lands herein described, and further find and decree that the said Baldwin County Colonization Company, Joseph Prescher and Jacob Prescher have no claim, right, title or interest in or incumbrance upon the said lands herein described, or any part thereof, and grant unto your complainants such other, further or different relief as they may in equity be entitled to receive. And as in duty bound, they will ever pray.

Beebe & Hall  
Solicitors for Complainants.

FOOT NOTE:

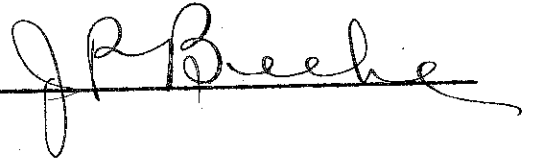
The defendants are required to answer each and every allegation of the foregoing bill of complaint, Paragraphs FIRST to SIXTH inclusive, but not under oath, oath being hereby expressly waived.

Beebe & Hall  
Solicitors for Complainants.

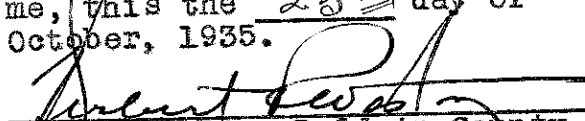
STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned authority in and for said State and County, this day personally appeared J. P. BEEBE, who is known to me and who having been by me first duly sworn, deposes and says that he is solicitor of record for the complainants in the case of E. W. Walthall and Randolph McGowan, complainants, vs. Baldwin County Colonization Company, a corporation, Joseph Prescher and Jacob Prescher, respondents; that as such solicitor and in line with his authority and duties he has made diligent search and inquiry to ascertain the present officers of the Baldwin County Colonization Company, a corporation; that it is a corporation duly organized and existing under the laws of the State of Alabama, with its principal place of business at Elberta, in Baldwin County, Alabama; that from all information available, having inquired of L. Lindoerfer and Max Neumann, residents of Elberta, Alabama, and various other business men in and around Elberta, he is unable to ascertain or learn the name or names of any officer or officers of said corporation, but from such information states that there is no officer, representative or agent of such corporation within the State of Alabama, and that your affiant has made diligent inquiry to ascertain the present known addresses of the said Joseph Prescher and Jacob Prescher, and that he is not able to ascertain the same, but from such information states that they are non-residents of the State of Alabama, and their present post-office addresses are unknown to your affiant.

  
\_\_\_\_\_

Sworn to and subscribed before  
me, this the 23<sup>rd</sup> day of  
October, 1935.

  
\_\_\_\_\_  
Notary Public, Baldwin County,  
Alabama.

**CIRCUIT COURT, BALDWIN COUNTY, ALA.,  
IN EQUITY.**

No. 171

*E. W. Marshall*  
VS.  
*Baldwin Co. Cigarette Co.*

PLAINTIFF  
DEFENDANT

**Bill of Costs**

Fees of Register		Dollars	Cts.	Brought Forward	
Filing each bill and other papers	\$ 10		80	For receiving, keeping and paying out or distributing money, etc.; 1st \$1,000 1 per ct.; all over \$1,000, and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000, and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.	
Issuing each subpoena	50			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received,	15
Issuing each copy thereof	15			Each Notice sent by mail to creditors	25
Entering each return thereof	1 00			Filing, Receipting for and docketing each claim, etc.	50
For each order of publication	1 50			For all entries on subpoena docket, etc.	50
Issuing writ of injunction	50			For all entries on commission docket, etc.	15
For each copy thereof	15			Making final record, per 100 words	1 00
Entering each return thereof	1 00	100		Certified copy of decree	50
Issuing writ of attachment	15			Report of divorce to State Health office Acts 1915	
Entering each return thereof	1 00			<b>Total Fees of Register</b>	<b>5 55</b>
Docketing each case	25			<b>Fees of Sheriff</b>	
Entering each appearance	1 00			Serving and returning subpoena on deft.	\$ 1 50
Issuing each decree pro confesso on persl ser	1 00			Serving and returning subpoena for witness	65
Issuing each decree pro confesso on publication	1 00			Levying attachment	1 50
Each order appointing guardian	50			Entering and returning same	25
Any other order by Register	50			Selling property attached	75
Issuing commission to take testimony	10			Impaneling Jury	2 50
Receiving and filing	10			Executing writ of possession	1 50
Endorsing each package	50			Collecting execution for costs	65
Entering order submitting cause	25			Serving and returning sci. fa., each	65
Entering any other order of Court	50			Serving and returning notice	1 50
Noting all testimony	1 00			Serving and returning writ of injunction	1 50
Abstract of cause, etc.	75			Serving and returning writ of exeat.	1 50
Entering each decree	15			Taking and approving bonds, each	75
For every 100 words over 500	3 00			Collecting money on execution	2 50
Taking account, etc.	15			Making deed	1 00
Taking testimony, etc.	2 50			Serving and returning application, etc.	1 50
Each report, 500 words or less	15			Serving attachment, contempt of court	1 50
For every 100 words over 500	2 00			<b>Total Fees of Sheriff</b>	
Amount claimed less than \$500, etc	25			<b>Recapitulation</b>	
Issuing each subpoena	25			Register's Fees	
Witness certificate, each	75			Sheriff's Fees	
Issuing execution, each	15			Commissioner's Fees	
Entering each return	1 00			Solicitor's Fees	
Taking and approving bond, each	15			Witness Fees	
Making copy of bill, etc	50			Guardian Ad Litem	
Each notice not otherwise provided for	50			Printer's Fees <i>Baldwin Co.</i>	3 00
Each certificate or affidavit, with seal	25			Trial Tax	
Each certificate or affidavit, no seal	3 00			Recording Decree in Probate Court	
Hearing and passing on application, etc.	3 00			<b>TOTAL</b>	<b>2 590</b>
Each settlement with receiver, etc.	10			<i>Ready Duce</i>	<b>1 25</b>
Examining each voucher of receiver, etc	3 00				<b>2 715</b>
Examining each answer, etc.	75				
Recording resignation, etc.	50				
Entering each certificate to Supreme Court	25				
Taking questions and answers, etc.	1 00				
For all other service relating to such proceedings					
For services in proceeding to relieve minors, etc., same fees as in similar cases.					
Commission on sales, etc.: 1st \$100, 2 per cent.; all over \$100, and not exceeding 1,000, 1 1-2 per ct.; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.					
Sub Total Carried Forward					

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_

Register.

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

Come your complainants, E. W. WALTHALL and RANDOLPH  
MCGOWAN, and humbly complaining against the BALDWIN COUNTY COLONI-  
ZATION COMPANY, a corporation, and JOSEPH PRESCHER and JACOB PRESCH-  
ER, respectfully represent and show unto your Honor:

FIRST:

That your complainants are bona fide residents of Baldwin  
County, Alabama, both over the age of twenty-one years.

SECOND:

That the Baldwin County Colonization Company is a corpora-  
tion duly organized and existing under the laws of the State of Ala-  
bama, with its principal place of business at Elberta, in Baldwin  
County, Alabama, and that its last known officers were Theobald  
Mueller, President, and Henry C. Bertling, Secretary, whose particu-  
lar places of residence and post-office addresses are unknown; that  
Joseph Prescher and Jacob Prescher are both over the age of twenty-  
one years and are non-residents of the State of Alabama.

THIRD:

That your complainants have made diligent search of the  
records of Baldwin County, Alabama, in order to ascertain the pres-  
ent known addresses of the said Joseph Prescher and Jacob Prescher;  
that your complainants have made inquiry in and around Elberta,  
Alabama, and have been unable to ascertain the present known ad-  
dresses of the said Joseph Prescher and Jacob Prescher.

FOURTH:

That your complainants allege that they are in the quiet,  
peaceable possession of certain lands in Baldwin County, Alabama,  
claiming to own the same under a tax deed dated July 12, 1928, made  
by S. H. Blan, State Auditor, to your complainants, which said tax  
deed was filed for record in the office of the Judge of Probate of



Baldwin County, Alabama, on September 10, 1928, and recorded in 45 N. S., pages 256-7, said lands being described as follows, to-wit:

Northeast quarter (NE $\frac{1}{4}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ) of Section eighteen (18), Township seven (7) South, Range five (5) East, lying and being in Baldwin County, Alabama, containing 40 acres, more or less;

and that the said possession has been continuous from the date of said tax deed.

FIFTH:

Complainants further allege that the defendants, Baldwin County Colonization Company, Joseph Prescher and Jacob Prescher, claim or are reputed to claim some right, title or interest in or incumbrance upon said lands.

SIXTH:

Complainants further allege that no suit is pending to enforce or test the validity of said claim, right, title or interest in or incumbrance upon said lands, and the complainants therefore call upon the defendants, the Baldwin County Colonization Company, a corporation, Joseph Prescher and Jacob Prescher, to set forth and specify their right, title or interest in or incumbrance upon said lands, and to show how and by what instrument the same is derived and created.

PRAYER FOR PROCESS.

WHEREFORE, the premises considered, your complainants pray that your Honor will take jurisdiction of the cause made by this bill of complaint and by appropriate process make the said Baldwin County Colonization Company, a corporation, Joseph Prescher and Jacob Prescher parties defendant to this bill of complaint, requiring them to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

PRAYER FOR RELIEF.

Complainants further pray that upon a hearing of this cause, this Honorable Court establish the title of complainants in and to the lands herein described, and further find and decree that the said Baldwin County Colonization Company, Joseph Prescher and Jacob Prescher have no claim, right, title or interest in or incumbance upon the said lands herein described, or any part thereof, and grant unto your complainants such other, further or different relief as they may in equity be entitled to receive. And as in duty bound, they will ever pray.

Beeche & Hall  
Solicitors for Complainants.

FOOT NOTE:

The defendants are required to answer each and every allegation of the foregoing bill of complaint, Paragraphs FIRST to SIXTH inclusive, but not under oath, oath being hereby expressly waived.

Beeche & Hall  
Solicitors for Complainants.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned authority in and for said State and County, this day personally appeared J. P. BEEBE, who is known to me and who having been by me first duly sworn, deposes and says that he is solicitor of record for the complainants in the case of E. W. Walthall and Randolph McGowan, complainants, vs. Baldwin County Colonization Company, a corporation, Joseph Prescher and Jacob Prescher, respondents; that as such solicitor and in line with his authority and duties he has made diligent search and inquiry to ascertain the present officers of the Baldwin County Colonization Company, a corporation; that it is a corporation duly organized and existing under the laws of the State of Alabama, with its principal place of business at Elberta, in Baldwin County, Alabama; that from all information available, having inquired of L. Lindorfer and Max Neumann, residents of Elberta, Alabama, and various other business men in and around Elberta, he is unable to ascertain or learn the name or names of any officer or officers of said corporation, but from such information states that there is no officer, representative or agent of such corporation within the State of Alabama, and that your affiant has made diligent inquiry to ascertain the present known addresses of the said Joseph Prescher and Jacob Prescher, and that he is not able to ascertain the same, but from such information states that they are non-residents of the State of Alabama, and their present post-office addresses are unknown to your affiant.

*J. P. Beebe*

Sworn to and subscribed before me, this the 22<sup>nd</sup> day of October, 1935.

*Robert Lee*  
Notary Public, Baldwin County, Alabama.

FILED  
OCT 23 1935  
BALDWIN COUNTY, ALA.





THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 121 Spring, Term, 1936

E. W. WALTHALL and RANDOLPH MCGOWAN, Complainant. <sup>S</sup>

Vs.

BALDWIN COUNTY COLONIZATION COMPANY, JOSEPH PRESCHER Defendant. <sup>S</sup>  
& JACOB PRESCHER

Motion is hereby made for a Decree Pro Confesso against BALDWIN CO. COLONIZATION CO.?

JOSEPH PRESCHER and JACOB PRESCHER Defendant. <sup>S</sup>

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

This 5th day of February 1936

Beek Hall

Solicitor.

NOTICE

BAY MINETTE, ALA. Oct 29-35

*Duck Clerk*

**BALDWIN TIMES**

ED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$1.50 PER YEAR IN ADVANCE  
ADVERTISING RATES GIVEN ON APPLICATION

*Notice - E.W. Wathall-Randolph  
vs. Bal. Co. Colonization Co. - Joseph  
Prescher*

*4 1/2 T*

*\$10.35*

Filed this 31<sup>st</sup> day Oct 1935

Robert S. Duck  
Clerk-Register

E. W. Wathall and Randolph McGowan, Complainants, vs. Baldwin County Colonization Company, Joseph Prescher and Jacob Prescher, Defendants.

In the Circuit Court of Baldwin County, Alabama. In Equity.

It being made to appear from the affidavit of J. P. Beebe, solicitor of record for the Complainants, that the defendants, Baldwin County Colonization Company, a corporation, with its principal place of business in Elberta, Alabama, whose officers or managing agents are absent from the State, and that there is no person in the employ of such corporation or doing business for it in this State, and that Joseph Prescher and Jacob Prescher are non-residents of the State of Alabama; It is therefore ordered that notice to said defendants be given by publication;

It is further ordered that said defendants, Baldwin County Colonization Company, a corporation, Joseph Prescher and Jacob Prescher, are hereby required to answer or demur to the bill of complaint in this cause on or before the 28th day of December, 1935;

It is further ordered that this notice be published in The Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, for four consecutive weeks and a copy thereof posted at the door of the Court House of Baldwin County, Alabama.

Dated this 23rd day of October 1935.  
ROBERT S. DUCK Register

my  
factory

Filed this 31<sup>st</sup> day Oct. 1934

Robert S. Duck  
Clerk-Register



No. 171

Page

State of Alabama,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

E. W. WALTHALL, et al

Complainant S

Vs.

BALDWIN CO. COLONIZATION

CO., et al

Defendant S

Motion for Decree Pro Confesso  
On Publication.

Filed February 5, 1936

Robert S. Duck

Register.

Recorded in Record,

Vol. Page

Register.

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

F. W. WATPHALL

vs.

BALDWIN COUNTY COLONIZATION CO.

DECREE PRO CONFESSO  
OF PUBLICATION

Issued February 5, 1936

Robert A. Buck

Register

Recorded in Record

Vol. Page

Register.

Circuit Court, Baldwin County, Ala.  
In Equity.

No. \_\_\_\_\_

vs.

# Cost Bill

Paid \_\_\_\_\_ 193\_\_\_\_\_

Register.

RECORDED  
*June*  
6-228

191

E. W. WALTHALL and  
RANDOLPH MCGOWAN,  
Complainants,

vs.

BALDWIN COUNTY COLONI-  
ZATION COMPANY, a cor-  
poration, and JOSEPH  
PRESCHER and JACOB  
PRESCHER,  
Defendants.

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

BILL OF COMPLAINT.

Filed Oct 23, 1935

*Belmont & Welch* Clerk

171

RECORDED  
Serial  
6-230

Order for Notice  
by Publication

Filed this 23<sup>rd</sup> day of Oct 1935

Robert B. Bunker  
Clerk of District Court

