

STATE OF ALABAMA
COUNTY OF BALDWIN

IN CIRCUIT COURT
IN EQUITY

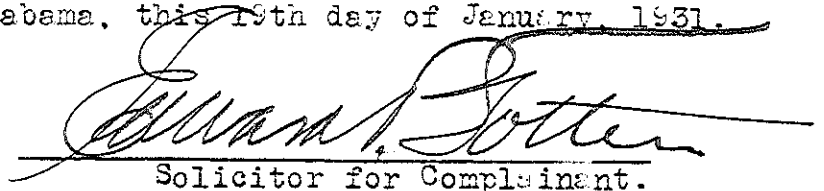
CHARLES A. NELSON, Complainant,

vs.

TOM LONG, C. H. STEWART, et al.,
Defendants.

Now comes Edward P. Totten, Solicitor of record for the Complainant in the above named cause, and respectfully shows to the Court that, subsequent to the date of the filing of the Bill of Complaint herein, and after the publication of Notice to Defendants, he learned that one of the Defendants named, to-wit: Tom Long, sometimes known as T. L. Long, is a resident of the state of Alabama, at the city of Montgomery therein, and he therefore asks that a Summons may issue in regular form for service on the said Defendant, together with a copy of the Bill of Complaint, personally at his place of residence in said city.

Dated at Fairhope, Alabama, this 19th day of January, 1931.


Solicitor for Complainant.

CHARLES A NELSON,

Complainant,

VS.

TOM LONG, ET AL.,

Respondents.

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

NO. 933.

This cause coming on to be heard is submitted on demurrer to the original bill of complaint, and upon a consideration thereof, the Court is of the opinion that said demurrer is well taken and should be sustained.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that said demurrer be, and the same hereby is, sustained.

The Complainant hereby is allowed thirty days from the date of this decree within which to amend his original bill of complaint.

This the 27th., day of March, 1931.

J. W. Hase
Judge.

CHARLES A. NELSON,
Complainant,
vs.
TOM LONG ET AL.,
Defendants.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA. IN EQUITY.
NO. 933.

And now come the defendants and demur to the amended bill of complaint in the above styled cause filed on April 27, 1931, and for grounds of demurrer thereto say:

1. That there is no equity in the bill.
2. That said bill does not describe the lands in controversy with sufficient certainty.
3. That the bill affirmatively shows that the complainant is not in the actual peaceable possession of said lands.
4. That the bill alleges that J. T. Haman during the past two years has been in possession of said lands.
5. That the said bill affirmatively shows that the land described in said bill has for the past ten years next preceding the filing of the bill of complaint been assessed by H. W. Long and C. W. Stewart, two of the defendants.
6. That the bill on its face shows that the complainant has not for a period of ten or more consecutive years next preceding the filing of this bill paid any taxes on said land.

Beebe & Hare
Attorneys for Defendants.

CHARLES A. NELSON,
Complainant,
vs.
TOM LONG ET AL.,
Defendants.

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

NO. 935.

Come the defendants in the above styled cause and demur
to the Complainant's Original Bill of Complaint, and for ground
thereto say:

1. For that there is no equity in the Bill.
2. For that said Bill is vague and indefinite.
3. For that said Bill does not describe the land in
controversy with sufficient certainty.
4. For that said Bill does not state specifically
what claim, title or interest in or to said land Complainant claims
to have.
5. For that said Bill does not set out from whom said
land was obtained.
6. For that said Bill does not show in whose name the
title to said land or the interest therein claimed by complainant
stands upon the records of the Probate Court of Baldwin County,
Alabama.
7. For that said Bill does not state who has during
the ten years next preceding the filing of this Bill of Complaint
paid the taxes upon said land.
8. For that said Bill does not set out who, if anyone,
other than the Complainant, has had possession of all or any part
of said lands during the ten years next preceding the filing of
the Bill of Complaint.

Beebe & Free
Solicitors for Defendants.

CHARLES A. NELSON, Complainant,

vs.

TOM LONG, et al., Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY, - - No. 933

AMENDED BILL OF COMPLAINT

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT:

Humbly complaining, your Orator, Charles A. Nelson, brings this bill of complaint, as amended, against Tom Long, C. H. Stewart, Long and Stewart, a copartnership composed of Tom Long and C. H. Stewart, H. W. Long, T. L. Long and wife M. A. Long, J. W. Stewart, C. H. Stewart, Jr., and that certain parcel or tract of land in Baldwin County, Alabama, particularly described as the North Half of Government Subdivision number Six, in Fraction Section Twenty-Six, Township Seven south, Range Two east, and respectfully shows unto the Court that:

Complainant and each of the individual Defendants named are each over the age of twenty-one years, and are mentally competent, and that Complainant resides in Baldwin County, Alabama; that each of the individual Defendants named, except Tom Long who resides in Alabama, resides outside of the state of Alabama but their particular places of residence outside of this state are to your orator unknown and cannot be ascertained by him after making diligent inquiry; that the land particularly described above is situated and located in Baldwin county, in the state of Alabama;

Complainant alleges that he is the owner in fee simple of the land described above, under and by virtue of a deed of quitclaim from J. W. Frost, the former record title owner of such tract, and that the title and interest in such lands claimed by your orator stands upon the records of the Probate Court of Baldwin county in their name of complainant, Charles A. Nelson, and that no suit is pending, either at law or in equity, to enforce or test the validity of his title or claim, but that his title thereto is denied or disputed by the Defendants, or one or more of them, or the Defendants or one or more of them are reputed to claim or own the land described, or a part thereof, or an interest therein or a lien or encumbrance thereon;

Complainantx alleges that, during all of the time within the ten years next preceding the date of the filing of this Bill, none of the Defendants have ever been in possession of said tract of land, but that during all of such period the possession of such tract has been in this Complainant and the former owner thereof, H. W. Frost, from whom Complainant derives his title, but it has come to Complainant's knowledge that during the past two years one J. T. Hamon has claimed under a reputed authorization from the Defendants, or one or more of them, the possession of said tract against this Complainant and his grantor J. W. Frost, but that there is nothing in the records of Baldwin county showing any interest in or claim to said land on the part of the said J. T. Hamon; that the records of Baldwin county show that the taxes assessed against the said land during the ten years next preceding the filing of this bill of complaint have been paid by H. W. Long, one of the Defendants, and one C. W. Stewart, and Complainant alleges, on information and belief, that it is on the basis of the payment of such taxes as stated that the Defendants, or one or more of them, claim some title or interest in the said described land; and for the reasons stated Complainant brings this suit against all of the Defendants and against the land described to settle the title to such lands and to clear up all doubts or disputes concerning the same.

THE PREMISES CONSIDERED, Complainant prays that your Honor will take jurisdiction of the cause made by this Bill of Complaint and that, by the proper process issuing to them from this Court, all of the Defendants named may be made parties hereto and be required to answer the charges herein made against them, in all things as required by the rules and practice of this court; that due publication be made and had against the non-resident Defendants and the land involved in this suit, and that all of the parties named may be required, and Complainant hereby calls upon them to do so, to set forth and specify their title, claim, interest or encumbrance in or on the land described, and to state how and by what ~~instrument~~ the same is derived and created.


COMPLAINANT PRAYS that, upon the final hearing of this cause, your Honor will order, adjudge and decree that Complainant has title to said land and that none of the Defendants have any right or ~~title~~ title thereto, and further prays that the title to said land may by the

decree of this Court be settled and vested in Complainant and his title thereto cleared of all doubts and disputes. Complainant prays for such other, further or different relief as in equity and good conscience may be due him in the premises if he has in anywise prayed or asked amiss of this Honorable Court.


Solicitor for Complainant

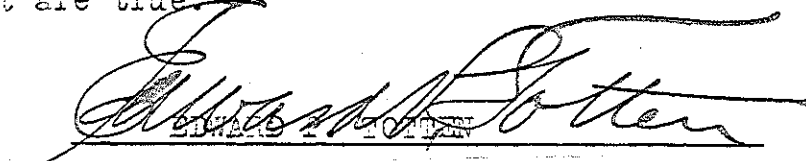
FOOT-NOTE:

The Defendants are required to answer each and every of the allegations contained in the foregoing Bill of Complaint but not under oath, as answer under oath is hereby expressly waived.

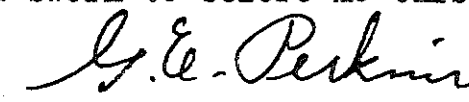

Solicitor for Complainant.

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, G. E. Perkins, a Notary Public in and for said county and state, personally appeared Edward P. Totten, who being duly sworn on oath says that he is the solicitor for Complainant in the foregoing cause, and affiant is informed and believes and, upon such ~~allegation~~ ~~xxxx~~ information and belief, states that the allegations of the foregoing bill of complaint are true.


EDWARD P. TOTTER

Subscribed and sworn to before me this 25th day of April, 1931.


G. E. PERKINS
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

We hereby accept service of the
amended Complaint in this
Cause
Perkins & Totten

5/9/31

CHARLES A. NELSON, Complainant.

IN THE CIRCUIT COURT OF

vs.

BALDWIN COUNTY, ALABAMA,

TOM LONG, et al., Defendants.

IN EQUITY, -- No. 933

AMENDED BILL OF COMPLAINT

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT:

Humbly complaining, your orator, Charles A. Nelson, brings this bill of complaint, as amended, against Tom Long, C. H. Stewart, Long and Stewart, a copartnership composed of Tom Long and C. H. Stewart, H. W. Long, T. L. Long and wife M. A. Long, J. W. Stewart, C. H. Stewart, Jr., J. T. Haymon, and that certain parcel or tract of land in Baldwin County, Alabama, particularly described as the North Half of Government Subdivision number Six, in Fraction Section Twenty-six, Township Seven South, Range Two East, and respectfully shows unto the Court that:

Complainant and each of the individual Defendants named are each over the age of twenty-one years, and are mentally competent, and that Complainant resides in Baldwin County, Alabama; that each of the individual Defendants named, except Tom Long and J. T. Haymon, who reside in Alabama, resides outside the state of Alabama but their particular places of residence outside of this state are to your orator unknown and cannot be ascertained by him after making diligent inquiry; that the land particularly described above is situated and located in Baldwin County, in the state of Alabama;

Complainant alleges that he is the owner in fee simple of the land described above, under and by virtue of the deed of quitclaim from J. W. Frost, the former record title owner of such tract, and that the title and interest in such lands claimed by your orator stands upon the records of the Probate Court of Baldwin County in the name of Complainant, Charles A. Nelson, and that no suit is pending, either at law or in equity, to enforce or test the validity of his title or claim, but that his title thereto is denied or disputed by the Defendants, or one or more of them, or the Defendants or one or more of them are reputed to claim or own the land described, or a part thereof, or an interest therein or a lien or encumbrance thereon;

Complainant alleges that during all of the time within the ten years next preceeding the date of the filing of this bill, none of the Defendants have ever been in possession of said tract of land, but that during all of such period the peaceful possession of such tract has been in this Complainant and the former owner thereof, J. W. Frost, from whom the Complainant derives his title, but it has come to Complainant's knowledge that during the past two years one J. T. Hamon has claimed under a reputed authorization from the Defendants, or one or more of them, the possession of said tract against this Complainant and his grantor, J. W. Frost, but that there is nothing in the records of Baldwin County showing any interest in or claim to said land on the part of the said J. T. Hamon; that the records of Baldwin County show that the taxes assessed against the said land during the ten years next preceeding the filing of this bill of complaint have been paid by M. W. Long one of the Defendants, and one C. W. Stewart, and Complainant alleges, on information and belief, that it is on the basis of the payment of such taxes as stated that the Defendants, or one or more of them, claim some title or interest in the said described land; and for the reasons stated Complainant brings this suit against all of the Defendants and against the land described to settle the title to such lands and to clear up all doubtful disputes concerning the same.

THE PREMISES CONSIDERED, Complainant prays that you Honor will take jurisdiction of the cause made by this bill of complaint and that, by the proper process issuing to them from this Court, all of the Defendants named may be made against them, in all things as required by the rules and practice of this Court; that due publication be made and had against the non-resident Defendants and the land involved in this suit, and that all of the parties named may be required, and Complainant hereby calls upon them to do so, to set forth and specify their title, claim, interest or encumbrance in or on the land described, and to state how and by what interest the same is derived and created.

COMPLAINANT PRAYS that, upon the final hearing of this cause, Your Honor will order, adjudge and decree that Complainant has title to said land and that none of the Defendants has any right or title thereto, and further prays that the title to said land may by the

Solicitor for Complainant.

Solicitor for Complainant.

STATE OF ALABAMA
COUNTY OF BALDWIN

~~EDWARD J. TOTTEN~~

G. E. PERKINS
Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA
COUNTY OF BALDWIN

IN CIRCUIT COURT
IN EQUITY

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT:

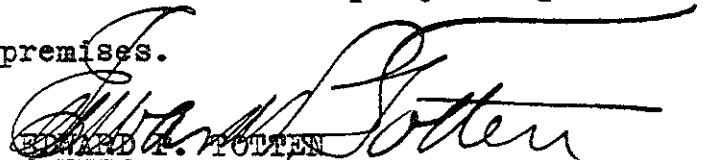
Humbly complaining, your Orator, Charles A. Nelson, brings this bill of complaint against Tom Long, C. H. Stewart, Long and Stewart, a copartnership composed of Tom Long and C. H. Stewart, H. W. Long, T. L. Long and wife M. A. Long, J. W. Stewart, C. H. Stewart, Junior, and that certain land in Baldwin County, Alabama, particularly described as the North Half of Government Subdivision number Six, in Fractional Section Twenty Six, Township Seven South, Range Two East, and respectfully shows that:

Complainant and the individual Defendants named are each over the age of twenty-one years, and that Complainant resides in Baldwin County, Alabama; that each of the individual defendants resides outside of the state of Alabama but their particular places of residence outside of this state are to your orator unknown and cannot be ascertained after making diligent inquiry; that the land particularly described is located in Baldwin County, Alabama.

Complainant alleges that he, is in possession of and claiming to own the land hereinbefore particularly described, that no suit is pending, either at law or in equity, to enforce or test the validity of his title or claim, but that his title thereto is denied or disputed by the Defendants, or one or more of them, or by other persons, or the Defendants or one or more of them or other persons claim or are reputed to own the said land or part thereof, or an interest therein or a lien or encumbrance thereupon, but, if any other persons than the individuals named do claim said land, Complainant does not know the names of such reputed claimants or their residences, and cannot ascertain them after making diligent inquiry, but for the reasons stated Complainant brings this suit against all of the Defendants and the land to settle the title to such lands and clear up all doubts or disputes concerning same.

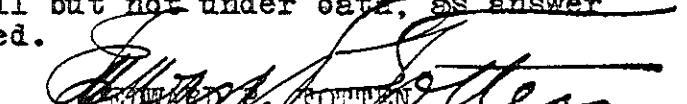
THE PREMISES CONSIDERED, Complainant prays that your Honor will take jurisdiction of the cause made by this bill of complaint and that, by the proper process issuing to them from this Court, all of the defendants named may be made parties respondent hereto and be required to answer the charges herein made against them, in all things as required by the rules and practice of this Court; that due publication be made and had against the non-resident Defendants, and the unknown claimants, and the land, and that all of the parties named and other persons claiming said land be required to answer the charges herein made in all things as required by the rules and practice of this Court, and Complainant herein calls upon them to set forth and specify their title, claim, interest or encumbrance on said land, and how and by what instrument the same is derived and created.

Complainant prays that, upon the final hearing of this cause, your Honor will order, adjudge and decree that Complainant has title to said land, and that none of the defendants have any title thereto, and further prays that the title to said land may by decree of this Court be settled and vested in Complainant and his title thereto cleared of all doubts or disputes. Complainant prays for such other, further or different relief as in equity and good conscience may be due him in the premises.


EDWARD P. TOTTEN
as Solicitor for Complainant

FOOT-NOTE:


The Defendants are required to answer each of the allegations contained in the foregoing bill but not under oath, as answer under oath is hereby expressly waived.


EDWARD P. TOTTEN
Solicitor for Complainant

STATE OF ALABAMA

COUNTY OF BALDWIN

Before me, G. E. Perkins, a Notary Public in and for said county and state, personally appeared Edward P. Totten, who being duly sworn says on oath that he is solicitor and attorney for the Complainant in the foregoing cause, and affiant is informed and believes and, upon such information and belief, states that the allegations of the foregoing bill of complaint are true.


EDWARD P. TOTTEN

Subscribed and sworn to before me this 21st day of November, 1930.


G. E. PERKINS

NOTARY PUBLIC BALDWIN COUNTY ALABAMA

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 Tom Long,

Montgomery Ala.

of Montgomery 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

Charles A. Nelson,

against said Tom Long et al,

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

WITNESS, T. W. Richerson, Register of said Circuit Court, this 22nd day of

January 1931.

T. W. Richerson Register

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

SERVE ON _____

Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

Chas. A. Nelson

vs.

Tom Long et al,

Resides with his son, Hon. Henry
S. Long, Chairman State Tax
Commission
Montgomery Ala.

Edw. P. Totten,

Solicitor for Complainant

Recorded in Vol _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 23 day of JAN 23 1931 1931
by SAM D. STEARNS Sheriff.

Executed this 23 day of

January 1931
by leaving a copy of the within Summons with
Tom Long

S D Stearns Defendant.
Sheriff.

By H. E. Bellent
Deputy Sheriff.

ORAL EXAMINATION

I, _____, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness____and read over to _____ and _____ signed the same in the presence of myself _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness .. or had proof made before me of the identity of said witness ; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this _____ day of _____ 19_____.

_____(L. S.)

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

VS.

RESPONDENT

ORAL DEPOSITION

Filed _____, 19____

_____, Register

RECORDED IN

_____, Record

Vol. _____ Page _____

_____, Register

ORAL EXAMINATION

I, _____, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness_____and read over to _____ and _____ signed the same in the presence of myself _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness .. or had proof made before me of the identity of said witness ; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this _____ day of _____ 19_____.

_____(L. S.)

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY
IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

RESPONDENT

ORAL DEPOSITION

Filed _____, 19_____

RECORDED IN _____, Register

Record

Vol. _____ Page _____

Register

The State of Alabama }
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

CHARLES A. NELSON,

COMPLAINANT

VS.

TOM LONG, ET AL.,

RESPONDENT

I, T.W. RICHMOND

as Register and Commissioner BALDWIN COUNTY, ALABAMA

have called and caused to come before me J.W. FROST, CHARLES A. NELSON and

HARRY H. PARKER

witness named in the Requirement for Oral Examination, on the 8 day of September

1932, at the office of REGISTER

in BAY MINETTE, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said J.W. FROST

doth depose and say as follows:

My name is Joseph William Frost; I sign my name as J.W. Frost; I am the Joseph Frost to whom John McKinsey gave a warranty deed in January 27, 1881 and I am the J.W. Frost who gave a quit-claim deed to Charles A. Nelson on September 1, 1930 for a part of the land I got from John McKinsey; I have never given any other deed ~~to any other person~~ Charles A. Nelson at any time to the land described in the deed to Charles A. Nelson.

CROSS EXAMINATION BY H.M. HALL:

I am seventy-one years of age and a resident of Perdido, Baldwin County, Alabama, where I have lived for the past 36 or 37 years. ~~I live about 60 miles from the land described in this bill of complaint and haven't seen it for a number of years.~~ I live about 60 miles from the land described in this bill of complaint and haven't seen it for a number of years. I have not assessed and paid any taxes on the land described in this bill of complaint for a number of years, in fact I do not recall of ever having assessed and paying taxes on said land. So far as I am concerned the land in question was allowed to remain idle and I did not go about it for I was busy making a living. I do not know whether or not the land in question was ever sold to anyone for the unpaid taxes thereon and I do not know when Long and Stewart or J.T. Hamen bought this land in question. I haven't been down to see the land and cannot say whether or not any of the defendants in the bill are in the actual possession thereof.

RE DIRECT EXAMINATION BY E.P. TOTTEN:

When I left the land described in this bill six or seven years after I received a deed for it I left it in charge of my uncle, Joseph Franklin Nelson, ~~and I left with him personal property with which to pay the taxes on this land.~~ I have been by this land two three times during the past few years and the last time about two years ago. I have never at any time received notice of delinquent taxes on this land or notice of the sale of this land for unpaid taxes.

RE CROSS EXAMINATION BY H.M. HALL:

I have neglected looking after this land in this bill for the past thirty years and neither I nor any one for me have exercised any actual possession of it. I remember Mrs. Canizer Lantron who was the wife of old man George Lantron. She lived in the neighbor-