

8550 REQUEST FOR DECREE IN VACATION.

536

MOORE PTG CO.

STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. ....

May 4

Term, 1926

Carl J. Martin

, Complainant...

vs.

Jacob S. Marsh et al

, Defendant...

To

W. B. Richmond

, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Roach Jensen & Rush.....

..... Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Roach Jensen & Rush

Solicitor for Complainant.

No. .... Page.....

THE STATE OF ALABAMA  
BALDWIN COUNTY  
CIRCUIT COURT, IN EQUITY

*Carl Martin*

vs.

*Jacob Marsh et al*

REQUEST FOR DECREE IN  
VACATION

FILED

*May 4th*

192*2*

*W. H. ...*

Register

RECORDED IN ..... RECORD

VOL. .... PAGE.....

Register

STATE OF ALABAMA

COUNTY OF BALDWIN

CARL T. MARTIN,

COMPLAINANT,

VS.

NO. 636,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

THE FOLLOWING TRACT OF LAND:  
THE SOUTHWEST QUARTER AND THE  
SOUTHWEST QUARTER OF THE SOUTHEAST  
QUARTER SOMETIMES DESCRIBED AS  
LOTS 11, 12 and 13, SECTION 28  
TOWNSHIP 8 SOUTH RANGE 3 EAST OF  
BALDWIN COUNTY, ALABAMA, AND JACOB  
S. MARSH, E. M. WATERS, ELISHA M.  
WATERS, JAKE MARKSTEIN AND PAUL P.  
LOCKLING, ET ALS,

IN EQUITY.

DEFENDANTS.

In this cause it appears to the Register, T. W. Richardson, that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 21st day of January 1926, in the Baldwin Times, a newspaper published in Bay Minette, Alabama, and that a copy of the order was posted at the Court House door in Baldwin County on the 21st day of January, 1926, and proof of publication having been made on the 20th day of February, 1926;

And it further appearing that service of the Complainant in this cause was had on Elisha M. Waters and E. M. Waters by personal service to-wit: 25th day of October 1925, and that more than thirty days have elapsed since proof of publication and the personal service of said notice, and it further appearing that the Defendants Jacob S. Marsh, Elisha M. Waters, E. M. Waters, Jake Markstein and Paul P. Lockling have failed to appear and plead, answer or demur to the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register, T. W. Richardson, that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said described land, Jacob S. Marsh, Jake Markstein, Paul P. Lockling, E. M. Waters and Elisha M. Waters.

This 27th day of March, 1926.

T. W. Richardson  
Register

Verse pro Confessio

Fried March 29th 1926.

T. W. Peterson  
Register.

CARL T. MARTIN,

COMPLAINANT,

VS.

THE FOLLOWING TRACT OF LAND:  
THE SOUTHWEST QUARTER AND  
SOUTHWEST QUARTER OF THE SOUTH-  
EAST QUARTER, SOMETIMES DESCRIBED AS  
LOTS 11, 12 and 13, OF SECTION 28,  
TOWNSHIP 8 SOUTH, RANGE 3 EAST,  
BALDWIN COUNTY, ALABAMA, AND JACOB  
S. MARSH, E. M. WATERS, ELISHA M. WATERS,  
MORRIS BEAR, MAX L. BEAR, JAKE  
MARKSTEIN AND PAUL P. LOCKLING, ET ALS,

RESPONDENTS.

NO. 836

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes CARL T. MARTIN, complainant in the above styled  
~~cause, by his attorney of record and moves this honorable court~~  
for a dismissal as parties respondent in said cause to-wit;  
Morris Bear, Max L. Bear, Susie P. Swift, George R. Swift, Miriam  
S. Martyn, Emily M. Swift, Eleanor B. Swift, Susie C. Swift,  
William H. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift,  
Florence R. Swift and Edward G. Swift.

  
Solicitor for Complainant.

CARL T. MARTIN ,

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

COMPLAINANT,

VS

THE FOLLOWING TRACT OF LAND:  
The Southwest quarter and  
the Southwest quarter of the  
Southeast quarter, sometimes  
described as Lots 11, 12 and  
13 of Section Twenty Eight (28)  
Township Eight (8) South of  
Range Three (3) East in Baldwin  
County, Alabama, and

JACOB S. MARSH, E. M. WATERS;  
ELISHA M. WATERS, MORRIS BEAR,  
MAX L. BEAR, JAKE MARKSTEIN,  
PAUL P. LOCKLING, SUSIE P. SWIFT,  
GEORGE R. SWIFT, MIRIAM S. MARTYN,  
EMILY M. SWIFT, ELEANOR B. SWIFT,  
SUSIE CORNELIA SWIFT, WILLIAM H. SWIFT,  
IRA P. SWIFT, JOHN B. SWIFT, AMELIA A. SWIFT,  
FLORENCE R. SWIFT and EDWARD G. SWIFT

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

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY;

Your Orator, Carl T. Martin, files this his Bill of Complaint  
against the above described tract of land and Jacob S. Marsh, E. M.  
Waters, Elisha M. Waters, Morris Bear, Max L. Bear, Jake Markstein,  
Paul Lockling, Susie P. Swift, George R. Swift, Miriam S. Martyn,  
Emily M. Swift, Eleanor B. Swift, Susie Cornelia Swift, William H.  
Swift, Ira P. Swift, John B. Swift, Amelia A. Swift, Florence R.  
Swift and Edward G. Swift, and for cause of complaint shows as follows;  
FIRST. That Your Orator is over the age of twenty one years and  
the property against which this bill is filed is situated in the  
County of Baldwin and State of Alabama, that Jacob S. Marsh, Jake  
Markstein, Paul P. Lockling and Miriam S. Martyn are over the age of  
twenty one years; that they are all non-residents of the State of  
Alabama; that the state of their residence or residence is unknown;  
and that process cannot be served upon them, that E. M. Waters,  
Elisha M. Waters, Morris Bear, Max L. Bear, Susie P. Swift,  
Emily M. Swift, Eleanor B. Swift, Susie Cornelia Swift, William H.  
Swift, Ira P. Swift, John B. Swift, Amelia A. Swift, Florence R.  
Swift and Edward G. Swift are residents of the State of Alabama  
and over the age of twenty one years.

SECOND. Your Orator further alleges that he is in actual peaceable possession of that certain tract of land situated in the County of Baldwin, State of Alabama, mentioned in the caption and described as follows, to-wit;

The Southwest Quarter and the Southwest Quarter of the Southeast quarter, sometimes described as Lots 11, 12 and 13 of Section Twenty Eight, Township Eight South of Range Three East and Your Orator owns said property in fee simple and claims same to be his property; that your orator was conveyed said property by warranty deed dated October 1st, 1925 by John W. Styron and wife Sarah Ann Styron, Grace S. Stewart and husband James Stewart, Edwina Oberg and husband Albert Oberg, Mamie V. Stewart and husband S. Stewart, Gertrude Wynn and her husband, William Conrad Styron and Olean Stewart and Alfred Stewart her husband, Henry T. Styron and wife X Ethel Styron; all being the heirs of C. J. Styron, deceased and being the owners of the interest in said property owned by C. J. Styron at the time of his decease, that said C. J. Styron acquired title to said property by deed from E. M. Waters by warranty deed dated October 20th, 1902 and recorded in Book 5 N. S. page 479-480 of the Probate Records of Baldwin County, Alabama, and orator further claims ownership of said lands by adverse possession of same by said C. J. Styron and the heirs of C. J. Styron, and alleges in this connection that C. J. Styron occupied this land on, to-wit the date of the deed to him above mentioned, that since that date he has been in exclusive, notorious, actual adverse possession of said lands until the day of his death when the possession continued in the heirs and in your orator, that during this period the taxes were assessed and paid on said lands by the parties claiming same as above shown, that the entire water front has been used almost continuously for the planting and gathering of oysters, that timber has been sold and cut off said lands by C. J. Styron, the heirs and your Orator, that the period of possession above shown is more than twenty years, that the title to said lands and the possession of same has showed on the probate records to be in the said C. J. Styron, the heirs of said C. J. Styron and your Orator for this period, that

the possession has been in said parties and no part of the possession and possession of no part of said lands has been in any one else nor has your Orator known of any claim to possession by anyone during the time above mentioned, but that June 3rd, 1844 William Wilkins, as Sheriff of Baldwin County, Alabama executed a certain deed to Jacob S. Marsh purporting to sell out the interest of Stephenson, Holley and Baptist in said lands, that at that time the record title was in David Stephenson and that after that time said Stephenson possessed the land and it was taxed to the three partners and Jacob S. Marsh never exercised any right of ownership over same and there is some doubt but that the debt for which the lands was sold was satisfied and that the land was redeemed from the judgment sale. Your Orator does not know Jacob S. Marsh and he is informed and believes that he left Baldwin County many years ago and has not been heard of since that time. Your Orator has made diligent inquiries in an effort to learn the whereabouts of said Jacob S. Marsh or the names of his heirs if he be dead but has been unable to learn anything in regard to same.

Your Orator further shows that July 4th, 1870 Jesse Darling purchased said lands from the State of Alabama which title was duly transferred by means conveyances and devises to C. A. Swift who is now deceased and whose heirs and next of kin are Susie P. Swift, widow and the children as named in paragraph one of this complaint, that after the purchase of the lands from the State by Jesse Darling as aforesaid, the lands were sold for the payment of taxes and December 3rd, 1895 E. M. Waters the purchaser was delivered a deed by Charles Hall, the Judge of Probate covering said lands which deed was duly recorded December 3rd, 1895 and that thereafter E. M. Waters when the holder of this deed went into possession of said lands which possession has continued to his grantees and down to date.

Your Orator further shows after the sale to C. J. Styron as aforeshown and after relinquishment of possession by E. M. Waters, said E. M. Waters or Elisha M. Waters as recited by the mortgage and Stanley M. Waters and Virginia Waters his wife executed a mortgage to Morris Bear and Max L. Bear January 30th, 1915 recorded May 5th, 1915 in the Probate Records of this county, that at the time of the execution of said mortgage said mortgagors had no title and that

✓

said mortgage could not be an encumbrance or lien on said land though

it purports to be so.

That on September 26th, 1910 C. J. Styron and Nancy his wife

executed and gave to Jake Markstein and Paul P. Locking a mineral

lease on the abovescribed lands which as part thereof and by the

terms of same drilling was to be commenced within three years of the

date of the instrument and orator alleges that such drilling has not

been done to this date and said three years having elapsed said lease

is void, that said Jake Markstein and Paul P. Locking are non-residents

and that there resident cannot be ascertained after diligent inquiry and

search.

That On November 19th, 1912 C. A. Swift and Son a partnership

composed of C. A. Swift and Geo. Robin Swift recovered a judgment

against said C. J. Styron which on the 12th day of December 1912 was

duly recorded in the Probate Court by certificate as provided by law

and orator then says that said judgment has not been cancelled on the

record but has been paid and should be cancelled and should not be

declared a lien on said property, that further is said judgment has

not been paid, that C. J. Styron died in Baldwin County, Alabama

August 15th, 1925 and administration was had on his estate October 5th,

1925 and that the debt evidenced by the judgment was not claimed by

C. A. Swift and son or their assignees by filing with the Probate Court

a claim against the estate nor by presenting the Administrator a

claim against the said estate and that same is barred by law and

said judgment is no lien.

Orator further alleges that the heirs and next of kin of

C. A. Swift are made parties hereto and their residence so far as can

be learned by diligent inquiry is stated above in this Bill, that the

son, C. R. Swift and partner of C. A. Swift is named a party and is

a resident of this State and also the State of Mississippi and that

service can be had on him.

THIRD. Your Orator further alleges that the abovesaid respondents

are reputed to claim some right, title or interest in or encumbrance

upon the abovesaid lands, and he calls upon them to set forth and

specify his title or her title, claim, interest in or encumbrance or

lien upon said lands, and by what instrument the same is derived

or created.

FOURTH. Your Orator alleges that this suit is brought also against the lands described in the second paragraph of this Bill of Complaint under the provisions of Sections 9912 to 9928, inclusive of the Code of Alabama of 1923.

FIFTH. Your Orator further alleges that there is no suit pending to test his title or his right to possession of said lands, and this Bill of Complaint is filed for the purpose of clearing up all doubts and disputes concerning complainant's title to said lands.

PRAYER FOR RELIEF

Your Orator prays that Your Honor will take jurisdiction of this cause, and upon the hearing will decree that the title to the aforesaid lands and property is in the complainant; and that the respondents as heretofore named, have in all or singly, separately or severally, no estate or interest in said lands or any lien upon or encumbrance on said lands or any part thereof.

And Your Orator prays that such other and further relief be granted him in the premises as he may be entitled or ~~to~~ which to your Honor may seem meet.

PRAYER FOR PROCESS.

Your Orator prays that Jacob S. Marsh, E. M. Waters, Elisha M. Waters, Morris Bear, Max L. Bear, Jake Markstein, Paul P. Lockling, Susie P. Swift, George R. Swift, Miriam S. Martyn, Emily M. Swift, Eleanor B. Swift, Susie Cornelia Swift, William E. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift, Florence R. Swift and Edward G. Swift, be made parties respondent to this suit, that notice be served on them or made in accordance with Article 2 Section 9912 to 9928 inclusive of the Code, that all other provisions in such matters made and provided be complied with to the end that the title to said property may be cleared in this complainant as herein prayed.

*Roach, Jansen & Rush*  
Solicitors for Complainant.

Footnote:

The respondents are required to answer each and every allegation of the foregoing complaint but not under oath, answer under oath being expressly waived.

*Roach, Jansen & Rush*

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, Natalie C. Torbert, a Notary Public, in and for said County and State, personally appeared Carl T. Martin who being by me duly sworn, deposes and says that he has read the foregoing Bill of Complaint, that he has personal knowledge of some of the facts therein alleged and of the remainder, has information and belief gained from a diligent search and inquiry for the facts so alleged, that on such information and belief, he says that the facts alleged in said Bill are true.

Carl T. Martin  
Complainant.

Sworn to and subscribed before me  
this the 7th day of October 1925.

Natalie C. Torbert  
Notary Public, Mobile County, Alabama.

CARL T. MARTIN

COMPLAINANT

VS.

NO. 536

THE FOLLOWING TRACT OF LAND;  
THE SOUTHWEST QUARTER AND THE  
SOUTHWEST QUARTER OF THE SOUTH-  
EAST QUARTER, SOMETIMES DES-  
CRIBED AS LOTS 11, 12 and 13,  
OF SECTION 28 TOWNSHIP 8 SOUTH  
RANGE 3 EAST, BALDWIN COUNTY,  
ALABAMA, AND JACOB S. MARSH,  
ELISHA M. WATERS, E. M. WATERS,  
JAKE MARKSTEIN AND PAUL P.  
LOOKLING.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

DEFENDANTS.

This cause coming on to be heard was submitted for final decree on the Bill of Complaint, decree pro confesso and proof, and the cause being considered by the court, it appears to the court that the complainant is entitled to relief, it having been duly proven by the testimony of witnesses taken as required by law and submitted as part of the proof; that the title to the property described in the complaint, viz, the following tract of land; The southwest quarter and the Southwest quarter of the Southeast quarter, sometimes described as lots 11, 12 and 13, of Section 28 Township 8 South Range 3 East, Baldwin County, Alabama, is in the complainant.

It is, therefore, ordered, adjudged and decreed by the court that the title to said property is in the complainant, Carl T. Martin, that the complainant has a whole, complete, unencumbered, fee simple title in and to said property; and that no one of the defendants has any right, title or interest in or encumbrances upon said property or any part thereof.

It is further ordered by the court that a certified copy of this decree be recorded in the office of the Judge of Probate in Baldwin County, Alabama, and the court further directs that the cause shall be indexed in the direct index of records in the Probate Court in the name of Carl T. Martin vs. Jacob S. Marsh, Elisha M. Waters, E. M. Waters, Jake Markstein

and Paul P. Lockling and the unknown heirs, personal representatives, next of kin and devisees of Jacob S. Marsh, dec'd, and in the reverse or indirect index of records in the name of Jacob S. Marsh, Elisha M. Waters, E. M. Waters, Jake Markstein and Paul P. Lockling and the unknown heirs, personal representatives, next of kin and devisees of Jacob S. Marsh, deceased, vs. Carl T. Martin.

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

Done on this the 25<sup>th</sup> day of May, 1926.

John A. Leigh  
Judge.

FRANK L. BATES AS  
GUARDIAN OF THEODORE  
MEEK AND LOIS MEEK, MINORS.  
COMPLAINANTS.  
VS.  
THEODORE MEEK & LOIS MEEK,  
MINORS. DEFENDANTS.

:  
:  
:  
NO. 462.  
: IN CIRCUIT COURT OF BALDWIN  
: COUNTY, ALABAMA, IN EQUITY.  
:  
:  
:

This cause coming on to be heard is submitted for final decree upon the pleadings and proof as noted by the Register, and answer of *H. H. Walters as* Guardian Ad Litem who was appointed by the Court to represent and protect the interest of said Theodore Meek and Lois Meek, minors and the testimony offered in said cause having been noted, heard, examined, understood and considered by the Court, and it having been satisfactorily proven to the Court that said Harry C. Walters and Rose B. Walters having complied with the terms of that certain contract made and entered into on the 28th. day of December, 1920, by and between Emma Meek, acting by and through her attorney, in fact, M. T. Post, which contract has been introduced as evidence in this cause and the original of which is recorded in Record Book No. 27 of Mortgages, pages 289 and 290 in the Office of Judge of Probate of Baldwin County, Alabama, the court is of the opinion that the said Harry C. Walters and Rose B. Walters are entitled to relief and entitled to the real property described in the original bill of Complaint filed in this cause and more particularly described as follows to-wit;

East half of Southeast quarter of Southwest quarter of Section one in Township five South of range three east containing twenty acres more or less together with the improvements thereon in Baldwin County, Alabama.

and the balance of the purchase price for said real property claimed by the complainants in this cause having been paid into court as directed by the Court, which balance together with the interest thereon amounts to the sum of two hundred and twenty-one and 50/100 dollars.

It is therefore ordered, adjudged and decreed that the title to the property involved in this suit be and the same is hereby divested out of the said Theodore Meek and Lois Meek

*See 6600-1-1923*

and vested in the said Harry C. Walters and Rose B. Walters, they having complied with the terms of the contract above referred to; and the said Complainant Frank L. Bates being a non-resident of the State of Alabama, and out of the jurisdiction of this court;

It is therefore ordered, adjudged and decreed that T. W. Richerson as Register of this Court prepare, execute and deliver a deed of conveyance to the said Harry C. Walters and Rose B. Walters conveying to them all the right, title, claim and interest that the said Emma Meek had in and to the property described in said contract and in the said Bill of Complainant at the time of her death and all the right, title, claim and interest the said Theodore Meek and Lois Meek acquired in and to said property by reason of the death of the said Emma Meek.

It is further ordered that the said T. W. Richerson as Register of this Court pay to the said Frank L. Bates, as Guardian said sum of \$221.50 for the use and benefit of said Theodore Meek and Lois Meek.

It is further ordered that the complainant pay the costs in this suit.

Ordered and decreed this 8th. day of February, 1926.

*John D. Lingle*  
Judge of 21st Judicial Circuit

Final Secret

Final Feb 8/72  
J. W. Pincus  
14/72

Rev. Rector 6644 Code 000  
14/72

Recorded  
on minutes  
Page 214

August 13th 1923 and administration was had on his estate October 5th, 1923 and that the debt evidenced by the judgment was not claimed by C.A. Swift and son or their assignees by filing with the Probate Court a claim against the estate nor by presenting the administration a claim against the said estate and that the same is barred by law and said judgment is no lien.

Orator further alleges that the heirs and next of kin of C.A. Swift are made parties hereto and their residence so far as can be learned by diligent inquiry is stated above in this Bill, that the son, C.A. Swift and partner of C.A. Swift is named a party and is a resident of this state and also the state of Mississippi and that service can be had on him.

THIRD: Your Orator further alleges that the aforesaid respondents are reputed to claim some right, title or interest in or encumbrance upon the aforesaid lands, and he calls upon them to set forth and specify his title or her title, claim, interest in or encumbrance or lien upon said lands, and by what instrument the same is derived or created.

FOURTH: Your Orator alleges that this suit is brought also against the lands described in the second paragraph of this Bill of Complaint under the provisions of Sections 9912 to 9928, inclusive of the Code of Alabama of 1923.

FIFTH: Your Orator further alleges that there is no suit pending to test his title or his right to possession of said lands, and this Bill of Complaint is filed for the purpose of clearing up all doubts and disputes concerning complainant's title to said lands.

#### PRAYER FOR RELIEF.

Your Orator prays that Your Honor will take jurisdiction of this cause, and upon the hearing will decree that the title to the aforesaid lands and property is in the complainants; and that the respondents &&& as heretofore named, have in all or singly, severately or severally, no estate or interest in said lands or any liens upon or encumbrance on said lands or any part thereof.

And Your Orator prays that such other and further relief be granted him in the premises as he may be entitled or which to your Honor may seem fit.

#### PRAYER FOR PROCESS.

Your Orator prays that Jacob S. Mars, J. H. Waters, Elisha M. Waters, Morris Bear, Max L. Bear, Jake Markstein, Paul F. Lockling, Susie P. Swift, George R. Swift, Miriam S. Martyn, Emily M. Swift, Eleanor B. Swift, Susie Cornelia Swift, William E. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift, Florence R. Swift, and Edward C. Swift, be made parties respondent to this suit, that notice be served on them or made in accordance with Article 2 Section 9912 to 9928 inclusive of the Code, that all other provisions in such matters made and provided be complied with to the end that the title to said property may be cleared in this complaint as herein prayed.

Roach, Jansen & Rush, Solicitors for Complainant.

SIXTH: The respondents are required to answer each and every allegation of the foregoing complaint but not under oath answer under oath being expressly waived.

Roach, Jansen & Rush, Solicitors for Complainant.

August 13th 1923 and administration was had on his estate October 5th, 1923 and that the debt evidenced by the judgment was not claimed by C.A. Swift and son or their assignees by filing with the Probate Court a claim against the estate or by presenting the administration a claim against the said estate and that the same is barred by law and said judgment is no lien.

Orator further alleges that the heirs and next of kin of C.A. Swift are made parties hereto and their residence so far as can be learned by diligent inquiry is stated above in this Bill, that the son, C.A. Swift and partner of C.A. Swift is named a party and is a resident of this state and also the state of Mississippi and that service can be had on him.

THIRD: Your Orator further alleges that the aforesaid respondents are reputed to claim some right, title or interest in or encumbrance upon the aforesaid lands, and he calls upon them to set forth and specify his title or her title, claim, interest in or encumbrance or lien upon said lands, and by what instrument the same is derived or created.

FOURTH: Your Orator alleges that this suit is brought also against the lands described in the second paragraph of this Bill of Complaint under the provisions of Sections 9912 to 9928, inclusive of the Code of Statutes of 1915.

FIFTH: Your Orator further alleges that there is no suit pending to test his title or his right to possession of said lands, and this Bill of Complaint is filed for the purpose of clearing up all doubts and disputes concerning complainant's title to said lands.

#### PRAYER FOR RELIEF.

Your Orator prays that Your Honor will take jurisdiction of this cause, and upon the hearing will see to that the title to the aforesaid lands and property is in the complainant; and that the respondents are or heretofore have, have in all or singly, severately or severally, no estate or interest in said lands or any liens upon or encumbrance on said lands or any part thereof.

And Your Orator prays that such other and further relief be granted him in the premises as he may be entitled or which to Your Honor may seem fit.

#### PRAYER FOR PROCESS.

Your Orator prays that Jacob A. Hart, J.M. Peters, Alice K. Peters, Morris Bear, Max L. Bear, Jack Haskenstein, Paul F. Lockling, Marie P. Swift, George B. Swift, Miriam A. Martyn, Billy B. Swift, Eleanor B. Swift, Cole Cornelius Swift, William B. Swift, Ira B. Swift, John B. Swift, Lucile A. Swift, Florence B. Swift, and Edward C. Swift, be made parties respondent to this suit, that notice be served on them or some in accordance with Article 2 Section 9912 to 9928 inclusive of the Code, that all other provisions in such matters and and provided be complied with to the end that the title to said property may be cleared in this complaint as herein prayed.

Hatch, Johnson & Bush, Attorneys for Complainant.

SIXTH: The respondents are required to answer each and every allegation of the foregoing Complaint under oath and answer under oath being expressly waived.

Hatch, Johnson & Bush, Attorneys for Complainant.

August 18th 1933 and administration was had on his estate October 5th, 1933 and that the debt evidenced by the judgment was not claimed by C.A. Swift and son or their assignees by filing with the Probate Court a claim against the estate nor by presenting the administration a claim against the said estate and that the same is barred by law and said judgment is no lien.

Orator further alleges that the heirs and next of kin of C.A. Swift are made parties hereto and their residence so far as can be learned by diligent inquiry is stated above in this Bill, that the son, C.A. Swift and partner of C.A. Swift is named a party and is a resident of this state and also the State of Mississippi and that service can be had on him.

THIRD: Your Orator further alleges that the aforesaid respondents are reputed to claim some right, title or interest in or encumbrance upon the aforesaid lands, and he calls upon them to set forth and specify his title or her title, claim, interest in or encumbrance or lien upon said lands, and by what instrument the same is derived or created.

FOURTH: Your Orator alleges that this suit is brought also against the lands described in the second paragraph of this Bill of Complaint under the provisions of Sections 9912 to 9928, inclusive of the Code of Alabama of 1928.

FIFTH: Your Orator further alleges that there is no suit pending to test his title or his right to possession of said lands, and this Bill of Complaint is filed for the purpose of clearing up all doubts and disputes concerning complainant's title to said lands.

PRAYER FOR RELIEF.

Your Orator prays that Your Honor will take jurisdiction of this cause, and upon the hearing will decree that the title to the aforesaid lands and property is in the complainants; and that the respondents and all persons named, have in all or singly, separately or severally, no estate or interest in said lands or any liens upon or encumbrance on said lands or any part thereof.

And Your Orator prays that such other and further relief be granted him in the premises as he may be entitled or which to your Honor may seem fit.

PRAYER FOR VERDICT.

Your Orator prays that Jacob A. Kere, Mrs. Esters, Misha S. Esters, Morris Bear, Max L. Bear, Jake Markenstein, Paul S. Lockling, Lucie S. Swift, George S. Swift, Miriam A. Martyn, Emily S. Swift, Eleanor S. Swift, Mabel Cornelia Swift, William S. Swift, Ira S. Swift, John S. Swift, Amelia S. Swift, Florence S. Swift, and Edward S. Swift, be made parties respondent to this suit, that notice be served on them or some in accordance with Article 2 Section 9912 to 9928 inclusive of the Code, that all other provisions in such matters made and provided be complied with to the end that the title to said property may be cleared in this complaint as herein prayed.

ROACH, JENSEN & KUSH, Solicitors for Complainant.  
FOURTH: The respondents are required to answer each and every allegation of the foregoing complaint but not under oath answer under oath being expressly waived.

ROACH, JENSEN & KUSH, Solicitors for Complainant.

Mobile, Alabama.

June 2, 1926.

Hon. T. W. Richerson,  
Register in Chancery,  
Bay Minette, Alabama.

Dear Sir:-

CARL T. MARTIN VS. JACOB S. MARSH ET ALS.

This is to certify that Mr. V. R. Jansen,  
solicitor for the complainant in the above entitled cause,  
has this day paid me the sum of Ten Dollars (\$10.00), which  
is payment in full of my commissioner's fee for taking  
testimony of witnesses for the complainant, in said cause.

Yours very truly,

*Natalie C. Robert,*

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

*J. S. Sifers, Oliver A. Sifers, Bertha  
Sifers, Mrs. L. Sifers, Susan A. Swift, Emily A. Swift, Florence A. Swift,  
Marie Cornelia Swift, William A. Swift, Ida A. Swift, John A. Swift,  
Charles A. Swift, F. Vernon A. Swift, and Annetta A. Swift.*

of \_\_\_\_\_ 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 \_\_\_\_\_

against said *J. S. Sifers, Emily A. Swift, Florence A. Swift, Marie Cornelia  
Swift, William A. Swift, Ida A. Swift, John A. Swift, Florence A. Swift, and Annetta A. Swift.*

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 \_\_\_\_\_ day of \_\_\_\_\_

*T. W. Richerson*  
Register.

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

~~W. H. Waters, Elsie H. Waters, Morris~~  
~~Boor, Max L. Boor, Marie J. Swift, Emily H. Swift, Eleanor H. Swift,~~  
~~Marie Cornelie Swift, William H. Swift, Ira P. Swift, John H. Swift,~~  
~~Amelia A. Swift, Florence H. Swift, and Edward H. Swift,~~

of ~~State of Alabama~~ 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

~~Carl E. Martin~~

against said

~~W. H. Waters, Elsie H. Waters, Morris Boor, Max L. Boor,~~  
~~Marie J. Swift, Emily H. Swift, Eleanor H. Swift, Marie Cornelie~~  
~~Swift, William H. Swift, Ira P. Swift, John H. Swift, Amelia A. Swift,~~  
~~Florence H. Swift, and Edward H. Swift,~~

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

17th, day of October,

192

*T. W. Richerson*  
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 E. M. Waters, Elsie M. Waters, Morris

Deer, Max L. Deer, Susie P. Swift, Emily M. Swift, Eleanor B. Swift,

Susie Cornelia Swift, William A. Swift, Ira P. Swift, John B. Swift,

Annie A. Swift, Florence M. Swift, and Edward C. Swift,

of State of Alabama ~~County~~ 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

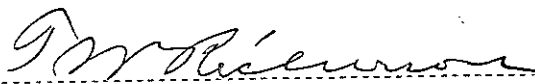
Carl E. Martin

against said E. M. Waters, Elsie M. Waters, Morris Deer, Max L. Deer,  
Susie P. Swift, Emily M. Swift, Eleanor B. Swift, Susie Cornelia  
Swift, William A. Swift, Ira P. Swift, John B. Swift, Annie A. Swift,  
Florence M. Swift, and Edward C. Swift,

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 17th, day of October,

192 5.

  
Register.

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

*Copy*

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

Circuit Court of Baldwin County  
In Equity

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

SUMMONS

vs. \_\_\_\_\_

*Becky Ann V. Pugh*  
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.

# 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 E. M. Waters, Elsie M. Waters, MorrisBear, Max I. Bear, Susie P. Swift, Emily E. Swift, Eleanor B. Swift,Susie Cornelia Swift, William E. Swift, Ira E. Swift, John B. Swift,Amelia A. Swift, Florence B. Swift, and Edward C. Swift,

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

Carl P. Martin

against said E. M. Waters, Elsie M. Waters, Morris Bear, Max I. Bear,  
Susie P. Swift, Emily E. Swift, Eleanor B. Swift, Susie Cornelia  
Swift, William E. Swift, Ira E. Swift, John B. Swift, Amelia A. Swift,  
Florence B. Swift, and Edward C. Swift,

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 17th day of October.1925

Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 J. M. Polare, Elsie B. Polare, Morris Bear,

Lucie B. Swift, Emily B. Swift, Eleanor B. Swift, Marie Bernice

Swift, William B. Swift, Ira B. Swift, John B. Swift, Lucile A. Swift, Florence

B. Swift, and Edward B. Swift

of State of Alabama, 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

Carl B. Martin,

against said J. M. Polare, Elsie B. Polare, Morris Bear, Lucie B. Swift,  
Lucie B. Swift, Emily B. Swift, Eleanor B. Swift, Marie Bernice Swift,  
William B. Swift, Ira B. Swift, John B. Swift, Lucile A. Swift,  
Florence B. Swift and Edward B. Swift.

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 17th day of Oct

T. W. Richerson  
Register.

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

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

WE COMMAND YOU, That you summon \_\_\_\_\_

of \_\_\_\_\_ 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 \_\_\_\_\_

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 13th day of Oct.

192 ❁❁

*J. M. Wilson*  
Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 E. H. Waters, Elisha H. Waters, Morris Bear,  
Max L. Bear, Susie P. Swift, Emily H. Swift, Eleanor B. Swift, Susie Cornelia  
Swift, William H. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift, Florence  
H. Swift, and Edward C. Swift

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

against said E. H. Waters, Elisha H. Waters, Morris Bear, Max L. Bear,  
Susie P. Swift, Emily H. Swift, Eleanor B. Swift, Susie Cornelia Swift,  
William H. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift,  
Florence H. Swift and Edward C. Swift.

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 17th day of Oct

1925

  
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 E. M. Waters, Eliska M. Waters, Morris Bear,  
Max L. Bear, Susie P. Swift, Emily M. Swift, Eleanor B. Swift, Susie Cornelia  
Swift, William H. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift, Florence  
R. Swift, and Edward C. Swift

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

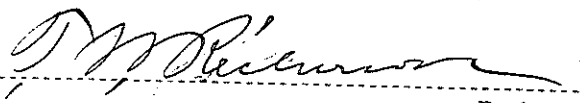
Carl P. Martin,

against said E. M. Waters, Eliska M. Waters, Morris Bear, Max L. Bear,  
Susie P. Swift, Emily M. Swift, Eleanor B. Swift, Susie Cornelia Swift,  
William H. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift,  
Florence R. Swift and Edward C. Swift.

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 15th day of Oct

1925.

  
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 E.M. Waters, Elisha M. Waters, Morris Bear,  
Max L. Bear, Susie P. Swift, Emily M. Swift, Eleanor B. Swift, Susie Cornelia  
Swift, William H. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift,  
Florence R. Swift, and Edward G. Swift,

of the State of Alabama ~~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

Carl T. Martin,

against said E.M. Waters, Elisha M. Waters, Morris Bear, Max L. Bear,  
Susie P. Swift, Emily M. Swift, Eleanor B. Swift, Susie Cornelia Swift,  
William H. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift,  
Florence R. Swift, and Edward G. Swift,

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 17th, day of October,

1925.

  
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 B.M. Waters, Elisha M. Waters, Morris Bear,  
Max L. Bear, Susie P. Swift, Emily M. Swift, Eleanor B. Swift, Susie Cornelia  
Swift, William B. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift,  
Florence B. Swift, and Edward C. Swift,

of the state of Alabama ~~State~~ 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

Carl T. Martin,

against said B.M. Waters, Elisha M. Waters, Morris Bear, Max L. Bear,  
Susie P. Swift, Emily M. Swift, Eleanor B. Swift, Susie Cornelia Swift,  
William B. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift,  
Florence B. Swift, and Edward C. Swift,

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 17th, day of October,

192 5.

*T. W. Richerson*  
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 E. M. Waters, Elsie M. Waters, Morris Bear,  
Max L. Bear, Susie P. Swift, Emily M. Swift, Eleanor B. Swift, Susie Cornelia  
Swift, William B. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift,  
Florence A. Swift, and Edward C. Swift,

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

against said E. M. Waters, Elsie M. Waters, Morris Bear, Max L. Bear,  
Susie P. Swift, Emily M. Swift, Eleanor B. Swift, Susie Cornelia Swift,  
William B. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift,  
Florence A. Swift, and Edward C. Swift,

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 17th, day of October,

192 5

T. W. Richerson  
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 W. E. Carter, Eliza M. Carter, Corrie Spear, Kate E. Spear,

Marie E. Swift, Emily M. Swift, Eleanor E. Swift, Annie Cornelia Swift,

William M. Swift, Ira E. Swift, John A. Swift, Julia A. Swift,

Florence E. Swift, and Edward A. Swift,

of the State of Alabama 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

Carl E. Martin,

against said

W. E. Carter, Eliza M. Carter, Corrie Spear, Kate E. Spear,  
Marie E. Swift, Emily M. Swift, Eleanor E. Swift, Annie Cornelia Swift,  
William M. Swift, Ira E. Swift, John A. Swift, Julia A. Swift,  
Florence E. Swift, and Edward A. Swift,

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

19th day of October,

*T. W. Richerson*  
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 E. M. Sators, Eliza M. Sators, Morris Sator,  
Max L. Sator, Annie A. Swift, Emily A. Swift, Eleanor E. Swift, Maria Cornelia  
Swift, William A. Swift, Ira P. Swift, John A. Swift, Annie A. Swift,  
Florence A. Swift, and Edward C. Swift,

of the State of Alabama 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 Carl P. Martin,

against said E. M. Sators, Eliza M. Sators, Morris Sator, Max L. Sator,  
Annie A. Swift, Emily A. Swift, Eleanor E. Swift, Maria Cornelia Swift,  
William A. Swift, Ira P. Swift, John A. Swift, Annie A. Swift,  
Florence A. Swift, and Edward C. Swift,

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 17th, day of October,

192

T. W. Richerson  
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 E.M. Waters, Elisha M. Waters, Morris Bear,  
Max I. Bear, Susie P. Swift, Emily M. Swift, Eleanor B. Swift, Susie Cornelia  
Swift, William H. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift, Florence  
R. Swift, and Edward G. Swift

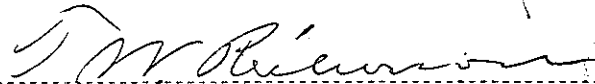
of State of Alabama, ~~& County~~ to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by Carl T. Martin,

against said E.M. Waters, Elisha M. Waters, Morris Bear, Max I. Bear,  
Susie P. Swift, Emily M. Swift, Eleanor B. Swift, Susie Cornelia Swift,  
William H. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift,  
Florence R. Swift and Edward G. Swift:

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 17th day of Oct

1925.

  
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the 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 E.M. Waters, Elisha M. Waters, Morris Bear,  
Max L. Bear, Susie P. Swift, Emily M. Swift, Eleanor B. Swift, Susie Cornelia  
Swift, William H. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift,  
Florence R. Swift, and Edward G. Swift,

of the State of Alabama ~~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

Carl T. Martin,

against said E.M. Waters, Elisha M. Waters, Morris Bear, Max L. Bear,  
Susie P. Swift, Emily M. Swift, Eleanor B. Swift, Susie Cornelia Swift,  
William H. Swift, Ira P. Swift, John B. Swift, Amelia A. Swift,  
Florence R. Swift, and Edward G. Swift,

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 17th, day of October,

1925.

  
Register.

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

Original.

Circuit Court of Baldwin County  
In Equity

No.

SUMMONS

§§§

Carl T. Martin.

vs.

E.M. Waters et al.

Roach, Jansen and Kush.

Solicitor for Complainant.

Recorded in Vol. Page

THE STATE OF ALABAMA  
BALDWIN COUNTY

Received in office this

day of 192

Sheriff.

Executed this 25<sup>th</sup> day of

1925

by leaving a copy of the within summons with

E.M. Waters, Sheriff.  
Defendant.  
Emely in default.

Sheriff.

By

Deputy Sheriff.

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

## BAY MINETTE, ALA.

# AFFIDAVIT OF PUBLICATION

**BALDWIN COUNTY.**  
John H. Hicken, being duly sworn, deposes and says that he is  
the ~~PUBLISHER~~ <sup>FOR MAN</sup> of THE BALDWIN TIMES, a Weekly Newspaper published at Bay  
Minette, Baldwin County, Alabama; that the notice hereto attached of \_\_\_\_\_

Cost J Mortain complainant

Jacob S. Marsh et al.

Was published in said Newspaper for 1 consecutive weeks in the following

Date of first publication January 2<sup>nd</sup> 1926 Vol. 36 No. 51

Date of second publication January 28th 1926 Vol. 36 No. 52

Date of third publication February 4<sup>th</sup> 1926 Vol. 37 No. 1

Date of fourth publication February 11<sup>th</sup> 1926 Vol. 37 No. 2

Subscribed and sworn to before the undersigned this 22nd day of

192 6

John Richardson

Oliver Everett Court

John Hilborn

~~Publisher.~~  
Foreman

ROACH, JANSEN & RUSH

LAWYERS

907-8-9 FIRST NATIONAL BANK BUILDING

MOBILE, ALA.

R. PERCY ROACH  
VERNOL R. JANSEN  
JNO. A. RUSH

December 28, 1925.

Hon. T. W. Richerson,  
Register in Chancery,  
Bay Minette, Alabama.

Dear Sir:-

IN RE: CARL T. MARTIN VS. JACOB S. MARSH ET AL.

We are making arrangements to settle with some of the defendants in the above styled cause, and I would appreciate your holding the matter in its present status without incurring court costs, as I think we will probably dismiss this cause, or amend, leaving out almost all the original parties. I would appreciate your giving me a cost bill in this cause as it now stands, in the event of dismissal.

Thanking you for your courtesy, I am

Yours very truly,



VRJ:T

11

State of Alabama,  
County of Mobile.

Before me, Natalie C. Torbett, a Notary Public  
in and for said County and State, personally appeared Carl T.  
Martin who being by me duly sworn, deposes and says that he  
has read the foregoing Bill of Complaint, that he has personal  
knowledge of some of the facts therein alleged and of the  
remainder, has information and belief gained from a diligent  
search and inquiry for the facts so alleged, that on such  
information and belief, he says that the facts alleged in said  
Bill are true.

Carl T. Martin

Complainant.

Sworn to and subscribed before me,  
this the 7th day of October, 1925.

Natalie C. Torbett,

Notary Public, Mobile County, Alabama.

-----

Filed October 16th, 1925.

E. W. Richardson, Register.

9

State of Alabama,

County of Mobile.

Before me, Natalie C. Corbett, a Notary Public

in and for said County and State, personally appeared Carl E.

Martin who being by me duly sworn, depose and says that he  
has read the foregoing Bill of Complaint, that he has personal

knowledge of some of the facts therein alleged and of the

remainder, has information and belief gained from a diligent

search and inquiry for the facts so alleged, that on such

information and belief, he says that the facts alleged in said

Bill are true.

Carl E. Martin

Complainant.

Sworn to and subscribed before me,

this 7th day of October, 1935,

Natalie C. Corbett,

Notary Public, Mobile County, Alabama.

-----

Filed October 15th, 1935.

T. W. Nicholson, Register.

State of Alabama,

County of Mobile.

Before me, Natalie C. Terbert, a Notary Public

in and for said County and State, personally appeared Carl F.

Martin who being by me duly sworn, deposes and says that he has read the foregoing Bill of Complaint, that he has personal knowledge of some of the facts therein alleged and of the remainder, has information and belief gained from a diligent search and inquiry for the facts so alleged, that on such information and belief, he says that the facts alleged in said Bill are true.

Carl F. Martin

Complainant.

Sworn to and subscribed before me,

this the 7th day of October, 1935.

Natalie C. Terbert,

Notary Public, Mobile County, Alabama.

-----

Filed October 16th, 1935.

F. W. Richardson, Register.

the heirs and your Orator, that the period of possession above shown is more than twenty-years, that the title of said lands and the possession of same has shown on the probate records to be in the said C. J. Styron, the heirs of said C. J. Styron and your Orator for this period, and the possession has been in said parties and no part of the possession and possession of no part of said lands has been in any one else nor has your Orator known of any claim to possession by anyone during the time above mentioned, up to that June 2nd, 1844, William Wilkins, as Sheriff of Baldwin County, Alabama, executed a certain deed to Jacob S. Marsh, purporting to sell out the interest of Stephenson, Holley and Baptist in said lands, that at that time the record title was in David Stephenson and that at or that time said Stephenson possessed the land and it was taxed to the three partners and Jacob S. Marsh, never exercised any right of ownership over same and there is some doubt but that the debt for which the lands were sold was satisfied and that the land was redeemed from the judgment sale. Your Orator does not know Jacob S. Marsh, and he is informed and believes that he left Baldwin County, many years ago and has not been heard of since that time. Your Orator has made diligent inquiry in an effort to learn the whereabouts of said Jacob S. Marsh or the names of his heirs, if he be dead but has been unable to learn anything in regard to same.

Your Orator further shows that July 4th, 1870 Jesse Darling purchased said lands from the State of Alabama which title was duly transferred by mesne conveyances and devised to C. A. Swift who is now deceased and whose heirs and next of kin are Susie E. Swift, widow and children as named in paragraph one of this complaint, that after the purchase of the lands from the State by Jesse Darling as aforesaid, the lands were sold for the payment of taxes and December 3rd, 1898, E. M. Waters, the purchaser was delivered as deed by Charles Hall, the Judge of Probate covering said lands which deed was duly recorded December 3rd, 1898 and that thereafter E. M. Waters when the holder of this deed went into possession of said lands which possession has continued to his grantee and down to date.

Your Orator further shows after the sale to C. J. Styron as aforesaid and after relinquishment of possession by E. M. Waters, or Elisha M. Waters, as recited by the mortgage and Stanley M. Rogers and Virginia Rogers his wife executed a mortgage his wife executed a mortgage to Morris Bear

and Mr L. Bear January 30th, 1915, recorded May 5th, 1915, in the Probate Records of this County, that at the time of the execution of said mortgage said mortgagors had no title and that said mortgage could not be an encumbrance or lien on said land though it purports to be so.

That on September 26th, 1910 C. J. Styron and Nancy his wife executed and gave to Jake Markstein and Paul P. Lockling a general lease on the afore-described lands which as part thereof and by the terms of same drilling was to be commenced within three years of the date of the instrument and Orator alleges that such drilling has not been done to this date and said three years have elapsed said lease is void, and said Jake Markstein and Paul P. Lockling are non residents and that their residence cannot be ascertained after diligent inquiry and search.

That on November 19th, 1912 C. A. Swift and son a partnership composed of C. A. Swift and Geo Robin Swift recovered a judgment against said C. J. Styron which on the 12th day of December 1912, was duly recorded in the Probate Court by certificate as provided by law and Orator then says that said judgment has not been cancelled on the record but has been paid and should be cancelled and should not be declared a lien on said property that further is said judgment has not been paid, that C. J. Styron died in Baldwin County, Alabama.

the heirs and your Orator, that the period of possession above shown is more than twenty-years, that the title of said lands and the possession of same has shown on the probate records to be in the said C.J. Styron, the heirs of said C.J. Styron and your Orator for this period, that the possession has been in said parties and no part of the possession and possession of no part of said lands has been in any one else nor has your Orator known of any claim to possession by anyone during the time above mentioned, but that June 3rd, 1844, William Wilkins, as Sheriff of Baldwin County, Alabama, executed a certain deed to Jacob S. Marsh, purporting to sell out the interest of Stephenson, Holley and Baptist in said lands, that at that time the record title was in David Stephenson and that after that time said Stephenson possessed the land and it was taxed to the three partners and Jacob S. Marsh, never exercised any right of ownership over same and there is some doubt but that the debt for which the lands were sold was satisfied and that the land was redeemed from the judgment sale. Your Orator does not know Jacob S. Marsh, and he is informed and believes that he left Baldwin County, many years ago and has not been heard of since that time. Your Orator has made diligent inquiries in an effort to learn the whereabouts of said Jacob S. Marsh or the names of his heirs, if he be dead but has been unable to learn anything in regard to same.

Your Orator further shows that July 4th, 1870 Jesse Darling purchased said lands from the State of Alabama which title was duly transferred by means conveyances and devices to C.A. Swift who is now deceased and whose heirs and next of kin are Susie P. Swift, widow and children as named in paragraph one of this complaint, that after the purchase of the lands from the State by Jesse Darling as aforesaid, the lands were sold for the payment of taxes and December 3rd, 1895, E.M. Waters, the purchaser was delivered as deed by Charles Hall, the Judge of Probate covering said lands which deed was duly recorded December 3rd, 1895 and that thereafter E.M. Waters when the holder of this deed went into possession of said lands which possession has continued to his grantees and down to date.

Your Orator further shows after the sale to C.J. Styron as aforeshown and after relinquishment of possession by E.M. Waters, or Eliska M. Waters, as recited by the mortgage and Stanley M. Rogers and Virginia Waters his wife executed a mortgage his wife executed a mortgage to Morris Bear and Ma L. Bear January 30th, 1915, recorded May 5th, 1915, in the Probate Records of this County, that at the time of the execution of said mortgage said mortgagors had no title and that said mortgage could not be an encumbrance or lien on said land though it purports to be so.

That on September 26th, 1910 C.J. Styron and Nancy his wife executed and gave to Jake Markstein and Paul P. Lockling a mineral lease on the aforescribed lands which as part thereof and by the terms of same drilling was to be commenced within three years of the date of the instrument and Orator alleges that such drilling has not been done to this date and said three years have elapsed said lease is void, and said Jake Markstein and Paul P. Lockling are non residents and that their resident cannot be ascertained after diligent inquiry and search.

That on November 19th, 1912 C.A. Swift and Son a partnership composed of C.A. Swift and Geo Robin Swift recovered a judgment against said C.J. Styron which on the 12th day of December 1912, was duly recorded in the Probate Court by certificate as provided by law and Orator then says that said judgment has not been cancelled on the record but has been paid and should be cancelled and should not be declared a lien on said property that further is said judgment has not been paid, that C.J. Styron died in Baldwin County, Alabama.

the heirs and your Grator, that the period of possession above shown is more than twenty-years, that the title of said lands and the possession of same has shown on the probate records to be in the said C.J. Styron, the heirs of said C.J. Styron and your Grator for this period, that the possession has been in said parties and no part of the possession and possession of no part of said lands has been in any one else nor has your Grator known of any claim to possession by anyone during the time above mentioned, but that June 2nd, 1844, William Wilkins, as Sheriff of Baldwin County, Alabama, executed a certain deed to said lands, purporting to sell and the interest of Stephenson, Leiby and Baptist in said lands, that at that time the record title was in David Stephenson and that after that time said Stephenson possessed the land and it was taxed to the three parties and Jacob March, never exercised any right of ownership over same and there is some doubt but that the debt for which the lands were sold was satisfied and that the land was redeemed from the judgment sale. Your Grator does not know Jacob S. March, and he is informed and believes that he left Baldwin County, many years ago and has not been heard of since that time. Your Grator has made diligent inquiries in an effort to learn the whereabouts of said Jacob S. March or the names of his heirs, if he be dead but has been unable to learn anything in regard to same.

Your Grator further shows that July 2nd, 1870 Jesse Darling purchased said lands from the State of Alabama which title was duly transferred by proper conveyances and devise to C.A. Swift who is now deceased and whose heirs and next of kin are Lucie F. Swift, widow and children as named in paragraph one of this complaint, that after the purchase of the lands from the State by Jesse Darling as aforesaid, the lands were sold for the payment of taxes and December 2nd, 1895, A.H. Waters, the purchaser was delivered as deed by Charles Hall, the Judge of Probate covering said lands which deed was duly recorded December 2nd, 1895 and that thereafter A.H. Waters when the holder of this deed went into possession of said lands which possession has continued to his grantees and down to date.

Your Grator further shows after the sale to C.J. Styron as aforesaid and after relinquishment of possession by A.H. Waters, or Elsie H. Waters, as recited by the mortgage and Stanley H. Waters and Virginia Waters his wife executed a mortgage his wife executed a mortgage to Morris Bear and M. Bear January 30th, 1912, recorded May 8th, 1915, in the Probate Records of this County, that at the time of the execution of said mortgage said mortgages had no title and that said mortgages could not be an encumbrance or lien on said land though it purports to be so.

That on September 30th, 1910 C.J. Styron and Nancy his wife executed and gave to Jake Bernstein and Paul Blackling a mineral lease on the aforesaid lands which as part thereof and by the terms of same drilling was to be commenced within three years of the date of the instrument and Grator alleges that such drilling has not been done to this date and said three years having elapsed said lease is void, and said Jake Bernstein and Paul Blackling are non-residents and that their residence cannot be ascertained after diligent inquiry and search.

That on November 18th, 1912 C.A. Swift and was a partnership composed of C.A. Swift and her son Robin Swift recovered a judgment against said C.J. Styron which on the 20th day of December 1912, was duly recorded in the Probate Court of said County as provided by law and Grator then says that said judgment has not been cancelled on the record but has been paid and should be cancelled and should not be considered a lien on said property that further is said judgment has not been paid, that C.J. Styron died in Baldwin County, Alabama.

ROACH, JANSEN & RUSH

LAWYERS

907-8-9 FIRST NATIONAL BANK BUILDING

MOBILE, ALA.

R. PERCY ROACH  
VERNOL R. JANSEN  
JNO. A. RUSH

March 22, 1926

Hon. T. W. Richardson  
Bay Minette, Alabama

Dear Sir:

I am inclosing you herewith a decree pro confesso in the Carl Martin case which I wish you would grant next Monday, and I would thank you to issue a commission to Natalie C. Torbert to take the testimony orally of John Styron, Edwina Oberg and Carl T. Martin witnesses for the complainant. Please have the commission issued as of next Monday as the case will then be at issue.

I am also filing the inclosed motion in this cause which I believe you might grant as register on next Monday.

Thanking you for these courtesies, I am

Very truly yours,



VRJAB  
inc.

Carl T. Martin

vs.

Jacob S. Marsh, et al.

THE STATE OF ALABAMA,

BALDWIN COUNTY

IN EQUITY,

CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, .....  
decree pro confesso .pleadings and deposition of John W. Stinson,  
Borwin Oberg, and Carl T. Martin,

and in behalf of Defendant upon.....

*T. W. Richardson*

Register

No. ....

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THE STATE OF ALABAMA,  
BALDWIN COUNTY

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IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

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Carl P. Martin.

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vs.

Jacob S. Marsh, et al.

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NOTE OF TESTIMONY.

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Filed in Open Court this 4th

day of May 26, 191

*T. W. Richmond*

Register

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