

State of Alabama,

County of Baldwin.

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

Old Spanish Fort Development Company,  
a corporation,

Complainant,

-vs-

Sections 38 and 39, Township 4 South,  
Ranges 1 and 2 East in Baldwin County,  
Alabama, and any and all persons, firms  
or corporations claiming any title to,  
interest in, or lien or encumbrance on  
said lands, or any part thereof.

Respondents.

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT OF THE  
TWENTY-FIRST JUDICIAL CIRCUIT OF ALABAMA, WHICH INCLUDES THE  
COUNTY OF BALDWIN IN SAID STATE:

Your orator, Old Spanish Fort Development Company, a  
corporation, brings this its bill of complaint against Sections 38  
and 39, Township 4 South, Ranges 1 and 2 East, in Baldwin County,  
Alabama, and against any and all persons, firms or corporations claim-  
ing any title to, interest in or lien or encumbrance on said lands,  
or any part thereof, and your orator respectfully shows unto the Court  
and unto your Honor as follows:

1. That your orator is a corporation incorporated under  
the laws of the State of Delaware, but authorized to do business in  
the State of Alabama, and with its principal place of business in  
Alabama designated as Mobile, Alabama.

2. That the land against which this proceeding is brought  
is situated in Baldwin County, State of Alabama, and described as  
follows:

Section 38, Township 4 South, Ranges 1 and 2 East, in  
Baldwin County, Alabama, and known as the Alexis Truillet or  
the Alexis Trouillet Grant, and Section 39, Township 4 South,  
Ranges 1 and 2 East, in Baldwin County, Alabama, and known as  
the Lefroy Truillet and Idane Chastang Grant, or as the  
Lefroy Truillet Grant; said Section 38 being the same land  
patented to Alexis Truillet by a patent recorded in Deed  
Book 377 N.S., page 136, of the Public Records of Baldwin  
County, Alabama, and said Section 39 being the same property  
granted by the Spanish Government to Lefroy Truillet and  
Idane Chastang and confirmed by the Acts of Congress of the  
United States of America.

3. That your orator is in the actual and peaceable posses-  
sion of the lands above described and claims to own the same absolutely

and in fee simple, subject to two certain vendor's liens reserved by those certain instruments, one from Henry Moorer and wife to Agnes B. Lott, recorded in Deed Book 3775, at page 503-4, and the other from Agnes B. Lott and husband to Hiram E. Maynard recorded in Deed Book 3775, at page 551-3, of the Public Records of Baldwin County, Alabama; that no suit is pending to test its title to, interest in or its right to the possession of said lands; that it acquired the legal title to said lands from Hiram E. Maynard by a deed recorded in Deed Book 4075, page 534 of the Public Records of Baldwin County, Alabama; that said Hiram E. Maynard acquired said property by and through the following conveyances: Deed from Agnes B. Lott and husband, W. O. Lott, to Hiram E. Maynard recorded in Deed Book 3775, page 551-3; deed from Henry D. Moorer and wife to Agnes B. Lott recorded in Deed Book 3775 page 503-4; deed from W. A. Sibley and wife and Belle E. Sibley, unmarried to Henry D. Moorer recorded in Deed Book 3775, at page 502-3; deed from Augustus W. Sibley <sup>and wife</sup> ~~and wife~~ to W. A. Sibley and Belle E. Sibley recorded in Deed Book 3075, at page 390; deed from Cyrus Sibley to Augustus W. Sibley recorded in Deed Book 74, page 506; that Cyrus Sibley acquired said property by and through the conveyances, patents and confirmations of title hereinafter set out:

Grant from the Spanish Government to Lefroy Trouillet and Idane Chastang, recorded in Record 2, page 63-66, <sup>Revised Record</sup> of the public records of Mobile County, Alabama, and confirmation of said grant by the Acts of Congress of the United States of America;

Incomplete grant by the Spanish Government to Alexis Trouillet as shown by American State Papers, Volume 3, page 307, and confirmation of said grant by an Act of Congress of May 5th, 1822, and patent issued on said confirmation and recorded in the public records of Baldwin County, Alabama, in Deed Book 3775, at page 136;

Deed from Antoine Trouillet, David Roberson and Emeline L. Roberson, his wife, to Jonathan Johns, recorded in Deed Book E, pages 537-8;

Deed from Ethelbert Brantley, guardian for Eliza J. Johns and Chloe E. Johns, minor heirs of Jonathan Johns, deceased, to Cyrus Sibley, recorded in Deed Book F, pages 351-2;

Deed from Ransom W. Matthews and Elizabeth Amanda Matthews, his wife, to Cyrus Sibley, recorded in Deed Book F, pages 352-3;

Deed from Antoine Trouillet, David Robinson and Emeline Lloyd Robinson, his wife, to Cyrus Sibley, recorded in Deed Book No. 21 N. S., pages 646-7;

Deed from Simon Chestang, Saustan Chestang, Etunne Sertonis Raymond and Claire Chestang, wife, Gertrude Guzon, formerly Gertrude Chestang, heirs of Sidonne Chestang to Augusto Savisson, recorded in Book E, pages 127-8;

Auguste Lavisson to James Clough, recorded in Deed Book H, pages 287-8;

Certificate of Survey of John James, U. S., Deputy Surveyor, and accompanying plat, recorded in Deed Book E, page 248;

Deed from Franklin G. Heard to George R. Griffith, recorded in Deed Book E, pages 249-50;

Deed from George R. Griffith and Louisa R., his wife, to Cyrus Sibley, recorded in Deed Book E, pages 253-4;

Deed from Ethelbert Brantley and Chloe Brantley to Cyrus Sibley, recorded in Deed Book G, page 59.

All references in this bill to recorded instruments refer to the public records in the Probate Office of Baldwin County, Alabama.

That while said Augustus W. Sibley was the owner and in possession of said tracts of land above described he, the said Augustus W. Sibley, and his wife, Ada A. Sibley, attempted to convey, by a deed dated May 18th, 1874, and recorded in Deed Book K, pages 487-8, to Margaret Francisco property described as follows:

"That certain tract, piece or parcel of land situate in said county and state and described as follows, to-wit:- Commencing at the water's edge on the north boundary line of the Alexis Trouillet tract and running thence east 12.64 chains; thence south 3.16 chains; thence west to the water's edge; thence with the meanderings of the same to the place of beginning, lying within the limits of Spanish Fort and containing about 4 acres and being a part of the Alexis Trouillet Tract lying in township four

4.  
south of range one and two east in said state and county."

That the said Augustus W. Sibley and wife, Ada A. Sibley, by warranty deed dated October 8th, 1879, and recorded in Deed Book L, pages 308-9, attempted to convey to Joseph Salva property described as follows:

"Commencing at a point at a variation of 6 deg. E. bears South 85 $\frac{1}{2}$  deg. east from the most northerly point of the woods on Cedar Point on the south side and the mouth of Bayou Minette Bay, North 22 $\frac{1}{2}$  deg. W. 4 $\frac{1}{2}$  chains to a Cedar with an x and 2 chops, below running south 52 deg. E. 9.48 chains, thence south 38 deg. W. 5.16 chains, thence north 52 deg. W. 9.48 chains to the Bay, thence with the meanderings of the Bay to the place of beginning, containing 3 acres being portion of the Lefroy Trouillette claim in township four south of range two east."

That the said Augustus W. Sibley and Ada A. Sibley, his wife, by warranty deed dated January 10th, 1879, recorded in Deed Book K, pages 261-2, attempted to convey to Charles Wilson property described as follows:

The following described tract or lot of land:- "Commence at an entwined poplar and black gum on the south side of Bayou Minette Bay, at a point bearing south 58 $\frac{1}{2}$  deg. East from a point of march on the south side and at the mouth of said Bay, running thence South 52 deg. E. 9.48 chains to a post, thence North 38 deg. E. 6.32 chains to a post, thence north 52 deg. W. 9.48 chains to a poplar on the south bank of Bayou Minette Bay containing 6 acres and being a portion of the Lefroy Trouillette Tract in Township four south and ranges one and two east."

That the said Augustus W. Sibley and wife, Ada A. Sibley, by warranty deed dated June 4th, 1879, and recorded in Deed Book Q, pages 516-7, attempted to convey to Thomas Domingo property described as follows:

"Commencing at a point 12 $\frac{1}{2}$ --100 chains north 2 deg. 30' west from the southeast corner of a lot of 5 acres described in a survey made at the instance of A. W. Sibley and others; running thence south 87 deg. 30' East 9.48 chains to a post, 5 $\frac{1}{2}$  chains 2 deg. 30' from the southeast corner of a lot of land surveyed for Jos. Barnard, thence north 2 deg. and 30' east on the east line of Barnard's lot, containing 3 acres and lying in township four south of range two east and being a portion of the Lefroy Trouillette Claim in Baldwin County, Alabama."

That the said A. W. Sibley, a widower, by quitclaim deed dated August 30th, 1912, and recorded in Deed Book 19 N. S., page 395, conveyed to Guy Edward Loxley property described as follows:

"All that real property in Baldwin County, Alabama, described as follows: Start at the mouth of Spanish Fort Branch, being the southwest corner of the Lefray Trouillette

Grant, and run north 1.69 for a beginning corner from thence run north 52 degrees East 8 chains to a stake in the bluff north side of Spanish Fort thence north 45 degrees west 12 chains to the bank of Bay Minette, Creek thence down the east margin of said creek to the place of beginning, containing 4 acres, more or less and being fractional part of Lefray Trouillette grant in township four south of range two and one east."

That the said A. W. Sibley also, by quitclaim deed dated June 3rd, 1914, and recorded in Deed Book 21 N. S., page 610, conveyed to the said Guy Edward Loxley property described as follows:

"In Baldwin County, Alabama, described as follows, to-wit:-Start at the mouth of Spanish Fort branch, run north along the margin of Bay Minette Creek 1.69 chains for a beginning corner, thence north 52 deg. E. 8 chains to a stake at the bluff north side Spanish Fort; thence north 45 deg. West 5.12 chains to the Bank of Bay Minette Creek, thence down the east margin of said Creek to the place of beginning, containing 4 acres, more or less and being a fractional part of the Lefroy Trouelette Grant, section thirty-nine, all in township four south of range two east."

And your orator avers that both of said deeds last mentioned were intended to cover the same lands and that the latter deed was given to correct the description in the former deed; that by deed from Augustus B. Latta & Sons to Hiram H. Maynard, recorded in Deed Record 3745, page 395, and by deed from Hiram H. Maynard to your orator, recorded in Deed Record 4675, page 535, your orator has acquired the legal title to said property which was originally deeded by the said Augustus W. Sibley to Guy Edward Loxley by the two conveyances to the said Guy Edward Loxley herein referred to.

Your orator avers that the description in the said deed from the said Augustus W. Sibley to Joseph Salva and the description in the said deed from Augustus W. Sibley to Thomas Domingo and the description in the said deed from Augustus W. Sibley to Charles Wilson are each and all void for uncertainty, and that, while it was the purpose of the said Augustus W. Sibley to convey to the respective grantees in said deeds certain tracts of land situated in either one or the other of the said grants above described as Sections 38 and 39, yet, because of said descriptions being so indefinite as to render it impossible to locate the lands intended to be described therein, each and all of said conveyances were not effective as deeds, and that the

title to the area attempted to be conveyed thereby has passed to your orator by reason of the deeds hereinabove referred to; that your orator has made diligent inquiry to ascertain who was in possession of and who claimed to own each and all of the said respective pieces of land, and that in such effort to so ascertain such possession and ownership your orator has caused the tax records in Baldwin County, Alabama, to be examined, and that it has caused diligent inquiry to be made from persons residing in the community where said lands are situated and that it has caused its agents to go over said lands and examine the same to see who, if anyone, was in possession of any part thereof, and after all of such inquiry and investigation on its part as aforesaid it is unable to ascertain that any person other than one William <sup>alias William Merchant,</sup> Mastin, who resides in Mobile County, claims any right, title or interest in and to either of said tracts or parcels of land above described; that your orator is informed and believes, and upon such information and <sup>alias William Merchant,</sup> belief avers, that the said William Mastin, is in possession of one of ~~said tracts of land last above described but,~~ on account of the indefinite descriptions in said deeds as aforesaid, your orator is not able to say with certainty which of said pieces or parcels of land the said Mastin claims or is in possession of; and that no other person is in possession of any of said tracts or parcels, nor, so far as orator knows or can ascertain, does any other person claim the same or any part thereof, or any interest therein. While your orator contends that each and all of the said conveyances last above set out are void for uncertainty in description, yet if any person, firm or corporation claims to own either of said pieces or parcels of land your orator here calls upon said person, firm or corporation to come into Court and set forth and specify his claim, right, title or interest in and to said parcel of land and by proper evidence introduced show to the Court the true and correct location of the tract or tracts which he or they claim to own or possess.

4. That the title to so much of the above described lands as lie in Township 4 South, Range 2 East, stands on the records of Baldwin County, Alabama, in the name of your orator, and that the title to so much of the above described lands as lie in Township 4 South,

Range 1 East, stands upon the records of Baldwin County, Alabama, in the name of Cyrus Sibley; that said Sections 38 and 39 are what are commonly known as Spanish Grants and the township line between Townships 1 East and 2 East, if projected across said grants, would leave a small portion of each of said grants in Township 4 South, Range 1 East, a true plat of said property showing its relation to said township line if projected being hereto attached, marked Exhibit "A" and prayed to be taken and considered as a part of this bill of complaint.

The said deed from Cyrus Sibley to Augustus W. Sibley, a true copy of which is hereto attached and marked Exhibit, "B" conveyed the following lands:

"All my lands and improvements situate in Township Four South, Ranges Two and Three East, also eighty acres on east side of Alabama River above cut-off purchased by me from Uriah Blue, also Square Number Thirteen in the village of Montrose of said County according to the map of said village on record, lying between Mr. Drews and square on which is the Academy."

But your orator avers that the true intent and purpose of the deed from Cyrus Sibley to Augustus W. Sibley, above referred to, was to convey all of Section 38 and all of Section 39, above described.

5. That on and after July 27th, 1865, the date on which Cyrus Sibley executed his deed to Augustus W. Sibley, above referred to, the said Augustus W. Sibley immediately went into possession of, and since that date, up to the date of his deed to W. A. Sibley and Belle E. Sibley, above referred to, remained in possession of and claimed to own all of Sections 38 and 39, Township 4 South, Ranges 1 and 2 East; except said tracts or parcels sold by the said Augustus W. Sibley by the several deeds above referred to; that on and after January 13th, 1921, W. A. Sibley and Belle E. Sibley went into possession of all of said Sections 38 and 39 and claimed to own the same up to the time that they deeded the same to Henry D. Mocerer by deed hereinabove referred to; that your orator

and those under whom it claims have regularly assessed said lands for taxation and have paid the taxes thereon since July 27th, 1865, and including the ten years next preceding the filing of this bill, and that no other person has paid taxes on said lands, or any part thereof, or any interest therein, nor has any other person had any possession of any part of said lands, during any part of the said period of the ten years next preceding the filing of this bill; and that so far as your orator knows no one claims said lands, or any interest therein, other than your orator, except Wesley R. Sibley who resides at Creola, Mobile County, Alabama and Clarence E. Sibley, who resides at Mobile, Mobile County, Alabama; that your orator is informed, and on such information and belief alleges, that said persons claim some right, title or interest in said lands through inheritance from Cyrus Sibley, but your orator avers that said persons have in fact no valid title or claim in and to said lands or any part thereof.

6. That your orator brings this its bill of complaint against the land above described and against any and all persons, firms and corporations claiming any title to, interest in, lien or encumbrance on said lands, or any part thereof, and to establish the right or title of your orator to such lands and to clear up all doubts or disputes concerning the same.

PRAYER FOR PROCESS.

WHEREFORE, the premises considered, your orator prays that the lands hereinabove described, and any and all persons, firms and corporations claiming any title to, interest in, lien or encumbrance on said lands, or any part thereof, be made parties defendant to this bill of complaint, and that the usual and proper process of this Honorable Court be issued and served as required by law, to the end that all persons, firms and corporations who claim said lands, or any interest therein or encumbrances thereon, may be required to appear, demur, plead to or answer this bill of complaint within the time prescribed by law and under the rules of this Honorable Court.

Orator prays that any and all persons, firms and corporations



claiming any title to, interest in, lien or encumbrance on said lands, or any part thereof, be required to set forth and specify such claim, right, title, interest, lien or encumbrance, and how and by what instrument the same is derived or created; and that upon the final hearing of this cause it will be ordered, adjudged and decreed by the Court that your orators at the time of the filing of this bill of complaint had the legal title to the above described lands and that no other person, firm or corporation has any right, title or interest therein or thereto, or to any part thereof, or any lien or encumbrance thereon, and that all doubts and disputes concerning said title may be cleared up and your orator's title to said lands fully and completely quieted. And your orator prays for such other, further, different and general relief as in equity and good conscience it may be entitled to receive in the premises, and your orator will ever pray, etc.

Old Spanish Fort Development Co., a Corporation,  
 BY Carter Smith.

Stevens McCreary McLeod, George Sumner <sup>Secy.</sup>  
 Solicitors for Complainant.

FOOT NOTE:

All persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands described in this bill or any part thereof and all persons desiring to intervene hereunder, are required to answer each and every paragraph of the foregoing bill of complaint, but not under oath, answer under oath being hereby expressly waived.

Stevens McCreary McLeod, George Sumner  
 Solicitors for Complainant.

State of Alabama,  
 Mobile County.

Before me, Chas L. Reburn, a Notary Public, in and for said County in said State this day personally appeared Carter Smith as Secretary of Old Spanish Fort Development Company, Complainant, by whom the foregoing bill of complaint is signed and who being first duly sworn by me, deposes and says on oath that the facts alleged in said bill of complaint are true and correct and that all matters alleged in said bill, as on information and belief, he verily believes to be true.

Carter Smith.

Sworn to and subscribed before me this 18<sup>th</sup> day of May, 1927.

Chas. L. Reburn  
 Notary Public, Mobile County, Alabama.

Sp 4 S. R 1 <sup>4th</sup> E. East

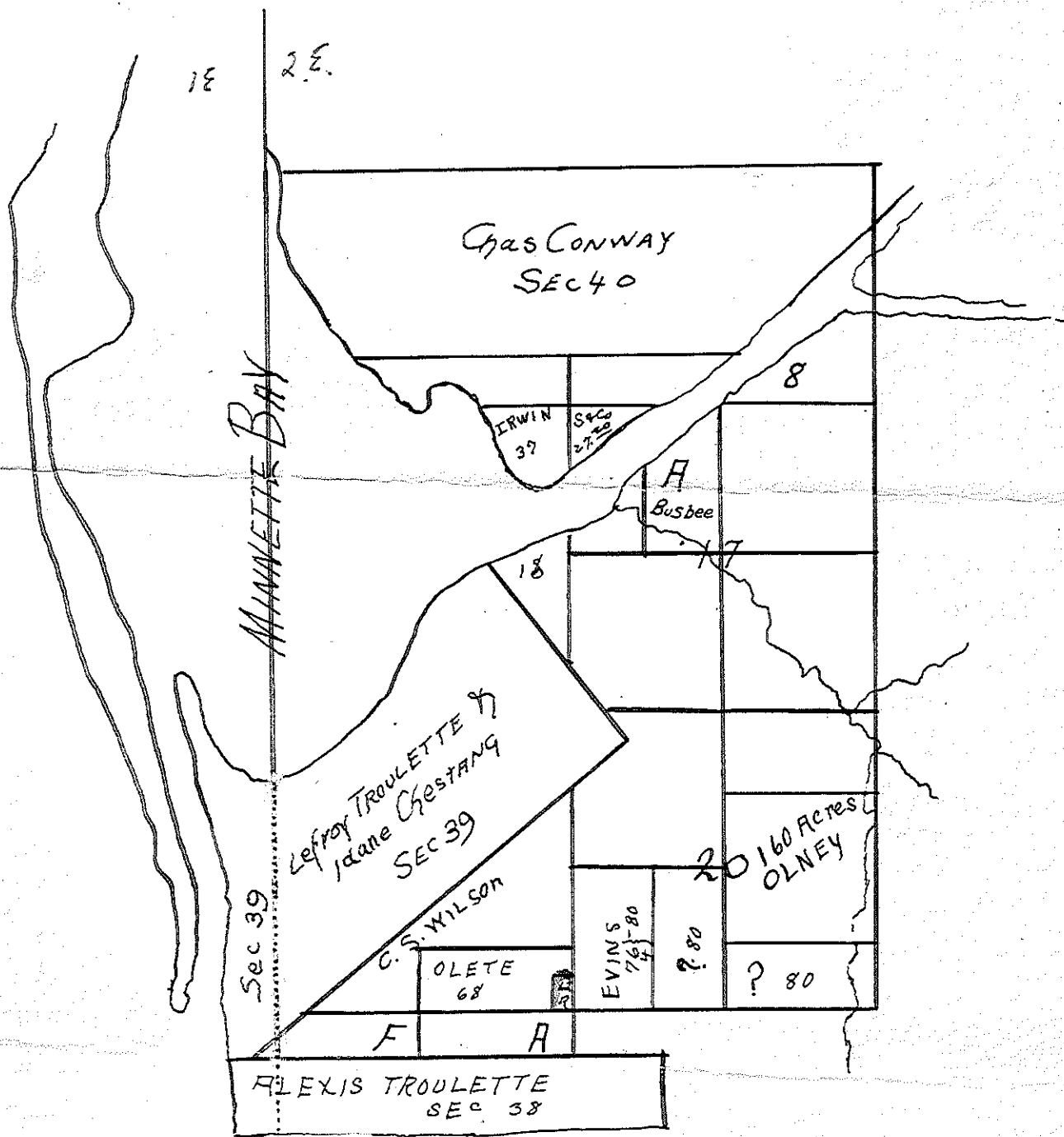


EXHIBIT "A"

COPY

KNOW ALL MEN BY THESE PRESENTS, That I, Cyrus Sibley, of the County of Baldwin, State of Alabama, in consideration of the love and affection I have and bear towards my son Augustus W. Sibley, and for the purpose of making a partial division of my property among my children, do hereby give, grant, convey and confirm unto the said Augustus W. all the following lands in Baldwin County in said State, to-wit:-

All my lands and improvements situate in Township Four South, Ranges Two and Three East, also eighty acres on east side of Alabama River above cut-off purchased by me from Unish Blue, also Square Number Thirteen in the village of Montrose of said County according to the map of said village on record, lying between Mr. Drews and square on which is the Academy.

TO HAVE AND TO HOLD unto him, the said Augustus W. Sibley, and to his heirs and assigns FOREVER.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 27th., day of July, 1865.

CYRUS SIBLEY.

ATTEST:  
JAMES BOND,  
D. C. ANDERSON.

STATE OF ALABAMA, !  
BALDWIN COUNTY. !

I, William Brooks, a Justice of the Peace for said County do hereby certify that Cyrus Sibley, whose name is signed to the foregoing conveyance and who is known to me acknowledged before me on this day that being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand this 27th., day of July, 1865.

WILLIAM BROOKS,  
Justice of the Peace.

Received for record July 31st, 1865.  
Recorded: August 3rd., 1865.  
C. W. Wilkins,  
Judge of Probate.

EXHIBIT "B"

COPY

A

T. IV.

Church Blakely  
Cont. N<sup>o</sup> 10  
42

137 63 115 85 115 85 115 85 116 55  
A D C H J

Charles Conway  
Cont. N<sup>o</sup> 9  
41

Charles Conway  
Cont. N<sup>o</sup> 70  
40

Minett Bay

Minis Trouillet  
Cont. N<sup>o</sup> 4  
38

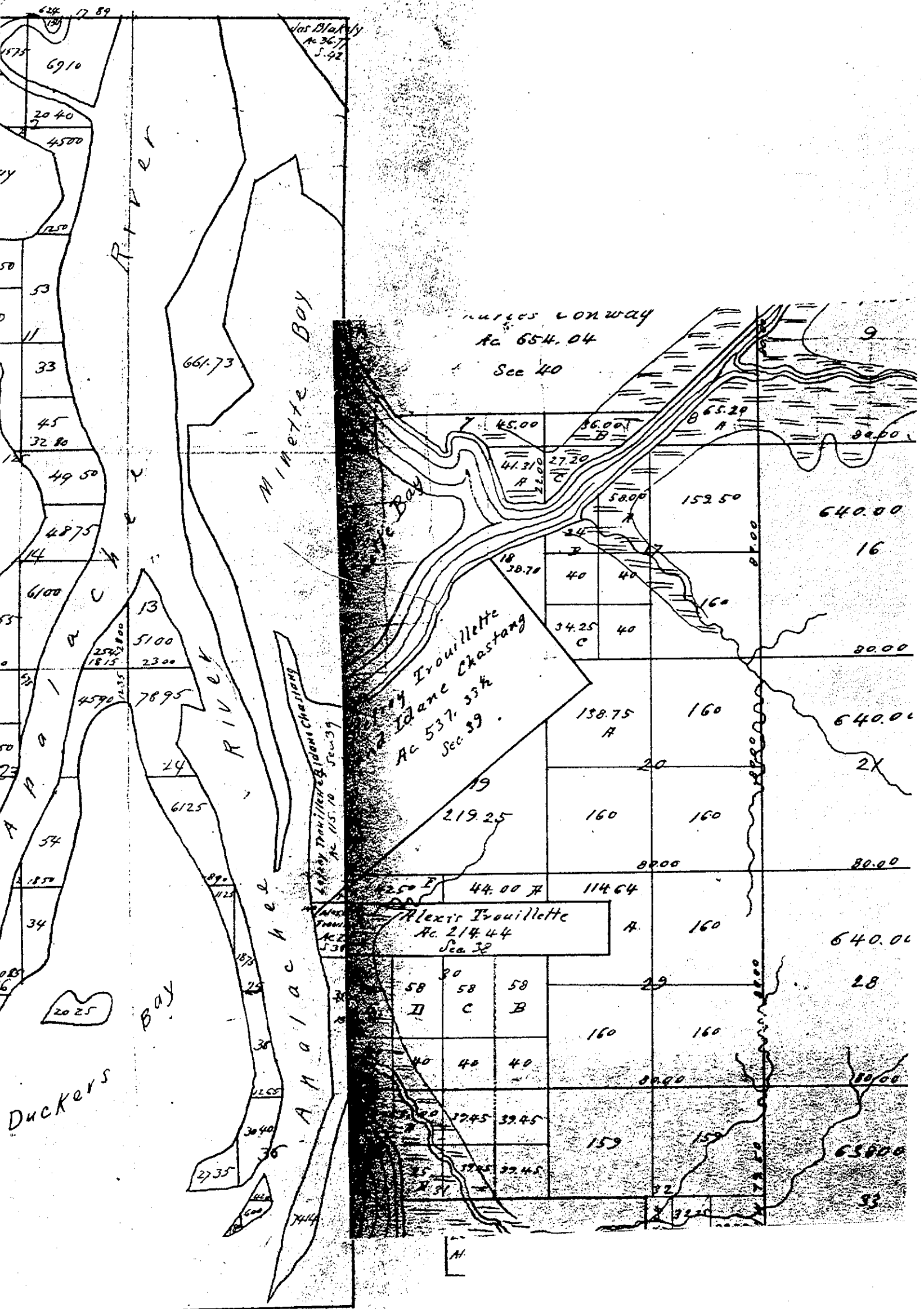
Paul Dubois  
Cont. N<sup>o</sup> 11  
37



+ Land District Southern

B

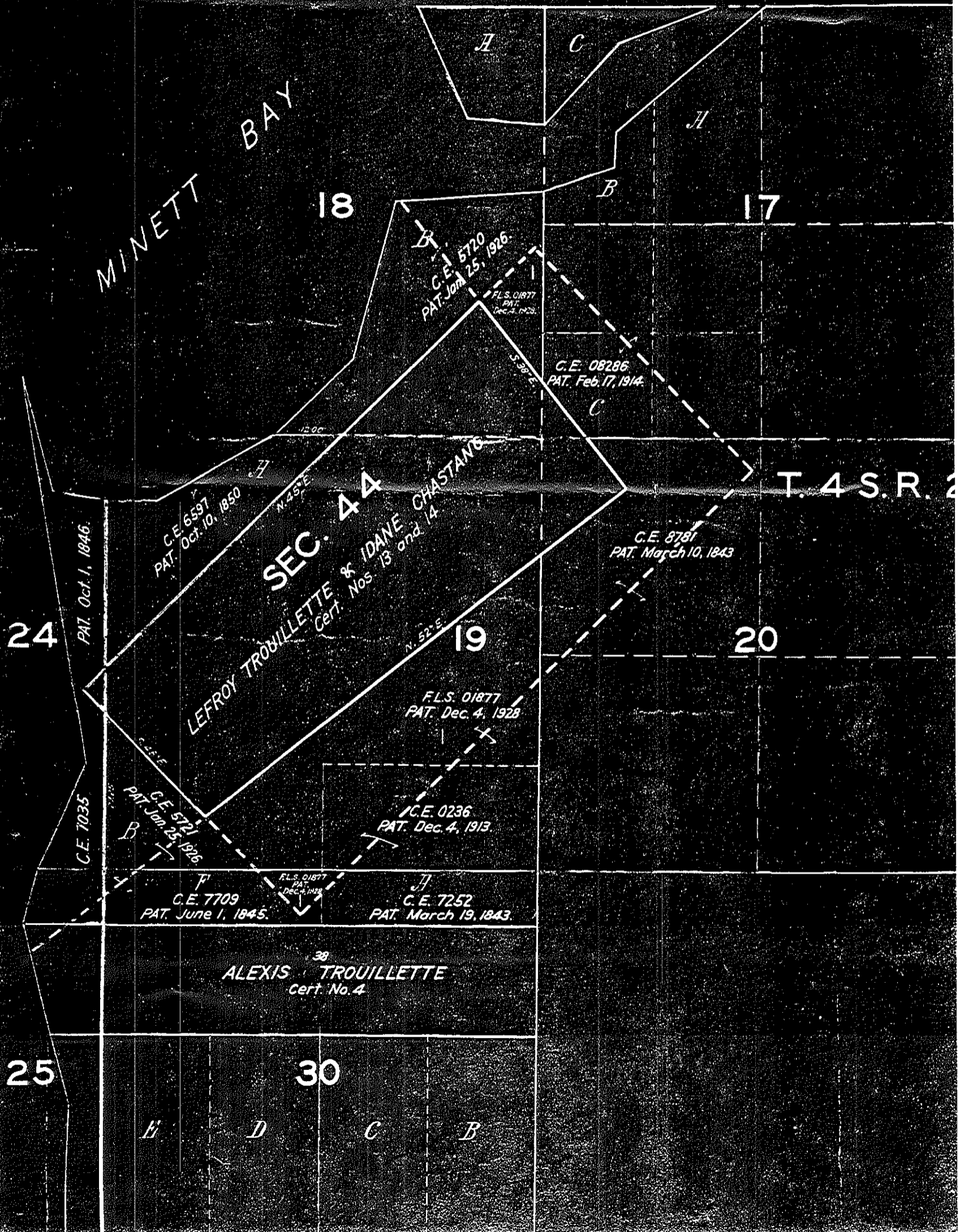
Recd with Sur Gen. Comm. of  
15 Oct 1845



# SUPPLEMENTAL PLAT OF SECTION

Scale: 20 chains to an Inch.

C



MINETT BAY

SEC. 44

LEFROY TROUILLETTE & IDANE CHASTANG  
Cert. Nos. 13 and 14

ALEXIS TROUILLETTE  
Cert. No. 4

24

18

17

19

20

25

30

T. 4 S. R. 2

H

D

C

B

A

C

H

B

C

N. 52° S.

N. 45° E.

S. 38° E.

N. 20° E.

C.E. 6597  
PAT. Oct. 10, 1850

C.E. 5720  
PAT. Jan. 25, 1926

FLS. 01877  
PAT. Dec. 4, 1928

C.E. 08286  
PAT. Feb. 17, 1914

C.E. 8781  
PAT. March 10, 1843

FLS. 01877  
PAT. Dec. 4, 1928

C.E. 0236  
PAT. Dec. 4, 1913

C.E. 5721  
PAT. Jan. 25, 1926

C.E. 7709  
PAT. June 1, 1845

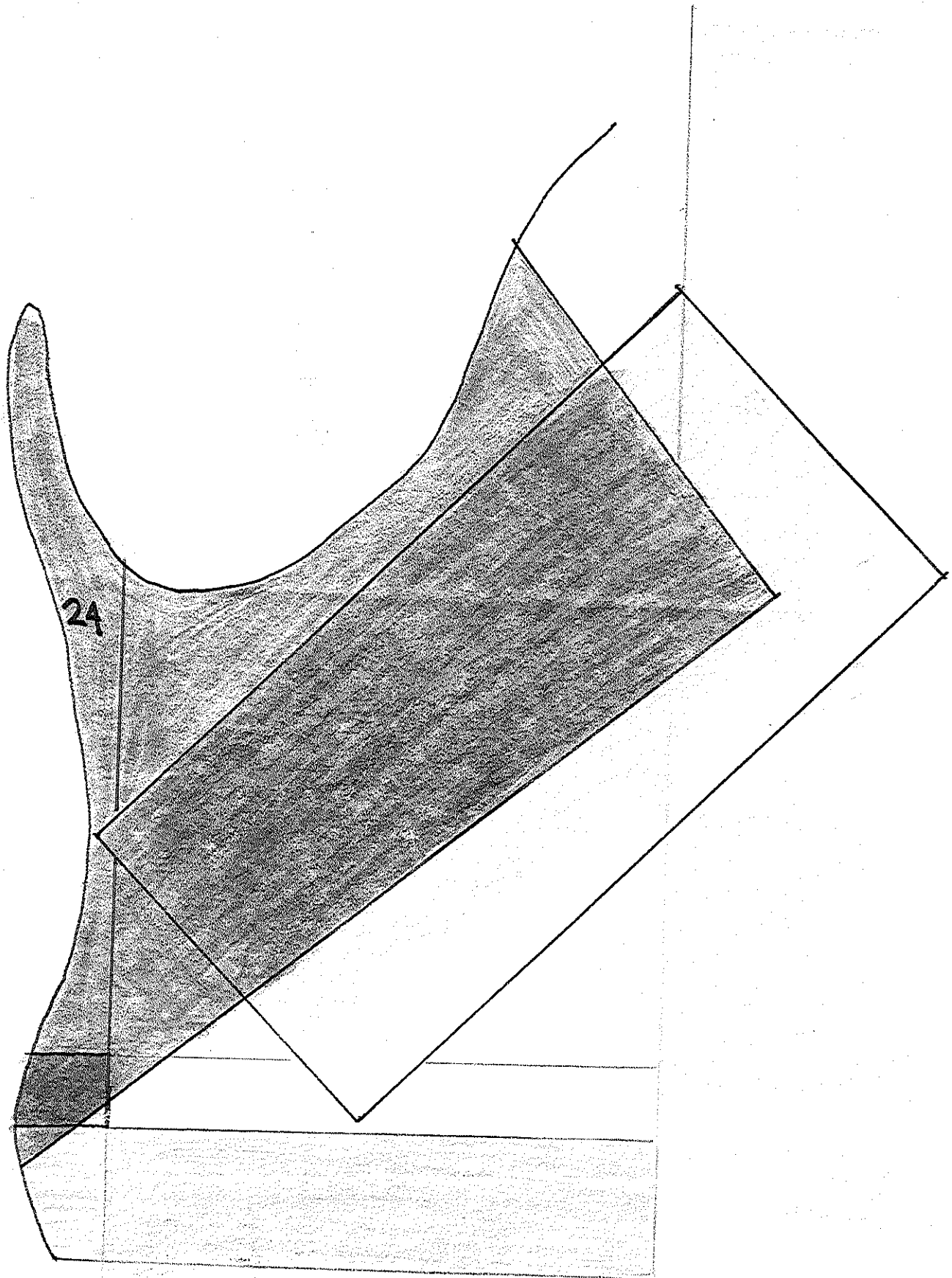
FLS. 01877  
PAT. Dec. 4, 1928

C.E. 7252  
PAT. March 19, 1843

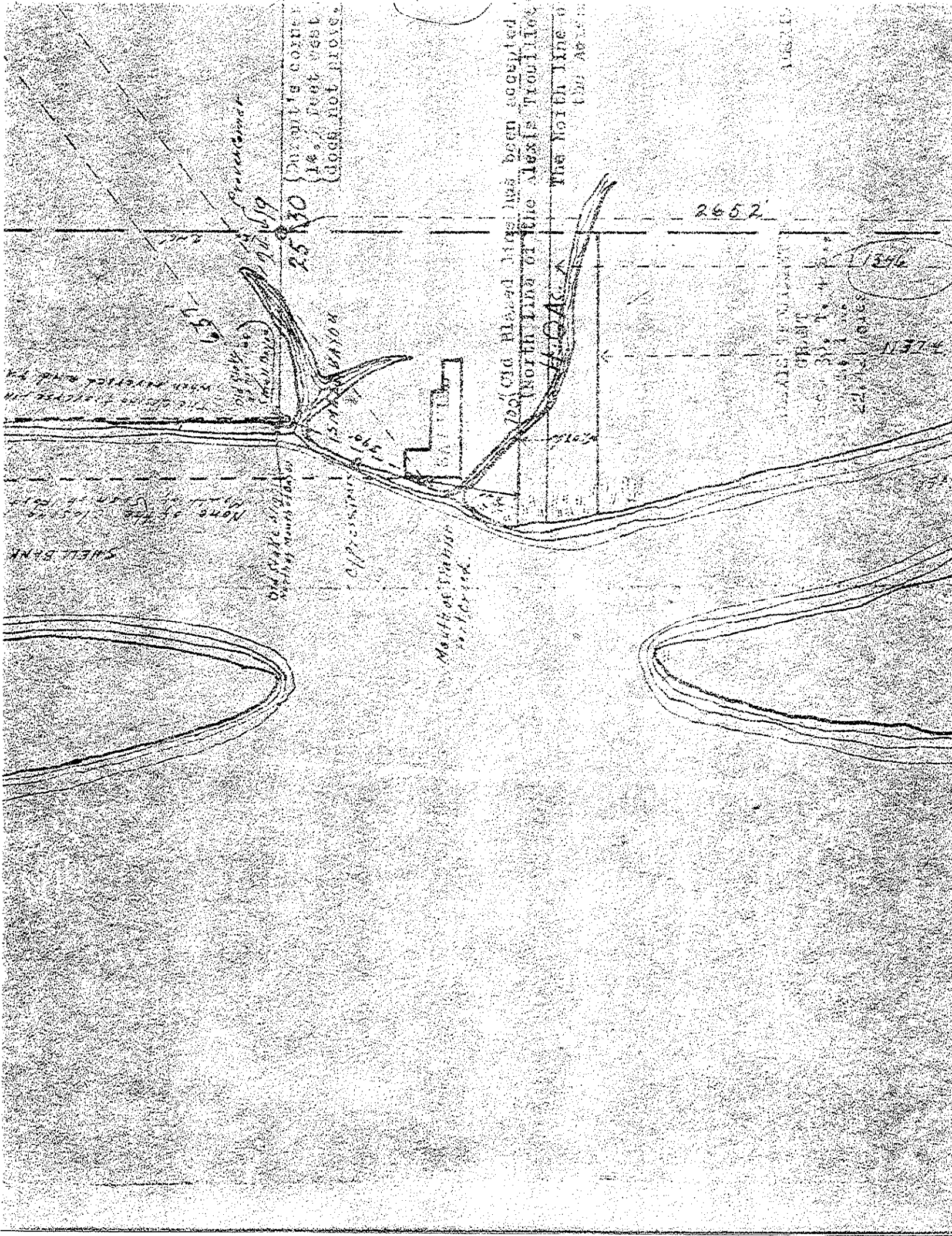
C.E. 7035  
PAT. Oct. 1, 1846

C.E. 7035

D



24



SHELL BANK

None of the islands are in the channel

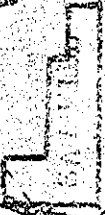
The design is larger than what is shown on the map

Did state dip of mouth of vari...

Approximate

MOUTH OF VARIAN CREEK

MOUTH OF WAGON CREEK



700' OLD BLEND LINE HAS BEEN ACCEPTED (NORTH LINE OF THE ALXIS TROUBLE)

The North Line of the Alexis

2652

25'30 (CURRENTLY CORRECT) 14' FEET WEST (DOES NOT PROVE)

1376

1374

1374





the Affiant and his brothers to their sisters, the affiant has acted as Agent for his sisters in the control of said property; that he has kept a continuous vigilance over said property and kept all trespassers off of it; that he has from time to time leased the property for various purposes and to various parties; that on Subdivision A of Section 25, Township 4 South, Range 1 East, which lies on Appalachee River between the South line of the Lefroy Trouillette Grant being Section 39, Township 4 South of Range 1 East and the North line of the Alexis Trouillette Grant being Section 38, Township 4 South, Range 1 East; that there is now and has been for many many years, much longer than the Affiant can remember, an old wharf and Boat landing on Appalachee River immediately in front of said Subdivision A; that immediately behind and to the East of the said Boat landing and on said Subdivision A, an old mill site is located; that an old road bed, still existing, from the East down to the old mill site; that the distance on Appalachee River between the South line of the Lefroy Trouillette Grant and the North line of the Alexis Trouillette Grant is two or three hundred feet; that about twenty-five years ago this affiant personally took charge of the property upon which is located the old mill site and landing, and has continuously until this time, personally and as agent for his sisters, exercised complete and exclusive control over the said site and the acreage surrounding it being 6.92 acres lying between the said two grants; that in 1932 he leased the said property to the Purina Mills for a boat landing and for unloading feeds and fertilizer; that the said Purina Mills continued to lease said property for the years 1932 and 1933; that when the Affiant first took charge of said property in 1925 the South line of the Lefroy Trouillette Grant, which is the North line of Subdivision A, the North line of the Alexis Trouillette Grant which is the South line of Subdivision A, and the East line of said Subdivision A of Section 25, Township 4 South, Range 1 East, was clearly identified by surveyor's marks and blazes; that this affiant took possession of the said Subdivision A of Section 25, Township 4 South, Range 1 East upon which is located the old mill site and the old boat landing to the lines making the boundaries thereof, and has exercised complete control over the same, regardless of any disputes as to the boundaries from that date, more

than twenty-five years ago, to the present time; that the said property was assessed for the years 1915 to 1919, both inclusive, by George H. Hoyle, as shown by assessments in assessment book 2, pages 16, 25, 22, 58 and 20~~4~~ respectively; that it was assessed for the year 1921 in the name of the estate of George H. Hoyle, Assessment Book 2, page 135, and for the years 1922 to 1925, both inclusive, in the name of W. W. Worcester, Assessment Book 2, pages 173, 149, 142 and 161 respectively; that all taxes for said years were paid; that the property has been assessed and the taxes paid thereon by the Affiant as agent for the years 1926 to 1945, both inclusive; that the Affiant never knew of any claim to the said property by the Merchants National Bank of Mobile, as trustee, or any other person, until on January 3, 1945, when he received a letter from the Merchants National Bank of Mobile, as trustee, relative to Subdivision A of Section 25, Township 4 South, Range 1 East, also about five acres from the Northeast end of Subdivision B in the same Section 25, Township 4 South, Range 1 East, and he immediately, on January 6, 1945, addressed a letter to the Merchants National Bank of Mobile, Alabama, which was regularly sent by U. S. mail in correctly addressed and stamped envelope with return address, registered, and receipt was received by him, in which he warned the said Bank, as trustee, on acting in any other capacity under penalty of law not to trespass or infringe upon the said property; that he has heard nothing from said Bank until the present suit was filed; that on October 15, 1940, he, as agent for his sisters, leased the said property to Morris Brothers; that a copy of said lease is attached to the original answer filed in this cause; that the Affiant individually, and as agent for his brothers and sisters, has been in the open, peaceable, exclusive, hostile, adverse and continuous possession of Subdivision A, Township 4 South, Range 1 East of Baldwin County, Alabama, described as:

Beginning at a point where the Lefroy Trouillette Grant of Section 36, Township 4 South, Range 1 East, Baldwin County, Alabama, intersects Apalachee River; thence North 52 degrees East along the South line of the said Grant 1,000 feet to where it intersects at the Range line between Ranges 1 and 2 East; thence South along the said Range line 750 feet, more or less, until it intersects the North line of the Alexis Trouillette Grant, Section 38, Township 4 South, Range 1 East; thence West

along the South line of the said Alexis Trouillette Grant 700 feet, more or less, to Apalachee River; thence North along the Apalachee River 266 feet, more or less, to the point of beginning,

ever claiming to own the same, and annually assessing and paying all taxes thereon; that during the said time no person, firm or corporation has exercised, or attempted to exercise any right of possession to said property; that the only claim or reputed claim that the Affiant has ever heard of before the present suit was filed was the letter from the Merchants National Bank of Mobile; that the said property has always been known as the Worcester property and during the entire time that the Affiant has managed the said property, people have come to him and have been given the right to use the property as camp sites and fishing and hunting purposes; that on December 21, 1926, my sisters, Rosa Worcester and Olive H. Worcester filed Bills in the Circuit Court of Baldwin County, Alabama to quiet title to Subdivisions A and B of Fractional Section 25, Township 4 South, Range 1 East in Baldwin County, Alabama, and on June 17, 1927, final decree was entered; that a copy of said final decree is hereto attached; that here is a small parcel of land immediately to the South of Subdivision A of Section 25, Township 4 South, Range 1 East consisting of about 4 acres; that he knows that more than 20 years ago there was upon the said 4 acres an old camp house occupied by a man he knew as Sam Burwell

J. T. Worrest

Sworn to and subscribed before me on this the 15 day of

July 1946.

Thurston  
Notary Public, Baldwin County, Alabama.

ROSA WORCESTER AND  
OLIVE WORCESTER

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED  
LAND IN BALDWIN COUNTY,  
ALABAMA: DIVISIONS A AND  
B OF FRACTIONAL SECTION  
25, IN TOWNSHIP 4 SOUTH,  
RANGE 1 EAST: ELIJAH LEE  
AND MRS. JANE LeBARON, ET AL

RESPONDENTS

NUMBER 644.

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

FINAL DECREE.

This cause being at issue and coming on to be heard and being submitted on the pleadings and evidence as noted in the note of evidence, and the allegations of the bill of complaint being sustained by legal and competent evidence to the satisfaction of the Court, and it appearing to the Court that the Complainants are entitled to the relief prayed for:

It is therefore ordered, adjudged and decreed that the complainants have ~~judgment as prayed for in their bill of complaint, against the land described~~ in the bill of complaint and the defendants and each of them, that all claims of the defendants, Elijah Lee and Mrs. Jane LeBaron, if they be living, and if dead, all claims of their heirs, personal representatives, next of kin and devisees, and each of them, in and to the lands described in the bill of complaint and all claims of all persons, firms or corporations, other than the complainants, claiming the said land, or any part thereof, or any interest therein, or lien or encumbrance thereon, are hereby adjudged and decreed to be invalid and groundless. And complainants are hereby declared, adjudged and decreed to be the true and lawful owners, absolutely and in fee simple of the said lands described particularly as:

Divisions A and B of Fractional Section 25, in Township 4  
South, Range 1 East, in Baldwin County, Alabama,

and that the title to said lands, both in law and in equity is hereby adjudged and decreed to be in the said complainants, Rosa Worcester and Olive Worcester, and it is further adjudged and decreed by the Court that the said Complainants' title to the said lands is hereby quieted against all claims or demands of any and all persons, firms and corporations claiming title to, interest in, or lien or encumbrance upon, said land.

It is further ordered, adjudged and decreed that the Register of this Court shall, within thirty days from the rendition of this decree, prepare and file a certified copy of this decree in the office of the Judge of Probate of Baldwin County, Alabama, for record, and tax the expense thereof as part of the expense of this cause, and it is further directed that the Judge of Probate shall record said copy in the same book and manner in which deed are recorded, and index the same in the names of Elijah Lee and Jane Le Baron, as grantors, on the direct index, and Rosa Worcester and Olive Worcester, as grantees, on the reverse index.

It is further ordered, adjudged and decreed that the title herein established in complainants shall enure to the benefit of all persons who derive title to said lands or any interest therein from or through the complainants.

It is further ordered, adjudged and decreed that the complainants be taxed with all costs in and about this case, for the collection of which, let execution issue.

Dated, this 17th day of June, 1927.

John D. Leish  
Judge

Filed: April 2, 1946  
Recorded: Deed Book 106 pages 59-60.

12  
TRANSLATED RECORDS NO. 2,

PAGES 63-66 INCL.

The Intendant General Morales to Feliciana Chastang,  
the Widow Trouillet.

I, Don Vicente Sebastian Pintado Surveyor General of West  
Florida.

Do hereby certify that in pursuance of an order from  
his Excellency Don Juan Ventura Morales, Intendant General, ad  
interim, of the province, and Superintendant general, Sub-delegate  
and Judge of the Royal domain, and in obedience to his decrees  
of the sixth of October last past and of the Nineteenth of February  
of the present year, I have caused to be surveyed, marked out and  
designated for Feliciana Chastang; now the widow Trouillet, an  
inhabitant of the District of Mobile, a tract of land containing  
eight hundred superficial arpens, measured by the parisian perch  
of eighteen lineal feet to each perch, and counting one hundred  
superficial perches to each arpen, according to the custom of  
surveying in this province. The said tract of land being situated  
in the District of Mobile, on the East side of the Bay of Mobile  
and bounded on the North and West by the Creek or rivulet (Arroyo)  
commonly called Bay Minet, on the South by lands belonging to  
Augustine Rochon, and on the East by vacant lands, as will more  
fully appear by reference to the plat of said survey hereunto  
annexed, in which is noted the figure of the said tract of land,  
the length of the different boundary lines in lineal perches of  
Paris, the courses and distances according to the compass, the  
variation being E.  $7^{\circ} 50'$ ; also the trees and other land marks,  
natural and artificial which & was ~~which is~~ as metes and bounds  
of the said tract of land. Which said plat is reduced to one half  
the original scale, is copied from the original survey made by my

deputy Joseph Collins, Esquire, as will more fully appear from the said original survey made the thirteenth day of April in the year, and annexed to the proceedings had before the intendency, in which the right & title in due form are made out to the petitioner for the lands granted to her deceased husband by a decree of the Governor General of Louisiana dated the sixteenth of August, in the year one thousand seven hundred and eighty seven, and in virtue of a decree of the intendant general of this province dated on the sixth day of the present month and in the present year, by which it is

The Intendant General Morales to the Widow Trouillet, Continued

ordered that a title to the said lands be granted and confirmed to the said Feliciana. Now therefore I hereby certify this instrument of writing that the same may be annexed to the aforesaid proceedings. Given at Pensacola on the eighth day of August, in the year one thousand eight hundred and seven.

(Signed) Vicente Sebas<sup>n</sup> Pintado  
" " " "

Recorded in Book VII fol. 30 et seq to No. 1806.

Pensacola, the day and year above written.

(Signed) Vicente Sebas<sup>n</sup> Pintado  
" " " "

Don Juan Ventura Morales, Intendant and Superintendant General Subdelegate of the province of West Florida, Judge and Administrator of the Royal Domain; Whereas a memorial was presented by Feliciana Chastang, the widow Trouillet, an inhabitant of Mobile, dated the twenty sixth of September, in the year one thousand eight hundred and six, to which was annexed a certified copy of a memorial in which her late husband John Trouillet solicited from the Governor General of the province of Louisiana, a grant of land of forty arpens in front and of the ordinary depth of forty arpens, situated on the



Bayou Minet, which was granted to him by a decree dated the sixteenth of August in the year one thousand seven hundred and eighty seven, in which she prayed that a title might issue to her, as the same at that time could not be obtained, there then being no surveyor or other person authorized to make a survey of said land of which the minister fiscal of the Royal treasury was officially informed by a decree of twentieth of September in the year aforesaid. And in consequence of his representation dated on the third of October next following, it was ordered by a decree of the sixth of the said month of October, that the proceedings in this case should be transmitted to the Commandant and Subdelegate at Mobile, in order that a survey of the above mentioned land might be made if the same was vacant, and the proceedings returned to this place which not having been done the petitioner first mentioned by her attorney, John Forbes, again petitioned that the same proceedings should be carried into effect, which was ordered by a decree of the nineteenth of February last; and the proceedings had in pursuance thereof, having been returned by the Commandant, accompanied by the plat and survey of said land by Joseph Collins, Esq., the Deputy Surveyor, and certified by the Surveyor General Don Vicente Sebastian Pintado

The Intendant General Morales to the Widow Trouillet Contind  
recorded and numbered 1806, by which it appears that the said tract of land is situated in the Jurisdiction of Mobile, on the East side of Mobile Bay, and bounded on the North and West by the Creek or rivulet commonly called Bay Minet, on the South by the lands of Augustine Rochon and on the East by vacant lands; as more fully appears by reference to the said plat and survey; the dimensions being stated in Parisian perches of eighteen lineal feet to each perch and counting one hundred superficial perches to each arpen.

In pursuance of which an order dated the sixth day of the present month, was issued and sanctioned by the Royal Assessor of the following tenor "The survey of the tract of land granted "to John Trouillet by his Excellency the Governor General of these "provinces, by his decree of the sixteenth of August in the year "one thousand and ~~seven~~ ~~eight~~ hundred and eighty seven, having been "duly completed, it is hereby declared and ordered that the "lawful heirs of the said John Trouillet are entitled to the "said land, and that the necessary title to the same should "be issued in due form to the Petitioner his Widow." Therefore by virtue of the powers and authorities in me vested by our Sovereign Lord the King (whom God preserve) and in his royal name I hereby ratify and confirm unto the said Feliciano Chastang, widow Trouillet, the said tract of ~~eight~~ hundred arpens of land, to have, occupy and enjoy to her own proper use, to possess sale or alienate the same at her pleasure, without prejudice to any person who may have a better title to the same. On condition that she does observe and perform all the requisitions and regulations relating to the Royal lands, published at this Intendency on the sixteenth of July in the year one thousand seven hundred and ninety nine as regards the locality, situation and quality of the land.

In testimony whereof, I have caused this title and grant to be issued, signed with my hand and sealed with my seal of arms, and countersigned by the undersigned Secretary of this province, in whose office and in that of the Minister of the Royal Treasury the same shall be recorded.

Given at Pensacola on 14th of August, An Dom 1807.

(Signed) Juan Ventura Morales

(Countersigned)

(Seal of Arms)

Fran<sup>co</sup> Gutierrez de Arroyo

The Intendant General Morales to the Widow Trouillet. Contin<sup>d</sup>

The foregoing documents are registered in folios sixty eight, sixty nine and seventy in the Book kept for that purpose

in my office under my charge.

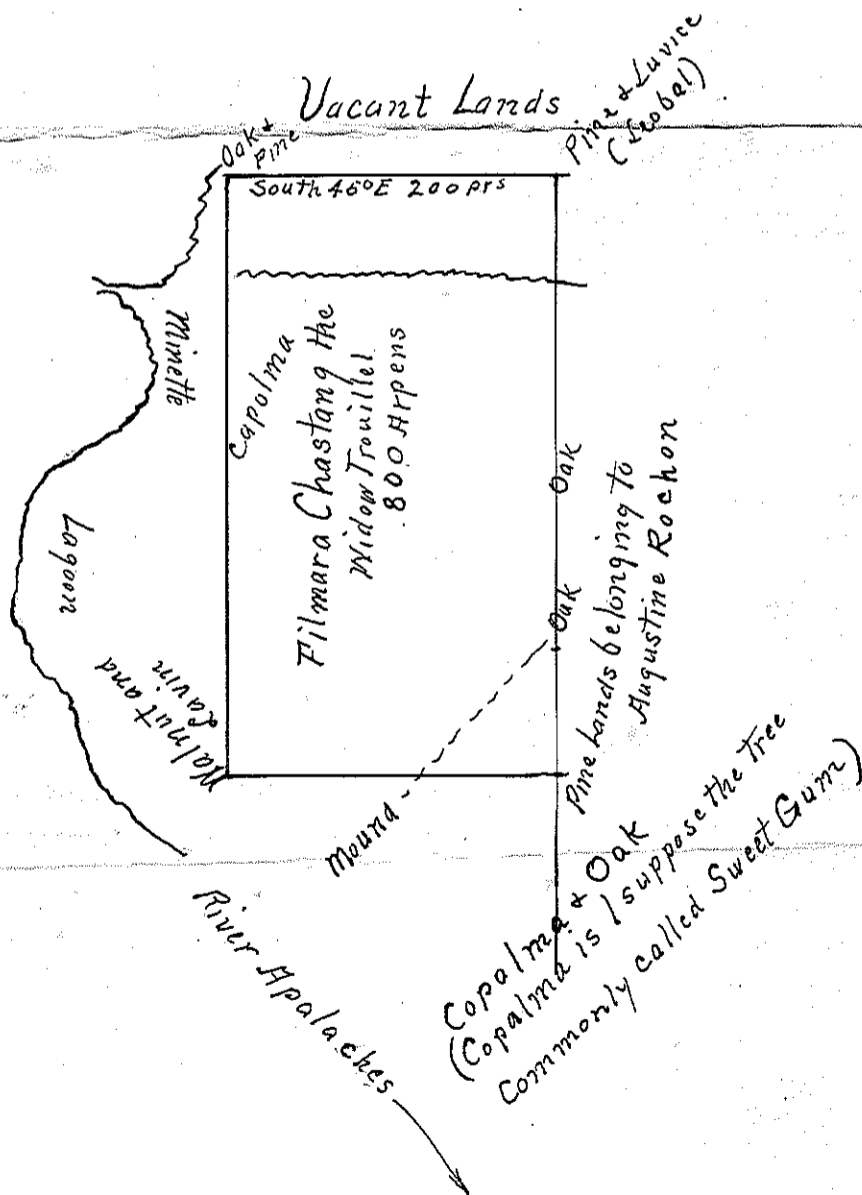
(Dated) Pensacola, the twentieth day of August, in the year one thousand eight hundred and seven.

(Signed) Fran<sup>co</sup> Gutierrez de Arroyo

The foregoing documents have been received and duly registered in the principal office of the treasury of this province in the book kept for that purpose, in folios ninety four and ninety five.

(Dated) Pensacola, the twenty fourth of August, in the year one thousand eight hundred and seven.

(Signed) Juan Fran Antonio de Courville



C7-2M-H-M.F.Co.

THE STATE OF ALABAMA }  
Mobile County

PROBATE COURT

I, PRICE WILLIAMS, Judge of the Probate Court in and for said State and County, here-  
by certify that the within and foregoing Five pages  
contain a full, true and complete copy of ~~the~~ a certain Grant from The Intendant  
General Morales to Feliciana Chastang the widow Trouillet, - - - -

as the same appears of record in my office in TRANSLATED Book No. 2

Pages 53-56 inc. The same being a Translation from the original  
Spanish Records of Record in Pensacola Florida.

Given under my hand and seal of office, this 8th day of October 1927.

*Price Williams*

Judge of Probate

Enclosure

US

Sept 10/1927.

W. B. Brown  
Register

505

666  
W. B. Brown  
front  
US

POSTAGE PAID

SEE LIST ON REVERSE