

J. Hamilton Hastie, Complainant.

vs.

Norma Aikin et al., Respondents.

THE STATE OF ALABAMA,
Baldwin COUNTY.

CIRCUIT COURT OF
Baldwin COUNTY,

IN EQUITY.

In this cause it being made to appear to the Court that a Summons was served upon the Defendant.....
Norma Aikin, Alma Aikin, William G. Aikin and John G. Aikin
by the Sheriff of Baldwin County, on the 17th day of
April 1918, requiring them to appear and plead, answer or demur to the
Bill of Complaint in his cause within thirty days from the service of said Summons, and the said Defendant.....
having failed to plead, answer or demur to the said Bill to the date hereof. It is now, therefore, on motion of
Complainant, ordered and decreed that the said Bill of Complaint in this cause be, and it hereby is, in all things,
taken as confessed against the said Norma Aikin, Alma Aikin, William G. Aikin
and John G. Aikin Defendants aforesaid.

This 21st day of May 1918

Judge of the Circuit Court of
County.

8
No. 78

IN EQUITY.

CIRCUIT COURT OF
Baldwin COUNTY,

J. H. Hastie

vs.

Norma Aikin et al

DECREE OF PRO CONFESSO.

21st
Filed in office this day of

May 19 18

Register.

E. O. M.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Norma Aiken, Alma Aiken, William G. Aiken
and John G. Aiken,

of Baldwin County, to be and appear before the Judge of the Circuit Court of
Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to
answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by


J. Hamilton Hastie

against said Norma Aiken, Alma Aiken, William G. Aiken and John G. Aiken,
J. Hamilton Hastie.

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant
shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement
thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 8th day of April

1918.



Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

2 Original

Serve on.....

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

No. 78.

SUMMONS.

J. Hamilton Hastoe.

vs.

Norma Aiken et als

Brooks & Mc Millan.

Solicitor for Complainant.

Recorded in Vol.....Page.....

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this 8th

day of April 1918.

C. E. Culberson

Sheriff.

Executed this 17th day of

April 1918

by leaving a copy of the within Summons with

*Norma Aiken, Alma Aiken,
William Aiken and John Aiken*

Defendant

C. E. Culberson

Sheriff

By

O. B. Richerson

Deputy Sheriff.

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

HARRY T. SMITH
WILLIAM G. CAFFEY.

J. Hamilton Hastie } Circuit Court of
vs. } Baldwin County
Norma Arkin et al. } In Equity # 98

now come the respondents answer to the bill of complaint for grounds of demurrer assigns separately & severally the following:-

1. Because there is no equity in the bill.
2. Because it is not alleged that respondents claim any right title or interest in said land.
3. Because it is not alleged that no suit was pending to test the validity of the claimed right title or interest at the time of the filing of this suit.
4. From aught that appears a suit was pending at the time of the filing of the above entitled cause to test the validity of such claimed right title or interest.

Harry T. Smith & Caffey
Attys for Respondents

Filed 5/21-18
Providence
Register

Original

State of Alabama,

Baldwin County.

To any Sheriff of the State of Alabama:

You are hereby commanded to
serve a copy of the within Interrogatories on the
within named defendants.
April 8th, 1918.

T. W. Richmond
-----Register.

J. Hamilton Harte
vs
Norma Aiken et al.

Filed 4/8-1918
T. W. Richmond
Register

Rec. in office April
14th 1918 And Executed
April 17th by
serving a copy
of the within on
Norma Aiken Alma
Aiken William G Aiken
and John G Aiken

C. C. Eubanks
Sheriff
By O. B. Richerson
D.S.

STATE OF ALABAMA * Before me, Grace A. Smith, a Notary Public in
COUNTY OF MOBILE * and for State and County, personally appeared
B. F. McMillan, Jr. who is known to me and who,
being duly sworn, says on oath that he is of counsel for complainant
in the foregoing cause and as complainant's attorney has propounded
the foregoing interrogatories to defendants, and each of them, and
that the answers thereto will be material testimony for the complainant
in said cause.

B. F. McMillan, Jr.

Sworn to and subscribed to before
me this 6 day of April, 1918.

Grace A. Smith,

Notary Public, Mobile County, Alabama.

J. HAMILTON HASTIE, *

Complainant. *

V. *

IN THE CIRCUIT COURT OF

NORMA AIKIN, ALMA *

BALDWIN COUNTY, ALABAMA.

AIKIN, WILLIAM G. *

IN EQUITY.

AIKIN & JOHN G. AIKIN. *

Respondents. *

INTERROGATORIES PROPOUNDED BY COMPLAINANT TO RESPONDENTS, AND EACH
OF THEM UNDER SECTIONS 40, 49, ET SEQ. OF THE CODE OF ALABAMA.

FIRST.

Do you claim any right, title or interest in the land described
in the bill of complaint? If so, state specifically on what your title
or claim is based, how it was derived and by what instrument or
instruments was it derived.

SECOND.

Did not Mrs. Seclusa K. Hastie derive title to the said land
from her grandfather, Joshua Kennedy? Was the estate of Joshua Kennedy
ever divided among his heirs and was not land described in the
complaint given by the other heirs to Mrs. Seclusa K. Hastie? State
what part of the estate of Joshua Kennedy was given to said Mrs.
Hastie. What part of said estate was given to Mrs. Clara or Clarissa
Aikin? What part of his estate was given to his other heirs or children?
Please state, if you can do so, how the land of Joshua Kennedy
in Baldwin County, Alabama, was divided among his heirs, i.e., state
what land was given to each respective child, and state your means of
knowing about this division, and where, when and how the division was
made, and where, if at all, it was recorded, and where and when, if
at all, you saw the instrument dividing the said property among the
said heirs and by whom it was signed.

Bryan C. Williams

Solicitors for Complainant.

J. HAMILTON HASTIE,
No. 78 Complainant.

v.

NORMA AIKIN, ET AL.,
Respondents.

* CIRCUIT COURT OF BALDWIN COUNTY
*
*
* IN EQUITY AT
*
*
* BAY MINETTE, ALABAMA.
*
*

~~This cause coming on to be heard was submitted for decree on the~~
pleading and decree pro confesso, as noted, and the complainant having
made and filed an affidavit that the respondents are not engaged in the
military service of the government as required by the soldiers and
sailors relief act of Congress, and upon consideration thereof, the
Court is of the opinion that the complainant is entitled to relief.

It is therefore ordered and decreed that the respondents, Norma
Aikin, William G. Aikin and John G. Aikin,
Aikin, Alma have no estate or interest in, or encumbrance on the fol-
lowing described lands in Baldwin County, Alabama, known as the Hastie
homestead, or any part thereof, viz:

That certain piece, parcel or lot of land known as the Robert
Gilchrist tract, being section 43, township 1 south, range 2 east, and

That certain piece, parcel or lot of land commencing at a
point at the northeast corner of the Robert Gilchrist tract being section
43 in township 1 south, range 2 east, running thence north 38 degrees 45
minutes east 64 chains and 33 links to a point in section 11, township 1
south, range 2 east; thence ^{south} 32 degrees east 58 chains and 45 links to a
point in section 13, township 1 south, range 2 east; thence south 52
chains and 20 links to a point in section 24, township 1 south, range 2
east; thence west 31 chains and 58 links to a point in section 23, town-
ship 1 south, range 2 east; thence south 15 degrees and 30 minutes west
20 chains; thence west 61 chains and 39 links to a point on the east
line of the said Robert Gilchrist tract; thence north 18 degrees east
along the east line of said Robert Gilchrist tract 61 chains and 31 links
to the place of beginning, it being the same property reserved as the
homestead of Seclusa K. Hastie in deed from John F. Popp and Mary F. Popp
his wife to A. W. Bryant and Peyton R. Tunstall, Jr. recorded in deed
book S, page 544-548 of the Baldwin County records.

It is further ordered that the Register of this Court, within thirty
days from the rendition of this decree, file a certified copy of this
decree in the office of the Probate Judge of Baldwin County, for record
therein, and that the cost thereof be taxed in the costs of the cause.

~~(This decree is subject to the provisions of Sections 3170 and 3171
of the Code of Alabama, and the complainant hereby
sends a certified copy hereof to each of the defendants personally
served with process, if their residences can be ascertained)~~

It is further ordered that the Complainant pay the costs of this
cause, for which execution may issue.

In term time, Nov 18th, 1918.

A. E. Gaubley, Judge

Handwritten notes in the top left margin, including the word "Total" and some illegible scribbles.

THE COURT, at the City of New York, in and for the Southern District of New York, do hereby certify that the foregoing is a true and correct copy of the original as the same appears from the records of the Court.

Vertical text columns on the left side of the page, likely containing case numbers or names, mostly illegible due to fading.

Large block of vertical text in the center-left, containing numerous names and possibly dates, mostly illegible.

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*Filed 11/18-1918
W. R. Riggs
Register*

*Herein Recorded
on 11/18/18*

State of Alabama
County of Mobile.

I, Robert B. Robertson, Clerk
of Circuit Court for said State
and County, personally appeared
Alexander D. McMillan, who is known
to me and who being sworn
says on oath that Thomas A.
Hill, Alvin Akin, Wm. H. Akin
and John H. Akin are beyond
the influence; all of them live
at Vivian, Alabama and that
none of them are engaged in the
Military or Naval Service of the
United States. Affiant declares
that he is connected with the
Complaint
in Case # 78 pending in
the Circuit Court of Baldwin County,
Alabama, in Equity and that
personal knowledge of the facts herein
stated and makes his affidavit as an
attorney in fact for ~~Complainant~~ Hamilton
Horton, Complainant in said Case.
Alexander D. McMillan
sworn to and subscribed before me this
May 24th 1919. Notary Public for said

No 78

Hortie

to

Acme

Military office
Avila

Filed 3-18

Proclamation
Register

Original Bill

1st

Filed 4/8-1918
JW Richmond
Register

THIRD.

That complainant's title to said real property is denied or disputed or is reputed to be denied or disputed by the respondents herein who claim or are reputed to claim some right, title or interest in or to or lien upon the said real property and no suit is pending to enforce the validity of such right, title or interest.

FOURTH.

Complainant calls upon said respondents above named, and upon each and all of them, to set forth and specify their title, claim, interest, lien or encumbrance in, to or upon said real property, and how and by what instrument the same is derived and created.

PRAYER FOR PROCESS.

Complainant prays that by the state's writ of subpoena or by process of publication, as may be appropriate, the said Norma Aikin, Alma Aikin, William G. Aikin and John G. Aikin be made respondents to this bill of complaint and be commanded to demur to, plead to or answer this bill of complaint within the time allowed by law.

PRAYER FOR RELIEF.

Complainant prays that upon the hearing of this cause your Honor will order and decree that the respondents above named, and none of them, have any right, title, interest, estate or claim in or to, or lien or encumbrance upon said real property above described, or any part thereof; and complainant prays for such further or other or different relief as complainant may be entitled to, and to your Honor may seem meet.

Braxton M. Mullen
Solicitors for Complainant.

Foot Note:

Respondents are required to answer each and all of the allegations of each paragraph of the foregoing bill of complaint from first to fourth, both inclusive, but not under oath, answer under oath being hereby expressly waived.

Braxton M. Mullen
Solicitors for Complainant

78

J. HAMILTON HASTIE,

*

Complainant.

*

v.

*

NORMA AIKIN, ALMA

*

IN THE CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA.

AIKIN, WILLIAM G.

*

AIKIN & JOHN G. AIKIN.

*

IN EQUITY.

Respondents.

*

TO THE HONORABLE A. E. GAMBLE, JUDGE OF SAID COURT:

Humbly complaining your orator, J. Hamilton Hastie, as complainant, brings this his bill of complaint against Norma Aikin, Alma Aikin, William G. Aikin and John G. Aikin as respondents and respectfully shows:

FIRST.

That complainant is over the age of 21 years and lives in Baldwin County, Alabama, and respondents are each over the age of 21 years and live in Baldwin County, Alabama.

SECOND.

That complainant owns and is in peaceable possession of that certain land in Baldwin County, Alabama, known as the Hastie homestead and particularly described as follows:

That certain piece, parcel or lot of land known as the Robert Gilchrist tract, being section 43, township 1 south, range 2 east, and

That certain piece, parcel or lot of land commencing at a point at the northeast corner of the Robert Gilchrist tract being section 43 in township 1 south, range 2 east, running thence north 38 degrees 45 minutes east 64 chains and 33 links to a point in section 11, township 1 south, range 2 east; thence south 52 degrees east 58 chains and 45 links to a point in section 13, township 1 south, range 2 east; thence south 52 chains and 20 links to a point in section 24, township 1 south, range 2 east; thence west 31 chains and 58 links to a point in section 23, township 1 south, range 2 east; thence south 15 degrees and 30 minutes west 20 chains; thence west 61 chains and 39 links to a point on the east line of the said Robert Gilchrist tract; thence north 18 degrees ^{east} along the east line of said Robert Gilchrist tract 61 chains and 31 links to the place of beginning, it being the same property reserved as the homestead of Seclusa K. Hastie in deed from John F. Popp and Mary F. Popp his wife to A. W. Bryant and Peyton R. Tumstall Jr. recorded in deed book S, pages 544-548 of the Baldwin County records.