

LOUIS J. BROADWOOD, et al,  
Complainant,

-vs-

RHODA ROUSELLE, et al,  
Defendant.

NO. 495

IN EQUITY

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

The depositions of Charles A. Nelson, witness examined on behalf of the Complainant in the above entitled cause which is pending in the Honorable the Circuit Court of Mobile County, Alabama.

The said witness appeared before me at the time and place hereinafter named, and after having been first duly sworn by me to speak the truth, the whole truth, and nothing but the truth, did testify and say as follows. That is to say, Charles A. Nelson, being duly sworn, testified as follows:

DIRECT EXAMINATION  
By D. R. Coley, Jr., Esq.

My name is Charles A. Nelson. My father was Joseph Franklin Nelson, sometimes known as Joseph F. Nelson, and my mother's name was Mary Elizabeth Nelson, who sometimes signed her name as "Mary E. Nelson."

Q: Did your father ever sign his name as Joseph Nelson?

J. F. Hogan, Esq., of counsel for respondents, objected to the question as illegal, irrelevant and immaterial, and as something not shown that the witness has any actual knowledge of the matter.

A: No sir.

Mr. Hogan moved to exclude the answer on the same separate and several grounds.

Q: Are you familiar with the way your father signed his name?

A: I am familiar with the way my father signed his name -- he signed his name J. F. Nelson mostly.

Q: What was your grandfather's name?

A: Joseph Nelson.

Q: Are you familiar with the way in which he signed his name?

A: He always signed his name Joseph Nelson -- Joseph Nelson.

Q: Was he ever known as "Joseph F. Nelson" to your knowledge?

A: No sir:

My grandfather was married three times. My grandmother's name was Sarah. The second wife was named Isobella, and the third, or last, wife was named Cornelia. I am fifty-five years of age. I was born in Baldwin County -- in the South part of Baldwin County near Barnwell. I was about twenty-five years old when I moved away from the old home place. When I left there my father was still living there. He has been dead about fourteen years.

I know about where Section 9, Township 7 South, Range 2 East of Baldwin County, Alabama, is. I could go to it. I don't know the corners but I could go to the section.

Q: Do you know whether Emanuel R. Schowalter ever owned property in that section?

J. F. Hogan, Esq., of counsel for respondents, objected to the question, first, as calling for the conclusion of the witness, and, second, because of hearsay testimony.

A: Yes sir. I do know that he did.

Mr. Hogan moved to exclude the answer on the same separate and several grounds.

Q: Do you know whether he ever lived on that property or not, in that section?

A: No sir, my father always told me that Mr. Schowalter ----

J. F. Hogan, Esq. objected to what his father told him as it was hearsay.

A: My father always said it was the Schowalter place; -----

Mr. Hogan here moved to exclude the answer on the same ground that it was hearsay.

A: I don't know whether Schowalter ever lived on that property or not of my personal knowledge.

Q: Do you state that that place was known as the "Schowalter Place"?

J. F. Hogan, Esq., of counsel for respondents, objected to the question, first, as illegal, irrelevant and immaterial, and second, because it calls for hearsay testimony.

A: Yes sir.

Q: Mr. Hogan moved to exclude the answer on the same separate and several grounds.

Q: Was it commonly known in the neighborhood where the property is situated that that was the property of Emanuel R. Schowalter?

J. F. Hogan, Esq., of counsel for respondents, objected to the question, first, as illegal, irrelevant, incompetent and immaterial, and second, because it calls for hearsay testimony.

A: Yes sir.

Mr. Hogan moved to exclude the answer of the witness on the same separate and several grounds.

Q: Do you recall whether your father ever sold any property to Emanuel R. Schowalter in Section 9?

A: Yes sir, he did.

Mr. Hogan objected to the question on the ground that it calls for hearsay testimony, and moved to exclude the answer on the same ground.

Q: How far was your old home from Section 9 in Township 7 South, Range 2 East in Baldwin County?

A: About six miles, as near as I can come at it.

Q: Now, do you know where the Southwest Quarter; the West Half of the Southeast Quarter, the Northeast Quarter of the Southeast Quarter, and the Southeast Quarter of the Northeast Quarter in that section are?

A: Well, now, no I couldn't say that I did know just where it was at, but I know that the Wagoner place is on one of those quarters but I did not know exactly which one -- whether it is the Southwest Quarter or which one. The old Schowalter place is on one of those quarter sections but I didn't know which one.

to it? Q: You know where the land is -- you can go

A: Yes sir.

Q: Can you state of your own knowledge whether or not that land was owned and held by Emanuel R. Schowalter for many years after the sale of said land to him by your father?

J. F. Hogan, Esq. objected to the question as hearsay testimony and because it calls for the conclusion of the witness.

A: Yes, my father told me he had sold it to him.

Mr. Hogan moves to exclude the answer on the same separate and several grounds.

Q: Do you know that Emanuel R. Schowalter held it and had possession of it for many years after your father told you that he sold it to him.

J. F. Hogan, Esq. objected to the question because it calls for the conclusion of the witness.

A: Yes sir.

Mr. Hogan moved to exclude the answer on the same ground.

Q: Do you know the handwriting of your father and mother?

A: Yes sir, I think I do, I have seen it many a time.

Deed of Joseph F. Nelson and wife Mary E. Nelson to Emanuel R. Schowalter, recorded in Deed Book "L" pages 380-1 of the Probate Records of Baldwin County, Alabama, was then handed to witness by D. R. Coley, Jr. Solicitor for Complainants.

Q: Will you examine the signatures on that paper?

A: Yes sir, that is my father's Joseph F. and my mother's Mary E. Nelson.

CROSS-EXAMINATION  
By J. F. Hogan, Esq., Solicitor for Respondents.

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Q: How old was your father when he died?

A: Seventy-eight.

Q: When did he die?

A: I would have to look over the records at home before I could tell you my memory is so bad. I think he has been dead about fourteen or sixteen years.

Q: Mr. Nelson did you ever see your grandfather sign his name?

A: Yes sir.

Q: Did you know your grandfather personally, and you saw him sign his name?

A: Yes sir.

Q: I hand you a paper that purports to be signed by some one (handing him same deed of Joseph F. Nelson and wife to Emanuel R. Schowalter referred to above). Will you tell me whose signature that is?

A: That is my father's signature.

Q: Is that the only signature on that paper?

A: Mary E. Nelson -- that is my mother.

Q: Do you recognize those signatures as being their signatures?

A: Yes, that is theirs.

Q: You are positive of that?

A: Yes sir.

Q: Do you know what land Dr. Schowalter claimed in Section 9?

A: No sir, I do not know just what it is.

Q: Do you know approximately what it is?

A: I do not. My father told me that he sold this land --

Question by Mr. Hogan: What land?

A: In section 9 -- 360 or I think 320 acres.

Mr. Hogan then moved to exclude the witness's statement that "My father told me that he sold this land in Section 9 -- 360 or I think 320 acres", because, first, it is not responsive to the question, and, second, that it is hearsay.

Q: So you do not know of your own knowledge what land in Section 9 Dr. Schowalter claimed?

A: No sir.

Q: You do not know of your own knowledge that Dr. Schowalter was actually in possession of any land in Section 9, do you?

A: No sir, I do not. I knew he owned the land but whether he was on it or not I do not know.

Mr. Hogan then moved to exclude the witness' answer on the ground that it was not responsive to the question and as being the legal conclusion of the witness.

Q: Did you ever see his deed?

A: No sir, I seen the deed that my father give to him, this one here.

Q: Did you ever see it in Dr. Schowalter's possession?

A: No sir.

Q: You never saw the deed at all until this trial came up?

A: No sir.

Q: Where did you live after you moved from the old home place?

A: Mobile.

Q: How long have you lived in Mobile?

A: Off and on close to thirty years.

RE-DIRECT EXAMINATION  
By D. R. Coley, Jr.

Q: Do you know how much of that land in Section 9 was owned by Dr. Schowalter?

J. F. Hogan, Esq., objected to the question because it calls for hearsay testimony and on the ground that it calls for the legal conclusion of the witness.

A: About 320 acres, I think it was.

Mr. Hogan moved to exclude the answer on the ground that it calls for the legal conclusion of the witness, hearsay testimony, and that witness has no actual knowledge of the matter he is testifying about.

Charles A. Nelson

CERTIFICATE

I, Frances E. Stevens, the commissioner named in the attached commission which issued out of the Honorable the Circuit Court of Baldwin County, Alabama, do hereby certify that in a certain cause pending in said court wherein Louis J. Broadwood, et al, are Complainants, and Rhoda Rouselle, et al, Defendants, under and by virtue of the power conferred upon me by said commission, I caused the said Charles A. Nelson, who is known to me and who is known to me to be the witness named in the commission, to come before me at the time and place hereinafter named, that is to say, I caused the said Charles A. Nelson to come before me at my office, 1012-13 Van Antwerp Building, on the 20th day of February, 1929; that said witness was first duly sworn by me as stated; that his testimony was by me reduced to writing as given by them and as near as might be in the language of the said witnesses; and that after his testimony had been so reduced to writing it was read over by the said witness who assented to and signed the same in my presence.

I further certify that I am not of counsel or of kin to any of the parties to the cause and am not in anywise interested in the result thereof.

WITNESS my hand this the fifth day of August, 1929.

Frances E. Stevens  
Commissioner.

LOUIS J. BROADWOOD AND  
BLANCHE S. BROADWOOD,

Complainants,

-vs-

RHODA ROUSSELLE, et al.,

Respondents.

IN THE CIRCUIT COURT OF  
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IN EQUITY

AGREEMENT OF COUNSEL

Come now D. R. Coley, Esq., solicitor for Complainants, and Jas. H. Webb and Jesse F. Hogan, Esqrs., Solicitor for Respondents, and agree that the following abstracts of conveyances and instruments in the chain of title of the Respondents may be used and considered by the Court in lieu of the original deeds or certified copies thereof, and that said abstracts shall be given the same force and effect as the original deeds or certified copies thereof.

It is further agreed that respondents have whatever title Anna M. Courtright is shown to have by said abstracts or chain of title.

*Dated Aug. 7th, 1929*

*D. R. Coley, Esq.*  
Solicitor for Complainants,

*Webb & Shepard*  
Solicitors for Respondents.

Abstract of the title of the respondents and Cross Complainants.

ITEM #39.

James R. Grist

to

Benjamin Grist

Book 1 pp 1 and 2  
Power of Attorney  
Dated Feb. 18th, 1867,  
Ackd. Feb. 18th, 1867.  
Fonner J. Satchell Ct. of Superior Ct. Beaufort  
Co. No. Carol.

Filed for record Aug. 15, 1867.

Grants power to act in name of grantor individually, and as the surviving partner of the firm of Allen and James R. Grist, to mortgage any lands owned by grantor or said firm to Marshall I. Smith or to any other person to secure debts of said firm or to raise money or to secure credit for the business of grantor of said firm in Alabama, during the current year and to execute deeds or conveyance, and give bonds, drafts, notes, &c.



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BLANCHE S. BROADWOOD,

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*W. H. Shepard*  
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## ITEM #74

Joseph Nelson and Isabella,  
his wife

to

Allen and James R. Grist,  
No wit.

Book H pp 186-7  
Consideration \$5600.00  
Warranty Deed,  
Dated Mch. 1, 1858  
Ackd. Apr. 27, 1858  
Nimrod Underwood, J.P. Bal. Co., Ala.  
Filed for record Nov. 9, 1860.

## CONVEYS:

All of Section 15;  
All of Section 23;  
 $\frac{1}{2}$  of Section 9, S.E.  $\frac{1}{4}$  of N.E.  $\frac{1}{4}$  of Sec 9;  
SE  $\frac{1}{4}$  Section 14,  
E  $\frac{1}{2}$  of SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  Section 14,  
The E  $\frac{1}{2}$  of Section 22,  
The E  $\frac{1}{2}$  of SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  Sec. 22,  
NW  $\frac{1}{4}$  of Sec. 27,  
NE  $\frac{1}{2}$  of NE  $\frac{1}{4}$  of Section 27,  
NE  $\frac{1}{2}$  of NW  $\frac{1}{4}$  of Section 26,  
The NE  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Section 28,  
The NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 28,  
Lots Div. #2, 3, 4, 5 Frac. Sec. 24  
Reserved at the mouth of Turkey Branch 25 Acres, and the south  
side as described in the Davises and Comback deed, and 10  
acres at the front landing in the SW corner of the West lot or  
division, also three acres out of  
section 23 on which the Baptist Church and grave yard now stands;  
all in tp. 7 S, Rg. 2 E, 3056.41 acres.

## ITEM #40

Grist, Hughes & Co.

to

ISAAC W. HUGHES,

Book 1 pp 3-5  
Consideration \$1.00 and prem.  
Mortgage Deed.  
Dated July 30th, 1867  
Ackd. same day  
George M. Bonner, J.P. Baldwin Co. Ala.  
Filed for record Aug. 16th, 1867.

Grantors are James R. Grist, by his atty-in-Fact  
Benjamin Grist, Theodore I. Hughes and Benjamin Grist, comprising  
the firm of Grist Hughes and Co.

Conveys the interest of grantors in lands in Baldwin  
County heretofore purchased by said Allen & James R. Grist, in  
Tp. 7 S Rg 2 E. This mortgage is made to secure various drafts  
endorsed by the grantee and payable to him in 60 days after date,  
There is no release of record, covering this mortgage.

## ITEM #41

Grist & Hughes

to

Isaac W. Hughes

Book 1, pp 116.  
Consideration \$5,000.00  
Warranty deed  
Dated April 14th, 1868  
No Acknowledgment.  
Witness: N.T. Gooding  
Filed for record May 24th, 1868.

Conveys a 1/8 interest in a large tract of "land owned by  
Allen & J. R. Grist in Baldwin County, Alabama."

Grantors are Theo. I. Hughes, and Jas R. Crist by his  
Atty-in-fact Theo I. Hughes, There appears no power of attorney  
of record from Jas. R. Grist to Theo I. Grist.

## ITEM # 44

James R. Grist, Benjamin Grist  
and Theodore I. Hughes, by  
Register & Mstr. in Chanc.

to

Isaac W. Hughes.

Book K, pp 45-7  
Consideration \$5,000.00  
Chancery Deed,  
Dated Oct. 18, 1870  
Ackd. same day

Horace Andrews Commissioner for  
Ala. N.Y.Co., N.Y.  
Filed for record, March 20, 1874.

Conveys all interest of grantors in and to said lands in Baldwin County heretofore purchased by Allan & Jas. R. Grist Tp. 7 S, Rg. 2 E.

Recites that a decree was rendered in a certain cause, pending in the Chancery Court for the 1st District of the Southern Chancery division of Alabama, June term 1870, wherein the above named grantee and grantors were complainant and defendant respectively; that pursuant to said decree the above described lands were sold at Public Auction according to law on the 1st Monday in October, 1870, and at said sale the above named grantee became the purchaser thereof.

The acknowledgment to this conveyance does not recite that same was executed by the Register & Master in Chancery as such but is the personal acknowledgment of James Gillette.

NOTE: See Item #433 for more details.

## ITEM #45

James R. Grist by his Atty-in-fact,  
Theo I. Hughes

to

Zophar Mills.

Book 1, pp 221  
Consideration \$1,000.00  
and advances  
Mortgage deed,  
Dated Feb. 3rd. 1868  
Executed May 28, 1868.  
No acknowledgment

Filed for record Feb. 20th, 1869  
Witness: N. T. Gooding.

Conveys a  $\frac{1}{4}$  interest in the A.J.R. Grist lands in Baldwin County. Does not describe by Sec. Tp. or rgs.

Made to secure the amount of above consideration paid to Grist, Hughes & Co. and repayable Feb. 3rd, 1870, with interest. There is no power of attorney from Jas. R. Grist to Theo. I. Hughes and no release of the amount hereby secured or any part thereof recovered in Baldwin County.

## ITEM #46

Isaac W. Hughes

to

Zophar Mills.

Book J, pp 705-7  
Consideration \$15,000.00  
Stat. Warranty Deed.  
Date May 3, 1873,  
Ackj. same day

William I. Clarke, Judge in Court  
Craven County, No. car.  
Filed for record May 28th, 1873.

## CONVEYS:

The "Grist Fish River Lands" in Tp. 7 S rg. 2 E. For a more particular description see the original deed of purchase to H and I Grist and Theo. Hughes; also the deed refers to sale by Register and Master in Chancery noted at Item #44 of the abstract. Recited that the lands are free from all encumbrances, except the mortgage to this grantee, (see preceding item, which is hereby accepted as release and satisfied).

## ITEM # 48

Zophar Mills and  
Eliza Mills his wife

to

John Bowen.

Book M, pp 542.  
Consideration \$3,500.00  
Quitclaim Deed  
Date Dec. 34, 1881  
Ackd. same date

Edwin F. Cooley, Commissioner for  
Alabama, N.Y.

Filed for record Aug. 28, 1882.

Conveys the same land as described in Item #46. of this abstract.

## ITEM #54

John Bowen Wilson  
(unmarried)

to

Edmond Gaines Wilson.

Book 11, pp 81-2  
Consideration \$250.00  
Warranty Deed  
Dated Oct. 12th, 1906.  
Ackd same date.

Chas. D. Bromberg, N.P. Mobile Co. Ala  
Filed for record Oct. 12, 1906.

Conveys: An undivided 1/3 interest

S $\frac{1}{2}$  of Section 3;

SE $\frac{1}{4}$  of Sec. 4, except 5.75 acres, in NW corner

East  $\frac{1}{2}$  of SW $\frac{1}{4}$  Section 4, except 5 acres and .75 in NE corner,

NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Sec. 4;

S $\frac{1}{2}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , NW $\frac{1}{4}$  of NW $\frac{1}{4}$ , and S $\frac{1}{2}$  of Sec. 9,

N $\frac{1}{2}$  of SE $\frac{1}{4}$  and the W $\frac{1}{2}$  of S.E.  $\frac{1}{4}$  Sec. 10;

SW $\frac{1}{4}$  of SE $\frac{1}{2}$  of Sec. 11;

E $\frac{1}{2}$  of SE $\frac{1}{4}$  of Sec. 14;

N $\frac{1}{2}$  of Sec. 17,

E $\frac{1}{2}$  of SE $\frac{1}{4}$ , and SW $\frac{1}{4}$  of Sec. 17,

E $\frac{1}{2}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of SW $\frac{1}{4}$ , Sec. 20,

SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of SW $\frac{1}{4}$  of Sec. 20,

SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , S $\frac{1}{2}$  of SW $\frac{1}{4}$ , Sec. 21,

NE $\frac{1}{4}$ , E $\frac{1}{2}$  of NW $\frac{1}{4}$ , E $\frac{1}{2}$  of SE $\frac{1}{4}$ , N $\frac{1}{2}$  of SW $\frac{1}{4}$ , SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 22,

All except SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , of Sec. 23,

NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , N $\frac{1}{2}$  of NW $\frac{1}{4}$ , SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 24,

N $\frac{1}{2}$  of NW $\frac{1}{4}$  of Sec. 26,

NE $\frac{1}{4}$ , N $\frac{1}{2}$  of NW $\frac{1}{4}$  of Sec. 27,

NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 27,

E $\frac{1}{2}$  of NE $\frac{1}{4}$ , NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , & NW $\frac{1}{4}$  Sec. 28,

SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 29,

4,328.50 acres situated in Tp. 7 S Rg. 2 E.

## ITEM #55

Adelaide J. Torrey, Admr. de  
bonus non, of the Estate of  
John Bowen, Deceased.

to

Edmund Gaines Wilson.

Book 11, pp 372-3,  
Consideration \$5,760.16  
Stat. Warranty Deed,  
Dated Nov. 13, 1906,  
Ackd. same date,

Fred A. Fernald, N.P. Suffolk Co.,  
Mass.

Filed for record Jan. 19, 1907.

Conveys: The Bowen land, situated in Tp. 6 and 7 So. Rg. 2 E,  
Baldwin County, Alabama, BEING AN UNDIVIDED two thirds interest  
Recites "Whereas John Bowen departed this life, in the year 1888  
leaving a last will, in which Chas. Torrey was named executor,  
at the time of his death, John Bowen was possessed in fee simple  
of the lands hereinafter described, Chas. Torrey qualified as

executor and letters were issued to him; said Chas. Torrey subsequently died in March 1905, and the party of the first part was appointed at the Probate Court, as Admr. de bonis non of the estate of said John Bowen, and has duly qualified as such according to law. Also conveys all other lands in said county of Baldwin, except the lot in the village belonging to said estate."

## ITEM #57

E. Gaines Wilson

to

A. M. Courtright.

Book 12 pp 501  
 Consideration \$3000.00  
 Warranty Deed  
 Dated Mch. 21, 1907  
 Ackd. same date

W. S. Coply, M.P. Mobile Co. Ala.  
 Filed Nov. 27, 1907.

Conveys:

4,528.50 acres of land in Baldwin County, Alabama,  
 Located in Tp. 6 and 7 S, Rg. 2 E.  
 Recites: "all other lands belonging to me in Baldwin County,  
 Alabama.

## ITEM #58

Osceola Wilson,  
 (unmarried)

to

Edmund Gaines Wilson.

Book 12, pp 137  
 Consideration \$100.00  
 Warranty Deed  
 Dated Mch. 7, 1907  
 Ackd. same date.

Wm. P. Burgett, M.P. Mobile Co. Ala.  
 Filed: Aug. 6th, 1907.

Conveys: a 1/3 interest in all of the lands in Baldwin County,  
 Alabama, derived from John Bowen's estate, deceased, as one of  
 the heirs. Specifies Tp. 6 and 7 Rg. 2 E.

## ITEM # 59

E. Gaines Wilson, and Lea  
 Alberta, his wife.

to

A. M. Courtright.

Book 13, pp 304  
 Consideration \$3000.00  
 Warranty Deed  
 Dated July 17, 1908  
 Ackd. same date.

A. B. Austin, M.P. Harrison Co. Miss.  
 Filed July 18, 1908.

Conveys: The Wilson and Bowen land, situated in Baldwin County,  
 Alabama, in Tps. 6 and 7, S. Rg. 2 E.

"and all other lands belonging to me in said county, derived  
 from the estate of John Bowen, deceased, as one of the heirs of  
 said deceased."

"This deed is made for the purpose of correcting a deed hereto-  
 fore made by E. Gaines Wilson, to the grantee herein, which said  
 deed is recorded in Deed Book 12, pp 401-2, in which deed the  
 said Wilson conveyed only 1/4 of the land, whereas the grantee  
 herein purchased the entire land, and the said E. Gaines Wilson  
 intended to convey to her the entire land herein conveyed."

## ITEM #60

E. Gaines Wilson and  
Lea Alberta, wife

to

A. M. Courtright.

Book 15, pp 112.  
Consideration \$3000.00  
Stat. Warranty Deed  
Dated March -----1909  
Ackd. Mch. 18, 1909

Robert P. Upton, N.P. New Orleans, La.  
Filed June 10, 1909.

Conveys:

$S\frac{1}{2}$  of Sec. 3,  $S\frac{1}{2}$  of Sec. 4,  $S\frac{1}{2}$ , the  $S\frac{1}{2}$  of  $NE\frac{1}{4}$ ;  $SE\frac{1}{4}$  of  $NW\frac{1}{4}$ ;  $NW\frac{1}{4}$  of  $NW\frac{1}{4}$ , Sec. 9,  $S\frac{1}{2}$  of Sec. 10;  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  of Sec. 11,  $E\frac{1}{2}$  of Sec. 14,  $N\frac{1}{2}$ ;  $SW\frac{1}{4}$ ;  $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of Sec. 17, the  $E\frac{1}{2}$ ;  $E\frac{1}{2}$  of  $W\frac{1}{2}$  of Sec. 20;  $S\frac{1}{2}$  of  $S\frac{1}{2}$ ;  $E\frac{1}{2}$  of  $NW\frac{1}{4}$ ;  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$ , Sec. 21, All of Sec. 22, except  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$ , (The Sec. 22 should be Sec. 23, and then the correct description for Section 22, should be included.  $NW\frac{1}{4}$  of  $NE\frac{1}{4}$ ,  $N\frac{1}{2}$  of  $NW\frac{1}{2}$ ,  $SW\frac{1}{2}$  of  $NW\frac{1}{2}$  of Sec. 24,  $N\frac{1}{2}$  of  $NW\frac{1}{4}$  of Sec. 26,  $NE\frac{1}{4}$ ,  $N\frac{1}{2}$  of  $NW\frac{1}{4}$ ,  $SW\frac{1}{2}$  of  $NW\frac{1}{4}$  of Sec. 27,  $S\frac{1}{2}$  of  $NE\frac{1}{4}$ ,  $NW\frac{1}{2}$  of  $NE\frac{1}{4}$ ,  $NW\frac{1}{2}$  of Sec. 28,  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  of Sec. 29, all in Tp. 7 S, Rg. 2 E. Also  $E\frac{1}{2}$  of  $W\frac{1}{2}$  of  $NE\frac{1}{4}$ ;  $E\frac{1}{2}$  of  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$ ;  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  of Sec. 28, Tp. 6 S, Rg. 2 E.

"This deed is given to correct a description in a certain deed heretofore executed to the grantee, dated July 17th, 1908, recorded in Book 13, pp 304, in which the Tps were given together not separate.

## ITEM #82

United States

Tract Book 1, pp 208.

to

Parties as noted below

CONVEYS:

Lands in Section 9, Tp. 7 S, Rg. 2 E as follows:

$NE\frac{1}{4}$ of $NE\frac{1}{4}$	--- Benjamine Grist November 9, 1858, Ctf. #15018.
$SE\frac{1}{4}$ of $NE\frac{1}{4}$	Joseph S. Nelson Feb. 12, 1857, Ctf. #14569
$NW\frac{1}{4}$ of $NW\frac{1}{4}$	Shember Furgeson Feb. 12, 1857, " #14570
$SE\frac{1}{4}$ of $NW\frac{1}{4}$	Levi Walker, Nov. 23, 1857, " #14639,
$N\frac{1}{2}$ of $SE\frac{1}{4}$	Joseph F. Nelson Feb. 12, 1857 " #14569
$SE\frac{1}{4}$ of $SE\frac{1}{4}$	Elisha Nelson Nov. 22, 1845 " #9183
$SW\frac{1}{4}$ of $SE\frac{1}{4}$	Joseph F. Nelson Feb. 12, 1857 " #14569
$SW\frac{1}{4}$	Joseph F. Nelson, Feb. 13, 1857 " #14569

ITEM #433:-

Following added to fill the requirements of Atty J.H.Webb.

James Gillette Register and master in Chancery 1st district Southern Chancery Division of said State; pursuance of demand made by Hon. Chancery Court; said decree made by said court June Term 1870 in a certain suit wherein I. W. Hughes was complainant and James R. Grist, Benjamin Grist and Theodore I. Hughes were defendants; In obedience to said decree did expose at public sale, on first Monday in October 1870; after 30 days notice in newspaper; Isaac W. Hughes became the purchaser;

Conveys all the right, title and interest of said defendants in 8000 acres of land in Baldwin County, Alabama heretofore possessed by Allen Grist and James R. Grist, which lie in sections 16, 15, 20, 11, 17, 22, 9, 4, 10, 14, 21, 27, 3, & 23, Tp. 7 S. Rg. 2 E. together with all buildings and improvements on said land.

CERTIFICATE

NO. 14569.

THE UNITED STATES OF AMERICA.

To all to whom these presents shall come, Greeting:

Whereas, Joseph F. Nelson of Baldwin County, Alabama, has deposited in the General Land Office of the United States, a Certificate of the Register of the Land Office at St. Stephens, whereby it appears that full payment has been made by the said Joseph F. Nelson, according to the provisions of the Act of Congress of the 24th of April, 1820, entitled an "Act making further provisions for the sale of the public lands", for the South West quarter, the West half of the South east quarter, the North east quarter of the South east quarter, and the South East quarter of the North East quarter of Section Nine, in Township Seven South, of Range Two east, in the District of lands subject to sale at St. Stephens, Alabama, Containing three hundred and twenty acres, and fifty-six hundredths of an acre, according to the official plat of the survey of the said lands returned to the General Land Office by the Surveyor General, which said tracts have been purchased by the said Joseph F. Nelson: Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said Joseph F. Nelson, and to his heirs the said tract above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Joseph F. Nelson, and to his heirs and assigns forever.

In Testimony Whereof, I, James Buchanan, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the first day of March in the year of Our Lord, one thousand eight hundred and fifty-nine, and of the Independence of the united States the



Eighty-third.

By the President: JAMES BUCHANAN,

(SEAL)

By T.J. Albright, Sec'y

J.N. Granger, Recorder of the General Land  
Office.

recorded, Vol 23, page 167.E.

Received for record January 17th, 1880.


Recorded January 19th, 1880.

W.H. Gasque, Judge.

THE STATE OF ALABAMA, |  
                                  : ss.  
BALDWIN COUNTY.      |

I, G.W. Humphries, Judge of the Probate Court and Custodian  
of the records and files of the same, in and for said Baldwin  
County, State of Alabama, do hereby certify that the foregoing  
is a true, correct and complete copy of an instrument of writing  
as the same appears of record in Deed Book L. at page 379.

In Testimony Whereof, I have hereunto set my hand and af-  
fixed my official seal, at Bay Minette, Alabama, this 13th day  
of february, A.D., 1929.

  
Judge of Probate.

LOUIS J. BROADWOOD AND  
BLANCHE S. BROADWOOD,

Complainants,

-vs-

RHODA ROUSSELLE, et al.,

Respondents.

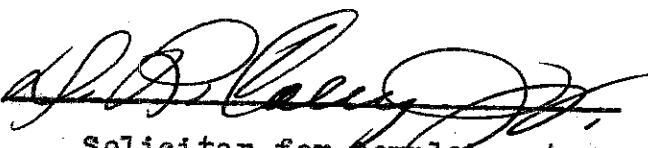
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 495.

AGREEMENT OF COUNSEL

Come now Robert D. Coley, Esq., Solicitor for the Complainants, and Jesse F. Hogan, Esq., and Webb & Shepherd, Solicitors for the Respondents, and agree that the deposition of Mrs. Ardell Dorgan, a witness for the Respondents in the above entitled cause, may be used without the same being read to or being signed by the said witness, and the said Robert D. Coley expressly waives the reading of said testimony by the Commissioner and the signing of said deposition by the said witness.

  
Solicitor for Complainants,

\_\_\_\_\_  
Solicitors for Respondents.

LOUIS J. BROADWOOD AND  
BLANCHE S. BROADWOOD,

Complainants,

-vs-

RHODA ROUSELLE, et al.,

Respondents.

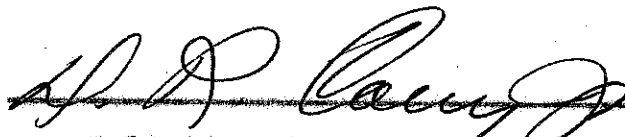
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 495.

AGREEMENT OF COUNSEL

Come now Robert D. Coley, Esq., Solicitor for the Complainants, and Jesse F. Hogan, Esq., and Webb & Shepherd, Solicitors for the Respondents, and agree that the deposition of Mrs. Ardell Dorgan, a witness for the Respondents in the above entitled cause, may be used without the same being read to or being signed by the said witness, and the said Robert D. Coley expressly waives the reading of said testimony by the Commissioner and the signing of said deposition by the said witness.

  
Solicitor for Complainants,

---

Solicitors for Respondents.

LOUIS J. BROADWOOD AND  
BLANCHE S. BROADWOOD,

Complainants,

-vs-

RHODA ROUSSELLE, et al.,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

DIRECT EXAMINATION BY JESSE F. HOGAN, ESQ., COUNSEL FOR RESPONDENTS

Mrs. Ardell Dorgan, a witness for the Respondents, being first duly sworn, testified as hereinafter set out, viz:

My name is Mrs. Ardell Dorgan. I am a descendent of Joseph Nelson, Sr. and Joseph Franklin Nelson, both of whom formerly lived in Baldwin County, Alabama. The relationship between Joseph Nelson, Sr., and Joseph Franklin Nelson was father and son. Joseph Nelson was the father and Joseph Franklin Nelson the son. I knew both of them personally. I am the daughter of Joseph Franklin Nelson and the granddaughter of Joseph Nelson, Sr.

My mother's name was Mary Elizabeth Nelson.

Joseph Nelson, Sr. had three wives. One was named Isabelle, she was his second wife. Joseph Nelson, Sr. was eighty-four years old at the time of his death.

CROSS-EXAMINATION BY D. R. COLEY, ESQ., OF COUNSEL FOR COMPLAINANTS.

My husband's name is William Christopher Dorgan. I am sixty years of age. My mother has been dead three years, as well as I can remember. My mother's name was Mary Elizabeth.

My father did not marry more than one time. I do not know how old I was when my grandfather died. I do not remember just how long ago it has been. I think my grandfather's second wife was named Isabelle.

I do not remember how long my father has been dead. I suppose about twenty years. My father owned considerable property in Baldwin County. I do not really know where it was located. I know my father owned land and my grandfather owned lands in Baldwin County.

I was born and raised in Baldwin County. My old home was at Weeks Bay. We owned two places and they were right close together. My grandfather's place was at Point Clear, about six or seven miles from my father's home.

I believe that I would know my ~~grand~~father's handwriting. I do not know positively whether there are any documents bearing his signature, but some of the older children may have some.

I do not believe I would know my mother's handwriting. May be if I saw it, it would come to me. I have no documents bearing her signature. I really do not know whether there are any in existence. There must be some papers bearing her signature.

My grandfather never to my knowledge had a wife named Mary E. My grandmother, who was his first wife, as I recall was named Sarah. His second wife was named Isabelle and his third wife Cornelia

I remember old Dr. Emanuel R. Schowalter. I remember the talk about my father and mother selling a piece of land to Dr. Schowalter. I don't remember exactly what it was, it was so long ago.

I have older brothers and sisters. My oldest brother, Joseph William, is dead; then Edwin, who is dead also; also Ralph Nelson, Charlie Nelson, Frank Nelson and Jimmie Nelson, all of whom are living. There were five girls, all of whom are living. I have one sister older than I, Mrs. McKenzie. Her right name is Georgie. Her husband's name is John.

I do not know whether Dr. Schowalter was in possession of the property, I do not remember. I do not know what property was conveyed - I only remember the talk about some property being sold.

I do not remember how old my father was at the time of his death. I think he was in his seventies. I think my grandfather died before my father.

---

COMMISSIONER'S CERTIFICATE.

I, Miss K. C. Cuthbert, Commissioner under the Commission heretofore issued out of the Circuit Court of Baldwin County, Alabama, do hereby certify that under the power conferred upon me by said Commission I caused the said Mrs. Ardell Dorgan, a witness for the Respondents, who is known to me and known to me to be the identical witness named in said deposition, to come before me on to wit, the 12th day of July, 1928, at the office of Jesse F. Hogan, Esq., 420 First National Bank Building, Mobile, Alabama, at 3 o'clock P. M.; that said witness was first duly sworn by me before testifying, as aforesaid; that she was then orally examined by Jesse F. Hogan, of counsel for the Respondents, and cross-examined by D. R. Coley, Esq., of counsel for the Complaints; that said witness in response to the direct and cross examinations testified thereto as hereinabove written; that the testimony of said witness was reduced by me to writing as given by said witness and as near as might be in the identical language of said witness; that the reading of said deposition to said witness and the signing of same were waived by agreement of counsel hereto attached.

I further certify that I am not of counsel or of kin to any of the parties to this cause, and am in nowise interested in the result thereof.

Dated this 9th day of August, 1928.

(Miss) K. C. Cuthbert

Commissioner

BAY MINETTE, ALA.,

19

*Aug 26 1929*

IN ACCOUNT WITH

**G. W. HUMPHRIES**

**JUDGE OF PROBATE**

**BALDWIN COUNTY**

Please Return Bill With Remittance

Privilege Tax

Rec. Fee

Total

Deed  
Rec. Mort. from

*to Rhoda Russell et al*

*65*

*Paid 8/26/29  
G. W. Humphries, Judge  
by J. H. ...*

NOTICE TO NON-RESIDENT.

Moore Ptg. Co—Bay Minette.

Louis J. Broadwood and Blanche S.

Broadwood, et al.

No. 495.

vs.

Rhoda Rousselle, et al.

The State of Alabama,

Baldwin County.

Circuit Court, in Equity.

This the 25th day of

March, 1925

In this cause it being made to appear to the Clerk of this Court by the affidavit of D.R. Coley, Jr., Atty for Complainants,

that the Defendant s, Rhoda Rousselle, Florence Wilson, Daisey A. Conway and Viola Bodden

are non-resident<sup>s</sup> of the State of Alabama that Rhoda Rousselle resides at 624 Sixth Street, Port Arthur Texas and Florence Wilson, resides at 320 Washington Avenue Marshall Texas, that he has made dilligent inquiry and search and has been unable to ascertain the exact place of residence of Daisey A. Conway and Viola Bodden, that they reside in at some point in the State of Texas,

and further, that, in the belief of said Affiant... the Defendant s... are... over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said Rhoda Rousselle, Florence Wilson, Daisey A. Conway and Viola Bodden,

to answer or demur to the Bill of Complaint in this cause by the 25th, day of April 1925, or after thirty days therefrom a decree Pro Confesso may be taken against the said defendants,

Rickarby, Beebe & Coley.

[Handwritten Signature] Register.



LAW OFFICES  
RICKARBY, BEEBE & COLEY  
903-4-5 VAN ANTWERP BUILDING  
MOBILE, ALA.

E.G. RICKARBY  
W.C. BEEBE  
D.R. COLEY, JR.  
H.M. HALL

October 25, 1927.

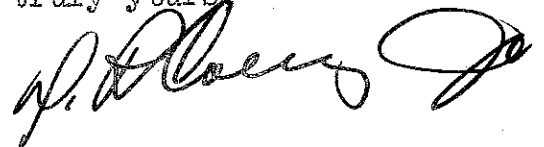
Hon. John D. Leigh,  
Brewton, Alabama.

My dear Judge:

I write you again with the utmost reluctance in reference to the demurrers in the case of Broadwood vs. Rouselle. This is the case concerning which I spoke to you in Montgomery and which has been hanging fire for a long time. I am very much in hopes of disposing of this case this fall and, while I hesitate to write you, I do it only with the realization that your failure to act on the demurrers has been due to the volume of work and circumstances beyond your control, and only for the purpose of reminding you in order that it will not escape your attention. Naturally I would like for it to have precedence over some other work.

I assure you that if you can find time to give it a few minutes attention it will be most cordially appreciated.

Very truly yours,



C:S

JAMES H. WEBB  
TAZEWELL T. SHEPARD

LAW OFFICES OF  
**WEBB & SHEPARD**  
VAN ANTWERP BUILDING  
MOBILE, ALABAMA

December 12, 1925.

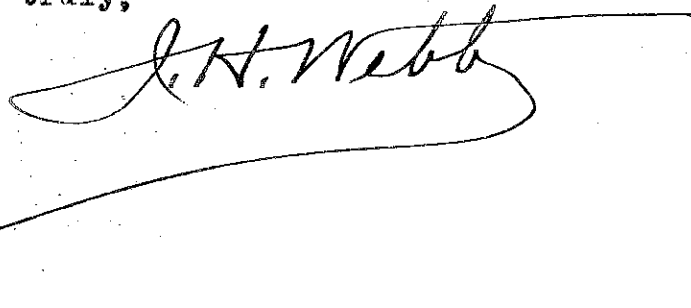
Hon. T. W. Richerson,  
Clerk of Circuit Court,  
Bay Minette, Ala.

Dear Tom:

Please file the enclosed demurrers, and oblige

Yours truly,

JHW/J.  
ehcl.

A handwritten signature in cursive script, reading "J. H. Webb". The signature is written in dark ink and is positioned to the right of the typed name "Yours truly,". A long, sweeping horizontal line extends from the end of the signature across the lower portion of the page.

Louis J. Broadwood and Blanche S.

Broadwood, et al.

No. 495.

vs.

Rhoda Rousselle, et al.

The State of Alabama,

Baldwin County.

Circuit Court, in Equity.

This the 25th day of

March, 192 5

In this cause it being made to appear to the Clerk of this Court by the affidavit of

D. R. Coley, Jr., Atty for Complainants,

that the Defendant s, Rhoda Rousselle, Florence Wilson, Daisey A. Conway  
and Viola Bodden

~~are~~ non-resident<sup>s</sup> of the State of Alabama ~~that Rhoda Rousselle resides at 824 Sixth~~  
~~Street, Port Arthur, Texas and Florence Wilson, resides at 320 Washington~~  
~~Avenue Marshall Texas, that he has made dilligent inquiry and search~~  
~~and has been unable to ascertain the exact place of residence of~~  
~~Daisey A. Conway and Viola Bodden, that they reside in at some point~~  
~~in the State of Texas.~~

and further, that, in the belief of said Affiant... the Defendant s are over the age of 21  
years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper publish-  
ed in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring

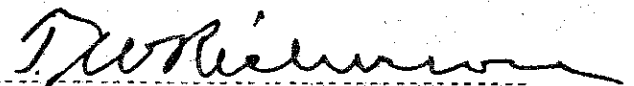
the said Rhoda Rousselle, Florence Wilson,  
Daisey A. Conway and Viola Bodden,

to answer or demur to the Bill of Complaint in this cause by the 25th, day of

April 192 5, or after thirty days therefrom a decree Pro Confesso may be

taken against the said defendants,

Rickarby, Beebe & Coley.

  
Register.

JESSE F. HOGAN  
LAW OFFICES  
427-428 FIRST NATIONAL BANK BUILDING  
MOBILE, ALA.

August 15, 1929.

Hon. F. W. Richerson,  
Clerk Circuit Court,  
Bay Minette, Ala.

Dear Mr. Richerson:

In the case of Broadwood vs. Rousselle, et al.,  
please include in the note of evidence for the respondents,  
the following, viz:

1. Patent from the United States to Joseph F. Nelson,
2. Deposition of Mrs. Della Dorgan,
3. Agreement of counsel and chain of title attached  
thereto, dated August 7th, 1929.

Very truly yours,

*Jesse F. Hogan*

LAW OFFICES OF  
D. R. COLEY, JR.  
1012-13 VAN ANTWERP BUILDING  
MOBILE, ALABAMA

August 16, 1929.

Hon. F. W. Hare,  
Bay Minette, Alabama.

Dear Sir:

With the file in the case of "Broadwood vs. Rous-  
selle", part of which testimony was heard orally by Your Hon-  
or on August 7th, is an agreement as to the admission of an  
abstract in lieu of the original records to support the al-  
leged title of the respondents to the property involved. This  
agreement is entered into by me as Solicitor for the Complai-  
nant with the understanding that, in view of the chancery prac-  
tice, the Court will consider only competent and properly ad-  
missible testimony. The same may be said of a separate  
agreement entered into containing a statement made by myself  
with reference to an examination of the deed records and in-  
dices thereto of the Probate Court of Baldwin County, and  
with reference to deeds by Joseph F. Nelson and Joseph Nelson,  
it being understood of course that the agreement extends only  
so far as to the admission of my statement in lieu of the  
legal competency of the records themselves.

With reference to the abstract and chain of title  
of the Respondents, may I direct the Court's attention to  
the answer and cross-bill filed by respondents wherein they  
set out the conveyances by which they claim to have derived  
title beginning WITH A PATENT FROM THE UNITED STATES TO JOSEPH  
NELSON. No such patent was introduced in evidence, nor was  
it shown to have ever been in existence.

The original patent from the Government, which was  
in the possession of and introduced by the complainants as a  
part of their chain of title, was to Joseph F. Nelson. Like-  
wise, as will appear from the certificate from the Tract Book  
of Baldwin County, the original entry was made in the name of  
Joseph F. Nelson. From the depositions of Charles Nelson and  
of Mrs. Dorgan it conclusively appears that Joseph Nelson and  
Joseph F. Nelson were father and son, and two entirely distinct  
and separate individuals, and respondents did not in any way  
offer to identify Joseph Nelson, their grantor, with Joseph F.  
Nelson, the patentee and the grantor to Dr. Schowalter, the  
father of Mrs. Broadwood, one of the complainants, who testi-

#2. Hon. F. W. Hare.

fied that her father went into possession of the property and that since his death and the deeding of that part of his estate to her by her brothers, she has been in possession.

It will be remembered that Judge Hogan, in addressing the Court, stated that the question at issue was whether Joseph Nelson, the grantor, in the chain of title asserted by him was <sup>the</sup> Joseph F. Nelson, named as patentee, and that not one particle of evidence was introduced by the respondents to identify the two, but that, on the contrary, the deposition of Mrs. Dorgan, taken on behalf of the respondents, conclusively shows that the two were not identical. It will also be remembered that Mrs. Broadwood's testimony was not contradicted in any particular.

Very Respectfully,

  
Solicitor for Complainants.

C:S

LAW OFFICES OF  
D. R. COLEY, JR.  
1012-13 VAN ANTWERP BUILDING  
MOBILE, ALABAMA

February 11, 1929.

Thomas W. Richerson, Esq.,  
Bay Minette, Alabama.

Dear Mr. Richerson:

Enclosed herewith please find enclosed request for oral examination of witnesses in the case of "Broadwood vs. Rousselle". You will note on the bottom of same there is a waiver of notice by Solicitors for the respondents.

I am endeavoring to take this testimony in order go be ready for submission on the 28th.

Very truly yours,



C:S

TOWNSHIP 7 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, STATE OF ALABAMA.

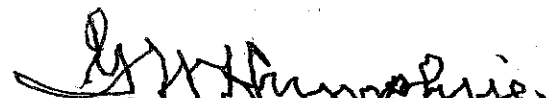
S E C T I O N . 9

Description of the Tract. Part of Section.	Area Section Acres 100th	United States Title To whom sold or granted	Date of Sale Location of Grant	Number of Certificate or War rant.
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	9 40.07	Joseph F. Nelson,	Feb 12, 1857	14569
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	9 40.07	" " "	" " "	14569
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	9 40.07	" " "	" " "	14569
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	9 40.07	" " "	" " "	14569
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	9 40.07	" " "	" " "	14569
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	9 40.07	" " "	" " "	14569
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	9 40.07	" " "	" " "	14569
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	9 40.07	" " "	" " "	14569

The State of Alabama, |  
 : Probate Court.  
 County of Baldwin. |

I, G.W.Humphries, Judge of Probate in and for said State and County, and Custodian of the Records and Files thereof, do hereby certify that the foregoing is a true, correct and complete copy of Tract Book entries, Volume 1, page 208, as the same appears from the Records and Files of said Court.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal, at Bay Minette, Alabama, this 7th day of August, A.D., 1929.

  
 Judge of Probate Court  
 Baldwin County, Alabama.



LAW OFFICES OF  
D. R. COLEY, JR.  
1012-13 VAN ANTWERP BUILDING  
MOBILE, ALABAMA

August 16, 1929.

Hon. Thomas W. Richerson,  
Bay Minette, Alabama.

Dear Sir:

Please include the following in note of evidence  
in case of Broadwood vs. Rouselle:

For Complainant:

- 1: Certificate from Tract Book showing original entry in Joseph F. Nelson.
- 2: Certified copy patent United States to Joseph F. Nelson (original offered but withdrawn by agreement)
- 3: Deed Joseph F. Nelson and wife Mary E. Nelson to E. R. Schowalter.
- 4: Certified copy of deed of Percy R. Schowalter and V. McR. Schowalter to Louis J. and Blanche S. Broadwood.
- 5: Testimony of Blanche S. Broadwood, taken orally.
- 6: Deposition of Charles A. Nelson.
- 7: Statement of D. R. Coley, Jr. as to record of conveyances of Joseph Nelson and Joseph F. Nelson.

C:S

Very truly yours,



7M. Richardson

Please see that letter  
addressed to you. Has reached him.

Thos. M.  
Coley.

LOUIS J. BROADWOOD and  
BLANCHE S. BROADWOOD,  
Complainants,

-vs-

RHODA ROUSSELLE, et al,  
Respondents.

IN EQUITY.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA, SITTING IN EQUITY:

Your Petitioners, LOUIS J. BROADWOOD and BLANCHE S. BROADWOOD, who file this their billof complaint against RHODA ROUSSELLE, et al, whose names hereinafter appear as Respondents, respectfully show unto the Court:

FIRST: That the Complainants, Louis J. Broadwood and Blanche S. Broadwood, are both over the age of twenty-one years and reside in the County of Mobile, State of Alabama; that the Respondents in this suit are as follows:

RHODA ROUSSELLE, who is over the age of twenty-one years and resides at No. 824 Sixth Street, Port Arthur, Texas;

LULA CHRISTIAN, MARIE S. MALAY, AMANTA G. COURTRIGHT, BARKULOO COURTRIGHT, LEE COURTRIGHT and JOHN R. COURTRIGHT, all of whom are over the age of twenty-one years and reside in Mobile, Alabama;

FLORENCE WILSON, who is over the age of twenty-one years and resides at No. 320 Washington Avenue, Marshall, Texas;

DAISY A. CONWAY and VIOLA BODDEN, both of whom are over the age of twenty-one years and resided when last heard from in the State of Texas, a more definite address being to your Petitioners unknown; and

JAMES H. WEBB, MARIE S. MALAY and BARKULOO COURTRIGHT as trustees.

SECOND: Complainants allege that they are in peaceable possession of the following described land, to-wit:

The Southwest Quarter, the West Half of the Southeast Quarter, the Northeast Quarter of the Southeast Quarter, and the Southeast Quarter of the Northeast Quarter, all in Section Nine, Township Seven South, Range Two East, in Baldwin County, Alabama.

And they claim to own said land in their own right.

THIRD: Complainants further allege that their title thereto is denied or disputed by the Respondents, and that said Respondents are reputed to own same, or some part thereof, or have some interest therein, or are reputed to claim some right, title or interest in or encumbrance upon said land.

FOURTH: Complainants further allege that no suit is pending to enforce or test the validity of such title, claim or encumbrance and Complainants call upon Respondents and each one of them separately to set forth and specify his title, claim, interest or encumbrance, and to show how and by what instrument the same is derived or created.

TO THE END THEREFORE that equity may be done in the premises, your Complainants pray that Rhoda Rousselle, Lula Christian, Marie S. Malay, Amanda G. Courtright, Barkuleo Courtright, Lee Courtright, John R. Courtright, Florence Wilson, Daisy A. Conway and Viola Bodden, individually, and James H. Webb, Marie S. Malay and Barkuleo Courtright, as trustees, be made parties respondent to this bill, but should they or either of them be deceased then that the heirs, devisees, representatives and next of kin of such of them as are deceased be made parties respondent to this bill, and that the Register of this Honorable Court might superintend the appropriate process of all subpoenas by publication or otherwise to all of the Respondents above named, commanding each and every one of them to appear before this Honorable Court and full and true answer make to the premises, and to abide such orders and decrees as to this Honorable Court might seem meet and proper.

Complainants further pray that upon the hearing of this cause, Your Honors will establish the title of your Complainants in and to the above described land and property, and further find and decree that the Respondents have no claim, interest or title in or to said land and property, or encumbrance upon the same, to-

LOUIS J. BROADWOOD and  
BLANCHE S. BROADWOOD,  
Complainants,

-vs-

RHODA ROUSSELLE, et al,  
Respondents.

IN EQUITY.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA, SITTING IN EQUITY:

Come the Complainants in the above entitled cause and by leave of Court first had and obtained, amend the complaint hereinbefore filed to read as follows:

FIRST: That the Complainants, Louis J. Broadwood and Blanche S. Broadwood, are both over the age of twenty-one years and reside in the County of Mobile, State of Alabama; that the Respondents in this suit are as follows:

RHODA ROUSSELLE, who is over the age of twenty-one years and resides at No. 824 Sixth Street, Port Arthur, Texas;

LULA CHRISTIAN, MARIE S. MALAY, AMANTA G. COURTRIGHT, HARMONIUS BARKULOO COURTRIGHT, LEE COURTRIGHT and JOHN R. COURTRIGHT, all of whom are over the age of twenty-one years and reside in Mobile, Alabama;

FLORENCE WILSON, who is over the age of twenty-one years and resides at No. 320 Washington Avenue, Marshall, Texas;

DAISY A. CONWAY and VIOLA BODDEN, both of whom are over the age of twenty-one years and resided when last heard from in the State of Texas, a more definite address being to your Petitioners unknown; and

JAMES H. WEBB, MARIE S. MALAY and RHODA ROUSSELLE, as trustees, all of whom are over the age of twenty-one years and whose addresses appear above except that of James H. Webb who resides at Mobile, Alabama.

SECOND: Complainants allege that they are in peaceable possession of the following described land, to-wit:

The Southwest Quarter, the West Half of the Southeast Quarter, the Northeast Quarter of the Southeast Quarter, and the Southeast Quarter of the Northeast Quarter, all in Section Nine, Township Seven South, Range Two East, in Baldwin County, Alabama.

And they claim to own said land in their own right.

THIRD: Complainants further allege that their title thereto is denied or disputed by the Respondents, and that said Respondents claim, or are reputed to claim some right, title or interest in or encumbrance upon said land.

FOURTH: Complainants further allege that no suit is pending to enforce or test the validity of such title, claim or encumbrance, and Complainants call upon Respondents and each one of them separately to set forth and specify his title, claim, interest or encumbrance, and to show how and by what instrument or instruments the same is derived or created.

TO THE END THEREFORE that equity may be done in the premises, your Complainants pray that Rhoda Rousselle, Lula Christian, Marie S. Malay, Amanta G. Courtright, Harmonius Barkuloo Courtright, Lee Courtright, John R. Courtright, Florence Wilson, Daisy A. Conway and Viola Bodden, individually, and James H. Webb, Marie S. Malay and Rhoda Rousselle, as trustees, be made parties respondent to this bill, and that the Register of this Honorable Court might superintend the issue by appropriate process of all subpoenas by publication or otherwise to all of the respondents above named, commanding each and every one of them to appear before this Honorable Court and full and true answer make to the premises, and to abide such orders and decrees as to this Honorable Court might seem meet and proper.

Complainants further pray that upon the hearing of this cause, Your Honors will establish and quiet the title of your Complainants in and to the above described land and property as against the Respondents herein, and further find and decree that the Respondents and each of them have no right, title or interest in or to, or claim or encumbrance upon the said lands, together with

such other, further or different relief as may be meet and proper under the allegations the proof.

And, as in duty bound, your Complainants will ever pray,  
etc.

*Richardby, Beebe & Colby*  
Solicitors for Complainants.

FOOT NOTE: The Respondents are required to answer each and every allegation of this bill but not under oath, oath to said answers being hereby expressly waived.

*Richardby, Beebe & Colby*  
Solicitors for Complainants.

Receipt of a copy of the foregoing amended bill of complaint is hereby acknowledged and further or formal service thereof is hereby waived.

*Webb & Shepard*  
Solicitors for Respondents  
Harmonius Barkuloo Courtright,  
John R. Courtright,  
Amanta G. Courtright,  
Marie S. Malay individually  
and as Trustee, and  
J. H. Webb, Trustee.

*Hagou & Mitchell*  
Solicitors for Respondents  
Lula Christian  
Florence Wilson  
Daisy Conway  
Rhoda Bodden  
Lee Courtright,  
Rhoda Rousselle individually  
and as Trustee.

LOUIS J. BROADWOOD and  
BLANCHE S. BROADWOOD,  
Complainants,

-vs-

RHODA ROUSSELLE, et al,  
Respondents.

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

Come the Complainants and Cross-Respondents Louis J. Broadwood and Blanche S. Broadwood, and for answer to the cross-bill heretofore filed in this cause, say:

FIRST: For answer to paragraphs 2 and 3 of Cross-Complainants' answer made by them, the cross-bill, Complainants confirm the allegations of the bill as to being in possession of the lands sued for which they claim to own in fee simple.

SECOND: In answer to the 4th paragraph of said answer and cross-bill, Cross-Respondents deny that the lands sued for were conveyed to Respondents and Cross-Complainants by deed from the original patentee, and further say that the subsequent conveyances in Cross-Complainants' alleged chain of title as therein set out, passed no title to the lands sued for.

THIRD: Cross-Respondents neither affirm nor deny the employment of James H. Webb and John W. McAlpine by Respondents but further aver that if such be the case the rights of Cross-Respondents were in no wise affected thereby, nor by any Sheriff's deed in favor of H. H. Wefel, Jr. who subsequently conveyed to certain of Cross-Complainants.

FOURTH: Cross-Respondents further deny that Respondents and Cross-Complainants are entitled to affirmative relief in this proceeding or that they have any right, title or interest in the lands.

FIFTH: Complainants further show that they claim title to the lands sued for by deed of Joseph F. Nelson and Mary E. Nelson, his wife, the original patentee, to Emanuel R. Scho-



walter by deed dated August 2nd, 1879, and recorded in Book "L" pages 380-1 of the Probate Records of Baldwin County. That the said Emanuel R. Schowalter, now deceased, was the father of Blanche S. Broadwood and that Percy S. Schowalter and V. McR. Schowalter/by deed dated June 12th, 1894, conveyed all of their interest in the estate of their late father to Complainants, which said deed is recorded in Book "T" pages 429-30 of the Baldwin County Records, and that the said Emanuel R. Schowalter, and, since his death, his children and Complainants have been openly and notoriously in possession of said lands, and that their said possession was undisputed until the last five years.

Having thus fully answered Cross-Respondents pray that said Cross-bill be dismissed with costs.

*Russell Slevin*  
Solicitors for Cross-Respondents.

IN EQUITY

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

LOUIS J. BROADWOOD and  
BLANCH S. BROADWOOD,  
Complainants,

-VS-

RHODA ROUSSELLIE, et al,  
Respondents.

Complainants' answer to  
Cross-bill

*Filed 12/21/32  
J. M. Williams  
Respondent*

RECORDED

RICKARBY & COLEBY,  
SOLICITORS FOR CROSS-  
RESPONDENTS.

*Louis J. Broadwood et al*

vs.  
*Rhoda Russell et al*

CIRCUIT COURT OF

*Baldwin* COUNTY.

IN EQUITY.

I, *D. W. Peeler*, Register of said Court, do hereby certify that I

did, on the *16* day of *March* 192*5*, send to

*Rhoda Russell*, Defendant.

whose address was *824 Sixth Street Port Arthur, Texas*

by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," a copy of the Bill

of Complaint filed in this cause; that I demanded a return receipt addressed to the Register of this Court; and that such

receipt was duly received and filed by me in this cause, on the *19th* day of *March* 192*5*

Witness my hand, this *19th* day of *March* 192*5*

*D. W. Peeler*  
Register.

No. 495

CIRCUIT COURT OF  
BALDWIN COUNTY.  
IN EQUITY.

Levin J. Bradwood  
et al

vs.

Rhoda Russell  
et al.

CERTIFICATE OF REGISTER AS TO NOTICE  
BY REGISTERED MAIL.

Filed in office on this

19th

day of

March

1926

J. M. Kelumore

Register.

*Bacchwin*

# The State of Alabama, ~~Mobile~~ County

LOUIS J. BROADWOOD and  
BLANCHE S. BROADWOOD,

Complainants

*Bacchwin*

Circuit Court of ~~Mobile~~ County

No. vs.

RHODA ROUSSELLE, et al,

Defendants

IN EQUITY.

The Complainants

requests the oral examination of the following named witnesses

on their behalf, viz.:

Blanche S. Broadwood,  
Charles A. Nelson,  
J. S. Nelson,  
James Fulford,

said witnesses reside in the County of Mobile,

State of Alabama.

Frances E. Stegens,

who reside at 1012-13 Van Antwerp Building, Mobile, Alabama.

is suggested as a suitable person to be appointed Commissioner to take deposition of said

witnesses on such oral examination

*[Handwritten Signature]*

Solicitor for Complainants.

Respondents acknowledge notice of the foregoing request and agree that Frances E. Stegens be appointed commissioner and notice of the issuance of commission to her by the Register ~~or other formal requirement is hereby waived.~~

*[Handwritten Signatures]*  
Solicitors for Respondents.

No. 495

*Bradwin*  
**Circuit Court of Mobile County**

Mobile, Alabama.

IN EQUITY.

*Lewis J. Bradwin*  
*et al*

vs.

*Rhoda Pouselle*  
*et al*

DEMAND FOR ORAL EXAMINATION

Filed *February 13th* 192*7*

*D. W. Dickinson*

Register.

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 Rhoda Rouselle,

of Port Arthur Texas ~~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

Louis J. Broadwood and Blanche S. Broadwood,

against said Rhoda Rouselle , et al.

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 16th, day of March,

192 5

*T. W. Richerson*  
Register.

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

Serve on \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court of Baldwin County  
In Equity

No. 495

SUMMONS

vs.

Solicitor for Complainant.

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

Received in office this \_\_\_\_\_  
day of \_\_\_\_\_ 192

Sheriff.

Executed this \_\_\_\_\_ day of \_\_\_\_\_  
192

by leaving a copy of the within summons with

Defendant.

Sheriff.

By \_\_\_\_\_  
Deputy Sheriff.

*May 16th 1925*  
*Copy of summons copy*  
*of bill sent by Reginald*  
*to Rhoda Roswell 824*  
*Sixth Street Post Office*  
*Prax*  
*J. W. [Signature]*  
*[Signature]*





495 copy

Aug 17/92  
P.W. ...

...

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 Florence Wilson,

of Marshall Texas, ~~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

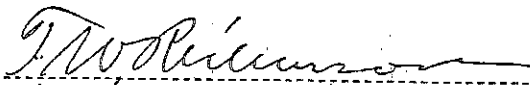
Louis J. Broawood and Blanche S. Broadwood,

against said Florence Wilson,

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 16th, day of March,

1925.



Register.

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

*Original*

Serve on \_\_\_\_\_

Circuit Court of Baldwin County  
In Equity

No. *495*

SUMMONS

*Lucy J. Bradwood*  
*et al*

vs.

*Florence Wilson*  
*et al*

*Chas. Arby, Reese & Coley,*  
Solicitor for Complainant.

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

Received in office this \_\_\_\_\_  
day of \_\_\_\_\_ 192

Sheriff.

Executed this \_\_\_\_\_ day of \_\_\_\_\_  
192

by leaving a copy of the within summons with

Defendant.

Sheriff.

By \_\_\_\_\_  
Deputy Sheriff.

*Copy of Summons copy  
of Bill sent by Reg  
Mail to Florence Wilson  
320 Washington Ave  
Meridian MS on  
March 16th 1925*

*W. M. Wilson*  
*Register*

*[Faint vertical text on the right side of the page, possibly bleed-through or a stamp.]*

LOUIS J. BROADWOOD, et al.,  
Complainants,

-vs-

RHODA ROUSSELLE, et al.,  
Respondents.

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

NO. \_\_\_\_\_

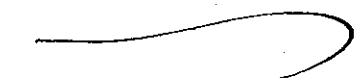
Come now the respondents, Rhoda Rousselle,  
Lula Christian, Lee Courtright, Florence Wilson, Daisy A. Conway  
and Viola Bodden, and demur to the amended bill of complaint  
upon the following separate and several grounds, viz:

1. Said bill is without equity.
2. Said bill is multifarious.
3. Because it appears from said bill that said  
respondents may claim an interest in entirely separate and distinct  
parcels of land.

*Hogon & Hutchell*  
*Jesse F. Hogon*  
Solicitors for Respondents,  
Rhoda Rousselle, Lula Christian,  
Lee Courtright, Florence Wilson,  
Daisy A. Conway, Viola Bodden.

572

Proceeds  
vs  
Russell



Demurrer to Amended  
Bill of Complaint

Filed Nov 14/72

J. W. Rickey  
Clerk

RECORDED

Louis J. Broadwood et als.,  
Complainants,  
vs.  
Rhoda Rousselle, et al.,  
Respondents.

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

This cause coming on to be heard is submitted for final decree on the pleading and proof as noted by the Register, and from a consideration thereof, the Court is of the opinion that the Complainants are entitled to the relief prayed in their bill of complaint as amended, but that Cross Complainants are not entitled to relief under their cross bill.

It is therefore, ordered, adjudged and decreed by the Court that the Complainants, Louis J. Broadwood and Blanche S. Broadwood, are entitled to the relief prayed in their said bill of complaint as amended, and that the title of said complainants in and to the lands described in said bill of complaint as amended, viz., the Southwest quarter, the West half of the Southeast quarter, the Northeast quarter of the Southeast quarter, and the Southeast quarter of the Northeast quarter; all in Section Nine (9), Township Seven (7) South, Range Two (2) East, Baldwin County, Alabama, be and the same hereby is, quited as against the claims of the Respondents and Cross-Complainants.

It is further ordered, adjudged and decreed by the Court that the said Respondents and Cross Complainants, viz., Rhoda Rousselle, Lula Christian, Marie S. Malay, Amana G. Courtright, Barkuloo Courtright, Lee Courtright, John R. Courtright, Florence Wilson, Daisy A. Conway, Viola Boddin, and James H. Webb, Marie S. Malay and Barkuloo Courtright, as Trustees, have no right, title or interest in, or encumbrance upon the said described land, or any part thereof, and that their cross-bill be dismissed.

It is further ordered, adjudged and decreed that the Register of this Court file for record in the Office of the Judge of Probate of Baldwin County, Alabama, a certified copy of this decree within thirty days of the date hereof.

The said named Respondents and Cross Complainants are taxed with the costs of these proceedings for which let execution issue.

Done at Chambers at Monroeville, Alabama, this the 24th day of August, 1929.

F. W. Hare 6

FILED August 26, 1929.

T. W. Richerson, Register.

-----  
STATE OF ALABAMA,

CIRCUIT COURT, IN EQUITY.

BALDWIN COUNTY.

I, T. W. Richerson, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a fully true and correct copy of the decree rendered by said Court on the 24th day of August, 1929, in the cause of Louis J. Broadwood, et als., Complainants, vs. Rhoda Rouselle, et al., defendants, as appears of record in said Court.

Witness my hand and the seal of said Court, this the 26th day of August, 1929.

T. W. Richerson Register.



CERTIFIED COPY OF DECREE  
IN CAUSE OF

LOUIS J. BROADWOOD et al



FILED IN OFFICE OF CLERK OF  
BALDWIN COUNTY PROBATE COURT

Filed in office this 26 day of Aug 1929  
and duly recorded in Lead Book No. 47112  
pages 379 and 3 whereby that 21112  
21112 or privilege has paid as required by an Act of  
the Legislature approved September 14, 1909, and  
entered by and for the Legislature approved August  
29, 1928.

*[Signature]*  
Clerk of Probate

*[Signature]*

*[Signature]*

*[Signature]*

8/26/29 21112

The State of Alabama, }  
Baldwin County

CIRCUIT COURT.  
In Equity.

To Frances E. Stevens, 1012-13 Van Antwerp Bldg, Mobile Alabama,

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 Blanche S. Broadwood, Charles A. Nelson, J. S. Nelson, and James Fulford,

as witnesses in behalf of Complainant, in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

Louis J. Broadwood and Blanche S. Broadwood.

Complainant S

and Rhoda Rouselle et al.

Defendant, S

on oath to be by you administered, upon ~~interrogatory~~ oral examination, to take and certify the deposition of the witness <sup>ES</sup> and return the same to our Court, with all convenient speed, under your hand.

Witness 13th day of February 1929

*T. W. Richardson*  
Register.

Commissioners Fee \$ 5.00

Witness Fee's \$

No. 495

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT.

Louis J. Broadwood et al

Complainant.....

vs.

Rhoda Rouselle et al,

Defendant.....

COMMISSION TO TAKE DEPOSITION

ON ~~Interrogatories~~ Oral  
Examination

COMMISSIONER:

Frances E. Stevens,

WITNESSES:

Louis J. Broadwood, J. S. Nelson

Charles A. Nelson James Fulford.

Louis J. Broadwood, et als.,	)	
Complainants,	)	IN THE CIRCUIT COURT OF
Vs.	)	BALDWIN COUNTY, ALABAMA.
Rhoda Rousselle, et al.,	)	IN EQUITY.
Respondents.	)	

This cause coming on to be heard is submitted for final decree on the pleading and proof as noted by the Register, and from a consideration thereof, the Court is of the opinion that the Complainants are entitled to the relief prayed in their bill of complaint as amended, but that Cross-Complainants are not entitled to relief under their cross bill.

It is therefore, ordered, adjudged and decreed by the Court that the Complainants, Louis J. Broadwood and Blanche S. Broadwood, are entitled to the relief prayed in their said bill of complaint as amended, and that the title of said Complainants in and to the lands described in said bill of complaint as amended, viz., The Southwest quarter, the West half of the Southeast quarter, the Northeast quarter of the Southeast quarter, and the Southeast quarter of the Northeast quarter; all in Section Nine (9), Township Seven (7) South, Range Two (2) East, Baldwin County, Alabama, be, and the same hereby is, quieted as against the claims of the Respondents and Cross - Complainants.

It is further ordered, adjudged and decreed by the Court that the said Respondents and Cross Complainants, viz., Rhoda Rousselle, Lula Christian, Marie S. Malay, Amana G. Courtright, Barkuloo Courtright, Lee Courtright, John R. Courtright, Florence Wilson, Daisy A. Conway, Viola Bodden, and James H. Webb, Marie S. Malay and Barkuloo Courtright, as Trustees, have no right, title or interest in, or encumbrance upon, the said described land, or any part thereof, and that their cross bill be dismissed.

It is further ordered, adjudged and decreed that the

Register of this Court file for record in the Office of the Judge of Probate of Baldwin County, Alabama, a certified copy of this decree within thirty days of the date hereof.

The said named Respondents and Cross Complainants are taxed with the costs of these proceedings for which let execution issue.

Done at Chambers at Monroeville, Alabama, this the 24th., day of August, 1929.

*F. W. Hare*

---

Judge.

Deere

Filed August 26<sup>th</sup> 1929  
T. W. Peterson  
Register

RECORDED

gether with such other, further and different relief as may be meet and proper under the allegations and proof.

And, as in duty bound, your Complainants will ever pray, etc.

*Richardly, Beebe & Leung*  
Solicitors for Complainants.

FOOT NOTE:

The Respondents are required to answer each and every allegation of this bill but not under oath, oath to said answers being hereby expressly waived.

*Richardly, Beebe & Leung*  
Solicitors for Complainants.

Original Bill

RECORDED

Filed Nov 18/22 -  
P. Williams  
Register

# 1195



The State of Alabama, }  
Baldwin County

CIRCUIT COURT.

To Miss K. C. Cuthbert,

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 Mrs. Della Dorgan,

as witnesses in behalf of Respondent, in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

Louis J. Broadwood et al

Complainant<sup>s</sup>

and

Rhoda Roussell, et al

Defendant<sup>s</sup>

on oath to be by you administered, upon ~~interrogatories~~ Oral testimony to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 30th day of May 1928.

*[Signature]*  
Register.

Commissioners Fee \$

Witness Fee's \$

No. 495.

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT.

Louis J. Broadwood et al

Complainant.

vs.

Rhoda Rousselle et al,

Defendant.

COMMISSION TO TAKE DEPOSITION

ON OATH FOR ORAL testimony.

COMMISSIONER:

Miss K. C. Cuthbert

*Commissioner \$5.00*

WITNESSES:

Della Dorgan.

In the Circuit Court of  
Baldwin County Alabama.

L. J. Broadwood et al., vs.  
Rhoda Rouselle, et al.

Deposition of

Mrs. Ardell Dorgan,

a witness for Respondent.

Hon. P. W. Richerson,  
Clerk Circuit Court,  
Bay Minette, Ala.

*Received  
by  
P. W. Richerson  
Apr 25/1929  
Bay Minette  
Alabama*



*Spurred by order  
of court  
May 7/1929  
of the court  
Bay Minette*

LAW OFFICES  
RICKARBY, BEEBE & COLEY  
903-4-5 VAN ANTWERP BUILDING  
MOBILE, ALA.



Hon. John D. Leigh,  
Brewton, Alabama.

This Indenture made the second day of August in  
 in the year of our Lord one Thousand Eight Hundred  
 and seventy nine. between Joseph. Franklin Nelson, <sup>and</sup>  
 Mary E Nelson, his wife, of the County of Baldwin <sup>State</sup>  
 of Alabama, of the first part, and Emanuel P Schwaetter  
 of the same County and State, of the second part.

Witnesses, that the said parties of the first part  
 for and in consideration of the sum of One Hundred  
 and fifty Dollars, lawful money of the United States  
 America, to them in hand paid by the said party of  
 the second part, his heirs, executors and administrators  
 forever released and discharged from the same. by these  
 presents have granted, bargained, sold aliened, revised  
 released, enfeoffed, conveyed and confirmed, and by  
 these presents, do grant bargain, sell alien, revise  
 release enfeoff. Convey and confirm, to the said party  
 of the second part his heirs and assigns forever  
 all and singular The following tract or parcel of  
 Land <sup>to</sup> The south-west quarter, the west half of  
 the south-east quarter, (North East quarter of the south-  
 east quarter,) and the (south-east quarter of the south-  
 east quarter.) of Section Nine in Township Seven (7) South  
 of Range, two East, containing Three Hundred  
 and twenty acres.

Together with the tenements heredita-  
 ment; right members, privileges and appurtenances,  
 unto the above-mentioned and described premises,  
 belonging, or in anywise appertaining. To have and to  
 hold, the above granted and described premises with  
 the appurtenances, unto the said part of the second  
 part, his heirs and assigns to the sole and proper  
 use, benefit and behoof of the said part of the sec-  
 ond part his heirs and assigns forever. And the  
 Said Joseph. F. Nelson, and Mary E Nelson, his wife  
 for themselves and their heirs, the above described  
 and hereby granted and released premises, and every  
 part and parcel thereof, with the hereditaments and  
 appurtenances unto the said part of the second  
 part his heirs and assigns, against the said party  
 of the first part and their heirs and against all  
 and every person and person Whosoever lawfully  
 claiming, or to claim shall and will Warrant  
 and by these presents forever defend

In Witness Whereof, the parties of the part hereunto set their hands and seal the day and year first above written.

Sealed and Delivered in presence of  
R. T. Walker

Joseph F. Nelson  
Mary E. Nelson

LS  
LS

The State of Alabama  
Baldwin County

I, Louis C. Britton, Notary Public & ex off. Justice of the Peace hereby certify that Joseph F. Nelson and Mary E. Nelson whose names are signed to the foregoing conveyance, and whose names are <sup>who are known to me</sup> signed to the foregoing acknowledged before me, on this day that being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand this Fifteenth day of December AD 1879

Louis C. Britton  
Notary Public & ex off. J.P.

Joseph F. Nelson & Mary E. Nelson  
Deeds to  
E. P. Schoenacker

See 9

Remained in office for  
more January the 17th  
1880, and entered the  
19th day of January 1880  
in Book L. pages 680 & 681.  
W. B. Grogan  
Judge

Filed Aug 17/929  
T. M. McInnis  
Register

5691

Ex 11 to  
Compliments set  
[Signature]

Jan 11/80

1.50

3.

JESSE F. HOGAN

WALTER MITCHELL, JR.

LAW OFFICES

HOGAN & MITCHELL

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

May 29, 1928.

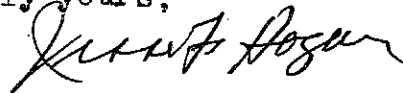
Hon. T. W. Richerson,  
Clerk Circuit Court,  
Bay Minette, Ala.

Dear Sir:

In re Broadwood vs. Rhoda Roussells, et al.

In the above case please issue a commission to Miss  
K. C. Cuthbert to take the oral testimony of Mrs. Della Dorgan,  
a witness for Respon<sup>d</sup>

Very truly yours,



08

Take the only test now on

Special Magazine  
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Rogers

Commission  
Harold May 30/1928  
R. O. P. M. C.  
C. A. O. L. C. E.

LOUIS J. BROADWOOD and  
BLANCHE S. BROADWOOD,

Complainants,

-vs-

RHODA ROUSSELLE, et al.,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY

The joint and several answers of Rhoda Rouselle, Lula Christian, Marie S. Malay, Amanta G. Courtright, Harmonius Barkaloo Courtright, Lee Courtright, John R. Courtright, Florence Wilson, Daisy A. Conway, Viola Bodden; ~~James H. Webb~~ and also James H. Webb, Marie S. Malay and Rhoda Rouselle, as Trustees. These defendants, separately and severally, reserving to themselves all right of exception to said Bill of Complaint, for answer thereto say:

1. The Respondents admit the allegations contained in the first paragraph of the Bill of Complaint.
2. Answering the second paragraph of the Bill of Complaint Respondents deny that the Complainants are in the possession of the following described lands, viz: The Southwest quarter; the west half of the Southeast quarter; the Northeast quarter of the Southeast quarter and the Southeast quarter of the Northeast quarter, all in Section 9, Township 7 South, Range 2 East, Baldwin County, Alabama. Neither do they know anything about Complainants claim to own said lands other than as set out in the Bill of Complaint.
3. Answering the third paragraph of the Bill of Complaint, the Respondents deny that the Complainants have any right, title or interest in and to the said lands; and the said Respondents claim to own said lands in fee simple, as tenants in common.
4. Answering the fourth paragraph of the Bill of Complaint, Respondents have no knowledge of any other suit pending to enforce or test the validity of the Respondents title, claim, or encumbrance in and to said lands. The Respondents further say that the sources through which their title, claim, interest or encumbrance is claimed to be derived or created, are as follows, viz: All of said



lands were patented by the United States to Joseph Nelson by patent dated the 1st day of March, 1859, and recorded in Deed Book "I" page 39, Probate Records of Baldwin County, Alabama. The said Joseph Nelson and wife conveyed all of said lands, with other parcels, to Allen and James R. Grist by a warranty deed dated the 1st day of March, 1858, and recorded in Deed Book "H", pages 186-7, Probate Records of Baldwin County, Alabama; warranty deed by Grist and Hughes in favor of Isaac W. Hughes dated the 14th day of April, 1868, and recorded in Deed Book "I" page 116; deed executed by James R. Grist, Benjamin Grist and Theodore J. Hughes, by James Gillette, as Register in Chancery, in favor of Isaac W. Hughes dated October 18, 1870, and recorded in Deed Book "K" pages 45-7, Probate Records of Baldwin County, Alabama, Mortgage Deed executed by James R. Grist, by Theodore J. Hughes, his attorney in fact, to Zophar Mills, dated the 3rd day of February, 1868, and recorded in Deed Book "I" page 221, Probate Records of Baldwin County, Alabama; deed from Isaac W. Hughes to Zophar Mills dated the 3rd day of May, 1873, and recorded in Deed Book "J" pages 705-7, Probate Records of Baldwin County, Alabama; deed from Zophar Mills to John Bowen dated the 31st day of December, 1881, and recorded in Deed Book "M" page 542, Probate Records of Baldwin County, Alabama; Warranty deed by Adelaide J. Torry, Administratrix de bonis non of the estate of John Bowen, deceased, to Edmund Gaines Wilson, dated November 13, 1906, and recorded in Deed Book 11, pages 372-3 Probate Records of Baldwin County, Alabama, deed executed by E. Gaines Wilson to A. M. Courtright dated March 21, 1907, and recorded in Deed Book 12, page 501, Probate Records of Baldwin County, Alabama; deed from Osceola Wilson to Edmund Gaines Wilson dated March 7th, 1907, and recorded in Deed Book 12, page 137, Probate Records of Baldwin County, Alabama; deed from E. Gaines Wilson and wife to A. M. Courtright dated July 17th, 1908, and recorded in Deed Book 13 page 304 Probate Records of Mobile County, Alabama; deed from E. Gaines Wilson and wife to A. M. Courtright dated March \_\_\_\_\_ 1909, and recorded in Deed Book 15 page 112, Probate Records of Baldwin County, Alabama.

Respondents further show that prior to the filing of this suit A. M. Courtright died, that she owned said lands at the time of her death, and that she was survived by her brothers, W. S. Courtright, A. M. Courtright and Harrison B. Courtright, who were her only heirs and next of kin; that the said Harrison B. Courtright conveyed his interest in said lands to the Respondent, Rhoda Rousselle, by deed dated the 25th day of May, 1916, and recorded in Deed Book 25 N.S. page 655, Probate Records of Baldwin County, Alabama; that the said A. W. Courtright is dead and that the Respondents, Mrs. Florence Wilson, Mrs. Lula Curistian, Mrs. Daisy A. Conway, Mrs. Viola Boddan, Lee R. Courtright and Mrs. Rhoda Rousselle, as tenants in common have inherited the interest of the said A. W. Courtright in said lands. The Respondent further shows that W. S. Courtright died prior to the filing of this suit and that Mrs. Marie S. Malay, Amanta G. Courtright, Harmonious Barkaloo Courtright and John R. Courtright, as tenants in common, inherited the interest of the said W. S. Courtright in said lands.

and John W. McAlpine,  
Respondents further show that the said James H. Webb/were employed by the said Respondents, or those through they inherited their interests, to prosecute certain litigation affecting said lands, and that they had an undivided one-third interest therein for their fee for the prosecution of said suits.

Respondents further show that H. H. Wefel, Jr. claimed to own said lands under a deed executed by the Sheriff of Baldwin County, Alabama, said deed being dated September 22, 1914, and recorded in Deed Book 22 pages 358-9, Probate Records of Baldwin County, Alabama. That said deed was executed under and by virtue of a judgment against E. Gaines Wilson, H. L. Gaines, E. B. Denison and M. J. Brown, dated May 14th, 1901, rendered by the Circuit Court of Baldwin County, Alabama; Respondents further show that at the time of the execution of said deed and the levy of the execution under which it was made, the said E. Gaines Wilson, H. L. Gaines, E. B. Denison and M. J. Brown, nor any of them, had any interest in said lands. But, that, nevertheless, for the purpose of quieting the claim of the said H. H. Wefel, Jr. the said James H. Webb, Marie S. Malay and Rhoda Rousselle, as Trustees, bought the claim of the said H. H. Wefel, Jr. to said lands and received a deed from him dated the 28th day of May, 1917, and

recorded in Deed Book 28 N. S. pages 152-3, Probate Records of Baldwin County, Alabama, and that they as Trustees purchased said claim for the benefit of themselves and the other tenants in common interested in said lands.

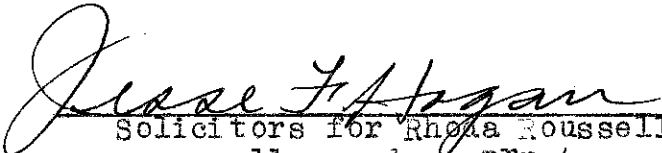
3. These Respondents are entitled to affirmative relief against the Complainants, and to that end would have this their answer taken as a Cross Bill, and would further show as follows, viz:

a. That the Complainants claim, or are reputed to claim, some right, title or interest in or encumbrance upon said lands, and the Cross Complainants call upon the Cross Respondents to set forth and specify their right, title, claim, interest or encumbrance and from and by what instruments the same is derived and created.

Wherefore, the Cross Complainants pray that Your Honor will decree that the Cross Respondents have no right, title or interest in or encumbrance upon said lands. And if your Cross Complainants have not asked for the proper relief, then they further pray that they may have such other and further relief in the premises as the nature of their case shall require and as to Your Honor may seem meet.

And may it please Your Honor to grant to these Cross-Complainants the writ of summons of the State of Alabama, to be directed to the said Cross Respondents, thereby commanding them and every one of them personally to appear before Your Honor in this Honorable Court within the time prescribed by law, and then and there to answer all and singular the premises, and to stand to and abide such order and decree therein as to this Honorable Court shall seem meet.

All of which matters these Respondents are ready and willing to aver, maintain and prove as this Honorable Court shall direct.

  
Solicitors for Rhoda Roussele,  
personally, and as Trustee,  
Lula Christian, Lee R. Courtright,  
Florence Wilson, Daisy A. Conway,  
Viola Boden,  
Webb & Shepard  
attorneys for the other  
respondents

---

Solicitors for Respondents,  
Amanta G. Courtright,  
Harmonius Burkadoo Courtright,  
John R. Courtright,  
Marie S. Malay, individually,  
and as Trustee, and  
James H. Webb, as Trustee.

Note: The Cross Respondents are required to answer the allegations of the foregoing Cross Bill from paragraph 1 to paragraph 3, inclusive, but not under oath, oath to said answers being hereby expressly waived.

*Jesse F. Hogan*

Solicitors for Respondents,  
Rhoda Rousselle, et al.

*Webb + Shepard*  
*Solrs for other*  
*Respondents*

7th

Wm J Broadwood  
et al

vs

Wm Russell  
et al

Answer

Filed Feb 28th 1928

T W Keenan  
Register

RECORDED

LOUIS J. BROADWOOD and  
BLANCHE S. BROADWOOD,  
Complainants,

-vs-

RHODA ROUSSELLE, et al,  
Respondents.

IN EQUITY.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

STATE OF ALABAMA )  
COUNTY OF MOBILE )

Personally appeared before me, the undersigned Notary Public in and for said State and County, D. R. Coley, Jr., one of the Solicitors for the Complainants, who, being duly sworn, deposes and says that he is informed and verily believes that the following defendants in the above stated cause are non-residents of the State of Alabama and reside at the address indicated opposite the name of each of said defendants, namely:

RHODA ROUSSELLE, resides at No. 824 Sixth Street, Port Arthur, Texas;

FLORENCE WILSON resides at No. 320 Washington Avenue, Marshall, Texas,

and that said defendants are, in his belief, over the age of twenty-one years.

That he is informed and verily believes that DAISEY A. CONWAY and VIDLA BODDEN, Defendants in the above styled cause, are non-residents of the State of Alabama, and that they reside at some point in the State of Texas but that he has made diligent inquiry and search and has been unable to ascertain the exact place of residence; that he has inquired of their known relatives in the City of Mobile and of attorneys who are known to have represented them in the City of Mobile, and has exhausted every reas-

onable means of determining said definite addresses, and that  
said Defendants are, in his belief, over the age of twenty-one  
years.

*H. R. Cary Jr.*

Subscribed and sworn to before me

this the 13th day of March, 1925.

*Francis C. Stevens*

Notary Public, Mobile County, Alabama.

490 <sup>1/4</sup>  
IN EQUITY.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

LOUIS J. BROADWOOD and  
BLANCHE S. BROADWOOD,  
Complainants,

-VS-

RHODA ROUSSELLE, et al,  
Respondents.

Affidavit as to non-residence  
of Defendants.

May 14<sup>th</sup> 1925  
T. McIlwain  
Register

RECORDED

RICKARBY, BEEBE & COLEY,  
Solicitors for Complts.



LAW OFFICES OF  
R. COLEY, JR.  
VAN ANTWERP BUILDING  
MOBILE, ALABAMA

LOUIS J. BROADWOOD, et al,  
Complainants,  
-vs-  
RHODA ROUSELLE, et al,  
Defendants.

TESTIMONY of CHARLES A. NELSON,  
Witness for Complainants.

*Filed Aug 7/1929*  
*T. W. Richerson*  
*Witness*

T. W. Richerson, Esq.,  
Clerk of the Circuit Court,  
Bay Minette, Alabama.

*Approved by order*  
*of court Aug 7/1929*  
*T. W. Richerson*

*Witness*

Post Office Department  
OFFICIAL BUSINESS



REGISTERED ARTICLE  
No. 842  
INSURED PARCEL

NO. \_\_\_\_\_

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or Post Office Box,  
Post Office at \_\_\_\_\_

Rev. 8-76 46-000 514

DEPARTMENT FOR PRIVATE USE OF SENDER TO AVOID PAYMENT OF POSTAGE TAX  
POSTMARK OF DELIVERY OFFICE  
POST OFFICE OF DELIVERY

Post Office Department  
OFFICIAL BUSINESS

REGISTERED ARTICLE  
No. 843  
INSURED PARCEL

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

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Rev. 8-26 46-000 514

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*Paul Herpin  
1925  
New York*

1925

3-10

8581 NOTE OF TESTIMONY

Louis J. Broadwood, et al

THE STATE OF ALABAMA,  
BALDWIN COUNTY

vs.

Rhodes Rousselle, et al

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, 1. Certificate from Tract Book showing original entry in Joseph F. Nelson. 2. Certified copy patent United States to Joseph F. Nelson (original offered but withdrawn by agreement) 3. Deed Joseph F. Nelson and wife Mary E. Nelson to E. R. Schowalter. 4. Certified copy of deed of Percy R. Schowalter and V. McR. Schowalter to Louis J. and Blanche W. Broadwood. 5. Testimony of Blanche S. Broadwood, taken orally. 6. Deposition of Charles A. Nelson. 7. Statement of D. R. Coley, Jr., as to record of conveyances of Joseph Nelson and Joseph F. Nelson

and in behalf of Defendant upon 1. Patent from the United States to Joseph F. Nelson.

2. Deposition of Mrs. Della Dorgan.  
3. Agreement of counsel and chain of title attached thereto, dated August 7th, 1929.

*T. W. McCune*

Register.

No. 495 -

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY,

Louis J. Broadwood, et al

vs

*RII00*  
Russelle, et al

NOTE OF TESTIMONY

Filed in Open Court this 19th

day of August 1929

*T. W. Ricumson*

Register

LOUIS J. BROADWOOD AND  
BLANCHE BROADWOOD,

Complainants,

-vs-

RHODA ROUSSELLE, et al.,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

Deposition of Mrs. Ardell Dorgan, a witness for the  
Respondents.

Appearances:

Jesse F. Hogan, Esq., of counsel for Respondents,

Robert D. Coley, Esq., of counsel for Complainants.

LOUIS J. BROADWOOD, et al.,

Complainants,

-vs-

RHODA ROUSSELLE, et al.,

Respondents.

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

NO. \_\_\_\_\_

Come now the respondents, Rhoda Rousselle, Lula Christian, Lee Courtright, Florence Wilson, Daisy A. Conway and Viola Bodden, and demur to the amended bill of complaint upon the following separate and several grounds, viz:

1. Said bill is without equity.

2. Said bill is multifarious.

3. Because it appears from said bill that said respondents may claim an interest in entirely separate and distinct parcels of land.

*Hoggin & Mitchell*

*+ J. F. Hoggin*

Solicitors for Respondents,  
Rhoda Rousselle, Lula Christian,  
Lee Courtright, Florence Wilson,  
Daisy A. Conway, Viola Bodden.

LOUIS J. BROADWOOD, et al.,  
COMPLAINANTS.

-VS-

MARIE S. MALAY, ET. ALS.,

RESPONDENTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO.

Comes now the respondents, Marie S. Malay, John R. Courtright, Harmonius Barkaloo Courtright, Amanta Courtright, and Marie S. Malay and James H. Webb, as trustees, and demur to the amended bill of complaint upon the following separate and several grounds, viz:

1. Said bill is without equity.
2. Said bill is multifarious.
3. Because it appears from said bill that said respondents may claim an interest in entirely separate and distinct parcels of land.

SOLICITORS FOR SAID RESPONDENTS.



Louis J. Broadwood, et al,  
Complainants.

Vs

Rhoda Rouselle, et al  
Defendants

Circuit Court Bladwin County

Alabama. In Equity

This cause being submitted for decree on demurrers to the bill as amended and the same being considered by the court, the Court is of the opinion that the demurrers are not well taken and should be overruled.

It is therefore ordered, adjudged and decreed that the demurrers filed by defendant Rhoda Rouselle, et al November 14th, 1925, and the demurrers filed by defendant Marie S. Haley et al, filed December 14, 1925, be and the same are hereby overruled.

It is further ordered, adjudged and decreed that the defendants plead or answer to said bill as amended within thirty days.

Done in term time at Bay Minette, Alabama, this the 14th day of February, 1928.

*John D. Leigh*  
Judge

copy in

Deene on  
Denver

Filed Aug 12/928  
T. W. Williams  
Deed

**RECORDED**

LOUIS J. BROADWOOD, et al.,  
Complainants,

-vs-

RHODA ROUSSELLE, et als.,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

DEMURRER

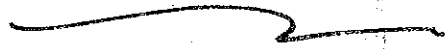
The respondents, viz: Rhoda Rousselle, Lula Christian, Lee Courtright, Florence Wilson, Daisy A. Conway and Viola Bodden, demur to the Bill of Complaint upon the following separate and several grounds, viz:

1. Said bill is without equity.
2. Said bill does not allege that the respondents claim, or are reputed to claim some right, title or interest in, or encumbrance upon the lands described in said bill.
3. The complainants do not call upon the respondents to set forth and specify their title, claim, interest or encumbrance, and how and by what instrument the same is derived and created.

*Haynes & Mitchell*  
Solicitors for the Respondents,  
Rhoda Rousselle, Lula Christian,  
Lee Courtright, Florence Wilson,  
Daisy A. Conway, Viola Bodden.

<sup>2</sup>  
Lewis J Broadwood  
et al

Alvada Rowell  
et al



Denver

Filed May 5th/925-  
T. McIlwain  
Register

RECORDED

W. J. McIlwain



LOUIS J. BROADWOOD, et al.,

COMPLAINANTS,

RHODA ROUSSELLE, ET ALS.,


RESPONDENTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

DEMURRER

The respondents, viz: Marie S. Malay, individually and as trustee, J. H. Webb, as trustee, Amante G. Courtright, John R. Courtright, and Barkaloo Courtright, demur to the bill of complaint upon the following separate and several grounds, viz:

1. Said bill is without equity.
2. Said bill does not allege that the respondents claim, or are reputed to claim some right, title or interest in, or encumbrance upon the lands described in said bill.
3. The complainants do not call upon the respondents to set forth and specify their title, claim, interest or encumbrance, and how and by what instrument the same is derived and created.

  
Solicitors for the respondents  
Mary S. Malay, J. H. Webb, Amante  
G. Courtright and Barkaloo Court-  
right.

LOUIS J. BROADWOOD, et al.,  
COMPLAINANTS.

-VS-

MARIE S. MALAY, ET. ALS.,  
RESPONDENTS.

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

) IN EQUITY.

) NO.  
)

Comes now the respondents, Marie S. Malay, John R. Courtright, Harmonius Barkaleo Courtright, Amanta Courtright, and Marie S. Malay and James H. Webb, as trustees, and demur to the amended bill of complaint upon the following separate and several grounds, viz:

1. Said bill is without equity.
2. Said bill is multifarious.
3. Because it appears from said bill that said respondents may claim an interest in entirely separate and distinct parcels of land.

*Webb & Sherrard*  
SOLICITORS FOR SAID RESPONDENTS,

622  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO.

LOUIS J. BROADWOOD, ET ALS.,  
RESPONDENTS.

VS.

MARIE S. MALAY, ET. ALS.,  
RESPONDENTS.

RECORDED

DEMURRERS.

*Filed Dec 14/25*  
*J. W. [unclear]*  
*[unclear]*



LOUIS J. BROADWOOD and BLANCHE )  
S. BROADWOOD, )  
Complainants, )  
-vs- )  
RHODA ROUSELLE, et al, )  
Respondents. )


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

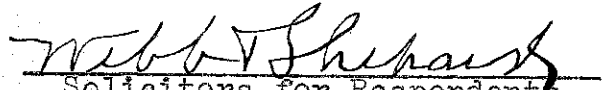
Come the Solicitors for the respective parties and agree that the following statement of D. R. Coley, Jr., Solicitor for the Complainants, as to the records of conveyances by Joseph F. Nelson and Joseph Nelson, may be used and considered by the Court in lieu of the original records and indices to the records of the Probate Court of Baldwin County, to-wit:

That beginning with the earliest index to the records of the deeds recorded in Baldwin County, examination thereof shows that beginning in Deed Book "F" various and sundry conveyances executed by Joseph Nelson and Joseph F. Nelson are recorded; that in Deed Book "G", pages 136-7 is recorded a conveyance from Joseph Nelson, Jr., and wife Isabella, to James D. Johnson; in Deed Book "G" pages 191-2 is a power of attorney and agreement between the heirs of Joseph Nelson, Sr., deceased, to Joseph Nelson; in Deed Book "G" page 443 is a deed of Joseph Nelson, Jr., and wife Isabella to Davis; from then on and straight through the record books to and including Volume 5 N. S. is scattered a total of 29 deeds executed by Joseph Nelson and wife. In the deeds in Deed Books "H" and "I" <sup>Joseph Nelson</sup> ~~is~~ is joined by his wife Isabella, and <sup>subsequently a Joseph Nelson</sup> ~~from then on~~ by his wife Cornelia. One deed executed by Joseph Nelson and wife Cornelia is recorded in Deed Book 21 N. S. pages 220-1 but was acknowledged in 1886.

Beginning with Deed Book "J" page 41, and extending down through the records to Deed Book 15 N. S. pages 207-8, there are recorded a total of 29 deeds executed by Joseph F. Nelson and wife Mary E. Nelson; in every deed in which Joseph F. Nelson is joined by his wife the wife appears to be Mary E. and nowhere is the wife's name Mary E. joined with that of

Joseph in the execution of any deeds, and nowhere is the name of Joseph F. Nelson joined with the name of either Isabella or Cornelia as wife in the execution of any deeds.

  
Solicitor for Complainants.

  
Solicitors for Respondents  
*Makay, Cambridge & Webb*

Dated August 7th, 1929.

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

LOUIS J. BROADWOOD, et al,  
Complainants,

-vs-

RHODA ROUSELLE, et al,  
Defendants.

-----  
AGREEMENT AS TO EVIDENCE  
FOR COMPLAINANTS.  
-----

*Filed Aug 17/1929*  
*T. W. Rice*  
*Register*

D. R. COLEY, JR.,  
SOLICITOR FOR COMPLAINANTS.