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Helen Moore Bristol
et al,

-vs-

NE $\frac{1}{4}$ Section 6 Twp. 8
S.R. 6 E. et al.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY,
IN EQUITY.

I hereby acknowledge that I have received a copy of
the notice filed in this cause, and waive all further
notice in the cause and consent that the case be tried
at once. I admit the allegations of the bill of complaint.

Gasque Suarez
Gasque Suarez.

905 Marine Street.

Helen Moore Bristol et al.,

-vs-

North East Quarter of Section
Six (6) in Township Eight (8)
South, Range Six (6) East.

In The Circuit Court of Baldwin
County, Alabama.
In Equity.

Brief and Arguments of S. C. Jenkins and Jesse F. Hogan,
Attorneys for Respondents, heirs of Abijah Sturdivant and Willis
Sturdivant.

We will preface this brief by a short statement of the facts
in the case. On August 1, 1854, the United States Government made a
patent to Willis Sturdivant for Fraction "C" of Section nine (9) and
Fractional Section ^{ten} (10) in Township eight (8) South, Range six (6) East,
in Baldwin County, Alabama, containing 163.26 acres.

Willis Sturdivant went into possession and lived on the land at one time.
On March 5, 1897, the United States Government issued a patent to Abijah
Sturdivant for the North East ^{quarter} (1/4) or Fractions "A" & "B" of Section nine
(9) Township eight (8) South, Range six (6) East and East ^{half} (1/2) of the
North West ^{quarter} (1/4) of Section nine (9) Township eight (8) South, Range six
(6) East, or Fraction "D" of said Section containing (248.56) acres in
all.

Abijah Sturdivant went into possession of this land after he
entered it. He built a house on it and lived on the land up to the
Civil War, and as late as 1914 the old house was there rotting down
at that time. There was no conveyance either by Abijah or Willis
Sturdivant of these several tracts of land.

At the outset, ~~we~~ we should get clear the distinction the law makes as between constructive possession, peaceable possession, and actual possession of lands when we come to deal with the question of adverse possession. The law says the only complete title to lands is such as when a party has a patent from the United States Government or a direct chain of conveyances to the present holder from one who has such a patent. We admit such a person may loose his title by adverse possession in favor ~~####~~ of another party. But the law places a high dignity upon a regular documentary title and requires clear and definite proof of those things which rest in parole to over come it; hence as stated in one of the early Alabama reports, 11 So. 797, Murry v. Hoyle, (1) the possession must have been hostile and under a claim of right; (2) it must be actual; (3) it must be open and notorious; (4) it must be exclusive; and (5) it must be continuous. If any of these elements be lacking or wanting, the possession will not effect a bar to the legal title.

Constructive possession only attaches to the legal tital. See Wait, Trials to Title (2nd Ed.), Paragraph 753 & 78 Ala 61 Burks v. Mitchell. In this last case our Supreme Court said: "There is a vast distinction between one who enters land with color of title and one who enters without it." The possession of the latter, when claimed to be adverse, is confined to the premises actually occupied by him or strictly to a possession, possession~~is~~ pedis; whereas, under a color of title the possession is generally construed to be co-extensive with the boundaries described in the written instrument under which he claims title. This case held that the cutting of timber on ⁱⁿun~~en~~closed "wild lands" without anything to define the extent of the alleged claim, was not alone such evidence of ownership as to amount to possession adverse to the true owner. It could not, therefore, operate as a disseizin against him, nor aid in any manner in supplementing the time necessary to bar the rights of the holder of the legal title. This case cited other cases upholding the same rule. They are: 76 Ala. 128, Childers v. Calloway; 76 Ala. 280, Clements v. Hays; 1 Allen (Mass) 245; 10 N.H. 397, Hale v. Glidden.

The complainants' evidence by the witnesses introduced to testify was almost all confined to the possession of one George Randolph, whom they claimed had a contract to buy certain lands from Mr. Daniel Partridge down on or near Soldier Creek and Perdido Bay. No deed or paper title to said Randolph was offered by the plaintiff to show the extent of the boundaries of the lands he claimed, and so far as this record shows, George Randolph's possession was not under any color of title. His testimony shows he traded or bought the lands from Mr. Daniel Partridge, and that Partridge merely agreed to sell him the lands and did not even offer the agreement showing what lands said Partridge had agreed to sell him, or had sold him. Randolph testified he went into possession of the lands about the year 1906, first, turpented it, and then began to cut the timber off it from then on up to 1915 or 1916, when Partridge deeded the lands to Rittenhouse Moore. The complainants did ~~not~~ offer this alleged deed from Partridge to the Perdido Bay Company, nor from George Randolph to Perdido Bay Company, if such a deed was made. ~~nor the alleged turpentine here from Perdido Bay to to said Geo Randolph~~
✓ The deed from Daniel Partridge and wife to Rittenhouse Moore, See Deed 300 acres or Book 23 N. S. page 668, expressly excepted/so much of Sections nine (9) and ten (10) in Township eight (8) South, Range six (6) East, as were covered by lots one (1) to thirty-three (34) inclusive, which front on Perdido Bay, as the same is of record in Miscellaneous Book No. 1 at page 228 in the office of the Judge of Probate of Baldwin County. In a latter part of the deed grantor did assay to convey Lot No.(1) and certain parts of Lots Nos. (1 to 8) inclusive, which lie along Emanuel Bayou on Perdido Bay, which estimated lots conveyed contained exactly (111) acres, and recites that the total lands conveyed were (1200) acres. In the contract that Partridge made to sell lands to George Randolph, all the parties seem to hold there were (1200) acres sold by the said Partridge to said Randolph, but complainants have offered no deeds or any ^{in writing} contract between said Randolph and Partridge ^{showing} where the boundaries of this (1200) acres lay. The testimony shows that Partridge did not sell to said Randolph (300) acres on Perdido Bay, which were covered by Lots Nos. (1 to 34) as per Map of N. L. Durant made for said Partridge of said Lots, and which map is recorded in Miscellaneous Book No. 1 at page 228. This (300)

acres covers Lot "C" of Section nine (9), known as the Willis Sturdivant lands, ~~#####~~. If George Randolph had no deed, or agreement for a deed for this particular tract in writing, known as the Willis Sturdivant lands, then he had no color of title to it, and ~~could~~ claim only what he was in actual possession of, pedis possessio, if he had any ^{claim} at all. On cross examination none of the complainants' witnesses could state where Section nine (9) Township eight (8) South, Range six (6) East was, and they did not know where the South West corner of said Section Nine (9) was. As per the maps submitted under the testimony of the witness Harry H. Parker, surveyor, the South West corner of Section (9) Township eight (8) South, Range six (6) East was in the lands, excepted from Randolph's purchase of lands from Partridge. None of the witnesses offered by complainants could testify to any particular Section, or any particular portion of the lands that George Randolph claimed to have owned and boxed for turpentine and worked for timber. They ~~did~~ not and could not say that he ever operated on either the lands known as those of Abijah Sturdivant or of Willis Sturdivant. The lands of Willis Sturdivant lay in Section ten (10) and Lot "C" in a part of Section nine (9) Township eight (8) South, Range six (6) East. The lands of Abijah Sturdivant lay in the North ^{half} / ($\frac{1}{2}$) of Section nine (9) in Lots "A" "B" & "D". None of the witnesses for the complainants testified ^{specifically} / as to ~~any~~ action by Randolph or any of his agents on these lands or that he turpented, boxed, or logged any timber on same. Most of this (1200) acres which George Randolph ^{claimed} to have bought from Daniel Partridge lay in what was known as the Joseph Suarez Grant, Section sixteen (16) in Township eight (8) South, Range six (6) East. The maps as filed by respondents in testimony of Harry Parker show that the North ^{half} / ($\frac{1}{2}$) of Section nine (9) in Township eight (8) South, Range six (6) East lay just North of the Joseph Suarez Grant of land and the witnesses some of them, Notably Aubrey Suarez, M. C. Skinner, and Harry Parker, witnesses for respondents, show that an old wire fence still lies along the division line between the Joseph Suarez Grant and the North ^{half} / ($\frac{1}{2}$) of Section nine (9) in Township eight (8) South, Range six (6) East at a point where Lot "D" in Section nine (9) is located, and that the Abijah Sturdivant lands lay to the North of this wire fence, except a small portion of the South end of Lot "D". According to the

witnesses this old fence came out of the Bayou known as Emanuel Bayou and ran South-westerly to Soldier Creek, a distance, as testified by some of the witnesses, both for the complainants and those for the respondents, of some two or three miles from Emanuel Bayou to Soldier Creek, where George Randolph had his saw mill at one time. The witnesses testified that logs were brought to the saw mill from some parts of the land, but they did not know from what parts. Randolph claimed they came from all parts of the land. None of the witnesses for the complainants testified that any of the logs came from any part of Section nine (9) owned by the Sturdivants, to-wit, lands in North ^{half} ($\frac{1}{2}$) of Section nine (9) known as Lots "A" "B" & "D" and North fractional part of Section ten (10) and Lot "C" in Section nine (9) Township eight (8) South, Range six (6) East. Our Supreme Court has said that the evidence of the cutting of timber on lands claimed as adverse or by adverse possession is to be admitted only as a circumstance to be taken in connection with other evidence in determining the fact and extent of adverse possession, just as the payment of taxes is a circumstance and, as such, admissible as evidence. Thus we point out cases of 76 Ala. 128, Childers v. Calloway; 78 Ala. 61, Burks v. Mitchell; and 34 So. 391, Bynum v. Hewlett that have held that even where a party admitted he knew or had heard of adverse claimants claiming the land or using same, he, the original owner, is not by that precluded from claiming the lands under his own legal title, as where one gets a patent to lands and builds a house on same and lives in it for a time. This gives him constructive possession of the entire tract as shown by his patent and no subsequent constructive possession by any other person even under "color of title" could overlap his, the first owner's constructive possession, short of actual, open, notorious, hostile and continuous possession for the time prescribed by the statute. And if upon the whole evidence there is an absence of any fact, as continuity for ten (10) years, or any one of the constituents or elements of adverse possession, then the court should give the affirmative charge in favor of the defendants. See case of Chastang v. Chastang in 37 So. 799. The Supreme Court holds also that the party claiming to have actual possession of the lands by adverse possession, for the time required by the statute, ten (10) years, is required to show by some evidence he is holding the

actual piece of land to which he claims title, and must show by some evidence the exact lines and boundaries of the particular tracts he claims, and if he claims under a paper title by "color of title," he will be held to hold in accordance with the boundaries fixed by the paper or the deed, whatever it is; but if he has no paper title under which he claims, then he holds only such part of the land he claims he has reduced to actual possession.

As an illustration of the above doctrines, if the witnesses testify they saw a man cutting timber somewhere on a tract of twenty (20) acres or (1200) acres without designating where each one saw him cutting or hauling or boxing, etc., nor how often he saw him cut the particular timber on the tract or do the certain boxing of timber on the tract nor how much of the land he cut over, boxed or hauled timber on, we could not say the evidence showed that the party by such testimony claimed the whole tract of twenty (20) acres or (1200) acres. A few acts of cutting timber or of cutting here and there on a tract of land would only be evidence of the cutting at the particular place on the tract and not on the whole tract.

All the witnesses that complainants offered testified to the acts of possession on the ~~#####~~ tract in a general way, and could not specify any particular lands, times, and places where they saw these certain things that George Randolph and the Perdido Bay Company did on or concerning the lands, except that George Randolph testified that one Wickersham, under a contract of lease from the Moore heirs or Rittenhouse Moore, did box and turpentine ~~#####~~ the lands, without specifying which lands or how long. Mr. Robert Randolph testified substantially as did Mr. George Randolph, but said the Lillian Turpentine Company went into possession of the lands to box and turpentine them under a lease or contract from the Moore heirs in 1923, and was unable to specify or say where the lands were or at what places the boxing and turpentineing were done on the lands. The witness ~~Mr.~~ L. W. Brannen, for the complainants, testified only as to some lands in Township eight (8) South, Range five (5) East, that were boxed and turpentineed by the Lillian Turpentine Company or Mr. Wickersham, its manager, and did not testify as to the lands in question in this suit in Township eight (8) South, Range six (6)

East. The witness J. R. Davis testified that Randolph's saw mill and shingle mill were located on Soldier Creek and that logs were brought to the mill from different parts of the land, taking the tract as a whole, but he was unable to specify that he knew any of the Sections or numbers of the land and did not know where section nine (9) of Township eight (8) South, Range six (6) East was, or that any logs came from that land. He said he knew the lands in a general way from 1908 to 1916, and lived on the Partridge tract, and that Partridge never did anything with the lands while he owned them; but just let them lay idle. He also said that Mr. Daniel Partridge lived in Selma, Alabama, and spent the summer months down at his place on Perdido Bay. This witness did not show where the Partridge residence was and from the evidence of Aubrey Suarez, Mr. Partridge lived on the Bay, and no where near or adjacent to the Abijah Sturdivant lands, which lay some distance up the Bay in the North ^{half} ($\frac{1}{2}$) of Section nine (9) Township eight (8) South, Range six (6) East. Aubrey Suarez testified he had lived there within two miles of the Abijah Sturdivant lands for fifty-eight (58) years, and had never seen Mr. George Randolph or any of his workmen or agents on this land; that it was separated from the lands that Partridge owned, known as the Spinny land, and was marked by an old wire fence there now on the ground, and that the Spinny lands lay to the South of this line marked by this old wire fence and back South-ward to the Bay, and that the Abijah Sturdivant lands lay to the North of this wire fence, except a small portion in the South end of Lot "D." Frank Parker, another witness for the complainants, could not locate any particular Section or numbers of land and did not know where Section nine (9) in Township eight (8) South, Range six (6) East was, ~~or where the South West corner of same was.~~ He testified that Daniel Partridge, while he owned the lands, did nothing with it except to let it lay idle, as Mr. Partridge lived in Selma and spent the Summer months at his place down on the Bay; that Partridge sold the lands to the Perdido Bay Company about 1905 or 1906, and that George Randolph began to turpentine it and later logged it and built a saw mill at Soldier Creek and a shingle mill there about 1908, and that Randolph quit logging there in 1916, from which time to 1923 the land

lay idle; that since that time the Lillian Turpentine Company has been in possession of the lands turpentineing them; that a Mr. Wickersham was the manager of the Lillian Turpentine Company; and that when he first knew the lands a Mr. Ard owned them, who lived there and cultivated a small part of the land and used another small part for pasture.

Complainants' specifically
None of the/witnesses testified anything/at all about the lands claimed by Abijah Sturdivant and Willis Sturdivant. In fact, they were unable to say that they knew where these lands lay, and did not even know where Section nine (9) in Township eight (8) South, Range six (6) East was, in which the Abijah Sturdivant lands lay. Mr. Scott, a witness for complaintants, testified that the lands claimed by/George Randolph, which he got from Partridge, were mostly in what was known as the Joseph Suarez Grant, and he referred to an old fence there at one time running from up the Bay near Emanuel Bayou to Soldier Creek, which, in his testimony, he intimated marked off the lands that Partridge had sold to George Randolph. All the testimony tends to show this Emanuel Bayou was some three miles up the Bay from Soldier Creek, where George Randolph carried on his saw mill operations. The testimony of respondents' witnesses all show that the boxes on the Sturdivant lands were put there recently, within the last seven or ten years. The old stumps on the land show that the lands have not been logged or cut for timber during the past fifty or sixty years. So, according to the positive evidence of respondents' witnesses, Randolph never turpentineed, boxed, or cut any timber off the sturdivant lands. And it will be impossible for Rittenhouse Moore to connect up his ten years of adverse possession of the lands with Randolph's ownership and use of the land, if he had any. The evidence of Complainants show that the Lillian Turpentine Company did not go into possession under their present lease of the lands from the Rittenhouse Moore heirs until 1923, less than ten years ago.

The Turpentine lease from the Moore heirs was made in January 1921, and recorded in June 1921, less than ten years before the time this suit by Complainants was filed in November 1930. It is thus impossible for the Complainants to show adverse possession continuously for any ten years as prescribed by the statute, and the evidence conclusively shows that there has been no actual possession at any time of the lands known as the Sturdivant lands by Complainants. Respondents' witnesses all

testify that the lands mentioned above are in actual possession of no one at present, and have not been improved or in cultivation of any kind, except the few boxes put up there recently by some one. Mr. J. B. Ray, Respondents' witness, testified that he was on the Willis and Abijah Sturdivant lands in 1914, and at that at that time ~~no~~ one was in possession of the lands, nor was any one living on the lands, and that none of the trees on the lands of either Willis or Abijah Sturdivant had been boxed at all. He also testified that the only signs of logging there was some old stumps which he judged had been cut about the year 1880, fifty years or more ago, and that Abijah Sturdivant had lived there until the beginning of the Civil War; at which time ¹⁹¹⁴ the old house on Lot "A" of the Abijah Sturdivant lands was rotting down. He testified further that only recently, last week, he visited these two tracts of land again and saw some turpentine boxes there, and said he judged them to be about ten years old. According to J. B. Ray's testimony this would put the boxing of these lands by the Lillian Turpentine Company about the year 1922 or 1923, the time one of the other witnesses mentioned above testified that Wickersham and the Lillian Turpentine Company began to turpentine the lands under a contract or lease from the heirs of Rittenhouse Moore. Mr. M. C. Skinner, another of Respondents' witnesses, testified substantially as did Mr. J. B. Ray, and said he judged the boxes on the trees he saw were put there about eight years ago; that the trees had a growth, he judged, of about thirty years, and would not have been large enough to have been boxed prior to 1908, the time the Randolph's and Complainants' witnesses testified that the lands of the Perdido Bay Company, which Randolph claimed to have bought from Danial Partridge, were boxed for turpentine. He testified that he went with Harry Parker, a surveyor, over all the lands of the Abijah Sturdivant tract, Lots "A" "B" & "D" in Section nine (9) Township eight (8) South, Range six (6) East, and saw no improvements of any kind on the land except an old wire fence down on the ground, which ran from Emanuel Bayou to Soldier Creek, and that this fence was said to mark what was known as the Spinny lands.

Aubrey Suarez, a witness for the Complainants, testified to the fact that he recently went all over the lands known as the Abijah Sturdivant lands, containing Lots "A" "B" & "D" of Section nine (9) in Township eight (8) South, Range six (6) East, and saw no signs of

cultivation or improvements of any kind on the lands; he also stated that he had known the lands all his life and lived within two miles of the same; that the old Daniel Partridge house or home was down on the Bay, and he remembered Mr. Partridge when he lived there~~x~~, and that before him the lands had been known as the Spinny land. His idea, he said, was that the Spinny lands came to the old wire fence there now on the ground, that the only part of this fence that crossed the Abijah Sturdivant lands was in the lower portion of Lot "D", ~~and that~~ that was above the line of the Joseph Suarez Grant of lands. He said that the Spinny lands lay within this fence line which ran South-west to Soldier Creek and that the Partridge or Spinney lands lay between Soldier Creek and Emanuel Bayou and would lay South and Eastward from this Lot "D" of the Sturdivant land toward Perdido Bay and Soldier Creek. He further stated that Mr. Partridge lived in Selma, and came down to his place on Perdido Bay in the Summer months, and that Mr. Partridge never had any improvements of any kind whatsoever on Lots "A" "B" & "D" of Section nine (9) in Township eight (8) South, Range six (6) East, except the old wire fence on the South part of Lot "D", and by his testimony he ^{said} ~~*****~~ that the Lots "A" "B" & "D" were not included in what was known as the "Spinney lands", which said Partridge got from Spinney.

The deed from Anson Spinney, and wife, to Daniel Partridge, recorded in Deed Book "T" page 640 offered in the Complainants chain of title, did not include Lot "D" or the East ($\frac{1}{2}$) of North West ($\frac{1}{2}$) of Section nine (9) Township eight (8) South, Range six (6) East. The date of this deed was December 4, 1894. And this not being in the Partridge deed, Complainants cannot set up adverse possession to this Lot "D" by constructive possession, nor can they claim under it as "color of title" this said Lot "D". And, according to the testimony of Aubrey Suarez, Partridge was never in actual possession of it; consequently, under no process of logic or of law can Complainants set up a title to this particular tract of the Abijah Sturdivant lands, and, not having the legal title, they cannot set up constructive possession to any of the lands known as those patented to Willis and Abijah Sturdivant.

The claim of the right to possession or title to land not accompanied by actual possession of the same is, no matter how long and how vociferously and noisily proclaimed and claimed, not sufficient to

cut off the right of the true owner to enter the land and take possession thereof, especially if the land be vacant and unoccupied. Further, constructive possession always accompanies the legal title and, under the statute of Uses, it would be a legal impossibility to have any constructive possession of land to vest in one under a deed from another who had no legal title to convey, 22 So. 87, Adler v. Sullivan; 34 So. 838, Smith v. Gordan.

If Partridge did not have any title to Lot "D" by his deed from Spinney, then he could not set up adverse possession to this Lot "D" by constructive possession, and could not convey any title to it to Rittenhouse Moore or any one else. In the chain of title of Complainants the deed from Annita Sturdivant to Marion Q. Milstead, recorded in Deed Book (0) at page 520 and 521 in the Probate office of Baldwin County, she, as the widow of Abijah Sturdivant, could convey only her life interest in his lands, and the deed was wholly void as against the heirs of Abijah Sturdivant. Moreover, it was doubly void as to the lands owned by the heirs of Willis Sturdivant, which she assayed to convey by said deed.

No grasp of the imagination could ever give her a right to convey the lands of Willis Sturdivant, the brother of her dead husband. Therefore, We say that none of the parties in Complainants' chain of title down to the present claimants, the heirs of Rittenhouse Moore, can set up any claim by adverse possession by law, or what is known as constructive adverse possession of the lands of Willis and Abijah Sturdivant.

All the testimony tends to show that only a small part of the lands Dr. Spinney bought from Ard, and that Ard bought from Marion Q. Milstead were ever in actual possession of claimants predecessors. The place where Ard lived was the place where Spinney afterwards lived, and where Daniel Partridge afterwards lived, and was not on any lands of either Abijah or Willis Sturdivant, but down on the bay in what was known as the Joseph Suarez Grant, and only a few acres about this old homeplace on the Bay was ever fenced or in actual possession of anyone. Section 9912, under which Complainants have brought their suit to quiet the title ^{these} to ~~the~~ lands, says that to come within its provisions, the parties suing for the lands must be in "actual peaceable possession of the ^{lands} ~~the~~" or if not in actual peaceable possession of the lands, must have held a color of title to the lands and paid the taxes on same for a period of ten years

time
preceeding the/next to the filing of the bill, and so forth. The Section only gives the Complainants the right to test their title to the lands and to clear up disputes or claims as to same. Section 1919 says the payment of taxes by Complainants or those whom they claim is only "prima facie" evidence of title to said lands in the Complainants, and says further that proof of color of title and payment of taxes for twenty years shall be conclusive of these facts, except as against minors.

The Complainants have not set up in their Bill any "color of title" to the lands, but claim to be in actual possession of them under a fee simple title to same. Under the law, "color of title" cannot be set up when actual possession of the lands is claimed, which both the bill of Complainants and their attempted proof show. Further, the law says when Complainants invite the Respondents into court, the rules as to an original Bill as to actual peaceable possession do not apply to cross Bills filed by Respondents, and that when a court of Equity acquires for any purpose, it is jurisdiction/for all purposes necessary to a final determination and full settlement of the controversy between the parties. See 90 So. 349, Smith v. Rhodes; 54 So. 272 Sloss-Sheffield Iron Co. v. Lollar; 45 So. 251, Oneal v. Prestwood. The last case holds that cross Bills are necessary when relief is asked and the Respondents are not in actual possession of the land, for the rule that the Complainants must be in actual peaceable possession of the land at the time of filing of the Bill does not apply to Cross Bills. In case 90 So. 349, Sloss S. Iron Co. v. Lollars, the court said: "There is no doubt that when a court of Equity has jurisdiction over any cause for any purpose it may retain the same for all purposes." In case 45 So. 251, Oneal v. Prestwood, the court says, according to the records, that where the actual possession of the lands was in no one, and in any case where the issue, as respects possession at the time the Bill is filed, is one of title, it draws to it the constructive possession of the real property in question. Then, in that case the title is in enquiry, and when determined will cast the suit. Now, We submit in this case first, that the issue is one of title; second, that what constitutes adverse possession and what evidence is sufficient to prove it is a question of law; third, that the burden of proof rests upon the party asserting ownership by adverse possession; and last, that in this case the Complainants have not met this burden,

and that whatever "prima facie" evidence they may have of presumption of ownership, by payment of taxes, etc., of the lands in dispute, has been fully overcome by the positive testimony of the Respondents' witnesses in this case. See 72 So. Loll Hale v. Neilson, (Miss.), in a Bill to quiet title which says: "The Complainants must bear the burden of proof and must necessarily win on the strength of their own title, rather than on the weakness of their adversary's."

In the case 76 Ala. 128, Childers v. Calloway, above mentioned, the court held that a conveyance which is invalid, but may, under proper circumstances, operate as color of title, does not tend to prove adverse possession, and says while "color of title" is not an essential element of adverse possession, (when it is relied on), it is necessary that the possession be actual, visible, and notorious. And while ^{known when} title or color of title is shown, possession of every part of the land is not required, as a possession of a part will be regarded as a possession to the boundaries or boundary specified, but the possession must ^{be} continuous and so notorious, that the owner may reasonably be presumed to have notice of the possession and of the claim of title.

According to the testimony of J. B. Ray, one of the heirs of Willis Sturdivant claimed to be, as such, an owner of the lands, ~~and~~ in 1914 went along with one Captain Calloway, (who lived in the neighborhood and evidently a prominent man there by his title of "Captain",) all over the lands and at that time he found no boxes had been put on the trees or any cutting of the pine timber, except some old cutting that ^{and in 1914 no one was in possession} had been done way back about 1880. This was only one year before Partridge sold the lands to Rittenhouse Moore, and was during the time that George Randolph claimed to be in possession of the (1200) acres. Complainants maintain cover this Sturdivant Tract, which ^{tract} Respondents contend was in the (300) acres that Partridge had excepted from the lands he sold to George Randolph. So, any evidence or testimony that has been offered as regards George Randolph's possession of the lands cannot in any way be used to bolster up the claim of Complainants. Randolph says he turned the lands he bought from Partridge over to the representatives of Rittenhouse Moore, and that his son in law, Dr. Goldthwaite, came there and stayed a while and built some improvements on the land, but that he had nothing to do with the lands after Dr. Goldthwaite came there. This was

about 1918. Randolph testified that a Mr. Wickersham turpentine the lands under a lease from the Moore heirs. This lease is not shown by the records, and no witness is shown who was in any way connected with or who worked under said Wickersham while he was doing the boxing on this large tract of 1200 acres. The Moore ^{heirs} lived in the neighborhood of the land only for a short while, as shown by the evidence, and nothing tends to show that they ever were in possession of the Sturdivant lands, actual or constructive. Their title depends wholly upon the possession of the Lillian Turpentine Company's possession which was taken in 1923, less than ten years before the filing of the suit in this cause.

As to the deed from Annita Sturdivant to Marion Q. Milstead, recorded in Deed Book (O) page 520, which complainants have introduced in evidence, We maintain that this deed, after the death of said Annita Sturdivant, was wholly void as against the heirs of Abijah Sturdivant, and that her deed, when made, was wholly void as to the lands owned by Willis Sturdivant, to-wit: Lot "C" in Section nine (9) and Frac. Section ten (10) in Township eight (8) South, Range six (6) East. See case of Montgomery v. Spears in 117 So. at page 753, that holds that "any occupancy of a party who has purchased only a life interest, the interest of a surviving husband, will not affect the title of the remainder man in interest, and will ^{not} be held to be adverse to same." The facts in that case were as follows: Mary P. Allen owned some property, and one William McLaughlin purchased same at a sheriff's sale under execution issued against Bailey P. Allen, the husband of Mary P. Allen. McLaughlin, in 1883, executed a deed to his daughter Theodosia Little, who in 1908, deeded the same to Carrie L. Montgomery, and in 1914 Carrie L. Montgomery, and her husband, J. A. Montgomery, executed a deed to their son A. C. Montgomery, the appellant in the case cited. There was a decree for the Complainant in the case below, who were the appellees in "case supra." The case was affirmed. In this case illustrated the court said, "while there was actual possession for a year or more by Theodosia Little, this occupancy could not in any way avail Defendant (a ppellant here), as Theodosia Little held under a deed from McLaughlin, who purchased only the interest of the surviving husband of Mary P. Allen, the true owner. Said husband having only a life estate and living until 1908. Therefore, any such possession during the life of the tenant could not be adverse to

the remainder interest. The Defendant, appellant in the case supra, showed he and his predecessors had paid the taxes for twenty years, from 1908 to 1928; that he had mortgaged the property and offered it for sale and that it was known as "Montgomery lands." The court said: "The payment of taxes is not evidence of possession, but in connection with evidence of actual possession is admissible to show claim of ownership and ~~and~~ the extent of possession. Other likewise matters may be admitted in connection with evidence of actual possession to show ownership and notoriety thereof." In support of this rule this case cited 37 So. 799, Chastang v. Chastang; 52 So. 527 Owen v. Moxon; 76 So. 65, Kidd v. Browne; 28 So. 402, Stiff v. Sobb; 24 So. 999, Alder v. Prestwood; and quoted ruling in Wiggins v. Kirby in 17 So. 354 to the effect that "Mere casual acts of ownership, as where one authorizes another to cut timber on certain lands, pays taxes on it, and requests another to look after the lands for him, do not constitute adverse possession."

The case holds that the essential elements of adverse possession are all very well understood. "To hold land by adverse possession, the possession must be actual and continuous, as well as exclusive, open and notorious, hostile and under claim of right. If possessing all these elements, but lacking in continuity only or any one of the above constituents, the possession will not effect a bar to the legal title."

"Complainants have ~~we~~ shown a complete legal title, such as is termed complete with a patent from the United States Government, and We cannot be persuaded by the forcefull argument of the counsel of the appellant, that they can, according to the evidence, in any way or by any method, lay claim by adverse possession to the lands in question. As the law places such high dignity upon a regular documentary title and require clear and definite proof of those things which rest in parole to overcome it." In 105 So. 575, Buchman Abstract & Investment Co. v. Roberts the court held that what constitutes "peaceable possession" under the statute must be left to be determined by the facts of each particular case. If the possession be disputed, the possession is and cannot be peaceable. If the fact of possession itself is disproved, there of course cannot be such a thing as possession of any kind, peaceable, disputed, constructive, under color of title, or otherwise. Consequently, we beg to submit the facts in this case ~~that~~ show that neither George Randolph nor Partridge ever had any possession whatsoever of any kind of Lot "D" in Section nine,

Township eight(8) South, Range six(6) East and that Rittenhouse Moore, his estate or heirs never had any possession of the said Lot "D" and that the only ~~only~~ possession by the Lillian Turpentine Company as lessee of any of the lands in controversy in this suit has been since the year 1923. As to the matter of disputed possession see Ladd et al Vs Powell et al in 39 So 46. In this case court said "in the absence of actual possession of another the law fixes the constructive possession ^{as} of him who has the title." In that case, the complainants were the patentee of the land and went on the lands and built a house and remained there until 1864; then the lands were abandoned for 41 years by the owners, the house rotted down and disappeared and the lands became "wild land" again. The respondents proved possessory acts of the lands since 1872, such as using it for its purposes as such wild lands were fit for, paying taxes on same etc and selling the same and whose grantee did exercise similar acts of dominion over the lands up to the time of suit, 1905; In that case the court said "we do not here decide that these acts and doings are sufficient to divest the title of the complainants, the original owners and patentee^s of the lands".

The complainants' evidence show no actual possession by the heirs of Rittenhouse Moore, except the statement by the Randolphs that Dr Goldthwaite, his son inlaw, was there on the land for a short time, that is on the lands down near Soldier Creek where the Randolph Sawmill was located in the Francis - Suarez Grant in Sec. 16 Tp. 8 South Range 6 East; there is absolutely no evidence that the heirs of Rittenhouse Moore were at any time in the actual possession of the Willis and Abijah Sturdivant lands, except through a lease made to the Lillian Turpentine Company, recorded in June 1921, less than ten years before the filing of the suit in this cause. And there is no evidence by any one connected with said Lillian Turpentine Company that they were ever in the possession of the Sturdivant lands, either those of Willis or Abijah Sturdivant and for aught that appears from the evidence that the boxing shown to be done on the lands within the last ^{8 or} ten years were done by trespassers on the lands. Respondents witnesses testified to some signs of workings on the lands recently ^{since 1923} and they had heard that the Lillian Turpentine Company had did the boxing etc that now appears on the trees there - some of them.

Respectfully Submitted, Jesse F Hogan
S C Jenkins

I hereby certify that I have this day }
mailed a copy of the above brief and }
argument^s to Hon. Geo. A Sossamin and placed
same in post office at Bay Minette, Ala,
directed to him at Mobile, Ala. S C Jenkins Attorney.
cf April 9th 1932

HELEN MOORE BRISTOL, ET ALS,

Complainants

vs.

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

NORTHEAST QUARTER OF SECTION
SIX, TOWNSHIP EIGHT SOUTH
RANGE SIX EAST, ET AL,

Respondents.

NOTE OF EVIDENCE.

The following evidence is noted for the Respondent:-

Answer and Cross-Bill, filed May 11th, 1931 for respondents Mrs. Mary Arnitte Skinner, Mrs. Jennie Virginia Alberson, Joseph A. Cory, Mrs. Minnie Lucille Burkett, Mrs. Annie Maud Carroll. Depositions of W.T. Dick, L.A. Wilkinson, James Foulgar, Aubrey Suarez, Mrs. Mary A. Skinner, M.C. Skinner, Harry Parker, J.B. Ray and Exhibits "A", "B" "C" and "D" attached to said depositions and also certified copies of deeds from George C. Randolph to Perdido Bay Company recorded in 11 N.S., page 649; turpentine lease to George C. Randolph from Perdido Bay Company recorded 15 N.S. page 36; deed from Perdido Bay Company to Rittenshouse Moore recorded 21 N.S., page 478 and 479.

Patent from U.S. Government, to Willie Sturdivant, marked Exhibit "A" deposition of W.T. Dick, and Patent from U.S. Government, to Abijah Sturdivant, in deposition of J.B. Ray.

J. W. R. R. R. R. R.
REGISTER.

Copy

HELEN MOORE BRISTOL, ET ALS,
Complainants,

-vs-

NORTHEAST QUARTER OF SECTION
SIX, TOWNSHIP EIGHT SOUTH
RANGE SIX EAST, ET AL,

Respondents.

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

Comes the complainants and for further answer
to all of the cross-bills heretofore filed in this cause
says that the complainants claim title to the land de-
scribed in the complaint, ^{which is in Lts 2-8-10-856} under the following chain of
title:

Deed from Anneta T. Sturdevant to Marion Q.
Milstead, recorded in Record Book "O" pages 520-1,

Deed from Marion Q. Milstead to Abashaba Ard
recorded in Record Book "O" pages 155-6,

Deed from Abashaba Ard to Anson B. Spinney
recorded in Record Book "R" pages 271-2,

Deed from Anson B. Spinney to Daniel Partridge
recorded in Record Book "T" pages 640-2,

Deed from Daniel Partridge to Rittenhouse Moore
recorded in Deed Book 23 N. S. pages 668-9,

Deed from Rittenhouse Moore to Hattie B. Moore,
recorded in Deed Book 23 N. S. pages 643-4,

And complainants further claim title to said
lands by reason of more than twenty years actual possession
of same for the twenty years next preceeding the filing of
the bill of complaint in this cause and by the payment of
taxes upon said lands for the twenty years next preceeding
the filing of this bill of complaint, and complainants for
further answer say that none of the respondents to this cause
have paid any taxes upon said lands or had any possession

of said lands for the twenty years next preceeding the
filing of the bill of complaint in this cause.

George L. Looman
SOLICITOR FOR COMPLAINANTS

*Answer to Complaint
Filed
March 3, 1903*

Heien Bristol et Al

vs

The Northeast Quarter of
Section 6 Township 8 South
Range 6 East and other lands.

Copy
In The Circuit Court of Baldwin
County, Alabama.

In Equity .

Comes now Mrs. Clara M. Dick who is over the age of twenty one years and who resides in Escambia County, Florida, Mrs. Annie Guernsey, who is over the age of twenty one years and who is a resident of Escambia County Florida, Mrs. Ertle Nelson, who is over the age of twenty one years and who resides in Escambia County, Florida, Mrs. Julia Garcia, who is over the age of twenty one years and who is a resident of Escambia County Florida, Calvin Sturdivant, who is over the age of twenty one years and who is a resident of Escambia County, Florida, Abijah Sturdivant, who is over the age of twenty one years and who is a resident of Escambia County Florida, Ebb Sturdivant, who is over the age of twenty one years and who is a resident of Escambia County, Florida, Allen H Sturdivant, who is over the age of twenty one years and who is a resident of Escambia County Florida, Mathew Sturdivant, who is over the age of twenty one years and who is a resident of Escambia County, Florida, Mrs. Ida Solomon, who is over the age of twenty one years and who is a resident of Escambia County, Alabama, J.B. Ray, who is over the age of twenty one years and who is a resident of Escambia County, Alabama, W.C. Thames who is over the age of twenty one years and who is a resident of Coleman County, Texas ✓ J.W. Thames and James Manning, both over the age of twenty one years and who are residents of Monroe County, Alabama, residing at Mexia, Ala. - Maggie Delee, who is over the age of twenty one years and who is a resident of Texarkana, Texas, W.E. Kirvin, who is over the age of twenty one years and who is a resident of Mobile County, Alabama, Maggie Ray ~~Kirvin~~ who is over the age of twenty one years and who is a resident of Mobile County, Alabama, Alice Graham, who is over the age of twenty one years and who is a resident of Bosque County, Texas, residing at Mill Town, Tex. Amanda Whitehurst, who is over the age of twenty one years and who is a resident of Escambia County, Alabama. Mollie Pritchett, who is over the age of twenty one years and who is a resident of Laurel, Mississippi, - Fannie Williams, who is over the age of twenty one years and who resides in Escambia County, Florida at Pensacola, Florida, ~~Willie Ray and Hall~~ Willie Ray and Hall Ray - ~~Ray who was~~

Who are both over the age of twenty one years and who are residents of Grapevine Texas, Johnnie Ray Phelps and Mattie Fewell who are both over the age of twenty one years and who reside in the state of Georgia at ----- Georgia, David Johnson, who is over the age of twenty one years and who is a resident of Escambia County, Alabama, Walter Johnson, who is over the age of twenty one years and who is a resident of Escambia county, Alabama, Ervin Johnson, who is over the age of twenty one years and who is a resident of Escambia County, Alabama, Stella Johnson, who is over the age of twenty one years and who is a resident of Escambia County, Alabama, Camille Johnson, who is over the age of twenty one years and who is a resident of Escambia County, Alabama, Ellen Seales, who is over the age of twenty one years and who is a resident of Escambia County, Alabama, Edward Johnson, who is over the age of twenty one years and who is a resident of Escambia County, ~~xxxxxxx~~ Florida, And Alice Jones, who is over the age of twenty one years and who resides in the state of Texas. And Rosa Bryars who is over the age of twenty one years and who is a resident of Conecuh County, Alabama and Annie Martin who is over the age of twenty one years and who is a resident of Mobile County, Alabama, Mrs Emma Roe, who is over the age of twenty one years who is a resident

of George A Sturdivant, who is over the age of twenty one years and who is a resident of Houston Texas, Goode G Sturdivant who is over the age of twenty one years and who is a resident of Houston Texas, Mrs Arnita Skinner, who is over the age of twenty one years and who is a resident of Escambia County, Alabama, ^{Jennie} Mrs. Virginia Alberson, who is over the age of twenty one years and who is a resident of Geneva county, Alabama, Joseph A Cory, who is over the age of twenty one years and who is a resident of Chilton county, Alabama, ^{Mrs. Elvith Cory, a minor, who resides in Conecuh County, Alabama} Mrs. Minnie Lucile Burkett, who is over the age of twenty one years and who is a resident of Escambia County, Alabama, Mrs. Annie Maude Carroll, who is over the age of twenty one years and who is a resident of Chilton County, Alabama and reserving unto themselves all right or exception to the Bill of Complaint for answer thereto say:

First: That they together with the heirs of ⁽¹⁾ Susan Ray, nee Sturdivant, deceased, the heirs of ⁽²⁾ Willis Sturdivant, deceased, the heirs of ⁽³⁾ Mollie Ray, nee Sturdivant, deceased, the heirs of ⁽⁴⁾ Nancy Rowell, deceased, the heirs of ⁽⁵⁾ Mathew(A) Sturdivant, deceased, the heirs of ⁽⁶⁾ Caroline Carr, nee Sturdivant, deceased, the heirs of ⁽⁷⁾ Lurany Thames, deceased, the heirs of ⁽⁸⁾ Sturdivant, of ⁽⁹⁾ Louisa ⁽⁸⁾ or Eliza Kirvin, deceased, the heirs of Abijah Sturdivant, deceased and with the heirs of Emma Johnson, deceased and with the ne

of Edge Sturdivant deceased own the lands known as Fractional "C" or Section Nine and Fractional Section Ten (10) in Township 8 South of Range 6 East, containing 163.46 acres

Second. These respondents further show that Fractional "C" or Section 9 in Tp 8 South Range 6 East and Fractional Section 10 in Tp 8 South of Range 6 East were patented to Willis Sturdivant by patent, dated, or August 1st, 1854, and duly recorded in Deed Book 44 N.S. page 361 in the Probate Records of Baldwin County, Alabama.

Third. These respondents further show that the said Willis Sturdivant did not convey these lands aforesaid described and that he died intestate that he was survived by his children, viz., ⁽¹⁾ Caroline Carr, who is now dead and whose heirs are unknown, ⁽²⁾ Mrs Luranie Thames, who is now dead and whose heirs are J.W. Thames and J. Manning of Mexia in Monroe County, Alabama, W.C. Thames who resides in Coleman County, Texas, ⁽³⁾ Mrs. Nancy Rowell, who is now dead and whose heirs are unknown except Mrs Amanda Whitehurst, who resides at Flomaton, Alabama, ^{And} Mollie Pritchett who resides at Laurel, and Fannie Williams, who resides at Pensacola, Florida, ⁽⁴⁾ Mrs. Susan Ray who is now dead and whose heir is J.B. Ray who lives in Escambia County, ⁽⁵⁾ Mrs. Mollie Ray, who is now dead and whose heirs are Hall Ray and William Ray who reside at Grapevine Texas, Johnnie Ray Phelps and Mattie Fewell reside in the state of Georgia and heirs of Emma Johnson deceased whose heirs are Walter Johnson, Ervin Johnson, Stella Johnson, Camille Johnson, David Johnson, son of Elmer Johnson, who reside at Brewton, Alabama in Escambia County, Alabama and Edward Johnson who resides in Florida and Alice Jones who resides somewhere in Texas and Ellen Seals who resides at Brewton in Escambia County, Alabama, ⁽⁶⁾ Eliza Kerivin, deceased, who is now dead and whose heirs are W.E. Kirven, who is a resident in Mobile County, Alabama, ^{Ray} Maggie Kirvin (Ray) and Annie Martin who reside in Mobile County, Alabama and Alice Graham, who resides in Milltown, Bosque County, Texas; and Rosa Bryars who resides in Conecuh county, Alabama; ⁽⁷⁾ the heirs of Lousia Sturdivant who is now dead and whose heir is Maggie Delee who resides at Texarkana, Texas; ⁽⁸⁾ Abijah Sturdivant, who is now dead and whose heirs are Mrs. Arnita Skinner, who resides at Canoe in Escambia County, Alabama, Lucille Burkette, who resides at Canoe in Escambia County, Alabama, Mrs. Jennie Virginia Alberson who resides in Geneva County, Alabama, Mrs Annie Marshall Carroll who resides in Chilton County, Alabama, and Joseph A Cory who resides in Chilton county, Alabama, George A Sturdivant, who resides at Houston Texas, ^{Edith Cory, a minor who resides in Conecuh Co. Ala} Goode G Sturdivant who resides at Houston Texas and Mrs Emma Pritchett whose residence is unknown. and ~~the~~ Mathew Sturdivant, son of Willis

Willis Sturdivant, now deceased, whose heirs are Mathew Sturdivant, Jr., Allen H. Sturdivant, Abijah Sturdivant, Calvin S. Sturdivant, Ebb Sturdivant, Mrs. Julia Garcia, Mrs. Clara M. Dick, Mrs. Annie Gurnsey, and Mrs. Effie Nelson, All of whom reside in Escambia County, Florida.

Fourth: And these respondents are entitled to ~~relief~~ against the complainants in this cause, Viz: Helen Bristol, Amanda Moore Goldthwaite, and Rittenhouse R. Moore; and to that and further show that complainants are claiming some right, title or interest in or encumbrance upon said lands and call upon them to set forth and specify how and by what instrument the same is derived and created. And these respondents pray that this answer herein filed by them be treated as a Cross Bill for relief to quiet title of the said lands in respondents, and respondents pray that if ~~it~~ be adjudicated and determined that the complainants and cross respondents the said Helen Bristol, Amanda Moore Goldthwaite and Rittenhouse R. Moore have no valid or enforceable claim, title or demand as to or as against said lands described herein that whatever documents, deeds, etc., that complainants may have or hold and under which they or those through whom they claim title or interest in said lands described herein that such documents, deeds, etc., be cancelled as a cloud upon respondents title and that they be forever barred from all claim to any estate, title, claim or interest in said lands described herein.

Wherefore these respondents pray that your Honor will decree that the said complainants have no title, right or interest in or any encumbrance upon said lands described herein, but will decree that the title to the same is vested in these respondents, together with the respondents and the other heirs of Willis Sturdivant, aforesaid, and these respondents pray that subpoenas ^{shall} be issued on their cross bill against the said Helen Bristol, Amanda Moore Goldthwaite, and Rittenhouse R. Moore, commanding them and each of them to appear in this Honorable Court as required by law and answer the foregoing Cross Bill.

These respondents further say that any other matter in said Bill or Complaint necessary for these respondents to make answer unto and not herein well and sufficiently answered, confessed, traversed and avoided or denied is true to the best of the knowledge or better of these respondents, all of which matters these respondents are ready and willing to aver, maintain and prove as this Honorable court shall direct.

*S. C. Jenkins
and Jesse F. Hogan*

Solicitors for the Heirs of Willis

-Mrs. Clara M Dick, Mrs. Annie Gurnsey, Mrs. Effie Nelson, Mrs. Julia Garcia, Calvin, Sturdivant, Abijah Sturdivant, Ebb Sturdivant, Allen H. Sturdivant, Mathew Sturdivant, Mrs. Ida Solomon, and the heirs of Abijah Sturdivant, deceased, towit, Mrs. Anita Skinner, Mrs. Jennie Virginia Alberson, Mrs. Minnie Lucille Burkett, Mrs. Annie Maud Carroll, George A. Sturdivant, Good e G Sturdivant, Joseph A Cory and Edith Cory a miner and other heirs Willis Sturdivant, towit, J.W. Thames, W.C. Thames, J. Manning, Amanda Whitehurst, Mollie Pritchett, Mrs. Fannie William, Johnnie Ray Phelps, Mattie Fewell, Walter Johnson, Ervin Johnson, Estelle Johnson, Camille Johnson, David Johnson, Edward Johnson, Mrs. Ellen Seals, W.E. Kirvin, Annie Martin, Rosa Bryars,, Mrs. Alice Graham, Maggie Ray Kirvin, Maggie Defee, Willie Ray and Hall Ray, and Mrs Alice Jones and Mrs Emma Roe

Foot Note:

The Cross respondents are required to answer the foregoing cross bill from paragraph one (1) to Paragraph four (4) inclusive, but not under oath, the oath to answer being expressly waived.

S. C. Jenkins and Jesse F. Hogan

Solicitors for Respondents, heirs of Willis
Sturdivant, J.B. Ray, Mrs Clara M Dick et al .

*Service accepted March 22nd 1932
Jesse F. Hogan
Solicitor for Plaintiffs*

HELEN BRISTOL, et al.,

-vs-

The Northeast quarter of
Section 6, Township 8 South,
Range 6 East, and other
lands

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

Come now Mrs. Mary Annitta Skinner, who is over the age of twenty-one years, and who is a resident of Butler County, Alabama, Mrs. Jennie Virginia Alberson, who is over twenty-one years of age, and who is a resident of Geneva County, Alabama, Joseph A. Cory, who is over the age of twenty-one years, and is a resident of Chilton County, Alabama, Mrs. Minnie Lucille Burkett, who is over the age of twenty-one years, and is a resident of Escambia County, Alabama, Mrs. Annie Maude Carroll, who is over the age of twenty-one years, and is a resident of Chilton County, Alabama, and reserving to themselves all right of exception to the bill of complaint, for answer thereto say:

First: That they, together with the heirs of Mathew A. Sturdivant, deceased, the heirs of Edge Sturdivant, deceased, and with George A. Sturdivant, Mrs. Emma Roe, and Goode G. Sturdivant, own the east half of the northwest quarter of Section 9, which is also designated as fraction "D" of said section 9, Township 8 South, Range 6 East, Baldwin County, Alabama; the northeast quarter of said section 9, or fractions "A" and "B", of said section 9.

Second: These respondents further show that the northeast quarter, also known as fractions "A" and "B" of said section 9, Township 8 South, Range 6 East, and the east half of the Northwest quarter, also known as fraction "D" of said section 9, were patented by the United States of America to Abijah Sturdivant by patent dated March 25th, 1897, and duly recorded in Deed Book 26 N. S. page 677, Probate Records of Baldwin County, Alabama.

Third: These respondents further show that the said Abijah Sturdivant did not convey said lands and that he died intestate, and that he was survived by his children, viz: Mathew A.

Sturdivant, who is now dead, but whose heirs live at Brewton, Alabama, George A. Sturdivant, whose address is Houston, Texas, Edge Sturdivant, who is dead, but whose heirs live at Franklinton, La., Mrs. Emma Roe, whose address is Gulf Port, Mississippi, Goode G. Sturdivant, whose address is Ponchatoula, La., and Mollie Cory, who is dead, and that the said Mollie Cory is survived by these respondents, viz: Mrs. Mary Annitta Skinner, Mrs. Jennie Virginia Alberson, Joseph E. Cory, Mrs. Minnie Lucille Burkett, Mrs. Annie Maude Carroll, and also by John A. Cory, Jr., who is dead, and who is survived by a son, Meredith Cory, a minor under eleven years of age, and who resides in Connecuh County, Alabama.

And these respondents are entitled to relief against the complainants in this cause, viz: Helen Bristol, Amanda Moore Goldthwaite, and Rittenhouse R. Moore; and to that end further show that complainants are claiming some right, title or interest in or encumbrance upon said lands, and call upon them to set forth and specify their title, claim, interest or encumbrance, and how and by what instrument the same is derived and created.

Wherefore these respondents pray that your Honor will decree that the said complainants have no right, title or interest in or encumbrance upon said lands, but will decree that the title to the same is vested in these respondents; together with the respondents and the other heirs of the said Abijah Sturdivant, and these respondents pray that subpoenas shall be issued on their cross bill against the said Helen Bristol, Amanda Moore Goldthwaite and Rittenhouse R. Moore, commanding them and each of them to appear in this Honorable Court, as required by law, and answer the foregoing cross bill.

These respondents further say that any other matter in said bill of complaint contained necessary for these respondents to make answer unto, and not herein well and sufficiently answered, confessed, traversed and avoided or denied, is true to the knowledge or belief of these respondents, all of which matters these respondents are ready and willing to aver, maintain and prove as this Honorable Court shall direct.

Jesse F. Hogan
S. C. Jenkins
Solicitors for Respondents,
Mrs. Mary Annitta Skinner, Mrs. Jennie Virginia Alberson, Joseph A. Cory, Mrs. Minnie Lucille Burkett, Mrs. Annie Maude Carroll.

Foot Note:

The cross respondents are required to answer the foregoing cross bill from paragraph 1 to paragraph 3, inclusive, but not under oath, oath to answer being expressly waived.

Jesse F. Hogan
A. C. Jenkins

Solicitors for Respondents

Mrs. Mary Arnitta Skinner,
Mrs. Jennie Virginia Alberson,
Joseph A. Cory,
Mrs. Minnie Lucille Burkett,
Mrs. Annie Maud Carroll.

The State of Alabama, { **CIRCUIT COURT OF BALDWIN COUNTY,**
Baldwin County { **IN EQUITY**

To Any Sheriff of the State of Alabama---GREETING:

WE COMMAND YOU, That you summon_____

W. S. Sikes, Luverne, Alabama,

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

Helen Moore Bristol, Amanda Moore Goldthwaite, and
 Rittenhouse R. Moore, a non compos mentis, suing by
 his next friend Sadie W. Moore, who is his legal
 guardian under the laws of Virginia

against said _____
 W. S. Sikes

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 27th day of
 September, 1930

Register.

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

ORIGINAL

W. S. Sikes

Serve on _____

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

Helen Moore Bristol, et al

vs.

W.S.Sikes, et al

George A. Sossaman

Solicitor for Complainant.

Recorded in Vol. _____ Page _____

Serve, a/c

The State of Alabama,
BALDWIN COUNTY.

Received in office this _____

day of _____ 193_____

Sheriff.

Executed this _____ day of

193_____

Copy of Police
by leaving a copy of the within Summons with

W.S. Sikes is Dead

Defendant.

W.L. Tatum

Sheriff.

By _____

Deputy Sheriff.

Q. J. Welch
10 - Police - Dept
Mobile - Ala

Mrs. O. J. Olsen
107 - S - Bayou - St
Mobile - Ala

Wm. J. Welch
707 Spring Hill ave
Mobile Ala

Mrs J. F. Le Blanc
P O Box 87
St Andrews Fla

The State of Alabama, }
Baldwin County

Nelen Moore Bristol

Complainant.....

vs.

J. B. Ray, et al

Defendant.....

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

In Equity.

The

Solicitor for Complainant

requests the oral examination of the following named witnesses, on behalf of the

Complainant

viz:

George A. Sossaman,

Henry C. Bartling

Geo. C. Randolph,

Robert C. Randolph

Frank Parker

John L. Davis

L. H. Brannan

Rufus A. Kee

Alex Remondos

Fred M. Scott

H. M. Hall

Foley

Foley

Foley

Foley

Insurgent man near Foley

Foley or Perdido Beach

Perdido Beach

Perdido Beach

Bay Minette

said witnesses reside in the County of

Baldwin

State of Alabama.

who resides at

T. H. Richerson,

or, The Register of this Court is suggested as a suitable person to be appointed Commissioner to take the deposition of said witness on such oral examination.

This 2nd day of Sept, 1931

Solicitor for

Complainant

OK for Thursday Sept 10th 1931

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

Lucie P. Hatch, Mavry Street, Selma, Alabama

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

Helen Moore Bristil, Amanda Moore Goldthwaite, and
Rittenhouse R. Moore, a non compos mentis, suing by his
next friend Sadie W. Moore who is his legal guardian under
the laws of Virginia,

against said

Lucie P. Hatch

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 27th day of
September, 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

Helen Moore Bristol, et al

vs.

Lucie P. Hatch, et al

Mary R.
Herman,
Dallas Co Ala

George A. Sossaman
Solicitor for Complainant.

Recorded in Vol. _____ Page _____

Selma, Ala

R. F. Hammer

The State of Alabama,
BALDWIN COUNTY.

Received in office this _____

day of _____ 193 _____

Sheriff.

Executed this _____ day of _____

193 _____

copy of notice
by leaving a copy of the within Summons with

Defendant.

Sheriff.

By _____

Deputy Sheriff.

*not known in Selma
or Dallas County.
Please, send address
R. F. Hammer. sheriff
By A. H. Sample D. S.*

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-

Viola LeBlanc

664 St. Francis St.,

Mobile, Alabama

of Mobile 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

Helen Moore Bristol, Amanda Moore Goldthwaite, and

Rittenhouse R. Moore, a non compos mentis, suing by his next
friend Sadie W. Moore who is his legal guardian under the laws
of Virginia

against said Viola LeBlanc

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 27th day of
September, 1930

J. W. Richmond Register.

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

ORIGINAL

114/1 ✓

Serve on Viola Le Blanc

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

Helen Moore Bristol, et al

77 vs.
Viola LeBlanc, et al

664 St Francis St
Mobile Ala.

P 10/3
George A. Sossaman

Solicitor for Complainant.

Recorded in Vol. _____ Page _____

The State of Alabama, BALDWIN COUNTY.

Received in office this _____

day of _____ 193_____

Sheriff.

Executed this _____ day of

193_____

by leaving a copy of the within Summons with

Defendant.

Sheriff.

By _____

Deputy Sheriff.

Received Sept. 3, 1930,
and Viola Le Blanc
"Not found in
my County."
Attest Sheriff
L. J. Dodge
9/12

Section 8 Township 8 South Range 6 East.

(h) South West quarter or Lot A of Section 8 Township 8 South Range 6 East.

(i) East half of North West quarter and fractional East half of South West quarter which is also designated as Lot D of Section 9 Township 8 South Range 6 East.

(j) Also the East fractional half of Section 9 (which is also designated as Lots A, B and C of Section 9) and the West fractional half of Section 10, excepting from said East fractional half of Section 9 and the West fractional half of Section 10, that certain 100 acres now or formerly owned by James Crosby, which begins at the South East corner of Francis Suarez claim, thence running West to the South West corner of said claim; thence South such a distance that a line running from thence East to Perdido Bay will include 100 acres, the North and South boundaries of said 100 acres being parallel; the said excepted lands being the same conveyed to Abashaba Ard from Marion J. Millstead and wife by deed dated February 23rd 1886 and recorded in Record Book 1 pages 155 and 156 of the Probate Records of Baldwin County, Alabama.

And also excepting from said East fractional half of Section 9 and West fractional half of Section 10 so much thereof as lies within those certain lots which front on Perdido Bay and are numbered 1 to 34 inclusive, and are according to a certain plat made by N. L. Durant, County Surveyor, and filed for record on March 6th 1908 and recorded in Miscellaneous Book 1 on page 228 of the Probate Records of Baldwin County, Alabama. All being in Township 8 South

(k) Also, Joseph Suarez Grant designated as Lot 16 on a certain map of the Government of the United States, said section being bounded on the North by the South line of subdivisions C and D of Section 8 and the South lines of subdivisions D and E of Section 9; bounded on the East by the West line of subdivision C of Section 9 to the point where said line intersects with Perdido Bay; bounded on the West by the East lines of subdivision A of Section 8 and by the East lines of subdivisions A, C and D of Section 17 and bounded on the other side by Perdido Bay. All being in Township 8 South Range 6 East of Baldwin County, Alabama. Excepting therefrom the following tracts or parcels of land, viz:-

FIRST EXCEPTION:- That certain tract of land conveyed by John G. Fell and Fannie P. Fell to George Randolph Suarez by deed dated May 22nd 1878 and recorded in Deed Book K page 765 of the records of Baldwin County, Alabama, and afterwards acquired by Lemuel D. Hatch and more particularly described as follows:-

Lot or parcel of land to include 20 acres, the same to be known and designated by a line running across Soldiers Creek Point, and said land to be situated on the West side of said line, the said line to be the boundary on the East; Soldiers Creek on the West and Perdido Bay on the South, and to run West from said line to include Soldiers Creek Point, West of said line or as much as may be required to make 20 acres; said line will cross Soldiers Creek Point from the March opposite the Hammock to the head of the Bayou in the West, being part of Soldiers Creek water. Said line to be identified by Aubrey Suarez, John G. Fell and George R. Suarez.

SECOND EXCEPTION:- Also except that certain tract of land conveyed by Abashaba Ard and Reuben Ard her husband, to James S. Shannon and George R. Robbins, by deed dated March 12th 1888 and recorded in Book 6 page 622 of the Probate Records of Baldwin County, Alabama, and more particularly described as, to-wit:- Beginning at a point of intersection of the North East corner of the tract of 20 acres known as the M. Q. Millstead Tract and Perdido Bay on a point of land known as Soldiers Creek and running North Eastwardly along the water line of said Perdido Bay a distance of 3,000 feet, thence North-westwardly a distance of 1,500 feet, thence South Westwardly a distance of 3,000 feet, thence Southeastwardly to the point of beginning, containing 100 acres, being a part of the tract known as the Joseph Suarez Tract Spanish Claim in Township 8 South Range 6 East Baldwin County, Alabama.

So excepting those two certain tracts of land conveyed by Anson B. Inney and Lottie R. Spinney to Lemuel D. Hatch by deed dated December 4th, 1894 recorded in Book T, 642 of the Probate Records of Baldwin County, Alabama, and more particularly described as follows, viz:-

THIRD EXCEPTION:- All that portion of Section 17 purchased from A. [unclear] Creek and bounded on the [unclear] by Perdido Bay, containing 5 acres.

FOURTH EXCEPTION:- Also a tri-

piece of land on the East side

and East of a certain line which is described as follows:- Beginning at a point on the West boundary line of said Joseph Suarez Grant, which said point is 4248 feet South of the North West corner of said Joseph Suarez Grant, thence running due East 1795 feet to a point; thence running North 43 degrees East 677 feet to a point; thence running North 50 degrees 50 minutes West 462 feet to a point; thence running North 43 degrees 30 minutes East to a point where said line so run intersects the North line of said Joseph Suarez Grant, which said line is shown by that certain map made by George C. Randolph surveyor which is recorded in Miscellaneous record number 1 on pages 318 and 319 of Baldwin County, Alabama.

(l) Also the following described lots and parts of lots lying on or near Perdido Bay being part of the survey made for Daniel Partridge, recorded in Map Book 1 page 228 of the records in the office of the Judge of Probate of Baldwin County, Alabama, to-wit:- All of Lot 1 and so much off the South West ends of lots 2 to 8 both inclusive, North of Emanuel Bayou, and off the Northwest ends of lots 8 to 19 both inclusive, South of Emanuel Bayou, as lie within the following described boundaries, to-wit:-

Begin at a stake on the South line of said lot number 1 which point is 900 feet Westwardly from the shore of Perdido Bay as measured along said South line of said lot number 1; thence run at right angles to said South line of lot number 1 in a Southerly direction to the shore of Perdido Bay; thence run in a Westerly and Southwestwardly direction along the shore of Perdido Bay to the mouth of Emanuel Bayou; thence along the Northern shore or margin of Emanuel Bayou in a Westerly or Northwestwardly direction following the meanderings of said Bayou to a stake; thence in a Southwestwardly direction along a line parallel to the Northwestern boundary line of lots 8 to 19 to a stake on the South West line of lot 19; thence in a Northwestwardly direction along the Southwest line of lot 19; thence in a Northeastwardly direction along the Northwest line of lots 8 to 19 South of Emanuel Bayou and along an extension of said North East line to the Northeast shore or margin of the Northern branch of said bayou; thence in a Northwestwardly or Northern direction along the Northeast shore or margin of said bayou to a point where the South line of said lot number 1, if extended, would intersect said margin of said bayou; thence in an Easterly or North-easterly direction along the extension of said South line of said lot number 1 and along the South line of the lot itself, to the point of beginning. The area included within said bounds, when added to the area of said lot 1 is exactly 111 acres, all lying in Baldwin County, Alabama; the total area of the land conveyed being 1200 acres. Also the right to use that part of the bayou not included in the grant, and to pass in and out of it, from and to the Bay, such use, however, shall not obstruct or interfere with the use of the other parties owning lands upon said bayou. All in Baldwin County, Alabama.

(m) Also Lots 1, 2, 15, 16 in Crystal Lake Annex, and all that land lying East of Lots 15 and 16 to the middle of the inlet lying East of said lots, all according to the map of Crystal Lake Annex recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1 page 125. All said land lying in Baldwin County, Alabama.

EXCEPTING HOWEVER FROM ALL OF THE ABOVE PARCELS OF LAND that lot of land in the County of Baldwin, State of Alabama, described as follows, viz:- Lots 14, 15, 16, 17, 18, 19, 20, of Block 5; Lots 5, 6, 7, 8 of Block 4; the entire Block 8 and the entire Block 9 all according to a map showing subdivision of parts of Sections 5, 6, 7, 8, 9 and 16 in Township 8 South of Range 6 East of Stephens Meridian Baldwin County, Alabama and designated as "North Perdido Beach" which said map was filed in the office of the Judge of Probate of Baldwin County, Alabama on the 8th day of August 1911 and duly recorded in Miscellaneous Book 1 pages 318 and 319 of said probate records; said lots above described being further designated as in Fractional Subdivisions A and B or the North West quarter and the South West quarter of Section 8 Township 8 South Range 6 East.

There is attached to the bill of complaint a map showing a plat of the property described in descriptions a, d, e, f, g, h, i, j, k, l, with the various parcels excepted from the foregoing descriptions except the last exception noted above.

And against any and all persons claiming any title to, interest in lien or encumbrance upon said lands or any part thereof.

Respondents Notice is hereby given that the

ects with Perdido Bay, bounded by the East line of subdivision A of Section 8 and by the lines of subdivisions A, C and D of Section 17 and bounded on the side by Perdido Bay. All being in Township 8 South Range 6 East of Baldwin County, Alabama. Excepted herefrom the following tracts or parcels of land, viz:-

1st EXCEPTION:- That certain parcel of land conveyed by John G. Fell and Fannie P. Fell to George Ramon Suarez by deed dated May 22nd and recorded in Deed Book K 765 of the records of Baldwin County, Alabama, and afterwards acquired by Lemuel D. Hatch and more particularly described as follows:- A parcel of land to include 20 acres the same to be known and defined by a line running across Soldiers Creek Point, and said land to be situated on the West side of said line the said line to be the boundary line between the East and West sides of Soldiers Creek on the South, to run West from said line to the Soldiers Creek Point, West of the line or as much as may be required to make 20 acres; said line with the Soldiers Creek Point from the opposite the Hammock to the West side of the Bayou in the West, being the Soldiers Creek water. Said line identified by Aubrey Suarez, John G. Fell and George R. Suarez.

2nd EXCEPTION:- Also excepted from the certain tract of land conveyed by John G. Ard and Reuben Ard heretofore to James S. Shannon and L. R. Robbins, by deed dated 12th 1888 and recorded in Book 622 of the Probate Records of Baldwin County, Alabama, and more particularly described as, to-wit:- Beginning at a point of intersection of the North East corner of the tract known as the M. Q. Mill Tract and Perdido Bay on a line of land known as Soldiers Creek running North Eastwardly along the water line of said Perdido Bay a distance of 3,000 feet, thence Northwardly a distance of 1,500 feet, thence Southwardly a distance of 100 feet, thence Southeastwardly a point of beginning, containing 20 acres, being a part of the tract known as the Joseph Suarez Tract Claim in Township 8 South Range 6 East Baldwin County, Ala-

excepting those two certain parcels of land conveyed by Anson B. Hobdy and Lottie R. Spinney to Lemuel D. Hatch by deed dated December 4th, 1894 recorded in Book T 642 of the Probate Records of Baldwin County, Alabama, and more particularly described as follows, viz:-

3rd EXCEPTION:- All that portion of Section 17 purchased from A. Lemuel D. Hatch by deed dated 1894, lying adjacent to and West of the Soldiers Creek, and bounded on the side by Perdido Bay, containing 5 acres.

4th EXCEPTION:- Also a triangular piece of land on the East side

along the Southwest line of lot 19 to a stake on the Northwest line of lot 19; thence in a Northeastwardly direction along the Northwest line of lots 8 to 19 South of Emanuel Bayou and along an extension of said North East line to the Northeast shore or margin of the Northern branch of said bayou; thence in a Northwestwardly or Northern direction along the Northeast shore or margin of said bayou to a point where the South line of said lot number 1, if extended, would intersect said margin of said bayou; thence in an Easterly or North-easterly direction along the extension of said South line of said lot number 1 and along the South line of the lot itself, to the point of beginning. The area included within said bounds, when added to the area of said lot 1 is exactly 111 acres, all lying in Baldwin County, Alabama; the total area of the land conveyed being 1200 acres. Also the right to use that part of the bayou not included in the grant, and to pass in and out of it, from and to the Bay, such use, however, shall not obstruct or interfere with the use of the other parties owning lands upon said bayou. All in Baldwin County, Alabama.

(m) Also Lots 1, 2, 15, 16 in Crystal Lake Annex, and all that land lying East of Lots 15 and 16 to the middle of the inlet lying East of said lots; all according to the map of Crystal Lake Annex recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1 page 125. All said land lying in Baldwin County, Alabama.

EXCEPTING HOWEVER FROM ALL OF THE ABOVE PARCELS OF LAND that lot of land in the County of Baldwin, State of Alabama, described as follows, viz:- Lots 14, 15, 16, 17, 18, 19, 20, of Block 5; Lots 5, 6, 7, 8 of Block 4; the entire Block 8 and the entire Block 9 all according to a map showing subdivision of parts of Sections 5, 6, 7, 8, 9 and 16 in Township 8 South of Range 6 East of St. Stephens Meridian Baldwin County, Alabama, and designated as "North Perdido Beach" which said map was filed in the office of the Judge of Probate of Baldwin County, Alabama on the 8th day of August 1911 and duly recorded in Miscellaneous Book 1 pages 318 and 319 of said probate records; said lots above described being further designated as in Fractional Subdivisions A and B of the North West quarter and the South West quarter of Section 8 Township 8 South Range 6 East.

There is attached to the bill of complaint a map showing a plat of the property described in descriptions a, b, c, e, f, g, h, i, j, k, l, with the various parcels excepted from the foregoing descriptions except the last exception noted above.

And against any and all persons claiming any title to, interest in, lien or encumbrance upon said lands or any part thereof.

Respondents
Notice is hereby given that the

herein above named complainants have filed a bill of complaint in the Equity Division of the Circuit Court of Baldwin County, Alabama, against the above described lands and persons.

The bill of complaint alleges that the complainants claim the entire fee simple title in and to said lands and that they derive their title to said lands by inheritance from Hattie B. Moore, deceased, who owned these lands at the time of her death and died intestate leaving complainants as her only heirs at law.

The bill of complaint further alleges that the title to said lands stands on the records in the Probate Court of Baldwin County, Alabama in the name of the following persons:-

The land described in description (a) in the name of John Innerarity; the land in description (b) in the name of John Greenwood as to the South West quarter of the South East quarter of Section 9 Township 8 South Range 5 East, and in the name of Robert T. Saunders as to the East half and North West quarter of the South East quarter of Section 9 Township 8 South Range 5 East; the land in description (c) in the name of Robert T. Saunders; the land in description (d) in the name of Robert Joyner and George Terrill; the land in descriptions (e), (f) and (g) in the name of George Terrill; the land in description (h) in the name of Marmaduke H. Bell; the land in description (i) in the name of Abigah Sterdivant; the land in description (j) in the name of Abigah Sterdivant as to fractional lots A and B of Section 9 Township 8 South Range 6 East and in the name of Willis Sturdivant as to the fractional lot C of Section 9 and the West fractional half of Section 10 Township 8 South Range 6 East; the lands in descriptions (k) and (m) in the name of Dr. Isaac Hulsey; the land in description (l) as to all that part lying in Section 10 and that part of the South East quarter or fractional lot C of Section 9 all in Township 8 South Range 6 East, in the name of Willis Sturdivant and as to that part in the North East quarter or fractional lots A and B of Section 9 Township 8 South Range 6 East in the name of Abigah Sterdivant, and as to that part lying in Section 16 Township 8 South Range 6 East in the name of Dr. Isaac Hulsey.

The bill of complaint further alleges that no one has within the ten years next preceding the filing of this bill of complaint paid any taxes upon said lands or any interest therein, other than complainant and Hattie B. Moore, from whom they derived title, except Henry C. Bartling; J. Bauer; Baldwin County Colonization Company; Rittenhouse Moore; A. B. McCorvey; Unknown Owner; Eli Trolla Mesone; Eli T. Mesone; Eli T. Mesoni; Eli Mesonis; W. S. Sikes; W. R. Sikes.

Complainants further allege that they and before them Hattie B. Moore, from whom they claim title, have had possession of said lands for the past

ten years and that no other persons are known to your complainants to have had any possession whatsoever of said lands or any part thereof within the 10 years next preceding the filing of this bill of complaint and that no one is known to complainants to claim this land or any part thereof, or any interest therein, except complainants and the following named persons:-

Richard Hampson; J. P. Mix; A. B. McCorvey; George Terrill; J. M. Hobdy; H. S. Derby; Eli T. Mesone; W. S. Sikes; W. R. Sikes; A. B. Spinney; John Innerarity; Marmaduke H. Bell; Abigah Sterdivant; Willis Sturdivant; Abashaba Ard; Dr. Isaac Hulsey; Joseph Suarez Sr.; James M. McIntosh; James Farley Cox; John R. Brooks; Sterrett Ramsey; John Lacoste; Rowena Lacoste; Cyrus Lacoste; Irene Lacoste; Jane Lacoste; Fernando Lacoste; Augustine Lacoste; Claudine Roberts; Corinne Barlow; Patte Simmons; Frank Suarez; Aubrey Suarez; A. Suarez; John S. Feli; John E. Milstead; John I. Milstead; Anson B. Spinney; Robert T. Saunders; Robert Joyner; Harold Hobdy; C. S. Rabb; Ille Trallo Mesone; A. Chapman; Eli T. Mesoni; Baldwin County Colonization Company; Southern States Lumber Company; Southern Dredging Company; Southern States Land and Timber Company; John Greenwood; Joel E. Mathews and Joel E. Mathews Jr.; Joseph Suarez; Augustine T. Crosby; Esme Crosby; J. B. Ray; W. E. Kerwin Jr.; J. Bauer; A. H. Sturdivant; all of whose residences and addresses are unknown to complainants. The heirs and devisees of A. Suarez, deceased, who upon information and belief are alleged to be:- Lizzie Suarez whose residence and address is Perdido Beach Alabama; Therman Suarez, Norman Suarez, Randolph Suarez, Mina Suarez, Elmer Suarez, whose residences and addresses are Pensacola Florida; Corona Suarez and Menina Katherine Suarez whose residences and addresses are unknown to complainants; Gasque Stares whose residence and address is 905 Marine Street, Mobile Alabama. The heirs and devisees of John G. Fell, deceased, who upon information and belief are alleged to be:- Fannie Fell, Lizzie Fell Gonzales, Wesley Fell, Frank Fell, Violet Fell, Agnes Fell Bowman, Lela Quarrier all of whose residences and address is Pensacola Florida; Mrs. Henri Fell Rogers whose residence and address is Century Florida. The heirs and devisees of John I. Milstead, deceased who upon information and belief are alleged to be Georgia H. Milstead whose residence and address is 1258 Springhill Avenue Mobile Alabama; Leon Milstead whose residence and address is Perdido Beach Alabama; Annie Milstead, Roy Milstead, Hampton Milstead, Hasting Milstead, Dudley Milstead, all of whose residences and addresses are Pensacola Florida; Viola LeBlanc whose residence and address is 664 St. Francis Street, Mobile

Alabama; Quinton W. Welsh; Son Welsh and addresses as complainants.

Williamene Nix address is Milv Jackson, Fred Price, Leonard residences and address to be, upon information, Pensacola, Florida.

The heirs and devisees of Randolph Suarez, deceased, information and belief, are:- Mildred Suarez and Ketterer whose residences are Perdido Beach Alal rey Suarez whose residence address is Lillian Alabarja; Suarez whose residence and address is 905 Marine Street Mobile A. W. R. Suarez whose residence address is Pensacola Florida; Mrs. McPherson whose residence and address is 1019 Westwood Avenue, Santa Georgia; Therman Suarez whose residence and address is E. Merc Street Pensacola Florida; Norma Suarez whose residence and address is 1020 E. Jackson Street Pensacola Florida.

The heirs and devisees of Frank Suarez deceased, who upon information and belief, are alleged to be:- Mrs. Ethel McGill whose residence and address is 1000 E. Cervantes Street Pensacola Florida; Mrs. Carrie Crona whose residence and address is Cervantes Street Pensacola Florida.

The heirs and devisees of Aubrey Suarez, deceased, who upon information and belief is alleged to be Lizzie Suarez whose residence and address is Perdido Beach Alabama.

The heirs and devisees of Fred Hatch deceased, who is Lucie P. Hatch whose residence and address is on Mabry Street, Selma Alabama.

Henry Goldthwaite whose residence and address is Ancon, Canal Zone. George C. Randolph whose residence and address is Foley Alabama.

Fannie Fell whose residence and address is Pensacola Florida. George W. Robinson whose residence and address is Pensacola Florida. Henry C. Bartling also known as H. C. Bartling whose residence and address is Elberta, Alabama.

Anna E. Foley whose residence and address is 1436 Astor Street, Chicago, Illinois.

Complainants pray the court to establish their right or title to such lands and clear up all doubts or disputes concerning the same and decree that complainants are the owners in fee simple of said lands and that no other person has any title to or interest in or lien or incumbrance upon said lands or any part thereof.

Witness my hand this 23rd day of September, 1930.

T. W. Richerson, Register of the Circuit Court of Baldwin County, Alabama.

George A. Sossaman, Solicitor for complainants.

34 4t

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

Helen Moore Bristol, Amanda Moore Moore, a non compos mentis, suing by Goldthwaite, and Rittenhouse R. his next friend Sadie W. Moore who is his legal Guardian under the laws of Virginia.

Complainants,
VS

Those certain tracts of land in the County of Baldwin, State of Alabama, described as follows:-

(a) North East quarter of Section 9 Township 8 South Range 6 East.

(b) South East quarter of Section 9 Township 8 South Range 6 East.

(c) North West quarter of Section 10 Township 8 South Range 6 East.

(d) South West quarter of Section 9 Township 8 South Range 6 East.

(e) South East quarter of Section 9 Township 8 South Range 6 East.

(f) North East quarter or Lot A of Section 9 Township 8 South Range 6 East.

(g) North West quarter or Lot B of Section 9 Township 8 South Range 6 East.

(h) South West quarter or Lot A of Section 9 Township 8 South Range 6 East.

(i) East half of North West quarter and fractional East half of South West quarter which is also designated as Lot D of Section 9 Township 8 South Range 6 East.

(j) Also the East fractional half of Section 9 (which is also designated as Lots A, B and C of Section 9) and the West fractional half of Section 10, excepting from said East fractional half of Section 9 and the West fractional half of Section 10, that certain 100 acres now or formerly owned by James Crosby, which begins at the South East corner of Francis Suarez claim, thence running West to the South West corner of said claim; thence South such a distance that a line running from thence East to Perdido Bay will include 100 acres, the North and South boundaries of said 100 acres being parallel; the said excepted lands being the same conveyed to Abashaba Ard from Marion J. Milstead and wife by deed dated February 23rd 1886 and recorded in Record Book 1 pages 155 and 156 of the Probate Records of Baldwin County, Alabama.

And also excepting from said East fractional half of Section 9 and West fractional half of Section 10 so much thereof as lies within those certain lots which front on Perdido Bay and are numbered 1 to 34 inclusive, and are according to a certain plat made by N. L. Durant, County Surveyor, and filed for record on March 6th 1908 and recorded in Miscellaneous Book 1 on page 228 of the Pro-

of Soldiers Creek, containing about 30 acres, described as follows:-

Beginning at the point designated on Soldiers Creek near Colonel Hatch's residence, where Colonel Hatch and Spinney lands join; then following the contour of Soldier Creek to the North side of a small bayou to the line of Section 17 dividing the Spinney lands from that of Southern States Land and Timber Company; thence 68 yards North along said line; thence 517 yards due East to the land of Col. Arnold and Nash; thence in a South-westwardly direction along their line to the point of beginning; all in Baldwin County, Alabama, in Section 17 and in the Joseph Suarez Grant in Section 16 Township 8 South Range 6 East.

PRAYER EXCEPTION:- Also except those certain lots which front on Perdido Bay and are numbered from 1 to 34 inclusive and are according to a certain plat made by N. L. Durant, County Surveyor and filed for record on March 6th 1908 and recorded in Miscellaneous Book 1 on page 228 of the Probate records of Baldwin County, Alabama. All of which said exceptions hereinabove described lie South and East of a certain line which is described as follows:- Beginning at a point on the West boundary line of said Joseph Suarez Grant, which said point is 4248 feet South of the North West corner of said Joseph Suarez Grant, thence running due East 1795 feet to a point; thence running North 43 degrees East 677 feet to a point; thence running North 50 degrees 50 minutes West 462 feet to a point; thence running North 43 degrees 30 minutes East to a point where said line so run intersects the North line of said Joseph Suarez Grant, which said line is shown by that certain map made by George C. Randolph surveyor which is recorded in Miscellaneous record number 1 on pages 318 and 319 of Baldwin County, Alabama.

(1) Also the following described lots and parts of lots lying on or near Perdido Bay being part of the survey made for Daniel Partridge, recorded in Map Book 1 page 228 of the records in the office of the Judge of Probate of Baldwin County, Alabama, to-wit:- All of Lot 1 and so much off the South West ends of lots 2 to 8 both inclusive, North of Emanuel Bayou, and off the Northwest ends of lots 8 to 19 both inclusive, South of Emanuel Bayou, as lie within the following described boundaries, to-wit:-

Begin at a stake on the South line of said lot number 1 which point is 900 feet Westwardly from the shore of Perdido Bay as measured along said South line of said lot number 1; thence run at right angles to said South line of lot number 1 in a South-easterly direction to the shore of Perdido Bay; thence run in a Westwardly and

Post Office Department
OFFICIAL BUSINESS
REGISTERED ARTICLE
No. _____
INSURED PARCEL
No. _____

Penalty for Private Use to Avoid Payment of Postage 500

POSTMARK OF DELIVERING OFFICE
AND DATE OF DELIVERY

Return to J. M. Rice
Street and Number, or Post Office Box
Post Office at Bay Minniette
State Ala

Rev. 3-24 16-5116

Handwritten: Card # 928

Vertical stamp: Received March 17/17

Post Office Department
OFFICIAL BUSINESS
REGISTERED ARTICLE
No. _____
INSURED PARCEL
No. _____

Penalty for Private Use to Avoid Payment of Postage 500

POSTMARK OF DELIVERING OFFICE
AND DATE OF DELIVERY

Return to J. M. Rice
Street and Number, or Post Office Box
Post Office at Bay Minniette
State Ala

Rev. 3-24 16-5116

Handwritten: Card # 928

Post Office Department
OFFICIAL BUSINESS
REGISTERED ARTICLE
No. _____
INSURED PARCEL
No. _____

Penalty for Private Use to Avoid Payment of Postage 500

POSTMARK OF DELIVERING OFFICE
AND DATE OF DELIVERY

Return to J. M. Rice
Street and Number, or Post Office Box
Post Office at Bay Minniette
State Ala

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BAY MINETTE, ALA.,

June 25 193 *2*

W. W. Robinson

Co. Clerk

IN ACCOUNT WITH

G. W. HUMPHRIES

JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Privilege Tax

Rec. Fee

Total

Deed
Rec. Mort. from *Blair Moore Estate vs J B Ray et al*

4.50

Paid
6/25/32
G. W. Humphries
Co. Clerk

The State of Alabama, }
Baldwin County

Nelen Moore Bristol

Complainant.....

vs.

J. B. Ray, et al

Defendant.....

**CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA**

In Equity.

The

Solicitor for Complainant

requests the oral examination of the following named witnesses, on behalf of the

<i>Complainant</i>	viz:
<i>George A. Sossaman,</i>	
<i>Henry C. Bartling,</i>	
<i>Geo. C. Randolph,</i>	<i>Foley</i>
<i>Robert C. Randolph</i>	<i>Foley</i>
<i>Frank Parker</i>	<i>Foley</i>
<i>John L. Davis</i>	<i>Foley</i>
<i>L. W. Brannan</i>	<i>Trupestine man near Foley</i>
<i> Rufus A. Hee</i>	<i>Foley or Perdido Beach</i>
<i>Alex Remondo</i>	<i>Perdido Beach</i>
<i>Fred M. Smith</i>	<i>Perdido Beach</i>
<i>H. M. Hall</i>	<i>Bay Minette</i>

said witnesses reside in the County of

Baldwin

State of Alabama.

who resides at

T. H. Richerson, or, The Register of this Court is suggested as a suitable person to be appointed Commissioner to take the deposition of said witness on such oral examination.

This 2nd day of Sept, 1931

Solicitor for

Complainant

att for Thursday Sept 10th 1931

CIRCUIT COURT OF
Baldwin County, Alabama

IN EQUITY

Helen Moore Bristol

Complainant..

VS.

J. B. Ray et al.

Defendant..

DEMAND FOR ORAL EXAMINATION

Filed *Sept 2* 19*31*

D. W. Rickey Register.

Moore Printing Co. Bay Minette, Ala.

J. C. Jenkins

Wybert Heard & Chason

J. B. Ray (Canoe Ala)

Beebe & Hall

Desmet Morgan

(a) North East quarter of Section 6 Township 8 South Range 6 East.
(b) South East quarter of Section 9 Township 8 South Range 5 East.
(c) North West quarter of South West quarter of Section 10 Township 8 South Range 5 East.
(d) South West quarter of Section 5 Township 8 South Range 6 East.
(e) South East quarter of Section 6 Township 8 South Range 6 East.
(f) North East quarter of Lot A of Section 7 Township 8 South Range 6 East.
(g) North West quarter or Lot B of Section 8 Township 8 South Range 6 East.
(h) South West quarter or Lot A of Section 8 Township 8 South Range 6 East.
(i) East half of North West quarter and fractional East half of South West quarter which is also designated as Lot D of Section 9 Township 8 South Range 6 East.
(j) Also the East fractional half of Section 9 (which is also designated as Lots A, B and C of Section 9) and the West fractional half of Section 10, excepting from said East fractional half of Section 9 and the West fractional half of Section 10, that certain 100 acres now or formerly owned by James Crosby, which begins at the South East corner of Francis Suarez claim, thence running West to the South West corner of said claim; thence South such a distance that a line running from thence East to Perdido Bay will include 100 acres, the North and South boundaries of said 100 acres being parallel; the said excepted lands being the same conveyed to Abashaba Ard from Marion J. Milstead and wife by deed dated February 23rd 1886 and recorded in Record Book 1 pages 155 and 156 of the Probate Records of Baldwin County, Alabama.
And also excepting from said East fractional half of Section 9 and West fractional half of Section 10 so much thereof as lies within those certain lots which front on Perdido Bay and are numbered 1 to 34 inclusive, and are according to a certain plat made by N. L. Durant, County Surveyor, and filed for record on March 6th 1908 and recorded in Miscellaneous Book 1 on page 228 of the Probate Records of Baldwin County, Alabama. All being in Township 8 South Range 6 East.
(k) Also the Joseph Suarez Grant designated as Section 16 on a certain map of the Government of the United States, said section being bounded on the North by the South line of subdivisions C and D of Section 8 and the South lines of subdivisions D and E of Section 9; bounded on the East by the West line of subdivisions A, C and D of Section 17 and bounded on the other side by Perdido Bay. All being in Township 8 South Range 6 East of Baldwin County, Alabama. Excepting therefrom the following tracts or parcels of land, viz:-
FIRST EXCEPTION:- That certain tract of land conveyed by John G. Fell and Fannie P. Fell to George Randolph Suarez by deed dated May 22nd 1878 and recorded in Deed Book K page 765 of the records of Baldwin County, Alabama, and afterwards acquired by Lemuel D. Hatch and more particularly described as follows:-
Lot or parcel of land to include 20 acres, the same to be known and designated by a line running across Soldiers Creek Point, and said land to be situated on the West side of said line, the said line to be the boundary on the East; Soldiers Creek on the West and Perdido Bay on the South, and to run West from said line to include Soldiers Creek Point, West of said line or as much as may be required to make 20 acres; said line will cross Soldiers Creek Point from the March opposite the Hammock to the head of the Bayou in the West, being head of Soldiers Creek water. Said line to be identified by Aubrey Suarez, John G. Fell and George R. Suarez.
SECOND EXCEPTION:- Also except that certain tract of land conveyed by Abashaba Ard and Reuben Ard her husband, to James S. Shannon and George R. Robbins, by deed dated March 12th 1888 and recorded in Book 6 page 622 of the Probate Records of Baldwin County, Alabama, and more particularly described as, to-wit:- Beginning at a point of intersection of the North East corner of the tract of the North East quarter of Section 6 Township 8 South Range 6 East, to the point of beginning; all in Baldwin County, Alabama, in Section 17 and in the Joseph Suarez grant in Section 18 Township 8 South Range 6 East.

FOURTH EXCEPTION:- Also except those certain lots which front on Perdido Bay and are numbered from 1 to 34 inclusive and are according to a certain plat made by N. L. Durant, County Surveyor and filed for record on March 6th 1908 and recorded in Miscellaneous Book 1 on page 228 of the Probate Records of Baldwin County, Alabama. All of which said exceptions hereinabove described lie South and East of a certain line which is described as follows:- Beginning at a point on the West boundary line of said Joseph Suarez Grant, which said point is 4248 feet South of the North West corner of said Joseph Suarez Grant, thence running due East 1796 feet to a point; thence running North 43 degrees East 677 feet to a point; thence running North 50 degrees 56 minutes West 462 feet to a point; thence running North 43 degrees 30 minutes East to a point where said line so run intersects the North line of said Joseph Suarez Grant, which said line is shown by that certain map made by George C. Randolph surveyor which is recorded in Miscellaneous record number 1 on pages 318 and 319 of Baldwin County, Alabama.
(1) Also the following described lots and parts of lots lying on or near Perdido Bay being part of the survey made for Daniel Partridge, recorded in Map Book 1 page 228 of the records in the office of the Judge of Probate of Baldwin County, Alabama, to-wit:- All of Lot 1 and so much off the South West ends of lots 2 to 8 both inclusive, North of Emanuel Bayou, and off the Northwest ends of lots 8 to 19 both inclusive, South of Emanuel Bayou, as lie within the following described boundaries, to-wit:- Begin at a stake on the South line of said lot number 1 which point is 900 feet Westwardly from the shore of Perdido Bay as measured along said South line of said lot number 1; thence run at right angles to said South line of lot number 1 in a Southwesterly direction to the shore of Perdido Bay; thence run in a Westerly and Southwestwardly direction along the shore of Perdido Bay to the mouth of Emanuel Bayou; thence along the Northern shore or margin of Emanuel Bayou in a Westerly or Northwardly direction following the Western end of said Bayou to 19 to a line in a Southwesterly direction to the West line of lot 19; a line in a Northwesterly direction along the Southwesterly line of lot 19 to a stake on the Northwest line of lot 19; thence in a Northeastwardly direction along the Northwest line of lot 19 to the North line of lot 19; and along an extension of said North and East line to the Northeast shore or margin of the Northern branch of said bayou; thence in a Northwestwardly or Northern direction along the Northeast shore or margin of said bayou to a point where the South line of said lot number 1, if extended, would intersect said margin of said bayou; thence in an Easterly or Northwesterly direction along the extension of said South line of said lot number 1 and along the South line of the lot 1 and along the point of beginning. The itself, to the point of beginning. The area included within said bounds, when added to the area of said lot 1 is exactly 111 acres, all lying in Baldwin County, Alabama; the total area of the land conveyed being 1200 acres. Also the right to use that part of the bayou not included in the grant, and to pass in and out of it, from and to the Bay such use, however, shall not obstruct or interfere with the use of the other parties owning lands upon said bayou. All in Baldwin County, Alabama.
(m) Also Lots 1, 2, 15, 16 in Crystal Lake Annex, and all that land lying East of Lots 15 and 16 to the middle of the inlet lying East of said lots; all according to the map of Crystal Lake Annex recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1 page 125. All said land lying in Baldwin County, Alabama.
EXCEPTING HOWEVER FROM ALL OF THE ABOVE PARCELS OF LAND that lot of land in the County of Baldwin, State of Alabama, described as follows, viz:- Lots 14, 15, 16, 17, 18, 19, 20, of Block 5; Lots 5, 6, 7, 8 of Block 4; the entire Block 8 and the entire Block 9 all according to a certain plat of parts of

ADVANCE LOCATION

ITE, ALA.

LICATION

being duly sworn, deposes and says that he is
TIMES, a Weekly Newspaper published at Bay
that the notice hereto attached of

Bristol

Tracks of Lands etc

or 4 consecutive weeks in the following

1930	Vol. 41	No. 34
1930	Vol. 41	No. 35
1930	Vol. 41	No. 36
1930	Vol. 41	No. 37

day of

R. D. Vail

Publisher.

complainant against the
of said lands and persons.
The bill of complaint alleges that
the complainants claim the entire fee
that they derive their title to said
lands by inheritance from Hattie B.
Moore, deceased, who owned these
lands at the time of her death and
died intestate leaving complainants as
her only heirs at law.

The bill of complaint further alleges
that the title to said lands stands on
the records in the Probate Court of
Baldwin County, Alabama in the name
of the following persons:-

The land described in description (a)
in the name of John Innerarity; the
land in description (b) in the name of
John Greenwood as to the South
West quarter of the South East quar-
ter of Section 9 Township 8 South
Range 5 East, and in the name of
Robert T. Saunders as to the East
half and North West quarter of the
South East quarter of Section 9 Town-
ship 8 South Range 5 East; the land
in description (c) in the name of
Robert T. Saunders; the land in des-
cription (d) in the name of Robert
Joyner and George Terrill; the land
in descriptions (e), (f) and (g) in the
name of George Terrill; the land in
description (h) in the name of Mar-
maduke H. Bell; the land in descrip-
tion (i) in the name of Abigah Ster-
divant; the land in description (j) in
the name of Abigah Sterdivant as to
fractional lots A and B of Section 9
Township 8 South Range 6 East and
in the name of Willis Sturdivant as
to the fractional lot C of Section 9
and the West fractional half of Sec-
tion 10 Township 8 South Range 6
East; the lands in descriptions (k)
and (m) in the name of Dr. Isaac
Hulse; the land in description (l) and

have had any possession w
of said lands or any part ther
in the 10 years next prece
filling of this bill of compl
that no one is known to com
to claim this land or any par
or any interest therein, exc
plainants and the following
persons:-

Richard Hampson; J. P. M
McCorvey; George Terrill
Hobby; H. S. Derby; Eli T
W. S. Sikes; W. R. Sikes; A
ney; John Innerarity; Marn
Bell; Abigah Sterdivant; W
divant; Abashaba Ard; Dr.
se; Joseph Suarez Sr.; Jam
Intosh; James Farley Cox;
Brooks; Sterrett Ramsey;
coste; Rowena Lacoste;
coste; Irene Lacoste; Jan
Fernando Lacoste; Augustin
Claudine Roberts; Corinn
Patite Simmons; Frank Su
rey Suarez; A. Suarez; Joh
John E. Milstead; John I
Anson B. Spinney; Robert
ders; Robert Joyner; Har
C. S. Rabb; Ille Trailo
Chapman; Eli T. Mesoni
County Colonization Comp
ern States Lumber Comp
ern Dredging Company;
States Land and Timber
John Greenwood; Joel
news and Joel E. N
Joseph Suarez; Augustine
Esme Crosby; J. B. Ray;
win Jr.; J. Bauer; A. H.
all of whose residences a
are unknown to complai
heirs and devisees of A.
ceased, who upon informa
lief are alleged to be; l
whose residence and ad
dido Beach Alabama; T
res, Norman Suarez, Ran
residences and address

