

BAY MINETTE, ALA.,

Feb. 6th 1930

Sam T. W. Richardson
Clerk

859

IN ACCOUNT WITH

G. W. HUMPHRIES

JUDGE OF PROBATE

BALDWIN COUNTY

Please Return Bill With Remittance

Privilege Tax Rec. Fee Total

To ~~Deed~~ Rec. Mort. from *Laura P. Darby's Camp vs Hain John*
Flagg, Deed

1.00

Paid
2/6/30
G. W. Humphries
by E. S. [unclear]

No. 859

Laura F. Darby

vs.

Heirs of John Flagg,
deceased

RECEIVED OCT 11 1893

RECEIVED OCT 11 1893

G. A. CONNELLEY

1000 1/2 1/2

RECEIVED OCT 11 1893

LAURA F. DARBY,

Plaintiff,

-vs-

THE UNKNOWN HEIRS, DEVISEES
AND NEXT OF KIN OF JOHN FLAGG,
DECEASED,

Defendants.

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

BILL OF COMPLAINT.

PART I.

To the Honorable F. W. Hare, Judge of the Circuit Court of Baldwin County, Alabama, in Chancery sitting:

PART II.

Your Orator, Laura F. Darby, a resident of the County of Baldwin in this State, and over twenty-one years old, respectfully exhibits this her Bill of Complaint against The Unknown Heirs, Devisees and Next of Kin of John Flagg, deceased, whose names, ages and places of residence are all unknown to her.

PART III.

And humbly complaining your Orator would represent unto your Honor, as follows:

1: That she is in the actual, peaceable possession, claiming to own the same, of the following described lands in Baldwin County, Alabama, to-wit:

Beginning at a stake twelve chains, forty links South of the half-mile post on the West line of Section Thirty, Township Six South, Range Two East, running thence East Thirteen chains, seventy-five links to a post; thence South eleven chains, to a point on Point Clear Creek; thence with the meanderings of said Creek, westwardly to a stake nineteen chains, sixty-five links South of the beginning corner, thence North to the place of beginning, containing twenty-one and seven hundredths acres, more or less...

2: That during his life time, one John Flagg claimed or was reputed to own an interest in, right or title to or incumbrance upon said lands, but the said John Flagg is now dead, and his heirs, devisees and next of kin, their ages and places of residence, are all unknown to your Orator.

3: That the said unknown heirs, devisees and next of

kin of the said John Flagg, deceased, claim or are reputed to claim, or own, some right, title, interest in or incumbrance upon said lands hereinbefore described.

4: That no suit is pending to test the validity of or enforce such title, claim or incumbrance, and your Orator files this Bill to settle the title to such lands and clear up all doubts and disputes concerning the same, and calls upon the Defendants, The Unknown Heirs, Devisees and Next of Kin of John Flagg, Deceased, to set forth and specify their title, claim, interest or incumbrance, and the title, claim, interest or incumbrance of each of them, and how and by what instrument the same is derived or created.

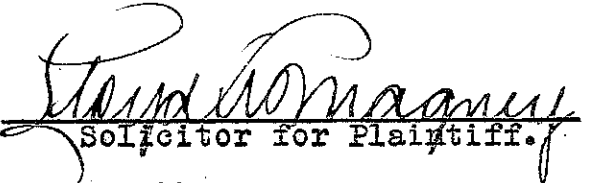
5: Your Orator further represents that for more than fifty years last past, he and his immediate grantors have been in the actual, visible, exclusive, hostile, open, notorious, peaceable and continuous possession of the lands hereinbefore described, claiming ownership thereof against all the world, and that by reason thereof the title of your Orator in and to said lands has been perfected and should be quieted and confirmed in him.

PART IV.

WHEREFORE, your Orator prays that the defendants and each of them be required to set forth and specify his title, claim, interest or incumbrance to said property above described, and how and by what instrument the same is derived and created; that your Honor will hear and determine such title, claim, interest or incumbrance of the defendants, and each of them, and finally adjudge and decree whether the defendants, or any of them, have any right, title, interest in or incumbrance upon said lands, or any part thereof, and, if so, what such right, title, interest or incumbrance is and in or upon what part of the lands, if any, the same exists; that upon the final hearing of this cause, your Honor will decree and adjudge that the claim, title, lien or incumbrance of the defendants, or any of them, is utterly and entirely void; that the title of your Orator in and to said lands hereinbefore described be quieted and confirmed in him, and that your Orator may have such other and further relief in the premises as may be just and equitable.

PART V.

And your Orator would further pray that your Honor direct that the Register of this Court make out and superintend the appropriate order of publication to the defendants, The Unknown Heirs, Devisees and Next of Kin of John Flagg, deceased, commanding them within thirty days after the period specified in the notice and order of publication to appear before your Honor in this Honorable Court then and there to answer all and singular the premises, and to stand to and abide such order and decree therein as to this Honorable Court shall seem meet; and your Orator shall ever pray, &c.


Solicitor for Plaintiff.

The defendants The Unknown Heirs, Devisees, and Next of Kin of John Flagg, deceased, are hereby required to answer the allegations of Part III of the above bill, from Section 1 to section 5 thereof, both inclusive, but not under oath, oath to answer being expressly waived.


Solicitor for Plaintiff.

STATE OF ALABAMA,)
)
County of Baldwin.)

Before me, Lloyd A. Magney, a Notary Public in and for said county and state, personally appeared Laura F. Darby, who is known to me, the plaintiff in the aforesaid cause, and being by me first duly sworn, deposed and said that the defendants, The Unknown Heirs, Devisees and Next of Kin of John Flagg, deceased, who are described in sections 2 and 3 of Part III of the Bill of Complaint in this cause, as having the interest therein described in the subject matter of this suit, are unknown to the plaintiff; that she has made diligent inquiry to ascertain the names, ages and places of residence of said defendants, the Unknown Heirs, Devisees and Next of Kin of John Flagg, deceased, but has been unable to do so and the same are all unknown to her; that the residence of all said defendants, as she believes, is not in this state.

Laura F. Darby

Subscribed in my presence and sworn to before me, this
30 day of November, 1929.

Lloyd A. Magney
Notary Public.

HENRY SLEDGE, ET AL.,

Petitioners,

vs.

NORBORNE STONE, AS ADMINISTRATOR
OF THE ESTATE OF WILLIAM SLEDGE,
DECEASED, ET AL.,

Respondents.

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

TO THE HONORABLE G. W. HUMPHRIES, JUDGE OF PROBATE

In pursuance to a decree rendered in the above styled matter ordering the removal of the administration of the Estate of William Sledge, Deceased, you are hereby commanded to transmit and deliver to the Register of this Court all documents and papers in your possession pertaining to the Estate of William Sledge, Deceased.

Witness my hand this the 28 day of February, 1930.


REGISTER

Copy

Filed 2/28/1930
T. W. McInerney
Register

Filed in office of Judge
W. P. Smith, Clerk of Court
Case July 25, 1930
T. W. McInerney
Judge Smith
By J. H. Smith

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 859. February Term, 1930

Laura F. Darby

Complainant
deceased,

vs. The unknown heirs, devisees and next of kin of John Flagg, Defendant.

In this cause it appears to the ~~8288888~~ Court that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 4th day of December, 1929, in the Baldwin Co, News

a newspaper published in Robertsdale Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 5th day of Dec 30 1929, ~~8288888~~

And it now further appearing to the ~~8288888~~ Court, that the said The unknown heirs, devisees and next of kin of John Flagg, deceased,

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the ~~8288888~~ Court

that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said The unknown heirs, devisees and next of kin of John Flagg, deceased.

This 6th day of February, 1930

L. W. Hare

~~8288888~~
Judge.

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Laura F. Darby

vs.

The heirs, devisees and next of
kin of John Flagg, deceased.

**DECREE PRO CONFESSO
OF PUBLICATION**

Issued February 4th 1923/

Register.

Recorded in Record

Vol. Page

Register.

Laura F. Darby


~~& No.~~

vs.

The unknown heirs, devisees and next of
kin of John Flagg, deceased,STATE OF ALABAMA,
Baldwin County.
CIRCUIT COURT, IN EQUITY.This the 2nd day of
December 1929

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

Laura F. Darby,

that the Defendant ~~The unknown heirs, devisees and next of kin of~~
~~John Flagg, deceased,~~~~are~~ non-resident^s of the State of Alabama ~~whose names, ages and places of~~
~~residence are unknown to affiant,~~~~and further, that in the belief of said Affiant, the Defendant, is over the age of 21,~~~~wherefore~~ it is, therefore ordered that publication be made in the ~~Baldwin County News,~~
~~, a newspaper published in~~ Robertsdale Alabama,Baldwin County, Alabama, once a week for four consecutive weeks, requiring ~~all of~~
the said ~~unknown heirs, devisees and next of kin of John Flagg, deceased,~~to answer or demur to the Bill of Complaint in this cause by the 4th day of
January 1930, or after thirty days therefrom a decree Pro Confesso may
be taken against ~~the said defendants,~~ Register.

Hon. Lloyd A. Magney,

Attorneys for Plaintiff.

The State of Alabama, }
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. 859

Term, 192

Laura F. Darby

Complainants

vs.

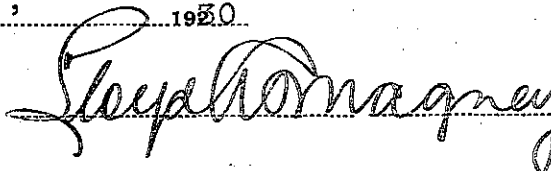
The Unknown Heirs, Devisees, and next of kin of
of John Flagg, deceased. Defendants

Motion is hereby made for a Decree Pro Confesso against The Unknown Heirs, Devisees,
and next of kin of John Flagg, deceased, Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication
was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a
non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date
hereof.

This 4th day of January, 1930

746 Code.


Solicitor.

2

RECORDED

No. 859 Page

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Laura F. Darby

Complainants.

Vs.

The Unknown Heirs, Devisees,

and next of kin of John Flagg,
deceased. Defendants.

MOTION FOR DECREE PRO
CONFESSO ON PUBLICATION.

Filed 4th day of January, 1930

J. W. McQueen
Register.

Recorded in Record,

Vol. Page.

Register.

Baldwin Times Print, Bay Minette.

LLOYD A. MAGNEY
ATTORNEY AND COUNSELLOR AT LAW
FOLEY, ALABAMA

November 30, 1929.

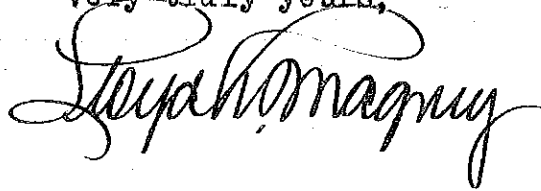
Hon. T. W. Richerson,
Clerk Circuit Court,
Bay Minette, Alabama,

Dear Sir:-

I enclose herewith Bill of Complaint of Laura F.
Darby vs Unknown Heirs, Devisees and Next of Kin of John
Flagg, deceased, a suit to quiet title.

Please publish the necessary notice in The Baldwin
News, at Robertsdale, and oblige.

Very truly yours,

A handwritten signature in cursive script, reading "Lloyd A. Magney". The signature is written in dark ink and is positioned below the typed phrase "Very truly yours,".

LAM:L.

LAURA F. DARBY,

Plaintiff,

-vs-

THE UNKNOWN HEIRS, DEVISEES
AND NEXT OF KIN OF JOHN FLAGG,
DECEASED,

Defendants.

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

DECREE.

This cause coming on to be heard on the Bill of Complaint and decree pro confesso against the defendants and each of them, and it appearing to the Court from the proof on file that the service on the defendants, and each of them, is due and regular and in all respects in conformity with the laws of the State of Alabama, and that the Court has jurisdiction of the subject matter of this action, and being fully advised in the premises, the Court finds:

That the allegations of the Bill of Complaint are true and that the Plaintiff is in the actual, peaceable possession, claiming to own the same, of the following described lands in Baldwin County, Alabama, to-wit:

Beginning at a stake twelve chains, forty links South of the half-mile post on the West line of Section Thirty, Township Six South, Range Two East, running thence East Thirteen chains, seventy-five links to a post; thence South Eleven chains, to a point on Point Clear Creek; thence with the meanderings of said Creek, westwardly to a stake nineteen chains, sixty-five links South of the beginning corner, thence North to the place of beginning, containing twenty-one and seven hundredths acres, more or less.....

That during his life time one John Flagg claimed or was reputed to own an interest in, right or title to or incumbrance upon said lands, but the said John Flag is now dead and his heirs, devisees and next of kin, their ages and places of residence, are all unknown to the plaintiff.

That the defendants, the said unknown heirs, devisees and next of kin of the said John Flagg, deceased, claim or are reputed to claim or own, some right, title, interest in or incumbrance upon said lands, but the Court further finds that the said defendants, nor any of them, have any valid claim, right, title, interest in nor incumbrance upon said lands or any part thereof.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, that the claim, title, lien or incumbrance of the defendants The Unknown Heirs, Devisees and Next of Kin of John Flagg, deceased, or any of them is utterly and entirely void; that said defendants the Unknown Heirs, Devisees and Next of Kin of John Flagg, deceased, have no claim to, right or title in or incumbrance upon the following described lands, to-wit:

Beginning at a stake twelve chains, forty links South of the half-mile post on the west line of Section Thiryt, Township Six South, Range Two East, running thence East thirteen chains, seventy-five links to a post; thence South eleven chains to a point on Point Clear Creek; thence with the meanderings of said Creek, westwardly to a stake nineteen chains, sixty-five links South of the beginning corner, thence north to the place of beginning, containing twenty-one and seven hundreths acres, more or less, in Baldwin County, Alabama.....

and that the title of the Plaintiff in and to said lands be, and the same hereby is, quieted and confirmed in her against any and all claims, rights, liens or incumbrances of the Defendants, or any of them, to, in or upon said lands or any part thereof. That the Register of this Court, within thirty days from the date hereof, file a certified transcript of this decree in the Probate Court of Baldwin County, Alabama and that the same be recorded by the Probate Judge in the same book in which deeds are recorded, and the names of the Defendants indexed in the direct index and the name of the Plaintiff in the reverse index, and that Plaintiff pay the costs of this action ~~taxed at \$~~_____.

ORDERED, ADJUDGED AND DECREED this 5th day of February, 1930.

A. W. Hale
Chancellor

STATE OF ALABAMA }
County of Baldwin }

G. G. Stephenson, being first duly sworn, desposes and says that he is the publisher of THE BALDWIN COUNTY NEWS, a newspaper published every Thursday at Robertsedale, Baldwin County, Alabama, in the English language and of general circulation in said Baldwin County, Alabama; that the notice hereto attached of _____

Notice to Non Resident.

Laura Darby Vs The Unknown Heirs, devisees and next of kin of John Flagg, Deceased.

was published in said newspaper for four consecutive weeks in the following issues:

Date of first publication	<u>Dec. 5th 1929</u>	Vol. <u>8</u>	No. <u>35</u>
Date of second publication	<u>Dec 12th 1929</u>	Vol. <u>8</u>	No. <u>36</u>
Date of third publication	<u>Dec. 19th 1929</u>	Vol. <u>8</u>	No. <u>37</u>
Date of fourth publication	<u>Dec. 26th 1929</u>	Vol. <u>8</u>	No. <u>38</u>

And said affiant further states that there is no contract, agreement or understanding between himself and _____ the officer charged with the duty of advertising said notice in a newspaper, for any advantage, gain or profit to accrue to such officer, and that the sum charged for the publication of said notice is the actual, lowest, regular price for such advertisement.

G. G. Stephenson

Subscribed in my presence and sworn to before me, this 14th day of February, 1930.

Mrs. Allie G. Cooper

Cost of Publication \$ 8.19
Cost of Affidavitt, .25
Total \$ 8.44

Notary Public, State of Alabama, Baldwin County
My Commission expires Nov. 24, 1932

NOTICE TO
Laura F. Darby vs: The Unknown heirs, devisees and next of kin of John Flagg, deceased, State of Alabama, Baldwin County. Circuit Court, in Equity.
This the 2nd day of December, 1929.
In this cause it being made to appear to the Register of this Court by the affidavit of Laura F. Darby, that the Defendant The unknown heirs, devisees and next of kin of John Flagg, deceased are non-residents of the State of Alabama whose names, ages and places of residence are unknown to affiant, is, therefore ordered that publication be made in The Baldwin County News, a newspaper published in Robertsedale, Alabama, Baldwin County, Alabama, once a week for four consecutive weeks, requiring all of the said unknown heirs, devisees and next of kin of John Flagg, deceased to answer or demur to the Bill of Complaint in this cause by the 4th day of January, 1930, or after thirty days therefrom a decree Pro Confesso may be taken against the said defendants.
W. RICHMOND, Register.
HON. LLOYD A. MAGNEY, Attorney for Plaintiff.
dec5-12-19-26

Harley

Filed Feb 18/930
J. W. McCombs
Regist