GEORGE R. SWIFT, JOHN BYARD SWIFT, WILLIAM H. SWIFT, IRA P. SWIFT, MERIAM SWIFT MARTYN, EMILY M. SWIFT, MRS. R. G. STEVENS, MRS. R. T. MARSHALL, MRS. CHARLES H. WAKEFORD, MRS. P. S. WILLIAMS, Complainants, -vs- CERTAIN LANDS, WILLIAM H. SISSON, NANNIE L. SISSON, WESLEY SISSON, CLAUDINE MILLIGAN, MALCOLM W. MILLIGAN, WESLEY E. SISSON JR., LARKIN SISSON, MARY ELIZABETH KIRKLAND, ROBERT W. KIRKLAND and VIVA VALENTINA SISSON, MARY ELIZABETH KIRKLAND, as Trustee, Respondents.	IN THE CIRCUIT COURT--IN EQUITY STATE OF ALABAMA BALDWIN COUNTY.

This cause is submitted on behalf of Complainants for Final Decree upon the original Bill of Complaint and the Amendment thereto, the Admissions in the Answer of Respondents, the Agreements of Counsel as to the manner and form of taking the testimony, the Agreement of Counsel filed February 2nd, 1938, the following copies of Deeds and conveyances:-

United States Patent issued to John G. Williams and Alexander T. Redditt, dated August 15th, 1860, recorded in the Probate Office of Baldwin County, Alabama, in 18 N. S., page 529;

United States Patent issued to Alexander T. Redditt and John G. Williams, dated August 15th, 1860, recorded in 18 N. S., page 528;

United States Patent issued to John G. Williams, John W. Grist and Alexander T. Redditt, dated August 15th, 1860, recorded in 18 N. S., page 525;

Deed from A. T. Redditt and Emily A. Redditt, his wife, to John W. Grist, dated July 21st, 1858, and recorded in 17 N. S., page 410;

Deed from John W. Grist to Thomas F. Stickney, dated March 7th, 1860, and recorded in Deed Book "H", pages 41-2;

Deed from Thomas F. Stickney and Jessie A. Stickney, his wife, to Carrie McNulty, dated March 22nd, 1905, and recorded in Deed Book 8, page 685;

United States Patent issued to John G. Williams, dated March 1st, 1859, recorded in 18 N. S., page 527;

Deed of Trust from John G. Williams to Thomas C. Singletary, dated January 24th, 1867, recorded Deed Book "H", pages 728-30;

Deed from Hattie M. Banks et al, heirs of John Williams, to T. Green, dated June 25th, 1896, recorded in Deed Book "X", pages 558-60;

Deed from Thaddeus Green to Carrie C. McNulty, dated July 20th, 1898, and recorded in 3 N. S., pages 562-3;

Deed from Jno. B. Singletary et al to Carrie C. McNulty, dated March 11th, 1904, recorded 7 N. S., pages 145-6;

Deed from Carrie C. McNulty to C. A. Swift, dated December 21st, 1911, and recorded in 18 N. S., pages 529-30;

Tax Sale under Assessment to Henry Sisson, dated June 7th, 1880, recorded Deed Book "L", page 572;

Deed from Henry Sisson and wife to William H. Sisson, dated July 16th, 1882, recorded Deed Book "M", pages 513-15;

Deed from William H. Sisson and wife to Charles Tanner and John Millen, dated May 1st, 1883, recorded Deed Book "N", pages 127-9;

Deed from John Millen, Charles H. Tanner and Nancy Tanner to Charles F. Babcock, dated January 18th, 1896, recorded Deed Book "V", pages 254-7;

Deed from Nancy Tanner et al to T. J. Millen, dated September 30th, 1902, recorded 5 N. S., pages 574-6;

Deed from John W. Stewart, Admr., to John Winn, dated June 12th, 1884, recorded Deed Book "N", pages 486-7;

Deed from J. H. Winn and wife to Charles A. Swift, dated May 19th, 1887, recorded Deed Book "O", pages 478-80;

Decree of Chancery Court in suit of T. J. Millen vs. Thaddeus McNulty et al, dated January 27th, 1904, recorded in 7 N. S., page 79;

Deed from T. J. Millen and wife to Lyons, Swift & Company, dated October 3rd, 1904, recorded 12 N. S., pages 555-6;

Deed from Robert Lyons et al to C. A. Swift, dated April 28th, 1906, recorded 10 N. S., pages 604-8;

Deed from Robert Lyons et al to C. A. Swift, dated April 28th, 1906, recorded 10 N. S., pages 603-4;

Deed from A. T. Redditt et al to Fred G. Redditt, dated June 2nd, 1892, recorded Deed Book "S", pages 141-2;

Deed from F. G. Redditt to George H. Hoyle, dated the _____ day of _____, 1892, recorded Deed Book "S", pages 142-3;

Deed from F. G. Redditt and wife to George H. Hoyle, dated January 10th, 1906, recorded 9 N. S., page 692;

Bill of Complaint in case of Susie P. Swift et al vs. George H. Hoyle et al, filed December 19th, 1917, recorded Final Record 1, pages 37-9;

Decree of Court in case of Susie P. Swift et al vs. George H. Hoyle, dated March 14th, 1918, recorded Deed Book 27, page 99;

Tax Deed from State of Alabama to Charles A. Swift Heirs, dated September 17th, 1924, recorded 35 N. S., pages 101-2;

Tax Deed from State of Alabama to G. R. Swift, Agt., for Heirs of Charles A. Swift, Deceased, dated May 3rd, 1937, recorded 62 N. S., pages 229-30;

Deed from Chas. H. Tanner et al to William Foerster, dated March 3rd, 1899, recorded "Z", pages 75-6;

Deed from Chas. H. Tanner et al to Johann Ramund, dated May 5th, 1896, recorded "V", pages 402-4;

Deed from Chas. H. Tanner et al to Herman Paul Kruger, dated May 5th, 1896, recorded "V", pages 406-9;

Affidavit of Publication; the Testimony of H. P. Kruger, Clarence McKay, Walter B. Miller, D. H. Nelson, Walter Norrell, Thomas A. Steele, Albert Lipscomb, Harry Parker, Robin Swift and Herman C. Kruger, together with the Exhibits to their respective testimony; Map prepared by Capt. Durant; the introduction of said Deeds and Map being in accordance with the Stipulation of Solicitors of the respective parties to this cause made on February 2nd, 1938.

R. A. Duck
Register.

FINAL DECREE.

GEORGE R. SWIFT, JOHN BYARD, SWIFT, WILLIAM H. SWIFT, IRA P. SWIFT, MERIAM SWIFT MARTYN, EMILY M. SWIFT, MRS. R. G. STEVENS, MRS. R. T. MARSHALL, MRS. CHARLES H. WAKEFORD, MRS. P. S. WILLIAMS, Complainants,	))	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
VS.	))	IN EQUITY NO. 172.
CERTAIN LANDS, NANNIE L. SISSON, WESLEY, SISSON, CLAUDINE MILLIGAN, MALCOLM W. MILLIGAN, WESLEY E. SISSON, JR., LARKIN SISSON, MARY ELIZABETH KIRKLAND, ROBERT W. KIRKLAND, AND VIVA VALENTINA SISSON, Respondents.	))	

This cause coming on to be heard for a final decree, is submitted on the pleading and proof as noted by the Register, and upon due consideration of the same, the Court is of the opinion that the Complainants are entitled to the relief prayed for in the bill of complaint as amended.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that the Complainants, George R. Swift, John Byard Swift, William H. Swift, Ira P. Swift, Meriam Swift, Martyn, Emily M. Swift, Mrs. R. G. Stevens, Mrs. R. T. Marshall, Mrs. Charles H. Wakeford, Mrs. P. S. Williams, are the owners in fee simple of the property described in the bill of complaint, to-wit:

(a) Southwest Quarter of Northwest Quarter (SW¼ of NW¼) of Section Seven (7), Township Eight (8) South, Range Three (3) East.

(b) East half of Southwest Quarter (E½ of SW¼) of Section Seven (7), Township Eight (8) South, Range Three (3) East.

(c) East half of Southeast Quarter (E½ of SE¼) of Section Seven (7), Township Eight (8) South, Range Three (3) East.

(d) Southwest Quarter of Southeast Quarter (SW¼ of SE¼) Section Seven (7), Township Eight (8) South of Range Three (3) East.

(e) Northeast Quarter of Northeast Quarter (NE¼ of NE¼) of Section Eighteen (18), Township Eight (8) South, of Range Three (3) East.

(f) Also, Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7), lying South of Cataline Plock Claim, Section Eight (8), Township Eight (8) South of Range Three East, except the following described lands:-

From the Northwest Corner of Section Eight (8), Township Eight (8) South of Range Three (3) East, according to the Survey of Silas Dinsmore, United States Deputy Surveyor, thence run South 940.5 feet, thence North 58 degrees 30' East 636.24 feet, thence run south 31 degrees 30(East 1055 feet for a point of beginning, thence run south 58 degrees 30' West 689 feet to a point, thence run south 31 degrees 30' East 1176 feet to a point, thence run North 58 degrees 30' East 689 feet to a point; thence run North 31 degrees 30' West 1176 feet to the point of beginning, containing 18.6 acres, more or less.

Also except that certain tract of land described and conveyed by deed of Charles H. Tanner, Nancy Tanner, his wife, and John Millen, a widower, to William Foerster, of date of March 3rd, 1899, and recorded in Deed Book "Z" pages 75-6, said tract of land being described as follows: Starting at the Northwest corner of Section 8, Township 8 South of Range 3 East, Baldwin County, Alabama, run south 31½ degrees east 12.09 chains, thence north 58½ degrees east 1.58 chains, thence south 31½ degrees east 25 chains for a beginning corner, thence south 31½ degrees East 20 chains to a stake, thence North 58½ degrees East 41.83 chains to a stake on East line of Cataline Plock Tract, thence North 31½ degrees West along the line of said Cataline Plcok Tract 20 chains to a staken, thence south 58½ degrees West 41.83 chains to place of beginning, being a part of the Cataline Plock Tract Spanish Grant and containing 83.66 acres, as surveyed by N. L. Durant, County Surveyor.

Also, except that certain tract of land described and conveyed by Deed of Charles H. Tanner, et al. to Johann Eamund, of date of May 5th, 1896, and of record in deed Book "V", pages 402-4, said tract of land being described as follows: Starting at the Northwest Corner of Section 8, Township 8 south of Range 3 East, run South 31½ degrees East 12.09 chains, thence North 58½ degrees East 1. 58 chains East 65 chains for a beginning corner, thence South 31½ degrees East 20 chains to a stake, thence North 58½ degrees East 41.83 chains to a stake on East Line of Cataline Plock Tract, thence North 31½ degrees west along the line of said Cataline Plock Tract 20 chains to a stake, thence south 58½ degrees West 41.83 chains to place of beginning, being part of the Cataline Plock Tract Spanish Grant and containing 83.66 acres, as surveyed by N. L. Durant County Surveyor in Baldwin County, Alabama.

Also, except that certain tract of land described and conveyed by deed of Charles H. Tanner, et al. to Hermann Paul Kruger, of date May 5th, 1896, and of record in Deed Book "V", pages 406-9, said tract of land being described as follows: Starting at the Northwest corner of Section 8 Township 8 South of Range 3 East, run south 31½ degrees East 12.09 chains, thence North 58½ degrees East 1.58 chains, thence south 31½ degrees East 45 chains for a beginning corner, thence South 31½ degrees East 20 chains to a stake, thence North 58½ degrees East 41.83 chains to a stake on east line of Cataline Plock Tract, thence North 31½ degrees West along the line of said Cataline Plock Tract 20 chains to a stake, thence South 58½ degrees West 41.83 chains to place of beginning, being part of the Cataline Plock Tract Spanish Grant and containing 83.66 acres as surveyed by N. L. Durant, County Surveyor in Baldwin County, Alabama.

And that no other person, firm, or corporation have any title to, or interest in, or lien or encumbrance upon said land or any part thereof, and especially that Nannie L. Sisson, Wesley Sisson, Mary Elizabeth Kirkland, as Trustee, Claudine Milligan, Malcolm W. Milligan, Wesley E. Sisson, Jr., Larkin Sisson, Mary Elizabeth Kirkland, Robert W. Kirkland and Viva Valentina

Sisson have no title to, interest in, or lien or encumbrance upon said lands, or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that any right, title, claim, demand, or encumbrance that the said Nannie L. Sisson, Wesley Sisson, Mary Elizabeth Kirkland as Trustee, Claudine Milligan, Malcolm W. Milligan, Wesley E. Sisson, Jr., Larkin Sisson, Mary Elizabeth Kirkland, Robert W. Kirkland and Viva Valentina Sisson may claim to have in and to the aforesaid property be and the same is hereby declared null and void and of no force and effect and ordered removed as a cloud upon the title of George R. Swift, John Byart Swift, William H. Swift, Ira P. Swift, Meriam Swift Martyn, Emily M. Swift, Mrs. R. G. Stevens, Mrs. R. T. Marshall, Mrs. Charles H. Wakeford and Mrs. P. S. Williams, in and to the aforesaid lands.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register of this Court shall have this decree recorded in the Probate Office of Baldwin County, Alabama, and that the same shall be indexed in the direct index of said County, Probate Record in the name of the Respondents to this bill of complaint, viz: Nannie L. Sisson, Wesley Sisson, Claudine Milligan, Malcolm W. Milligan, Wesley E. Sisson, Jr., Larkin Sisson, Mary Elizabeth Kirkland, Robert W. Kirkland and Viva Valentina Sisson, and that it shall be indexed in the indirect index of said Probate Record in the name of the complainants, viz: George R. Swift, John Byard Swift, William H. Swift, Ira P. Swift, Meriam Swift Martyn, Emily M. Swift, Mrs. R. G. Stevens, Mrs. R. T. Marshall, Mrs. Charles H. Wakeford, Mrs. P. S. Williams,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Nannie L. Sisson, Wesley Sisson, Claudine Milligan, Malcolm W. Milligan, Wesley E. Sisson, Jr., Larkin Sisson, Mary Elizabeth Kirkland, Robert W. Kirkland and Viva Valentina Sisson be taxed with the cost of these preceedings, for which execution may issue.

DATED AT MONROEVILLE, ALABAMA, this 18th day of February, 1941.

F. W. HARE,
Judge.

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REGISTER'S CERTIFICATE.

I, R. S. DUCK, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above and foregoing is a true and correct copy of the Decree rendered in the case of GEORGE R. SWIFT, ET ALS., versus CERTAIN LANDS, NANNIE L. SISSON, ET ALS., Equity Number 172, on the 18th day of February, 1941, by the Judge of the said Circuit Court; the original Decree remaining on file and enrolled in this Office.

WITNESS my hand and Official Seal, this the 21st day of February, 1941.

R. S. DUCK, Register,

By: Vesthie Thompson
Deputy Register.

GEORGE R. SWIFT, JOHN BYARD SWIFT, WILLIAM H. SWIFT, IRA P. SWIFT, MERIAM SWIFT MARTYN, EMILY M. SWIFT, MRS. R. C. STEVENS, MRS. R. T. MARSHALL, MRS. CHARLES H. WAKEFORD, MRS. P. S. WILLIAMS, Complainants, Versus CERTAIN LANDS, WILLIAM H. SISSON, NANNIE L. SISSON, WESLEY SISSON, CLAUDINE MILLIGAN, MALCOLM W. MILLIGAN, WESLEY E. SISSON, JR., LARKIN SISSON, MARY ELIZABETH KIRKLAND, ROBERT W. KIRKLAND and VIVA VALENTINA SISSON, Respondents.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY - NO. _____

Now come the respondents in the above entitled cause and amend their answer heretofore filed in said cause by re-writing the sixth page thereof so as to make the same read as follows:-

"E. Sisson Lots 2, 3, 5, 6, 7 and 8 as shown by said map of survey of Wm. L. Durant, certified copy of which is attached hereto as Exhibit "A", said Wesley E. Sisson conveying to William H. Sisson Lots 1, 4 and 9 according to said map of survey, whereupon Wesley E. Sisson took possession of said Lots 2, 3, 5, 6, 7 and 8, and thereafter, on to-wit, December 9, 1915, conveyed to Mary E. Sisson all of said lots, except Southwest quarter of Northeast quarter of Southeast quarter of Section 7, Township 8 South, Range 3 East, being parts of Lots 2 and 6 which he reserved, and said Mary E. Sisson and Wesley E. Sisson continued in open, notorious and con-

tinuous adverse possession of their respective parcels of said lots, paying taxes, leasing and using the same, until November 15, 1920, when they conveyed Lot 8 to respondent William H. Sisson and respondents aver that after the conveyance of said Lot 8 said Wesley E. Sisson and Mary E. Sisson continued in open, notorious and continuous adverse possession of their respective portions of said lots, remaining after the conveyance of said Lot 8, for more than ten consecutive years; that the respondents, other than William H. Sisson, Wesley E. Sisson and Nannie L. Sisson, inherited from Mary E. Sisson that portion of lots 2, 3, 5 and 7 conveyed to her by Wesley E. Sisson, as aforesaid, and said William H. Sisson took possession of, paid taxes upon, leased and held said lots 1, 4 and 9, and from the said 15th of November, 1920, said Lot 8, in open, notorious and continuous adverse possession until he conveyed all of said lots to his wife, the respondent, Nannie L. Sisson on, to-wit, January 26, 1930, who remained and continued in such possession.

Each of the respondents avers that the lands hereinabove described are owned by respondents, as hereinabove alleged, in fee simple.

And each respondent further avers that from the time of said partition until notice of the filing of this suit, no one of them knew of any adverse claim by Charles A. Swift, or by any of the complainants to any part of said lands, but after the filing of this suit, respondents heard, for the first time, that the complainants had induced one, E. P. Lipscomb, who was in possession of the lots be-"

Harry T. Smith & Caffey

SOLICITORS FOR RESPONDENTS.

GEORGE R. SWIFT ET AL, Complainants, -vs- CERTAIN LANDS, WILLIAM H. SISSON ET AL, Respondents.	)	IN THE CIRCUIT COURT--IN EQUITY STATE OF ALABAMA BALDWIN COUNTY.

TO THE HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT OF ALABAMA:-

Now come the Complainants in the aforesaid cause, and amend their Bill of Complaint by adding Mary Elizabeth Kirkland, as Trustee, as party Defendant, and by amending Paragraph "Sixth" of the Original Bill of Complaint to read as follows:-

"SIXTH:

Complainants further show unto your Honor that they know of no one other than themselves who has been in the actual possession of said lands, and that no one is known to your Complainants to claim these lands or any part thereof, or any interest therein, except the Complainants and William H. Sisson and Nannie L. Sisson, who reside at 1735 Pine Street, Boulder, Colorado, Wesley Sisson, who resides at Golden Bridge, New York, and Mary Elizabeth Kirkland, as Trustee, whose present address is Lewisboro, New York, according to information furnished Complainants, and Claudine Milligan, Malcolm W. Milligan, Wesley E. Sisson Jr., Larkin Sisson, Mary Elizabeth Kirkland, Robert W. Kirkland and Viva Valentina Sisson, who are non-residents, and whose addresses are unknown to your Complainant; that all of the respondents mentioned herein are over the age of twenty-one years, and Complainants call upon the said William H. Sisson, Nannie L. Sisson, Wesley Sisson, Mary Elizabeth Kirkland, as Trustee, Claudine Milligan, Malcolm W. Milligan, Wesley E. Sisson Jr., Larkin Sisson, Mary Elizabeth Kirkland, Robert W. Kirkland and Viva Valentina Sisson, to set forth and specify his or her title, claim, interest or encumbrance on said lands, and how and by what instrument or otherwise the same is derived and created."

And amend Paragraph "Seventh" of the Original Bill of

Complaint to read as follows:-

"SEVENTH:

Complainants aver that they have made diligent search and inquiry to ascertain the residences and addresses of all persons, firms or corporations interested in or claiming to own any interest, right, title or claim in and to the aforesaid lands, and to ascertain the names and addresses of the heirs, devisees, successors, assigns and grantees of any deceased person or persons that might have claimed any interest in said lands; that in their investigation and inquiry Complainants have had a complete Abstract of Title of said real estate made from the records of Baldwin County, Alabama; that they have made inquiry of the oldest citizens in the community and in the neighborhood of the aforesaid lands as to the ownership of same, the possession of the same and the whereabouts of any and all persons who were interested in said lands, or may be interested in the same, or who may claim any interest therein, and that the only persons that they have been able to ascertain that claimed any interest, right, encumbrance on or title to said lands are the said William H. Sisson, Nannie L. Sisson, Wesley Sisson, Mary Elizabeth Kirkland, as Trustee, Claudine Milligan, Malcolm W. Milligan, Wesley E. Sisson Jr., Larkin Sisson, Mary Elizabeth Kirkland, Robert W. Kirkland and Viva Valentina Sisson.";

And amend the Prayer for Process in the Original Bill of Complaint so that the same shall read as follows:-

"PRAYER FOR PROCESS.

To the end, therefore, that equity may be had in the premises, Complainants pray that your Honor will cause the usual writ of process to issue to the above named Respondents, William H. Sisson, Nannie L. Sisson, Wesley Sisson and Mary Elizabeth Kirkland, as Trustee, in the usual form and according to the practices of this Honorable Court, requiring them to plead, answer or demur to the Bill of Complaint, as amended, within the time as required by law and the practices of this Honorable Court, and that

your Honor will cause the Register of this Court to forward said Summons to the said William H. Sisson, Nannie L. Sisson, Wesley Sisson and Mary Elizabeth Kirkland, as Trustee, by registered mail, with return receipt card demanded therefor, same to be addressed to William H. Sisson and Nannie L. Sisson at 1735 Pine Street, Boulder, Colorado, and to Wesley Sisson at Golden Bridge, New York, and to Mary Elizabeth Kirkland, as Trustee, at Lewisboro, New York, and that your Honor will also cause notice to be given to Claudine Milligan, Malcolm W. Milligan, Wesley E. Sisson Jr., Larkin Sisson, Mary Elizabeth Kirkland, Robert W. Kirkland and Viva Valentina Sisson, who are non-residents, but whose addresses are unknown, by publication in some newspaper published in Baldwin County, Alabama, for a period of thirty days, requiring them to plead, answer or demur to said Bill of Complaint, as amended, within the time as required by the practices of this Honorable Court, and that your Honor will also cause notice to be published of the proceedings instituted by the filing of this Bill of Complaint, as required by the laws of the State of Alabama, authorizing the quieting of title by proceedings in rem.";

And amend the Prayer for Relief in the Original Bill of Complaint so that the same shall read as follows:-

"PRAYER FOR RELIEF.

And Complainants further pray that upon the hearing of this cause your Honor will be pleased to establish Complainants' right of title to, and will decree the Complainants to be the owners in fee of said lands above described, and that no other persons, firms or corporations have any title to or interest in, or lien or encumbrance upon said lands, or any part thereof, and especially shall your Honor decree that the said William H. Sisson, Nannie L. Sisson, Wesley Sisson, Mary Elizabeth Kirkland, as Trustee, Claudine Milligan, Malcolm W. Milligan, Wesley E. Sisson Jr., Larkin Sisson, Mary Elizabeth Kirkland, Robert W. Kirkland and Viva Valentina Sisson, have no title to, interest in, or lien or encumbrance upon said lands, or any part thereof, and

that in said decree your Honor will direct in whose name it shall be indexed upon the direct indexes, and in whose name it shall be indexed in the indirect indexes of the records in the Probate Court of Baldwin County, Alabama, and that your Honor will order a certified copy of said Decree to be recorded in the Probate Court of Baldwin County, Alabama, and Complainants pray for all such other, further, different and general relief as in equity may seem just and meet, and Complainants will ever pray."

Hybart & Chason
Solicitors for Complainants.

And amend the Foot Note to the Original Bill of Complaint so that the same shall read as follows:-

"FOOT NOTE:-

All persons claiming any title to, interest in, lien or encumbrance upon the property described in the Original Bill of Complaint, or any part thereof, and especially William H. Sisson, Nannie L. Sisson, Wesley Sisson, Mary Elizabeth Kirkland, as Trustee, Claudine Milligan, Malcolm W. Milligan, Wesley E. Sisson Jr., Larkin Sisson, Mary Elizabeth Kirkland, Robert W. Kirkland and Viva Valentina Sisson, are required to answer Paragraphs "First" to "Seventh", inclusive, of the Amended Bill of Complaint, but answer under oath is hereby expressly waived."

Hybart & Chason
Solicitors for Complainants.

STATE OF ALABAMA,

BALDWIN COUNTY.

Personally appeared before me, the undersigned authority in and for said State and County, John Chason, who upon oath deposes and says:-

That he is the agent of the Complainants in the above cause, and is duly authorized by them to make this oath, and that the facts stated in the foregoing Bill of Complaint upon knowledge are true, and that he is informed as to the facts stated on information and belief as therein stated, and verily believes the same to be true.

Sworn to and subscribed before me, this 7th day of August, 1936.

John Chason

Mary S. Green.
Notary Public, Baldwin County,
State of Alabama.

GEORGE R. SWIFT, ET AL Complainants, VS. CERTAIN LANDS AND WILLIAM H. SISSIONS, ET AL., Respondents.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

The aforesaid cause is submitted for final decree upon the testimony heretofore taken as noted by the Register for the Respective parties to this cause.

Dated this 31st day of January, 1941.

G. W. Hare
JUDGE

GEORGE R. SWIFT, et al.,	:	IN THE CIRCUIT COURT OF
Complainants,	:	BALDWIN COUNTY, ALABAMA.
Versus	:	IN EQUITY - NO. 172.
CERTAIN LANDS, NANNIE L. SISSON, et als.,	:	
Respondents.	:	

We hereby acknowledge ourselves security for costs on the appeal taken by the respondent, Nannie L. Sisson, from the final decree of the Circuit Court of Baldwin County in the above entitled cause in equity, dated February 18, 1941.

C. W. G. Coppey

Thomas D. Smith

GEORGE R. SWIFT, ET AL.,	:	
Complainants.	:	
VERSUS	:	IN THE CIRCUIT COURT OF
	:	BALDWIN COUNTY, ALABAMA.
CERTAIN LANDS, WILLIAM H. SISSON, ET ALS.,	:	IN EQUITY.
Respondents.	:	

Now comes Nannie L. Sisson, and separately comes Wesley Sisson, Claudine Milligan, Malcolm W. Milligan, Wesley E. Sisson, Jr., Larkin Sisson, Mary Elizabeth Kirkland, Robert W. Kirkland and Viva Valentina Sisson, and each for himself or herself demurs to the bill of complaint in said cause, and for grounds of demurrer thereto each assigns, separately and severally, each of the grounds of demurrer heretofore filed in said cause by William H. Sisson, which said grounds of demurrer are here referred to and by reference expressly made a part hereof.

And each of said respondents further demurs to so much of the said bill of complaint as involves the land described in sub-division F of the caption of said bill of complaint upon the following separate and several additional grounds, namely:

A. Because the bill of complaint does not describe said lands with sufficient certainty.

B. Because said bill of complaint does not describe with certainty the lands referred to in said sub-division F.

C. Because the bill of complaint does not describe with certainty the lands referred to in said sub-division F of the caption.

SOLICITORS FOR RESPONDENTS NANNIE L. SISSON, WESLEY SISSON, CLAUDINE MILLIGAN, MALCOLM W. MILLIGAN, WESLEY E. SISSON, JR., LARKIN SISSON, MARY ELIZABETH KIRKLAND, ROBERT W. KIRKLAND AND VIVA VALENTINA SISSON.

GEORGE R. SWIFT, JOHN BYARD SWIFT, WILLIAM H. SWIFT, IRA P. SWIFT, MERIAM SWIFT MARTYN, EMILY M. SWIFT, MRS. R. G. STEVENS, MRS. R. T. MARSHALL, MRS. CHARLES H. WAKEFORD, MRS. P. S. WILLIAMS, Complainants - Appellees, Versus CERTAIN LANDS, WILLIAM H. SISSON, NANNIE L. SISSON, WESLEY SISSON, CLAUDINE MILLIGAN, MALCOLM W. MILLIGAN, WESLEY E. SISSON JR., LARKIN SISSON, MARY ELIZABETH KIRKLAND, ROBERT W. KIRKLAND and VIVA VALENTINA SISSON, Respondents - Appellants.	IN THE SUPREME COURT OF ALABAMA.

WHEREAS, it has become apparent that the Register in Chancery of the Circuit Court of Baldwin County, Alabama, will be unable to complete the transcript of the record in this case in time for the submission of the case at the call of the First Division of the Supreme Court on November 11, 1941, it is hereby agreed by and between the solicitors of record in the said cause that the time for completing the transcript shall be extended for the period of thirty days from this date, and that the case be passed upon its call in the Supreme Court at the call of the First Division, and that it be submitted by agreement of solicitors of record at such time as may be mutually agreeable to them and to the Supreme Court.

Dated this 25th day of October, 1941.

Harry N. Smith Coffey

SOLICITORS FOR APPELLANTS.

Hybart & Mason

SOLICITORS FOR APPELLEES.

Will of
Testimony

Filed Jul 2 1936
R S Deech
Register

Re-Filed January 31, 1941
R. S. Deech, Register

CERTIFIED COPY

OF DECREE.

GEORGE R. SWIFT, ET ALS.,

Complainants,

-Vs.-

CERTAIN LANDS, NANNIE D. SISSON, ET ALS.,

Respondents.

STATE OF ALABAMA, MONTGOMERY COUNTY

Filed FEB 21 1941 9350

Recorded Deed book 73 NS page 527-8

and certify that the following Privilege Tax has been paid.

Deed tax

Mortgage tax

Judge of Probate

By

Security for Costs

Filed May 28, 1941
R. S. Deck, Registrar

172 RECORDED
Duck
6-242

Demurrers

Filed this 19 day Dec. 1935
Robert S. Duck
Clerk Register

GEORGE R. SWIFE, ET AL., Complainants, VS. CERTAIN LANDS AND WILLIAM H. SISSIONS, ET AL., Respondents.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

Now comes the Complainants in the aforesaid cause and amends their bill of complaint by striking therefrom the name of William H. Sissions as a party respondent.

Hybart & Choate
Solicitors for Complainants.

GEORGE R. SWIFT, et al., Complainants,	:	IN THE CIRCUIT COURT -
Versus	:	IN EQUITY-
CERTAIN LANDS, WILLIAM H. SISSON, et als., Respondents.	:	STATE OF ALABAMA - BALDWIN COUNTY.

IT IS AGREED by and between the parties to this suit that Mr. G. R. Swift if recalled would testify that in testifying at page 86 of his original testimony that the surveying party there referred to met "Right at the northeast of the triangular part in Section eight lying outside of the grant" he referred to that part of Section 8 next to the Cataline Plock Tract and immediately south of the Thomas Powell Tract, and that ~~said~~ this agreement may be ~~showing for said witness may be~~ offered and used in evidence ~~as~~ a showing for said witness as just as if the same had been testified to by said witness in his original deposition; also that the map hereto attached and marked Exhibit "A" was the map that he referred to in his testimony as prepared by Capt. Durant and it is agreed that said map may be offered in evidence in this cause just as if the same had been attached by the Commissioner to the testimony of Mr. Swift as a part thereof.

IT IS FURTHER AGREED that Mr. Swift, if recalled would also testify, ~~which showing may be offered and used in evidence as if the same had been testified to by said witness in his original deposition~~ that in endeavoring to ascertain as to who might have any claim, title, right or interest in and to the property involved in this suit that he had an abstract made of the land; that he inquired of the old citizens in the neighborhood as to the ownership of the same, the possession of the same and the whereabouts of any and all persons who were interested in said lands or may be interested in the same, or who might claim any interest therein, and that the only persons that he has been able

to ascertain that claim any interest in, right, encumbrance on or title to said lands are the parties mentioned in the Bill of Complaint. and that this agreement may be used or offered in Evidence as a showing for said witness and just as if he had so testified in his original deposition.

IT IS FURTHER AGREED that the copy of the Answers of William H. Sisson to the direct interrogatories and Cross-Interrogatories propounded to him by the respective parties to this suit, all of which appear in the file in this cause, shall be used and treated by the Court in its consideration of this cause as the original testimony of the said William H. Sisson, and as duly and regularly taken, certified and returned by the Commissioner, appointed to take the same.

It is further agreed that Wesley E. Sisson and Mary E. Sisson conveyed Lot 8 of the Sisson Subdivision to Wm. H. Sisson by deed dated Nov 15, 1920.
2/2-38.

Hylpit & Chason
Solicitors for Complainants.

Harry J. Smith & Coffey
Solicitors for Respondents.

COMMISSION TO TAKE DEPOSITIONS. Moore Printing Co., Bay Minette, Ala.

The State of Alabama,
Baldwin County

CIRCUIT COURT

To Mr James H Kirkpatrick.

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Robert W Kirkland. and Mary Elizabeth Kirkland.

as witnesses in behalf of Complainat and Respodent. in a cause pending in our Circuit Court of Baldwin County, of said State, wherein George R Swift et al.

Complainant

and Certain Land & William H Sisson, et al.

Defendant,

on oath to be by you administered, upon Them.

to take and certify the deposition... of the witness~~...~~es and return the same to our Court, with all convenient speed, under your hand.

Witness 4th day of June. 19 37

R S Duck

REGISTER

COMMISSIONER'S FEE, $

WITNESS' FEES, $

COMMISSION TO TAKE 1 M

The State of Alabama,
Baldwin County

CIRCUIT COURT

To Miss Ruth Richardson.

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine William H Sisson.

as witnesses in behalf of Respondant. in a cause pending in our Circuit Court of Baldwin County, of said State, wherein George R Swift. et al.

Complainant

and Certain Lands and William H Sisson et .al.

Defendant,

on oath to be by you administered, upon Him.

to take and certify the deposition... of the witness.... and return the same to our Court, with all convenient speed, under your hand.

Witness 19th day of February. 1937

R S Quick

REGISTER

COMMISSIONER'S FEE, $ 30.00 claimed by Ruth Richardson % County Treasurer Boulder Colo.

WITNESS' FEES, $ —

George R.Swift et als,
Complainants -

Vs

Certain Lands,William H.Sisson
et als, Respondents.

In Circuit Court -

Baldwin County, Alabama,

In Equity

Comes the respondent,Mary Elizabeth Kirkland, as trustee,made a respondent to said suit by the amended bill filed therein by the complainants,and files her answer to said amended bill by filing again as trustee the answer filed herein by her individually and the other respondents in said suit and asking that it be treated as her answer as trustee to the amended bill.

Mary Elizabeth Kirkland
as trustee
by [illegible]
her attorney

GEORGE R. SWIFT, ET AL.,

Complainants,

VS.

CERTAIN LANDS AND WILLIAM H. SISSIONS, ET AL.

AMENDED BILL OF COMPLAINT

Filed Jan. 31st 1941

F. W. Hare

Judge

Agreement

Filed Feb. 2 1938
R. S. Deal
Recorder

RECORDED
Duck
6-487

Geo R Swift et als -

vs

certain lands & Wm H Dixson et als

---

answer of Mary Elizabeth Kirkland as trustee

Filed Aug. 31, 1936
Robert S. Duck,
Reg.

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

June 21, 1941.

Hon. Robert S. Duck, Clerk,
Circuit Court of Baldwin County,
Bay Minette, Alabama.

Dear Sir:-

In accordance with our telephone conversation of this morning I am returning herewith notice of appeal filed by Nannie L. Sisson May 28, 1941, and security for costs filed by her on the same date. On Monday, I shall return to you the Court file proper, together with the depositions of the various witnesses, in order that you may begin the making up of the transcript. As suggested to you today, I shall retain the documentary evidence and shall undertake to draft an agreement which will serve to obviate the necessity of copying the documentary evidence in full in the record.

Yours very truly,

Wm. G. Caffey

WM. G. CAFFEY

ENCS.
WGC:OD

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

June 25, 1941.

Hon. Robert S. Duck, Clerk,
Circuit Court of Baldwin County,
Bay Minette, Alabama.

Dear Sir:-

We are returning under separate cover the entire court file in the case of Swift, et al. v. Sisson, et al., except two stipulations for admission of evidence and the deeds and other documentary evidence offered by the respective parties, but not attached to any depositions. Our purpose in retaining the documentary evidence is to make an effort to abridge this part of the record so as to eliminate the incorporation of much unnecessary matter in the record.

We have taken the liberty of separating that part of the record which we think should be incorporated in the transcript from the portion which should be omitted. The portion which we think should go in the record bears the label "should go in record". The portion which we think should be omitted bears the label "immaterial matter". In addition to the court record proper, we are returning all of the depositions that have been taken. This will enable you

to begin making up the transcript of the record by incorporating the pleadings and the depositions of the various witnesses. By the time you reach the documentary evidence we should have the stipulation to which we have referred, but, of course, if we cannot get a satisfactory stipulation it will be necessary that all of the documentary evidence be copied into the record.

With the hope that it may be of some assistance to you, we have prepared and herewith enclose a list of what we think should go into the record in the order in which it should be incorporated. We are also sending a copy of this list to Mr. Chason and it might be well to get his approval or suggestions in regard to this matter.

We do not find in the file any order of submission on or about February 2, 1938. Either the Judge overlooked making such an order or it has been misplaced as it is not now in the file. If such an order was made it should, of course, be incorporated in the record. If it was not, it seems to us to make no essential difference as the case was re-submitted on January 31, 1941. In this connection, however, for the protection both of complainants and of the respondents, we think the notes of evidence which were filed February 2, 1938, should be marked refiled January 31, 1941.

Otherwise the court may say that the case cannot be supported because there were no notes of evidence upon which it was submitted. This would only delay a final disposition of the case and for this reason we are suggesting to the solicitors for the complainants, and are entirely agreeable, that the notes of evidence shall be marked refiled on January 31, 1941.

If we can be of any further assistance to you in the matter of making up this record please call on us and we shall be glad to do what we can.

Yours very truly,

Harry T. Smith & Caffey

HARRY T. SMITH & CAFFEY

Enc.
WGC:OD

GEORGE R. SWIFT, et al.,	:	
Complainants,	:	IN THE CIRCUIT COURT OF
Versus	:	BALDWIN COUNTY, ALABAMA.
CERTAIN LANDS, WILLIAM H. SISSON, et al.,	:	IN EQUITY.
Respondents.	:	

IT IS HEREBY AGREED by and between Solicitors of Record for the complainants and the respondents in the above entitled cause, that either the complainants or the respondents may offer, at the final hearing of this cause, a true copy of any deed, contract or other documentary evidence on record in the Probate Court of Baldwin County, that may be pertinent and material to the issues in said cause, subject to all legal objections, except the objection that same is a copy, which objection is expressly waived, ~~But it is further agreed that before any such copies are offered in evidence the other side shall first have the opportunity to check them for any errors that may exist therein.~~ it being understood & agreed that said copies may be used with the same force & effect as if they were original or duly certified copies.

Dated this 2nd day of ~~November~~ Feb, 1938.

Robert McKinnon
SOLICITORS FOR COMPLAINANTS.

Harry T. Smith & Co
SOLICITORS FOR RESPONDENTS.

GEORGE R. SWIFT ET AL, Complainants, -vs- CERTAIN LANDS, WILLIAM H. SISSON, ET AL, Respondents.	)	IN THE CIRCUIT COURT--IN EQUITY STATE OF ALABAMA BALDWIN COUNTY.

OBJECTIONS BY COMPLAINANTS TO INTERROGATORIES PROPOUNDED BY RESPONDENTS TO ROBERT W. KIRKLAND AND MARY ELIZABETH KIRKLAND.

Complainants object, separately and severally, to each and every question propounded by the Respondents to the witnesses, Robert W. Kirkland and Mary Elizabeth Kirkland, and assign, separately and severally, to each question, the following grounds of objection:-

1. That said question calls for irrelevant, immaterial, incompetent and illegal testimony.

2. That said question calls for hearsay testimony.

3. That said question calls for the opinion of the witness.

4. That said question calls for the conclusion of the witness.

5. That said question calls for statements made by, and transactions with, a deceased person, whose estate is interested in the results of this cause.

6. That said question calls for secondary evidence.

7. That said question calls for parol evidence in an effort to vary a written instrument.

8. That the instrument is the best evidence.

9. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "B" to the Direct Interrogatories, or to the signature of J. L. Young.

10. That the proper predicate has not been laid to permit the witness to testify as to the authenticity or the signatures of either Wesley Sisson or A. R. Lambert as to Exhibit "E".

11. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "F"

to the Interrogatories, nor to the signature of A. H. Crovatt.

12. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "G" to the Interrogatories, or to the signature of A. H. Crovatt.

13. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "H" to the Interrogatories, nor to the signature of A. H. Crovatt.

14. That the proper predicate has not been laid to permit the witness to testify to the authenticity of Exhibit "I" to the Interrogatories, nor to the signature of A. H. Crovatt.

15. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "J" to the Interrogatories, nor to the signature of E. P. Lipscomb.

16. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "K" to the Interrogatories, nor to the signature of E. P. Lipscomb.

17. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "L" to the Interrogatories, or to the signature of E. P. Lipscomb.

18. That the proper predicate has not been laid as to the authenticity of Exhibit "M" to the Interrogatories.

19. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "N" to the Interrogatories, nor to the signature of E. P. Lipscomb.

20. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "O" to the Interrogatories, nor to the signature of H. L. McCain.

21. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "O-1" to the Interrogatories, nor to the signature of Wesley Sisson.

22. That the proper predicate has not been laid to

permit the witness to testify as to the authenticity of Exhibit "P" to the Interrogatories, nor to the signature of Mack Hand.

23. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "Q" to the Interrogatories.

24. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "R" to the Interrogatories, nor to permit the witness to testify as to the signature of E. P. Lipscomb.thereto.

25. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "S", nor to the signature of E. P. Lipscomb thereto.

26. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "T" to the Interrogatories, nor to the signature of Wesley Sisson.

27. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "U" to the Interrogatories, nor to the signature of E. P. Lipscomb.

28. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "V" to the Interrogatories, nor to the signature of Wesley Sisson.

29. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "W" to the Interrogatories, nor to the signature of E. P. Lipscomb.

30. That the proper predicate has not been laid to permit the witness to testify as to the authenticity of Exhibit "X" to the Interrogatories, nor to the signature of Wesley Sisson.

And the Complainants move separately and severally to exclude the answer of the witnesses to the Interrogatories propounded to them by the Respondents, and as grounds of objection thereto assign, separately and severally, the foregoing grounds of objection to each and every answer to each and every question propounded to said witness, and, in addition thereto, assign,

separately and severally, to each answer of the witness, the following grounds:-

1st. That the answer of the witness is not respondent to the question.

2nd. That Complainant objects also to each and every question propounded in the Third Interrogatory to the aforesaid witnesses, separately and severally, on the grounds heretofore assigned, and on the further ground that no predicate has been laid to permit the witness to testify as to the authenticity of William H. Sisson's signature to the document therein inquired about, a copy of which is Exhibit "A" to the Interrogatories propounded by Respondents to said witnesses.

Not waiving the foregoing objections the Complainants propound the following Cross-Interrogatories, separately and severally, to the witnesses, Robert W. Kirkland and Mary Elizabeth Kirkland:-

FIRST CROSS-INTERROGATORY.

Please state your relationship by blood or marriage to Mary E. Sisson, Wesley E. Sisson and William H. Sisson.

SECOND CROSS-INTERROGATORY.

Is Mary E. Sisson dead? If so, when did she die? Is Wesley E. Sisson dead? If so, when and where did he die? are you interested in the results of this suit? If so, in what way? Did Mary E. Sisson die testate? If so, please attach a copy of her will. Who were her heirs at the time of her death? Have any of them died since? If so, who, at present are her heirs? Did Wesley E. Sisson die testate? If so, please attach a copy of his Will? Were Wesley E. Sisson and Mary E. Sisson husband and wife? If you say yes, did Wesley E. Sisson marry again after the death of Mary E. Sisson? If so, did he leave any heirs by this wife?

THIRD CROSS-INTERROGATORY.

Where have you been living for the last twenty-five years? Have you ever lived in Baldwin County, Alabama? If so, where? How long did you live here? How many visits have you

made to Baldwin County, Alabama, within the last twenty-five years? Have you ever been on the lands involved in this suit? Have you ever been present when the lands involved in this suit were surveyed? Are you familiar with the corners of the lands involved in this suit? Do you know of your own knowledge that Wesley Sisson ever had any of the lands involved in this suit cleared? If so, what lands did he have cleared; that is, upon what subdivision of the lands was the clearing done? Were you present when these lands were cleared? Did Wesley E. Sisson clear them himself or have someone to do it? If you say that he hired someone to clear these lands who did he hire, and were you present at the time that the contract was entered into? Do you know of your own knowledge that Wesley E. Sisson assessed the lands involved in this suit? Were you present at the time that the Assessment was made? If so, where was he when he made the Assessment, and to what officer? Do you know of your own knowledge that Wesley E. Sisson paid the taxes upon the lands involved in this suit for the past seven years? If you say that you do, to whom did he pay the taxes and were you present at the time?

FOURTH CROSS-INTERROGATORY.

Are you personally acquainted with Everett & Young? Do you know of your own knowledge as to whether they signed the purported lease, a copy of which is referred to as Exhibit "C" to the Direct Interrogatories? Would you say these parties, or either one of them, executed the lease? Do you know whether they ever worked any timber, that is, turpentined any timber, located on the lands involved in this suit? If you say yes, did you see them on the lands engaged in turpentining the timber thereon, and, if so, how many times did you see them there, and during what time was it that you saw them there? Isn't it a fact that Everett & Young never turpentined any timber on the lands involved in this suit? Do you understand that in testifying that you have to testify as to facts that you know personally, and that you are not to base your testimony on matters that you know by hearsay? Do you know that of your own knowledge that J. L. Young wrote and signed the

letter to Wesley Sisson on June 12th, 1929?

FIFTH CROSS-INTERROGATORY.

Isn't it a fact that the twenty acres of land that you claim that A. R. Lipscomb rented from you or Wesley Sisson is not located upon the lands involved in this suit? And isn't it a fact that the lands that A. R. Lipscomb was endeavoring to buy from Wesley Sisson or from you was altogether different lands than those that are involved in this suit? If you state that Wesley Sisson cleared the lands that A. R. Lipscomb rented from you or the said Wesley Sisson, when did the said Wesley Sisson clear these lands? Were you present at the time that they were cleared? Have you ever been on the lands that A. R. Lipscomb rented from you or the said Wesley Sisson? Did you ever see A. R. Lipscomb on any of the lands involved in this suit? Have you ever seen the said A. R. Lipscomb working any of the lands involved in this suit? Do you know what governmental subdivision the lands that A. R. Lipscomb proposed to buy from you or the said Wesley Sisson is included in? Isn't it a fact that practically all that you know about this matter is what Wesley E. Sisson has told you, or you gained through papers or letters that you have read? Please give us a description of the lands that you sold to E. P. Lipscomb

SIXTH CROSS-INTERROGATORY.

Do you know A. H. Crovatt? Do you know of your own knowledge as to whether he ever had a conversation with E. P. Lipscomb? Do you know of your own knowledge that A. H. Crovatt had any authority to write to Wesley E. Sisson for E. P. Lipscomb in regard to the purchase of lands in Baldwin County? Please give us the governmental subdivision of the lands that Mr. A. H. Crovatt wrote to Wesley E. Sisson about. Do you know of your own knowledge as to whether these lands that Mr. Crovatt wrote to Wesley E. Sisson about are included in this litigation or not? Have you ever had any correspondence with E. P. Lipscomb yourself in regard to any of the lands involved in this suit? If so, please attach his letters to you, marking the same Exhibit "A"

to your answer to these Cross-Interrogatories. Do you know of your own knowledge as to whether E. P. Lipscomb ever wrote any letters to Mr. Wesley E. Sisson? Are you familiar with the handwriting of Mr. E. P. Lipscomb? If so, when did you ever see him write, and how many times have you seen him write? If so, where were you and Mr. Lipscomb at the time that you saw him write? Did you live with Mr. Wesley E. Sisson from 1930 up until the time of his death? Where were you living from 1930 up until the death of Mr. Wesley E. Sisson? Where was he living from 1930 up until his death? If you say that you did not live at the same place, how far did you live apart? Isn't it a fact that Mr. Wesley E. Sisson frequently wrote letters about the lands here in Baldwin County, Alabama, from 1930 up until his death that you were not consulted about, and that you didn't know anything about until afterwards informed by him?

SEVENTH CROSS-INTERROGATORY.

Do you know Mack Hand? Where did you ever meet him? Did you ever see him write? If so, how many times? Do you know of your own knowledge as to whether Mr. Hand ever wrote to Mr. Wesley E. Sisson? What governmental subdivision does the land lie in that Mack Hand was inquiring about in his alleged letter? Isn't it a fact that the land that Mack Hand was inquiring about is not involved in this suit, and lies North and West of the land that is involved in this litigation?

EIGHTH CROSS-INTERROGATORY.

Isn't it a fact that the old field inquired about in Interrogatory No. 25 is not included in the lands involved in this suit, but lies to the North and West of the same? Have you ever been on the lands known as the old field, and, if so, when was this and what was the occasion of your being there? In what direction does the land known as the old field lie from Mr. H. P. Kruger's place, and how far is it from Mr. H. P. Kruger's place to the lands known as the old field? Did Mr. E. P. Lipscomb rent the old field for any longer than one year? Did he agree to hold the old field as your tenant or Mr. Wesley Sisson's tenant

for more than one year?

Hybart & Chasan
Solicitors for Complainants.

Complainants suggest James H. Kirkpatrick, 115 Broadway, New York City, New York, as a suitable person to act as Commissioner in taking the depositions of the aforesaid witnesses to the Cross-Interrogatories propounded to them.

Hybart & Chasan
Solicitors for Complainants.

GEORGE R. SWIFT ET AL, Complainants, -vs- CERTAIN LANDS, WILLIAM H. SISSON ET AL, Respondents.	IN THE CIRCUIT COURT--IN EQUITY STATE OF ALABAMA BALDWIN COUNTY.

This cause coming on for hearing is submitted on Demurrer, and the same being considered by the Court, it is ordered that the same be, and is, overruled. The Defendant is allowed twenty days in which to answer.

D M Hare
Judge.

GEORGE R. SWIFT, JOHN BYARD SWIFT, WILLIAM H. SWIFT, IRA P. SWIFT, MERIAM SWIFT MARTYN, EMILY M. SWIFT, MRS. R. G. STEVENS, MRS. R. T. MARSHALL, MRS. CHARLES H. WAKEFORD, MRS. P. S. WILLIAMS, Complainants, -vs- CERTAIN LANDS, WILLIAM H. SISSON, NANNIE L. SISSON, WESLEY SISSON, CLAUDINE MILLIGAN, MALCOLM W. MILLIGAN, WESLEY E. SISSON JR., LARKIN SISSON, MARY ELIZABETH KIRKLAND, ROBERT W. KIRKLAND and VIVA VALENTINA SISSON, Respondents.	IN THE CIRCUIT COURT--IN EQUITY STATE OF ALABAMA BALDWIN COUNTY.

LIS PENDENS NOTICE.

NOTICE IS HEREBY GIVEN that on October 23rd, 1935, the above named Complainants filed in the Circuit Court of Baldwin County, Alabama, in Equity, their Bill of Complaint against the following described lands in Baldwin County, Alabama, to-wit:-

Southwest Quarter of Northwest Quarter (SW¼ of NW¼) of Section Seven (7), Township Eight (8) South of Range Three (3) East.

East half of Southwest Quarter (E½ of SW¼) of Section Seven (7) Township Eight (8) South of Range Three (3) East.

East half of Southeast Quarter (E½ of SE¼) of Section Seven (7), Township Eight (8) South of Range Three (3) East.

Southwest Quarter of Southeast Quarter (SW¼ of SE¼) of Section Seven (7), Township Eight (8) South of Range Three (3) East.

Northeast Quarter of Northeast Quarter (NE¼ of NE¼) of Section Eighteen (18), Township Eight (8) South of Range Three (3) East.

Also, Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7), lying south of Cataline Plock Claim, Section Eight (8), Township Eight (8) South of Range Three (3) East, except the following described tracts of land:- From the Northwest corner of Section Eight (8), Township Eight (8) South of Range Three (3) East, according to the survey of Silas Dinsmore, United States Deputy Surveyor, thence run South 940.5 feet, thence North 58° 30' East 636.24 feet, thence run South 31° 30' East 1055 feet for a point of beginning, thence run South 58° 30' West 689 feet to a point, thence run South 31° 30' West 1176 feet to a point, thence run North 58° 30' East 689 feet to a point, thence run North 31° 30' West 1176 feet to the point of beginning, containing 18.6 acres, more or less. Also except that certain tract of land described and conveyed by Deed of Charles H. Tanner, Nancy Tanner, his wife, and John Millen, a widower, to William Foerster, of date March 3rd, 1899, and recorded in Deed Book "Z", pages 75-6, said tract of land being described as follows:- Starting at the Northwest corner of Section 8, Township 8 South of Range 3 East, run South 31½° East 12.09 chains, thence North 58½° East 1.58 chains, thence South

31½° East 25 chains for a beginning corner, thence South 31½° East 20 chains to a stake, thence North 58½° East 41.83 chains to a stake on East line of Cataline Plock Tract, thence North 31½° West along the line of said Cataline Plock Tract 20 Chains to a stake, thence South 58½° West 41.83 chains to place of beginning, being a part of the Cataline Plock Tract Spanish Grant, and containing 83.66 acres, as surveyed by N. L. Durant, County Surveyor. Also except that certain tract of land described and conveyed by Deed of Charles H. Tanner et al to Johann Ramund, of date May 5th, 1896, and of record in Deed Book "V", pages 402-4, said tract of land being described as follows:- Starting at the Northwest corner of Section 8, Township 8 South of Range 3 East, run South 31½° East 12.09 chains, thence North 58½° East 1.58 chains, east 65 chains for a beginning corner, thence South 31½° East 20 chains to a stake, thence North 58½° East 41.83 chains to a store on East line of Cataline Plock Tract, thence North 31½° West along the line of said Cataline Plock Tract 20 chains to a stake, thence South 58½° West 41.83 chains to place of beginning, being part of the Cataline Plock Tract Spanish Grant, and containing 83.66 acres, as surveyed by N. L. Durant, County Surveyor. Also except that certain tract of land described and conveyed by Deed of Charles H. Tanner et al to Hermann Paul Kruger, of date May 5th, 1896, and of record in Deed Book "V", pages 406-9, said tract of land being described as follows:-- Starting at the Northwest corner of Section 8, Township 8 South of Range 3 East, run South 31½° East 12.09 chains, thence North 58½° East 1.58 chains, thence South 31½° East 45 chains, for a beginning corner, thence South 31½° East 20 chains to a stake, thence North 58½° East 41.83 chains to a stake on East line of Cataline Plock Tract, thence North 31½° West along the line of said Cataline Plock Tract 20 chains to a stake; thence South 58½° West 41.83 chains to place of beginning, being part of the Cataline Plock Tract Spanish Grant and containing 83.66 acres, as surveyed by N. L. Durant, County Surveyor, in Baldwin County, Alabama;

and against the following named Defendants, viz:- William H. Sisson and Nannie L. Sisson, who reside at 1735 Pine Street, Boulder, Colorado, Wesley Sisson, who resides at Golden Bridge, New York, and Claudine Milligan, Malcolm W. Milligan, Wesley E. Sisson Jr., Larkin Sisson, Mary Elizabeth Kirkland, Robert W. Kirkland and Viva Valentine Sisson, who are non-residents and whose addresses are unknown.

The Prayer of said Bill is to have the title to the above described lands declared to be in the above named Complainants, and the claim, interest, title, lien and encumbrance of all persons whomsoever to be declared a cloud upon the title of said Complainants to said lands, and by appropriate decree to be removed therefrom.

Said Bill alleges that the Complainants claim the title to said land by adverse possession for a period of more than ten years last past, and said Bill calls upon the above named Respondents, who are reputed to claim some right, title or interest in or en-

cumbrance on, said lands, to set forth and specify their claim, title, interest or encumbrance, and how and by what instrument the same is derived and created, and said Bill calls upon all other persons, firms or corporations claiming to own some right, title or interest in, or encumbrance upon, such lands, to set forth and specify their title, claim, interest or encumbrance, and how and by what instrument the same is derived and created.

Dated this 14th day of July, 1936.

Hybart & Rason
Solicitors for Complainants.

GEORGE R. SWIFT, JOHN BYARD SWIFT, WILLIAM H. SWIFT, IRA P. SWIFT, MERIAM SWIFT MARTYN, EMILY M. SWIFT, MRS. R. G. STEVENS, MRS. R. T. MARSHALL, MRS. CHARLES H. WAKEFORD, MRS. P. S. WILLIAMS, Complainants, Versus CERTAIN LANDS, WILLIAM H. SISSON, NANNIE L. SISSON, WESLEY SISSON, CLAUDINE MILLIGAN, MALCOML W. MILLIGAN, WESLEY E. SISSON JR., LARKIN SISSON, MARY ELIZABETH KIRKLAND, ROBERT W. KIRKLAND and VIVA VALENTINA SISSON, MARY ELIZABETH KIRKLAND, as Trustee, Respondents.	IN THE CIRCUIT COURT - IN EQUITY - STATE OF ALABAMA BALDWIN COUNTY.

1. Organization of the Court.
2. Bill of Complaint filed October 23, 1935.
3. Demurrers of William Sisson, filed December 17, 1935.
4. Demurrers of Nannie L. Sisson et al., filed December 19, 1935.
5. Order overruling demurrers filed February 5, 1936.
6. Answer of respondents filed February 27, 1936.
7. Amended answer of respondents filed April 14, 1936, refiled as amended in black ink February 2, 1938.
8. Amendment to bill of complaint filed August 7, 1936.
9. Answer Mary Elizabeth Kirkland filed August 31, 1936.
10. Order of submission.
11. Order setting aside order of submission filed January 31, 1941.
12. Amendment to complaint filed January 31, 1941.
13. Note of evidence for complainant filed February 2, 1938.
14. Refiled January 31, 1941.

15. Note of evidence for respondents filed February 2, 1938, and refiled January 31, 1941.

16. Deposition of H. P. Kruger.

17. Deposition of Clarence McKay.

18. Deposition of Walter B. Miller.

19. Deposition of D. H. Nelson.

20. Deposition of Walter Norrell.

21. Deposition of Thomas A. Steele,

22. Deposition of Albert Lipscomb.

23. Deposition of Harry Parker.

24. Deposition of Robin Swift.

25. Deposition of Herman C. Kruger.

26. Deposition of William H. Sisson with attached exhibits.

27. Deposition of Michael A. Weeks.

28. Deposition of William Foerester (Foerster).

29. Deposition of John Romand.

30. Deposition of A. J. Weeks.

31. Deposition of Matthew Noltee (Nolte).

32. Deposition of Sidney Weeks.

33. Deposition of Cornelius Weeks.

34. Deposition of William B. Collins.

35. Deposition of William Gaillard.

36. Documentary evidence offered by both complainant and respondent with stipulation for abridgement of the record.

37. Final decree dated February 18, 1941, filed February 19, 1941.

38. Notice of appeal of Nannie L. Sisson filed May 28, 1941.

39. Security for costs on appeal by Nannie L. Sisson filed May 28, 1941.

40. Citation on appeal.

41. Certificate.

GEORGE R. SWIFT, ET AL., Complainants, VS. CERTAIN LANDS- AND WILLIAM H. SISSIONS, ET AL., Respondents.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY

Now comes the parties to the aforesaid cause by their respective Solicitors and moves the Court to set aside the submission of this cause heretofore made -

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that said submission for a final decree heretofore made be, and is set aside.

Dated this 31st day of January, 1941.

F. V. Hare
JUDGE

RITTENHOUSE M. SMITH
Attorney-at-Law
Suite 502 First Nat'l Bank Bldg.
Mobile, Alabama.

May 1, 1938

Mr. John Chason
Bay Minette, Alabama.

Dear Mr. Chason:-

Please see if you can not get Mr. Swift to let you have my fee of $7.50 for his share of the deposition in the land case. I did not put on the deposition the amount of my bill, because I had understood that my fee was to be paid as soon as the deposition was taken.

The total amount was $15.00, one half to be paid by Mr. Swift and the other hald by Mr. Caffey's client. Mr. Caffey has already paid me part of his client's part and is writing for the balance.

One of the members of my family has been in bed for over two months with a bad throat, and I am pretty badly in need of some ready cash, and if you can get this money for me the early part of this week I would appreciate it highly.

Yours very truly,

(signed)R. M. Smith

rms/je

OFFICE OF
CLERK OF THE SUPREME COURT
STATE OF ALABAMA
MONTGOMERY

J. RENDER THOMAS
CLERK

October 8, 1942

Mr. R. S. Duck
Register Baldwin Circuit Court
Bay Minette, Alabama

In re: 1 Div. 156
Nannie L. Sisson et als. v.
George R. Swift et als.

Dear Mr. Duck:

The Supreme Court today overruled the application filed July 10th, 1942, by the Appellees for a rehearing of the above case, and extended the opinion per enclosed pages 22 to 26.

Pages 8 and 21 were rewritten on rehearing, so I will thank you to substitute these pages for those in the opinion originally forwarded to you.

Yours very truly,

J. Render Thomas,
Clerk, Supreme Court.

JRT:D.
Copy to: Mr. William G. Caffey, Attorney for Appellants
Hybart and Chason, Attorneys for Appellees.

RITTENHOUSE M. SMITH
ATTORNEY-AT-LAW
SUITE 502 FIRST NAT'L BANK BLDG.
MOBILE, ALABAMA

July 15, 1942

Mr. R. S. Duck,
Clerk of Circuit Court,
Bay Minette, Ala.

Dear Mr. Duck:-

Re: Swift v. Sisson

I have had this up with both the attorneys for the Complainant and for the Defendant.

The commissioners fee for taking the depositions in which there are 117 pages, is $46.80, and of which Messrs. Smith and Caffey, on behalf of their client, Sisson, have paid me $7.50 on account, leaving a balance of $39.30.

The commissioners fee for taking the depositions in which there are 38 pages is $15.20, and of this Messrs. Smith & Caffey, on behalf of their client, Sisson, has paid me $5.00, leaving a balance due me of $10.20.

My total unpaid balance of fees as commissioner therefore is $49.50.

I appreciate very much your having written to me.

Yours truly,

R M Smith

R. M. Smith

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

January 28th, 1941.

Mr. Chas. Hybart,

Monroeville, Ala.

Dear Sir:-

This will confirm our telephone conversation of today to the effect that it is agreeable to us that the submission in the Sisson case be set aside with the understanding that you are to amend your bill of complaint by eliminating Mr. Wm. Sisson as a party respondent, and that the case is thereupon to be re-submitted on the same testimony that has previously been noted by the respective parties.

Very truly yours,

Harry T. Smith & Caffey

HARRY T. SMITH & CAFFEY.

WGC:LBG

RITTENHOUSE M. SMITH
ATTORNEY-AT-LAW
SUITE 502 FIRST NAT'L BANK BLDG.
MOBILE, ALABAMA

July 9, 1942

Mr. R. S. Duck,
Bay Minette, Ala.

Dear Mr. Duck:-

Re: Swift v. Sissons

Yours of the 6th has been received. I know that I have not been paid by the Sissons - and my commissions for taking those depositions is $46.80. Some time after taking the depositions, I asked the attorneys for Mr. Sisson if they would get me or let me have something on the commissions, as I needed the cash, and they told me that they had not even received their fee, and for me to charge the commissions as costs.

As to the Swift depositions: I think that $15.20 is a proper fee, but I do not recall whether I have been paid or have not been paid. Frankly, I have no records one way or the other, and I certainly do not recall having been paid. I will leave the matter to Mr. Chason.

I thank you very much for having written me. I had forgotten the matter entirely.

With regards, I am,

Yours very truly,

R. M. Smith

R. M. Smith

Swift's Ear
in
Sirens

Experiment
of colors -

Filed Feb 2, 1938
R. S. Reed
Regina

GEORGE R. SWIFE, ET AL.,

VS.

CERTAIN LANDS AND WILLIAM H. SISSIONS, ET AL.

ORDER SETTING ASIDE SUBMISSION

Filed Jan. 31, 1941

F. W. Moore
Judge

JAMES H. KIRKPATRICK
Attorney - at - Law
115 BROADWAY
NEW YORK

October 20th, 1937

The Honorable, The Clerk
of the Circuit Court of Baldwin County,
County Court House,
Bay-Minette, Alabama.

Sir:

Re: Swift v. Sisson, et al

I return you herewith, unexecuted, the commission and the attached interrogatories for the taking of the depositions of Robert W. Kirkland and Mrs. Robert W. Kirkland in the above matter.

Mr. Kirkland and I have been unable to agree on the commission to be paid me for the taking of these depositions.

I am, sir

Very respectfully yours,

James H. Kirkpatrick

(enclosures)

Greenville, Ala., Sept. 15, 1936

Mess. Hybart and Chason

To

W. D. Letford Dr

To depositions, Swift vs. Sisson, et al, ... $45.00

W. D. LETFORD
OFFICIAL COURT REPORTER
SECOND JUDICIAL CIRCUIT
GREENVILLE, ALA.

GEORGE R. SWIFT, et al., Complainants, Appellees, Versus CERTAIN LANDS, WILLIAM H. SISSON, et als., Respondents, Appellants.	:	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY - NO. _____

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned solicitors of record in the above entitled cause that the time for the completion of the transcript of the record in the above entitled cause be extended for the period of _____ days from December 1, 1941.

_____
Solicitors for Appellant,
Nannie L. Sisson.

_____
Solicitors for Appellees.

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

Scott & Lessiman

No. 171 VS. PLAINTIFF

DEFENDANT

Bill of Costs

Fees of Register

		Dollars	Cts.
Filing each bill and other papers	$ 10		
Issuing each subpoena	50		
Issuing each copy thereof	40		
Entering each return thereof	15		
For each order of publication	1 00		
Issuing writ of injunction	1 50		
For each copy thereof	50		
Entering each return thereof	15		
Issuing writ of attachment	1 00		
Entering each return thereof	15		
Docketing each case	1 00		
Entering each appearance	25		
Issuing each decree pro confesso on persl ser	1 00		
Issuing each decree pro confesso on publication	1 00		
Each order appointing guardian	1 00		
Any other order by Register	50		
Issuing commission to take testimony	50		
Receiving and filing	10		
Endorsing each package	10		
Entering order submitting cause	50		
Entering any other order of Court	25		
Noting all testimony	50		
Abstract of cause, etc.	1 00		
Entering each decree	75		
For every 100 words over 500	15		
Taking account, etc	3 00		
Taking testimony, etc.	15		
Each report, 500 words or less	2 50		
For every 100 words over 500	15		
Amount claimed less than $500, etc	2 00		
Issuing each subpoena	25		
Witness certificate, each	25		
Issuing execution, each	75		
Entering each return	15		
Taking and approving bond, each	1 00		
Making copy of bill, etc	15		
Each notice not otherwise provided for	50		
Each certificate or affidavit, with seal	50		
Each certificate or affidavit, no seal	25		
Hearing and passing on application, etc.	3 00		
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 service relating to such proceedings	1 00		
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			

Brought Forward			
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.			
Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received,			
Each Notice sent by mail to creditors	15		
Filing, Receipting for and docketing each claim, etc.	25		
For all entries on subpoena docket, etc	50		
For all entries on commission docket, etc.	50		
Making final record, per 100 words	15		
Certified copy of decree	1 00		
Report of divorce to State Health office Acts 1915	50		
Total Fees of Register			

Fees of Sheriff

Serving and returning subpoena on deft.	$ 1 50		
Serving and returning subpoena for witness	.65		
Levying attachment	1 50		
Entering and returning same	25		
Selling property attached			
Impaneling Jury	75		
Executing writ of possession	2 50		
Collecting execution for costs	1 50		
Serving and returning sci. fa., each	65		
Serving and returning notice	65		
Serving and returning writ of injunction	1 50		
Serving and returning writ of exeat	1 50		
Taking and approving bonds, each	75		
Collecting money on execution			
Making deed	2 50		
Serving and returning application, etc.	1 00		
Serving attachment, contempt of court	1 50		
Total Fees of Sheriff			

Recapitulation

Register's Fees			
Sheriff's Fees			
Commissioner's Fees			
Solicitor's Fees			
Witness Fees			
Guardian Ad Litem			
Printer's Fees			
Trial Tax	3 00		
Recording Decree in Probate Court			
TOTAL		15	00

3 Copy of Complaint

Received payment this _____ day of _____ 193____

_____ Register

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

June 30, 1939.

Judge F. W. Hare,

Monroeville, Alabama.

Dear Judge:-

In Re: Swift vs. Sisson.

This will acknowledge receipt of your letter of June 28th. The writer is leaving on Sunday night on a business trip to Portland, Maine, and will be out of the office, certainly all of next week. Whether he can meet the engagement, during the third week in August, will depend on whether or not, at the hearing in Portland, on July 5th, a reference is ordered for the latter part of August. If this should be done, the writer will be tied up for several weeks at that time. If the reference should be set for a later date, then he can meet Messrs. Hybart & Chason in Bay Minette on a mutually satisfactory date during the third week in August. If it develops that he cannot make it at that time, he will be glad to undertake to agree on a date as early as practicable to argue this matter before you in Monroeville.

Yours very truly,

Wm. G. Caffey

WM. G. CAFFEY

WGC:OD
c.c. Messrs. Hybart & Chason.

GEORGE R. SWIFT, et als, Complainants,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA.
CERTAIN LANDS, WILLIAM H. SISSON, et als, Respondents.	)	IN EQUITY. NO.____.

NOTICE OF FILING INTERROGATORIES.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to notify George R. Swift, et als, or Hybart & Chason, Attorneys of record, that on the 3rd day of February, 1937, Harry T. Smith & Caffey, in behalf of Respondent in a cause now pending in the Circuit Court of Alabama, wherein George R. Swift, et als, are Complainants, and Certain Lands, Williams H. Sisson, et als, are Respondents, filed in the office of said Clerk of said Court certain interrogatories to be propounded to William H. Sisson, who resides at 1735 Pine Street, in the city of Boulder, State of Colorado, a material witness for the Respondents. The answers thereto will be read as evidence by the said Respondents on the trial of said cause.

Witness my hand this 3rd day of February, 1937.

R S Leck

Circuit Clerk and Register in Chancery.

We hereby accept service of copy of within notice on this the 3rd Day of Feb. 1937

Hybart & Chason
By J H Chason

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to qenoitqlions' qwtle ev' qlsnou' ed ei'

W. D. Telford

DL

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RECORDED
Duck
7-4

GEORGE R. SWIFT, et als,

Complainants,

VS.

CERTAIN LANDS, WILLIAM H. SISSON, et als,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO.____.

Notice

Issued on this the 3rd day of February, 1937.

R. S. Duck Register.

CERTIFICATE OF APPEAL.

TO THE SUPREME COURT OF ALABAMA.

THE STATE OF ALABAMA, }
COUNTY OF BALDWIN. } CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

IN EQUITY.

I, Robert S. Buck, Register of the Circuit Court in Equity, in and for said State and County, do hereby certify that in the cause of GEORGE R. SWIFT, ET ALS., Complainants, and Appellees, versus HANNIE L. SISSON, ET ALS., Respondents, and Appellants, which was tried and determined in this Court on the 18th day of February, 1941, wherein a judgment was rendered against HANNIE L. SISSON, WESLEY SISSON, CLAUDINE MILLIGAN, MALCOLM W. MILLIGAN, WESLEY E. SISSON, JR., LARKIN SISSON, MARY ELIZABETH KIRKLAND, ROBERT W. KIRKLAND, VIVA VALENTINA SISSON, and the lands described in the Bill of Complaint; the Respondents and Appellants prayed for and obtained an appeal to the Supreme Court of Alabama, to be holden in and for said State.

I further certify that on the 28th day of May, 1941, Security for Costs was filed by the Appellants, HANNIE L. SISSON, WESLEY SISSON, CLAUDINE MILLIGAN, MALCOLM W. MILLIGAN, WESLEY E. SISSON, JR., LARKIN SISSON, MARY ELIZABETH KIRKLAND, ROBERT W. KIRKLAND, VIVA VALENTINA SISSON, and HARRY T. SMITH & CARTER, Solicitors for Appellants, acknowledge themselves as Security for all costs of said Appeal.

I further certify that on 2nd day of June, 1941, notice of said Appeal was duly served upon JOHN CHASON, one of the Solicitors of Record for the Complainants and Appellees.

WITNESS my hand and Seal of said office, this 2nd day of June, 1941.

Register of said Circuit Court,
in Equity.

CERTIFICATE OF APPEAL.

TO THE SUPREME COURT OF ALABAMA.

THE STATE OF ALABAMA, }
COUNTY OF BALDWIN. }

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,
IN EQUITY.

I, Robert S. Duck, Register of the Circuit Court in Equity, in and for said State and County, do hereby certify that in the cause of GEORGE R. SWIFT, ET ALS., Complainants, and Appellees, versus NANNIE L. SISSON, ET ALS., Respondents, and Appellants, which was tried and determined in this Court on the 18th day of February, 1941, wherein a judgment was rendered against NANNIE L. SISSON, WESLEY SISSON, CLAUDINE MILLIGAN, MALCOLM W. MILLIGAN, WESLEY E. SISSON, JR., LARKIN SISSON, MARY ELIZABETH KIRKLAND, ROBERT W. KIRKLAND, VIVA VALENTINA SISSON, and the lands described in the Bill of Complaint; the Respondents and Appellants prayed for and obtained an appeal to the Supreme Court of Alabama, to be holden in and for said State.

I further certify that on the 28th day of May, 1941, Security for Costs was filed by the Appellants, NANNIE L. SISSON, WESLEY SISSON, CLAUDINE MILLIGAN, MALCOLM W. MILLIGAN, WESLEY E. SISSON, JR., LARKIN SISSON, MARY ELIZABETH KIRKLAND, ROBERT W. KIRKLAND, VIVA VALENTINA SISSON, and HARRY T. SMITH & CAFFEY, Solicitors for Appellants, acknowledge themselves as Security for all costs of said Appeal.

I further certify that on 23rd day of June, 1941, notice of said Appeal was duly served upon JOHN CHASON, one of the Solicitors of Record for the Complainants and Appellees.

WITNESS my hand and Seal of said Office, this _____ day of June, 1941.

_____
Register of said Circuit Court,
in Equity.

R S Luck

Bay Minette, Ala., 9/21 1941

In Account With

G. W. ROBERTSON

Judge of Probate, Baldwin County

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
Decree	Geo R Swift et al	B. Nannie L Sisson et al			2.25

Paid 11/21/41 GWR

8580 CITATION OF APPEAL. FOR SALE BY GEO. D. BARNARD & CO., ST. LOUIS.

THE STATE OF ALABAMA,
BALDWIN County.

CIRCUIT COURT, IN EQUITY.

To GEORGE R. SWIFT, ET ALS.,

GREETING:

WHEREAS, NANNIE L. SISSON, ET ALS.,

have taken an appeal from the decree rendered by the Circuit Court of said County, in Equity, in the cause of GEORGE R. SWIFT, ET ALS., Complainants,

against NANNIE L. SISSON, ET ALS., Respondents,

Now, you are therefore cited to appear at the Fall Term, 1941, of the Supreme Court of Alabama, to defend on said appeal, if you shall think proper so to do.

Witness, this 23rd day of June 1941.

R S Luck

Register.

original

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THE STATE OF ALABAMA,

BALDWIN County.

CIRCUIT COURT, IN EQUITY.

GEORGE R. SWIFT, ET ALS.,

Complainants

vs.

NANNIE L. SISSON, ET ALS.,

Defendants

CITATION OF APPEAL.

SERVE THIS NOTICE UPON

HYBART & CHASON, Solicitors

Solicitors of Record.

Received in office this .....

day of ..... 19.....

..... Sheriff.

Executed by serving a copy of the within notice upon .....

on this ..... day of

..... 19.....

..... Sheriff.

Executed by serving a copy of the following Citation of Appeal on John Chason a member of the firm of Hybart & Chason attorneys for Plaintiff. This 23rd day of June 1941

W.R. Stuart Sheriff

By M. B. Hamilton Deputy Sheriff

Published Every Thursday

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION $2.00 PER YEAR IN ADVANCE
ADVERTISING RATES GIVEN ON APPLICATION

R. B. Vail
Editor and Proprietor

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

R. B. Vail, being duly sworn, deposes and says that he ~~is~~ was the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of Geo Swift vs Sisson et al

Was published in said Newspaper for 4 consecutive weeks in the following issues:

October 24 - 1935 Vol. ..... No. .....
October 31 - 1935 Vol. ..... No. .....
November 7 - 1935 Vol. ..... No. .....
November 14 - 1935 Vol. ..... No. .....

Sworn to and subscribed before the undersigned this 2 day of 193 8

R. B. Vail
Ex- Publisher

Notary Public, State of Alabama, Baldwin County

NOTICE

George R. Swift, John Byard Swift, William H. Swift, Ira P. Swift, Meriam Swift Martyn, Emily M. Swift, Mrs. G. Stevens, Mrs. R. T. Marshall, Mrs. Charles H. Wakeford, Mrs. P. S. Williams, Complainants, vs Certain Lands, William H. Sisson, Nannie L. Sisson, Wesley Sisson, Claudine Milligan, Malcolm W. Milligan, Wesley E. Sisson Jr., Larkin Sisson, Mary Elizabeth Kirkland, Robert W. Kirkland and Viva Valentina Sisson, Respondents.

In the Circuit Court — In Equity State of Alabama Baldwin County.

Notice is hereby given that on the 23rd day of October, 1935, the Complainants in the aforesaid cause filed their Bill o fComplaint in this Court against those certain tracts of land in the County of Baldwin, State of Alabama, described as follows:-

Southwest Quarter of Northwest Quarter (SW¼ of NW¼) of Section Seven (7) Township Eight(8) South of Range Three (3) East.

East half of Southwest Quarter (E½ of SW¼) of Section Seven (7), Township Eight(8) South of Range Three (3) East.

East half of Southeast Quarter (E½ of SE¼) of Section Seven (7), Township Eight (8) South of Range Three (3) East.

Southwest Quarter of Southeast Quarter (SW¼ of SE¼) of Section Seven (7), Township Eight (8) South of Range Three (3) East.

Northeast Quarter of Northeast Quarter (NE¼ of NE¼) of Section Eighteen (18), Township Eight (8) South of Range Three (3) East.

Also, Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7), lying south of Cataline Plock Claim, Section Eight (8), Township Eight (8) South of Range Three (3) East, except the following described tracts of land:- From the Northwest corner of Section Eight (8), Township Eight (8) South of Range Three (3) East, according to the survey of Silas Dinsmore, United States Deputy Surveyor, thence run South 940.5 feet, thence North 58 deg 30 min. East 636.24 feet, thence run South 31 deg. 30 min. East 1055 feet for a point of beginning, thence run South 58 deg. 30 min. West 689 feet to a point, thence run South 31 deg. 30 min. West 1176 feet to a point, thence run North 58 deg. 30 min. East 689 feet to a point, thence run North 31 deg. 30 min. West 1176 feet to the point of beginning, containing 18.6 acres, more or less. Also except that certain tract of land described and conveyed by Deed of Charles H. Tanner, Nancy Tanner, his wife, and John Millen to Wm. C. Fo to William Foerster, of date March 3rd, 1899, and recorded in Deed Boook "Z", pages 75-6, said tract of land being described as follows:- Starting at the Northwest corner of Section 8, Township 8 South of Range 3 East, run South 31½ deg. East 12.09 chains, thence North 58½ deg. East 1.58 chains, thence South 31½ deg. East 25 chains for a beginning corner, thence South 31½ deg. East 20 chains to a stake, thence North 58½ deg. East 41.83 chains to a stake on East line of Cataline Plock Tract, thence North 31 ½ deg. west along the line of said Cataline Plock Tract 20 chains to a stake, thence South 58½ deg. West 41.83 chains to place of beginning, being a part of the Cataline Plock Tract Spanish Grant, and containing 83.66 acres, as surveyed by N. L. Durant, County Surveyor. Also except that certain tract of land described and conveyed by Deed of Charles H. Tanner et al to Johann Ramund, of date May 5th, 1896, and of record in Deed Book "V", pages 402-404, said tract of land being described as follows:- Starting at the Northwest corner of Section 8, Township 8 South of Range 3 East, run South 31½ deg. East 12.09 chains, thence North 58½ deg. East 1.58 chains, East 65 chains for a beginning corner, thence South 31½ deg. East 20 chains to a stake, thence North 58½ deg. East 41.83 chains to a store on East line of Cataline Plock Tract, thence North 31½ deg. West along the line of said Cataline Plock Tract 20 chains to a stake, thence South 58½ deg. West 41.83 chains to a place of beginning, being part of the Cataline Plock Tract Spanish Grant, and containing 83.66 acres, as surveyed by N. L. Durant, County Surveyor. Also except that certain tract of land described and conveyed by Deed of Charles H. Tanner et al to Herman Paul Kruger, of date May 5th, 1896, and of record in Deed Book "V", pages 406-9, said tract of land being described as follows:-

Feb 2 1938
R S Dunst
Reporter

deed executed by G. W. Burkart on the 2 day of [illegible] that the said C. W. Johnson had in the actual, peaceable, open and notorious possession of said lands since 1876 and that the complainant is in the actual, peaceable possession of said lands and she and those under whom she holds have been in the possession of said lands for a period of more than ten years next preceding the filing of the bill, and that she and those through whom she claims have paid taxes consecutively and annually during the whole of said period of ten years, and that no other person has paid taxes thereon during any part of said period and that none of the respondents have been in possession of said lands or any part thereof during said period of ten years next before the filing of this bill; that the title to said lands stands in the name of the complainant on the records in the probate office of Baldwin County, Alabama.

It is therefore ordered that publication of the foregoing notice be made in the Baldwin County Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks and that all of said respondents be required to demur, plead to or answer the bill of complaint in the above cause within sixty days of the first publication of this notice and of the filing of a certified copy thereof in the probate courts of Baldwin County, Alabama, where said lands lie.

Witness my hand, this 6 day of June, 1927.

T. W. RICHERSON
Register.

18-4t

Boll weevils may not appear in big numbers in every cotton field this year but every wise farmer will keep an eye out for them and poisen if necessary.

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scribed as follows: Commencing at a point, corner, joining with the northeast corner of northwest qr. of Section two (2), regular survey, Township Nine (9) South, Range five (5) East, and running west 4 1-2 degrees S. two (2) chs. and fifty five (55) links for beginning corner, said beginning corner being more particulary described as being at the intersection of the township line between Townships Eight (8) and nine (9) S. and the east line of the said William Kee Grant, thence South 10 degrees east 30 chains 90 links, more or less, along the east line of said William Kee Grant, to the north side of Bay Oroocor or South Bay, thence along the shore of said bay with its meanders to the west line of said regular Sec. two (2) thence north 4 1-2 degrees west, along the west line of said regular Sec. two (2), 29 chs. 18 links, more or less, to the south line of Bay La Launch, thence eastwardly along the shore of said Bay with its meanders to the township line between Townships Eight (8) and Nine (9) South, thence east 4 1-2 degrees north, with said township line, 31 chains and 11 links, more or less, to the place of beginning, containing 132.91 acres, more or less, being the lands known as the G. W. Johnson Lands,

to establish her right or title to such lands, or interest in the same, and to clear up all doubts or disputes concerning the same and to declare that the said respondents have no interest or title in or to said lands, or any lien or incumberance thereon, and the complainant claims the legal title in fee simple to all of said lands; that she derived title to the same through the last will and testament of her husband, G. Burkart, who up upon death vested title thereto under a warranty

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RECEIPT FOR REGISTERED ARTICLE No.
15 fee paid. Express postage paid. 10-28 1935
Declared value $ Surcharge paid $ (Date)
From Gulf States Paper Corporation (Sender)
Addressed to 1735 Gulf States Paper Corp. (Street and number) (Post office and State) (Addressee)
Accepting employee will place initials in space below, indicating restricted delivery
Return receipt fee — in person or order
Delivery restricted to addressee — Fee paid 10
Special delivery fee
Postmaster, per
3—0860

BAY MINETTE, ALA. POSTMARK OCT 28 1935 REGISTERED

RECEIPT FOR REGISTERED ARTICLE No.
15 fee paid. Express postage paid. 10-28 1935
Declared value $ Surcharge paid $ (Date)
From Gulf States Paper Corporation (Sender)
Addressed to 1735 Gulf States Paper Corp. (Street and number) (Post office and State) (Addressee)
Accepting employee will place initials in space below, indicating restricted delivery
Return receipt fee — in person or order
Delivery restricted to addressee — Fee paid 10
Special delivery fee
Postmaster, per
3—0860

BAY MINETTE, ALA. POSTMARK OCT 28 1935 REGISTERED

Post Office Department
OFFICIAL BUSINESS
REGISTERED ARTICLE
No. [illegible]
INSURED PARCEL
No. [illegible]

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

POSTMASTER OF DELIVERING OFFICE

Return to [illegible]
(NAME OF SENDER)
Street and Number or Post Office Box
Post Office at
State

Form 3-4 [illegible]

10-28-2

10-28-2

File her bill of complaint in the Circuit court of Baldwin County, Alabama, in equity, against all of said goye named respondents and against the lands hereinafter described, to-wit:

All that part of the William Keele Spanish Grant being Sections Twelve (12) Township Nine, (9), South, and Section Thirty-six (36) of Township (8) South, all in Range five (5) East of the St. Stephens Meridian, Alabama, containing 567.17 acres as shown by the township plats approved April 4th, 1882, and March 12th, 1882, respectively being Claim No. 42 of Report No. 1 American [illegible]

MAKING CUT OVER LANDS VALUABLE

Cut over lands, now a drug on the market, without value and without respect, are probably the most unsaleable property in the South today. This is due to the cold fact that they are not paying their way, and people do not invest in property that does not bring a return of some kind.

They can however, pay their way, and pay it big. They will not, as a whole, pay revenue as farm lands, simply because there is too much cut over land to use agriculturally. The only way left for them to be [illegible] an asset is through the production of timber.

Cut over land with a crop of tim-

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Date of delivery _____ 19__

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Form 3811 (Postmaster delivering article) (5—6000)

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

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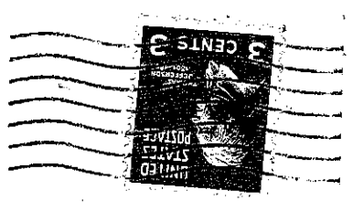
ALA.



Judge F. W. Hare,

Monroeville, Ala.

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. [illegible]

INSURED PARCEL

No.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

POSTMARK OF DELIVERING OFFICE

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Street and Number, or Post Office Box,

Post Office at [illegible]

State [illegible]

P.O.F. 9-22

64—51112

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. [illegible]

INSURED PARCEL

No.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

POSTMARK OF DELIVERING OFFICE

Return to

NAME OF SENDER

Street and Number, or Post Office Box,

Post Office at [illegible]