

906

NOTICE TO NON-RESIDENT.

Moore Ptg. Co—Bay Minette.

James Edwards, Complainant,

The State of Alabama,

~~and~~ No.

Baldwin County.

vs.

Circuit Court, in Equity.

Joe Simon, and the heirs, executors,
administrators, devisees, and personal
representatives of U. Desporte, if any,

This the 24th day of

Whitney Central Bank a corporation organized

June, 1920.

under the laws of Louisiana, as the administrator

of the estate of Harry W. Fitzpatrick,

Clara Bertel Fitzpatrick, Clara Fitzpatrick and William Fitzpatrick

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

heirs, devisees, and distributees and only heirs of Harry W. Fitzpatrick,
deceased, et al respondents,

In this cause it being made to appear to the Clerk of this Court
that the Defendant by the affidavit of S. F. McMillen, Jr., Atty for Complainant.

that the defendants above mentioned ~~are~~ except Whitney Central Bank,

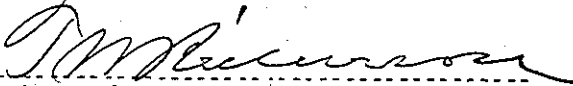
~~are~~ as non-resident of the State of Alabama

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

the said Joe Simon, and the heirs, executors,
administrators, devisees, and personal representatives of U. Desporte,
if any, Whitney Central Bank, a corporation organized under the laws
of the State of Louisiana, as the administrator of the estate of
Harry W. Fitzpatrick, deceased, Clara Bertel Fitzpatrick, Clara Fitzpatrick,
to answer or demur to the Bill of Complaint in this cause by the ~~of~~ William Fitzpatrick of,

26th
July 1920, or after thirty days therefrom a decree Pro Confesso may be
taken against the above named Defendants,

S. F. McMillen, Jr.,
Atty for Complainant.


Register.

BAY MINETTE, ALA.

4/1/21

M Hon. T. W. Nicholson

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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

To Pub. Master James Edwards Esq. Joe Erwin

July 10/1920 - Times -

\$18⁰⁰

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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

NOTICE

JAMES EDWARDS, Complainant,
VS.
JOE SIMON, et al; Respondent.
IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY
No. 904.

Notice is hereby given that on June 14th 1930, the following order was entered in the cause.

It appearing from affidavit filed in this cause that defendants are over twenty-one years of age; that Joe Simon and the heirs, executors, administrators, devisees and personal representatives of U. Desporte reside at Biloxi, Mississippi; that Clara Bertel Fitzpatrick Clara Fitzpatrick and William Fitzpatrick reside at New Orleans, Louisiana and that the Whitney Central Bank is a corporation, having its principal place of business at New Orleans, Louisiana, and that defendants claim some right, title or interest in the following described land

"The west half of the Northeast quarter of northeast quarter of Section 17, township 6 south, range 2 East, containing 20 acres, together with all improvements thereon, also that tract of land starting at southeast corner of northeast quarter of northeast quarter of Section 17, township 6 south, range 2 east and running north on section line 331 1-2 feet for a beginning corner, run thence west 197 feet to a stake, thence north 133 feet to a stake, thence west 469 1-4 feet to a stake, thence north 287 1-2 feet to a stake, thence East 666 1-2 feet to a stake, thence south 420 1-2 feet to the place of beginning, containing five acres in the east half of the N.E. 1/4 of N.E. 1/4 of section 17 township 6 south, range 2 east, together with all improvements thereon, except roadway to Baldwin County described in deed to Baldwin County from Grantor and recorded in Deed Book 24 N. S. page 619 of the Baldwin County Records.

It is ordered that they and each of them plead, answer or demur to the bill of complaint filed against them in this cause before the 9th day of August, 1930, or upon the expiration of thirty days from said date, the allegations of same will be taken as confessed against them.

It is further ordered, that notice of this order be published once a week for four consecutive weeks in the Baldwin Times, a newspaper published in the town of Bay Minette, County of Baldwin and State of Alabama.
T. W. Richerson
Register

BAY MINETTE, ALA.

ALFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

R. B. Vail, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette,, Baldwin County, Alabama; that the notice hereto attached of _____

Was published in said Newspaper for 4 consecutive weeks in the following

July 10	1930	Vol. 41	No. 23
July 17	1930	Vol. 41	No. 24
July 24	1930	Vol. 41	No. 25
July 31	1930	Vol. 41	No. 26

re the undersigned this 18th day of July

1930

R. B. Vail
Publisher.

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

William Fitzpatrick,

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

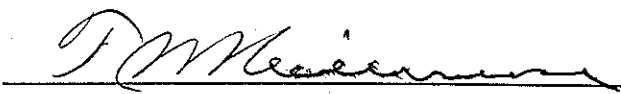
James Edward

against said William Fitzpatrick, Clara Fitzpatrick, Clara Bertel Fitzpatrick, Joe Simon, the Whitney-Central Bank, C. W. Niehuss, the heirs, executors, administrators, devisees and personal representatives of U. Desporte, and S. Sudeiha, and N. Sudeiha,

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

June 1930

 Register

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

Original

SERVE ON _____
Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

James Edwards;

vs.

William Fitzpatrick, et al.

B. F. McMillan, Jr.,

Solicitor for Complainant

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____
day of _____ 19____

Sheriff.

Executed this _____ day of _____
19____
by leaving a copy of the within Summons with

Defendant.

Sheriff.

By _____
Deputy Sheriff.

Recorded in Vol. _____ Page _____

Rec'd 24/1930
Copy of receipt copy of
Summons mailed
by Reg. mail to Wm
Fitzpatrick & Co. of William
Central, Ala., Madison, Ala.
for
D. McMillan
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

The Whitney-Central Bank, New Orleans,Louisiana,

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

James Edward

against said The Whitney-Central Bank, et al

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

WITNESS, T. W. Richerson, Register of said Circuit Court, this 19th day of

June 1930

T. W. Richerson Register

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

Original

SERVE ON _____

Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

James Edward

vs.

The Whitney-Central Bank

as administrator of the

estate of Harry W. Fitz-

patrick; the respondents,

Clara Bertel Fitzpatrick,

Clara Fitzpatrick, and

William Fitzpatrick, et al.

B. F. McMillan, Jr.,

Solicitor for Complainant

Recorded in Vol _____

Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____ 19____

Sheriff.

Executed this _____ day of _____

19____

by leaving a copy of the within Summons with

Defendant.

Sheriff.

By _____

Deputy Sheriff.

June 24/1934
Copy of Bill V Copy of
Summons Registered
Whitney Central Bank
New Orleans La.
B. F. McMillan
Register

The State of Alabama, } Circuit Court of Baldwin County, In Equity
 Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

Clara Fitzpatrick,

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 James Edward,

against said Clara Fitzpatrick, Clara Bertel Fitzpatrick, Joe Simon, William Fitzpatrick, the Whitney-Central Bank, C. W. Niehuss, the heirs, executors, administrators, devisees and personal representatives of U. Desporte, and S. Sudeiha, and N. Sudeiha,

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

June 1930

 Register

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

SERVE ON _____
Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

James Edward

vs.

Clara Fitzpatrick, et al.

B. F. McMillan, Jr.,

Solicitor for Complainant

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____ 19____

Sheriff.

Executed this _____ day of

19____

by leaving a copy of the within Summons with

Defendant.

Sheriff.

By _____

Deputy Sheriff.

June 24/1930
Copy of Bill & Copy of Bill
Received Clara Fitzpatrick
at Stationary Central Bank
New Orleans La
J. M. McMillan
Regist.

Recorded in Vol. _____ Page _____

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

Clara Bertel Fitzpatrick

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 James Edward,

against said Clara Bertel Fitzpatrick, Joe Simon, Clara Fitzpatrick, William Fitzpatrick, the Whitney-Central Bank, C. W. Niehuss, the heirs, executors, administrators, devisees and personal representatives of U. Desporte, and S. Sudeiha, and N. Sudeiha,

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

June 1930

T. W. Richerson Register

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

RECORD

SERVE ON _____
Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

James Edwards

vs.

Clara Bertel Fitzpatrick,

et al.

B. F. McMillan, Jr.,

Solicitor for Complainant

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____ 19____

Sheriff.

Executed this _____ day of

19____

by leaving a copy of the within Summons with

Defendant.

Sheriff.

By _____
Deputy Sheriff.

June 24th 1930
Copy of Summons & Bill
Registered Clara Bertel
Fitzpatrick Co, Whitney -
Central Bank
New Orleans La.

D. McMillan
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

Joe Simon, Biloxi, Mississippi,

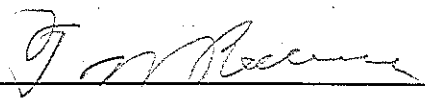
of _____ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by
James Edward,

against said Joe Simon, Clara Bertel Fitzpatrick, Clara Fitzpatrick, William Fitzpatrick, the Whitney-Central Bank, C. W. Niehuss, the heirs, executors, administrators, devisees and personal representatives of U. Desporte, and S. Sudeiha, and N. Sudeiha

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

June 1930

 Register

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

Original

SERVE ON _____
Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

James Edwards,

vs.

Joe Simon, et al.

B. F. McMillan, Jr.,

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____ 19 _____

Sheriff.

Executed this _____ day of _____

19 _____

by leaving a copy of the within Summons with _____

Defendant.

Sheriff.

By _____

Deputy Sheriff.

*June 24/1930
Copy of Bill V
Copy of Summons
Registered Deft Joe
Simon et al. Polot i kila
J. McMillan
1. Agent*

905

Sheriff's Office

MOBILE COUNTY

Mobile, Ala.

PAT BYRNE
SHERIFF

November 19, 1930

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

Dear Sir:

Inclosed herewith original Summons in the case of
James Edward vs S. Sudeiha and N. Sudeiha, et al. This
notice was served, and return endorsed on the original.

Yours very truly,


PAT BYRNE, Sheriff
Mobile County, Ala.

DEG/LMcF

STATE OF ALABAMA, !
 * IN THE CIRCUIT COURT OF SAID COUNTY, IN EQUITY.
COUNTY OF BALDWIN. !

TO THE HONORABLE F. W. HARRIS, JUDGE:

Humbly complaining, your orator, James Edward, as complainant, brings this his bill of complaint against Joe Simon, Clara Bertel, Fitzpatrick, Clara Fitzpatrick, William Fitzpatrick, The Whitney-Central Bank, U. Desportes, the heirs, executors, administrators, devisees and personal representatives of C. W. Nickuss and S. Sudeika, as respondents, and respectfully shows:

FIRST.

Complainant is over the age of twenty-one years and is the bona fide resident of Baldwin County, Alabama; the respondents, except the Whitney-Central Bank, are over the age of twenty-one years; the respondents, Joe Simon and the heirs, executors, administrators, devisees and personal representatives of C. W. Nickuss, if any, reside at Biloxi, in the State of Mississippi; the respondent, U. Desportes, resides at Ridewood in Choctaw County, Alabama; the respondent, S. Sudeika, resides at Mobile, Mobile County, Alabama; the respondent, Whitney-Central Bank, which is a corporation organized under the laws of Louisiana and having its principal place of business at New Orleans, is the administrator of the estate of Harry Fitzpatrick; the respondents, Clara Bertel Fitzpatrick, Clara Fitzpatrick and William Fitzpatrick, are the heirs and only heirs of Harry Fitzpatrick, deceased.

SECOND.

Complainant claims to own and does own and is in possession of that certain real estate in Baldwin County, Alabama, described as:

The west half of the Northeast quarter of Northeast quarter of Section 17, Township 6 South, Range 2 East, containing 20 acres together with all improvements thereon, also that tract of land starting at Southeast corner of northeast quarter of Northeast quarter of Section 17, Township 6 South, Range 2 East and running North on Section line 331 1-2 feet for a beginning corner, run thence West 197 feet to a stake, thence North 133 feet to a stake, thence west 469 1-4 feet to a stake, thence North 287 1-2 feet to a stake, thence East 666 1-2 feet to a stake, thence South 420 1-2 feet to the place of beginning, containing five acres in the East half of the Northeast quarter of Northeast quarter of Section 17, Township 6 South, Range 2 East, together with all improvements thereon; except Roadway to Baldwin County

described in deed to Baldwin County from Grapton and recorded in Deed Book 24 N. S. page 618 of the Baldwin County Records.

THIRD.

Complainant further shows unto your Honor that Harry H. Fitzpatrick is dead, that the respondent, Whitney-Central Bank is administrator of his estate and that the only heirs and devisees of said Harry Fitzpatrick are Clara Bertel Fitzpatrick, Clara Fitzpatrick and William Fitzpatrick and that they live in New Orleans, State of Louisiana. Complainant further shows that C. W. Richman is dead, that at the time of his death he lived in the City of Biloxi in the State of Mississippi, that the said C. W. Richman died intestate and without issue, that complainant has made diligent inquiry to ascertain his next of kin, heirs and personal representatives and is unable to find the names and residences of said next of kin, heirs and personal representatives, but complainant is informed and believes and upon such information and belief states that if the said C. W. Richman left surviving him any next of kin, heirs and personal representatives, they are over the age of twenty-one years and live in Biloxi in the State of Mississippi. The names and residences of the other respondents are as stated in paragraph "FIRST" hereof.

FOURTH.

Complainant further shows unto your Honor that the respondents claim or are reputed to claim some right, title or interest in or encumbrance upon the land hereinabove described but complainant denies ^{either} that ~~they~~ or either of them ~~own~~/jointly or severally ~~have~~ any right, title or interest in or encumbrance upon such land and complainant alleges that no suit is pending to enforce or test the validity of such title, claim or encumbrance and complainant now calls upon the respondents and each of them to set forth and specify their and each of their title, claim, interest or encumbrance on said land and how and by what instrument the same is derived.

PRAYER FOR PROCESS.

To the end therefore that equity may be done in the premises, complainant prays that the respondents hereinabove named and each of

then be made parties respondent to this bill of complaint by due process of law as required by the rules and practices of this court and be required to plead, answer or demur and set forth their title, claim, interest or encumbrance, if any they have to said land, and that they and each of them be required to answer this bill of complaint within the time and in all things as required by the rules and practices of this court.

PRAYER FOR RELIEF.

Complainant further prays that upon the hearing of this cause, your Honor will order, adjudge and decree that the respondents and none of them have any right, title, interest or claim in, or encumbrance upon the land hereinabove described and that the title thereto is vested in complainant. Complainant further prays that your Honor will grant to him such other, further and different relief as in equity and good conscience may be due him in the premises.

B. F. McMillan, Jr.
SOLICITOR FOR COMPLAINANT

FOOT NOTE: The respondents and each of them are required to answer each of the allegations of the above and foregoing bill of complaint, but not under oath, the oath thereto of said respondents and each of them being hereby expressly waived.

B. F. McMillan, Jr.
SOLICITOR FOR COMPLAINANT

STATE OF ALABAMA, |
COUNTY OF MOBILE. |

Before me, Ruth Macdonald, a Notary Public in and for said State and County personally appeared B. F. McMillan, Jr., who is known to me and who being sworn says: Affiant is solicitor for and is agent and attorney-in-fact of the complainant in the foregoing cause and as such agent he makes this affidavit. Affiant further says that all of the allegations and paragraphs in the foregoing bill of complaint are true.

Sworn to and subscribed before me this 12 day of March, 1930.

Ruth Macdonald
Notary Public, Mobile County, Ala.,

B. F. McMillan, Jr.

STATE OF ALABAMA, |
 * IN THE CIRCUIT COURT OF SAID COUNTY, IN EQUITY.
COUNTY OF BALDWIN. |

TO THE HONORABLE F. W. HARRIS, JUDGE:

Humbly complaining, your orator, James Edward, as complainant, brings this his bill of complaint against Joe Simon, Clara Bertel, Fitzpatrick, Clara Fitzpatrick, William Fitzpatrick, The Whitney-Central Bank, U. Desporte, the heirs, executors, administrators, devisees and personal representatives of C. W. Niehuss and S. Sudeiha, as respondents, and respectfully shows:

FIRST.

Complainant is over the age of twenty-one years and is the bona fide resident of Baldwin County, Alabama; the respondents, except the Whitney-Central Bank, are over the age of twenty-one years; the respondents, Joe Simon and the heirs, executors, administrators, devisees and personal representatives of C. W. Niehuss, if any, reside at Biloxi, in the State of Mississippi; the respondent, U. Desporte, resides at Riderwood in Choctaw County, Alabama; the respondent, S. Sudeiha, resides at Mobile, Mobile County, Alabama; the respondent, Whitney-Central Bank, which is a corporation organized under the laws of Louisiana and having its principal place of business at New Orleans, is the administrator of the estate of Harry Fitzpatrick; the respondents, Clara Bertel Fitzpatrick, Clara Fitzpatrick and William Fitzpatrick, are the heirs and only heirs of Harry Fitzpatrick, deceased.

SECOND.

Complainant claims to own and does own and is in possession of that certain real estate in Baldwin County, Alabama, described as:

The west half of the Northeast quarter of Northeast quarter of Section 17, Township 6 South, Range 2 East, containing 20 acres together with all improvements thereon, also that tract of land starting at Southeast corner of northeast quarter of Northeast quarter of Section 17, Township 6 South, Range 2 East and running North on Section line 331 1-2 feet for a beginning corner, run thence West 197 feet to a stake, thence North 153 feet to a stake, thence west 469 1-4 feet to a stake, thence North 287 1-2 feet to a stake, thence East 666 1-2 feet to a stake, thence South 420 1-2 feet to the place of beginning, containing five acres in the East half of the Northeast quarter of Northeast quarter of Section 17, Township 6 South, Range 2 East, together with all improvements thereon; except Roadway to Baldwin County

described in deed to Baldwin County from Grantor and recorded in Deed Book 24 N. S. page 619 of the Baldwin County Records.

THIRD.

Complainant further shows unto your Honor that Harry W. Fitzpatrick is dead, that the respondent, Whitney-Central Bank is administrator of his estate and that the only heirs and devisees of said Harry Fitzpatrick are Clara Bertel Fitzpatrick, Clara Fitzpatrick and William Fitzpatrick and that they live in New Orleans, State of Louisiana. Complainant further shows that C. W. Niehuss is dead, that at the time of his death he lived in the City of Biloxi in the State of Mississippi, that the said C. W. Niehuss died intestate and without issue, that complainant has made diligent inquiry to ascertain his next of kin, heirs and personal representatives and is unable to find the names and residences of said next of kin, heirs and personal representatives, but complainant is informed and believes and upon such information and belief states that if the said C. W. Niehuss left surviving him any next of kin, heirs and personal representatives, they are over the age of twenty-one years and live in Biloxi in the State of Mississippi. The names and residences of the other respondents are as stated in paragraph "FIRST" hereof..

FOURTH.

Complainant further shows unto your Honor that the respondents claim or are reputed to claim some right, title or interest in or encumbrance upon the land hereinabove described but complainant denies ^{either} that they or either of them ~~own~~ jointly or severally ~~have~~ any right, title or interest in or encumbrance upon such land and complainant alleges that no suit is pending to enforce or test the validity of such title, claim or encumbrance and complainant now calls upon the respondents and each of them to set forth and specify their and each of their title, claim, interest or encumbrance on said land and how and by what instrument the same is derived.

PRAYER FOR PROCESS.

To the end therefore that equity may be done in the premises, complainant prays that the respondents hereinabove named and each of

then be said parties respondent to this bill of complaint by due process of law as required by the rules and practices of this court and be required to plead, answer or demur and set forth their title, claim, interest or encumbrance, if any they have to said land, and that they and each of them be required to answer this bill of complaint within the time and in all things as required by the rules and practice of this court.

PRAYER FOR RELIEF.

Complainant further prays that upon the hearing of this cause, your Honor will order, adjudge and decree that the respondents and none of them have any right, title, interest or claim in, or encumbrance upon the land hereinabove described and that the title thereto is vested in complainant. Complainant further prays that your Honor will grant to him such other, further and different relief as in equity and good conscience may be due him in the premises.

B. F. McMillan, Jr.
SOLICITOR FOR COMPLAINANT

NOTE: The respondents and each of them are required to answer each of the allegations of the above and foregoing bill of complaint, but not under oath, the oath thereto of said respondents and each of them being hereby expressly waived.

B. F. McMillan, Jr.
SOLICITOR FOR COMPLAINANT

STATE OF ALABAMA,
COUNTY OF MOBILE.

Before me, Ruth Macdonald, a Notary Public in and for said State and County personally appeared B. F. McMillan, Jr., who is known to me and who being sworn says: Affiant is solicitor for and is agent and attorney-in-fact of the complainant in the foregoing cause and as such agent he makes this affidavit. Affiant further says that all of the allegations and paragraphs in the foregoing bill of complaint are true.

Sworn to and subscribed before me this 17 day of March, 1930.

Ruth Macdonald
Notary Public, Mobile County, Ala.,

B. F. McMillan, Jr.

STATE OF ALABAMA, 1
 2 IN THE CIRCUIT COURT OF SAID COUNTY, IN MOBILE.
COUNTY OF BALDWIN. 3

TO THE HONORABLE P. W. HARR, JUDGE:

Humbly complaining, your orator, James Edward, as complainant, brings this his bill of complaint against Joe Simon, Clara Bertel Fitzpatrick, Clara Fitzpatrick, William Fitzpatrick, The Whitney-Central Bank, U. Desportes, the heirs, executors, administrators, devisees and personal representatives of C. W. Nicholas and S. Sudeika, as respondents, and respectfully shows:

FIRST.

Complainant is over the age of twenty-one years and is the bona fide resident of Baldwin County, Alabama; the respondents, except the Whitney-Central Bank, are over the age of twenty-one years; the respondents, Joe Simon and the heirs, executors, administrators, devisees and personal representatives of C. W. Nicholas, if any, reside at Biloxi, in the State of Mississippi; the respondent, U. Desportes, resides at Ridgewood in Chester County, Alabama; the respondent, S. Sudeika, resides at Mobile, Mobile County, Alabama; the respondent, Whitney-Central Bank, which is a corporation organized under the laws of Louisiana and having its principal place of business at New Orleans, is the administrator of the estate of Harry Fitzpatrick; the respondents, Clara Bertel Fitzpatrick, Clara Fitzpatrick and William Fitzpatrick, are the heirs and only heirs of Harry Fitzpatrick, deceased.

SECOND.

Complainant claims to own and does own and is in possession of that certain real estate in Baldwin County, Alabama, described as:

The west half of the Northeast quarter of Northeast quarter of Section 17, Township 6 South, Range 2 East, containing 20 acres together with all improvements thereon, also that tract of land starting at Southeast corner of northeast quarter of Northeast quarter of Section 17, Township 6 South, Range 2 East and running North on Section line 331 1-2 feet for a beginning corner, run thence West 157 feet to a stake, thence North 153 feet to a stake, thence west 460 1-4 feet to a stake, thence North 667 1-2 feet to a stake, thence East 666 1-2 feet to a stake, thence South 620 1-2 feet to the place of beginning, containing five acres in the East half of the Northeast quarter of Northeast quarter of Section 17, Township 6 South, Range 2 East, together with all improvements thereon; except Roadway to Baldwin County

described in deed to Baldwin County from Grantor
and recorded in Deed Book 24 N. S. page 619 of the
Baldwin County Records.

THIRD.

Complainant further shows unto your Honor that Harry W. Fitzpatrick is dead, that the respondent, Whitney-Central Bank is administrator of his estate and that the only heirs and devisees of said Harry Fitzpatrick are Clara Bertel Fitzpatrick, Clara Fitzpatrick and William Fitzpatrick and that they live in New Orleans, State of Louisiana. Complainant further shows that C. W. Nicholas is dead, that at the time of his death he lived in the City of Biloxi in the State of Mississippi, that the said C. W. Nicholas died intestate and without issue, that complainant has made diligent inquiry to ascertain his next of kin, heirs and personal representatives and is unable to find the names and residences of said next of kin, heirs and personal representatives, but complainant is informed and believes and upon such information and belief states that if the said C. W. Nicholas left surviving him any next of kin, heirs and personal representatives, they are over the age of twenty-one years and live in Biloxi in the State of Mississippi. The names and residences of the other respondents are as stated in paragraph "FIRST" hereof.

FOURTH.

Complainant further shows unto your Honor that the respondents claim or are reputed to claim some right, title or interest in or encumbrance upon the land hereinabove described but complainant denies ^{either} ~~that~~ ~~they~~ or either of them ~~have~~ ^{jointly or severally} any right, title or interest in or encumbrance upon such land and complainant alleges that no suit is pending to enforce or test the validity of such title, claim or encumbrance and complainant now calls upon the respondents and each of them to set forth and specify their and each of their title, claim, interest or encumbrance on said land and how and by what instrument the same is derived.

PRAYER FOR PROCESS.

To the end therefore that equity may be done in the premises, complainant prays that the respondents hereinabove named and each of

then be made parties respondent to this bill of complaint by due process of law as required by the rules and practices of this court and be required to plead, answer or demur and set forth their title, claim, interest or encumbrance, if any they have to said land, and that they and each of them be required to answer this bill of complaint within the time and in all things as required by the rules and practice of this court.

PRAYER FOR RELIEF.

Complainant further prays that upon the hearing of this cause, your Honor will order, adjudge and decree that the respondents and none of them have any right, title, interest or claim in, or encumbrance upon the land hereinafore described and that the title thereto is vested in complainant. Complainant further prays that your Honor will grant to him such other, further and different relief as in equity and good conscience may be due him in the premises.

B. F. McMillan, Jr.
SOLICITOR FOR COMPLAINANT

FOOT NOTE: The respondents and each of them are required to answer each of the allegations of the above and foregoing bill of complaint, but not under oath, the oath thereto of said respondents and each of them being hereby expressly waived.

B. F. McMillan, Jr.
SOLICITOR FOR COMPLAINANT

STATE OF ALABAMA,
COUNTY OF MOBILE.

Before me, Ruth Macdonald, a Notary Public in and for said State and County personally appeared B. F. McMillan, Jr., who is known to me and who being sworn says: Affiant is solicitor for and is agent and attorney-in-fact of the complainant in the foregoing cause and as such agent he makes this affidavit. Affiant further says that all of the allegations and paragraphs in the foregoing bill of complaint are true.

B. F. McMillan, Jr.

Sworn to and subscribed before me this 14th day of March, 1930.

Ruth Macdonald
Notary Public, Mobile County, Ala.,

STATE OF ALABAMA, |
 * IN THE CIRCUIT COURT OF SAID COUNTY, IN EQUITY.
COUNTY OF BALDWIN. |

TO THE HONORABLE P. W. HARR, JUDGE:

Humbly complaining, your orator, James Edward, as complainant, brings this his bill of complaint against Joe Simon, Clara Bertel Fitzpatrick, Clara Fitzpatrick, William Fitzpatrick, The Whitney-Central Bank, U. Desportes, the heirs, executors, administrators, devisees and personal representatives of C. W. Nicholas and S. Sudeika, as respondents, and respectfully shows:

FIRST.

Complainant is over the age of twenty-one years and is the bona fide resident of Baldwin County, Alabama; the respondents, except the Whitney-Central Bank, are over the age of twenty-one years; the respondents, Joe Simon and the heirs, executors, administrators, devisees and personal representatives of C. W. Nicholas, if any, reside at Biloxi, in the State of Mississippi; the respondent, U. Desportes, resides at Ridewood in Choctaw County, Alabama; the respondent, S. Sudeika, resides at Mobile, Mobile County, Alabama; the respondent, Whitney-Central Bank, which is a corporation organized under the laws of Louisiana and having its principal place of business at New Orleans, is the administrator of the estate of Harry Fitzpatrick; the respondents, Clara Bertel Fitzpatrick, Clara Fitzpatrick and William Fitzpatrick, are the heirs and only heirs of Harry Fitzpatrick, deceased.

SECOND.

Complainant claims to own and does own and is in possession of that certain real estate in Baldwin County, Alabama, described as:

The west half of the Northeast quarter of Northeast quarter of Section 17, Township 6 South, Range 2 East, containing 20 acres together with all improvements thereon, also that tract of land starting at Southeast corner of northeast quarter of Northeast quarter of Section 17, Township 6 South, Range 2 East and running North on Section line 331 1-2 feet for a beginning corner, run thence West 197 feet to a stake, thence North 133 feet to a stake, thence west 469 1-4 feet to a stake, thence North 287 1-2 feet to a stake, thence East 666 1-2 feet to a stake, thence South 420 1-2 feet to the place of beginning, containing five acres in the East half of the Northeast quarter of Northeast quarter of Section 17, Township 6 South, Range 2 East, together with all improvements thereon; except Roadway to Baldwin County

described in deed to Baldwin County from Grantor and recorded in Deed Book 84 N. S. page 616 of the Baldwin County Records.

THIRD.

Complainant further shows unto your Honor that Harry W. Fitzpatrick is dead, that the respondent, Whitney-Central Bank is administrator of his estate and that the only heirs and devisees of said Harry Fitzpatrick are Clara Bertel Fitzpatrick, Clara Fitzpatrick and William Fitzpatrick and that they live in New Orleans, State of Louisiana. Complainant further shows that C. W. Nichols is dead, that at the time of his death he lived in the City of Biloxi in the State of Mississippi, that the said C. W. Nichols died intestate and without issue, that complainant has made diligent inquiry to ascertain his next of kin, heirs and personal representatives and is unable to find the names and residences of said next of kin, heirs and personal representatives, but complainant is informed and believes and upon such information and belief states that if the said C. W. Nichols left surviving him any next of kin, heirs and personal representatives, they are over the age of twenty-one years and live in Biloxi in the State of Mississippi. The names and residences of the other respondents are as stated in paragraph "FIRST" hereof..

FOURTH.

Complainant further shows unto your Honor that the respondents claim or are reputed to claim some right, title or interest in or encumbrance upon the land hereinabove described but complainant denies ^{either} that ~~they~~ or either of them ~~have~~ jointly or severally ~~has~~ any right, title or interest in or encumbrance upon such land and complainant alleges that no suit is pending to enforce or test the validity of such title, claim or encumbrance and complainant now calls upon the respondents and each of them to set forth and specify their and each of their title, claim, interest or encumbrance on said land and how and by what instrument the same is derived.

PRAYER FOR PROCESS.

To the end therefore that equity may be done in the premises, complainant prays that the respondents hereinabove named and each of

then be made parties respondent to this bill of complaint by due process of law as required by the rules and practices of this court and be required to plead, answer or demur and set forth their title, claim, interest or encumbrance, if any they have to said land, and that they and each of them be required to answer this bill of complaint within the time and in all things as required by the rules and practices of this court.

PRAYER FOR RELIEF.

Complainant further prays that upon the hearing of this cause, your Honor will order, adjudge and decree that the respondents and none of them have any right title, interest or claim in, or encumbrance upon the land heretofore described and that the title thereto is vested in complainant. Complainant further prays that your Honor will grant to him such other, further and different relief as in equity and good conscience may be due him in the premises.

B. F. McMillan, Jr.
SOLICITOR FOR COMPLAINANT

FOOT NOTE: The respondents and each of them are required to answer each of the allegations of the above and foregoing bill of complaint, but not under oath, the oath thereto of said respondents and each of them being hereby expressly waived.

B. F. McMillan, Jr.
SOLICITOR FOR COMPLAINANT

STATE OF ALABAMA, |
COUNTY OF MOBILE. |

Before me, Ruth Macdonald, a Notary Public in and for said State and County personally appeared B. F. McMillan, Jr., who is known to me and who being sworn says: Affiant is solicitor for and is agent and attorney-in-fact of the complainant in the foregoing cause and as such agent he makes this affidavit. Affiant further says that all of the allegations and paragraphs in the foregoing bill of complaint are true.

Sworn to and subscribed before me this 12 day of March, 1930.

Ruth Macdonald
Notary Public, Mobile County, Ala.,

B. F. McMillan, Jr.