

The State of Alabama,
Baldwin County.

No. 960. CIRCUIT COURT IN EQUITY.

Charles E. Nelson

Complainant

vs.

Estelle Nelson Dade et al,

Defendant

In this cause it appears to the Register

that a summons requiring the Defendant Estelle Nelson Dade, Albert Nelson

Eloise Nelson Lowell, Arthur H. Nelson, Mrs. Lucile Levins,

J. Morgan Nelson, J. W. Fulford, Robert Dixon, Henry Anderson,

W. L. Waters, Clifford Parnell,

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days
after the service of said Summons upon ~~them~~ the above named Defendants,

was served upon them by the Sheriff of Baldwin County, Alabama, on the
21st, day of April 1931, 19

And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint
to this date, it is now, therefore, on motion of Hybart Heard and Chason Atty's for
Complainant,

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things
taken as confessed against the said Estelle Nelson Dade, Albert Nelson,

Eloise Nelson Lowell, Arthur H. Nelson, Mrs. Lucile Levins,

J. Morgan Nelson, J. W. Fulford, Robert Dixon, Henry Anderson,

W. L. Waters, Clifford Parnell,

Defendant's aforesaid.

This 8th day of August 19 32

Register.

No. 960

Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Charles L. Nelson

vs.

Estelle Nelson Dade,

DECREE PRO CONFESSO ON
PERSONAL SERVICE

Issued August 8th, 1932, 19

Register.

Moore Printing Company, Bay Minette, Ala.

CHARLES E. NELSON
Complainant.

VS.

ESTELLE NELSON DAGE, et al
Respondents.

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

INTERROGATORIES PROPOSED BY RESPONDENT TO COMPLAINANT.

1. Please state under what title you are claiming the land described in the bill. Give in your answer a chain of title to same showing the nature of each conveyance, its date and place of record.

2. Are you in possession of the property? If so, how long have you been in such possession and what is the nature of your possession?

3. Does the possession claimed by you cover specifically that part of the tract upon which respondents Fullford, Dixon, Anderson, Waters and Parnell were seeking to cut timber from? Is it not a fact that they, or some of them, were in possession at the time this bill was filed?

Solicitor for Respondent
J. W. Fullford.

STATE OF ALABAMA.
COUNTY OF BALDWIN.

Before me, the undersigned Notary Public, personally appeared this day ELLIOTT G. RICKARBY who, being duly sworn, says that he is of counsel for respondent J. W. Fullford, and that answers to the foregoing interrogatories, if true, will be material evidence for respondent.

Subscribed and sworn to before me this 15th day of July, 1931.

Notary Public, Baldwin County, Alabama.

Bay Minette, Alabama, July 15th 1931

We hereby acknowledge receipt of two copies of the foregoing and waive further notice thereof.

Solicitors for Complainant.

The State of Alabama, Baldwin County.

IN CIRCUIT COURT, IN EQUITY.

Charles E. Nelson, Complainant

vs.

Lucile and Willard Nelson et al Respondent

I, W. W. Richerson, Register find from the Bill of complaint, that the above named minor respondent over the age of

fourteen years, named in the Bill of Complaint filed in the above styled cause, do hereby designate and appoint

J. E. Blackburn

their who is a practicing attorney, as my guardian ad litem to represent me in this cause.

This the 7th day of August, 1931.

W. W. Richerson Register

STATE OF ALABAMA, COUNTY.

I, _____, a Justice of the Peace for said County and State, hereby certify that

who is a minor over fourteen years of age, acknowledged before me this day that he executed the foregoing appointment of guardian ad litem on the day it bears date.

Justice of the Peace.

I, _____, the person designated by

_____, who is a minor over fourteen years of age,

to act as his guardian ad litem in the above styled cause, do hereby consent and agree to said appointment and

to act as such guardian ad litem.

J. E. Blackburn
Guardian Ad Litem.

for _____

No. _____

The State of Alabama,

COUNTY.

IN CIRCUIT COURT, IN EQUITY.

Wesley E. Hixson

VS: Complainant.

Jessie D. Hixson

Hixson
Defendant.

APPOINTMENT OF GUARDIAN AD LITEM BY MINOR
OVER 14 YEARS OF AGE.

Granted

Aug 7, 19*13*

Wm Hixson
Register.

STATE OF ALABAMA.
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE - GREETING:-

We command you that without delay you execute this writ and due return thereof to make to us instantly at a term of our

Circuit Court in Equity, to be held at Bay Minette, Alabama, on the
4th day of April, 1931.

TO J. W. RULFORD, ROBERT DIXON, HENRY ANDERSON, W. L. WATERS AND
CLIFFORD PARNELL - GREETING:-

WHEREAS, one Charles E. Nelson has exhibited his Bill of
Complaint in the said Circuit Court of Baldwin County, Alabama, in
Equity, and has obtained from the Hon. F. W. Hare, Judge of said
Court, an Order for the issuance of an Injunction to restrain and
enjoin you as hereinafter mentioned;

AND WHEREAS, the said Charles E. Nelson, in accordance
with said Order, entered into bond with security in the sum of Two
Hundred Fifty Dollars (\$250.00) payable to and approved by the
Register of said Circuit Court and conditioned according to Law.

NOW, THEREFORE, you the said J. W. Rulford, Robert Dixon,
Henry Anderson, W. L. Waters and Clifford Parnell are hereby com-
manded and strictly enjoined from trespassing upon the following
lands situated in Baldwin County, Alabama, to-wit:

South half (S $\frac{1}{2}$) of Lot Seven (7); South half (S $\frac{1}{2}$)
of Lot Eight (8); Lots Nine (9) and Ten (10), Trac-
tional Section Twenty-four (24) in Township Seven
(7) South of Range Two (2) East,

and from cutting or removing the timber thereon or therefrom and

from interfering with the possession of the said Charles E. Nelson
as to said lands until further orders of this Court.

WITNESS the hand of the Register and seal of said Circuit
Court in Equity, this 14th day of April, 1931.

Register.

ORIGINAL

CHARLES E. NELSON ET AL

ys-

T. W. FULFORD, et al.

IN THE CIRCUIT COURT- EQUITY
SIDE, BALDWIN COUNTY, ALABAMA

APRIL 14th, 1931.

REGISTER

James Coffey
J. W. Goodrich
Robert Dixon
Henry Goodenow
Wm. L. Goodenow
Clifford Barrett

W. B. D.

*Received
Dec 11/13
Wm Bennett
Shaw*

100-1-1400

The State of Alabama,
Baldwin County.

No. 960

CIRCUIT COURT, IN EQUITY

Charles E. Nelson,

Complainant

vs.

Estelle Nelson Dade et al,

Defendant S.

In this cause it appears to the Register,

that a Summons requiring the Defendant Estelle Nelson, Dade, J. Achibald Nelson,
Albert Nelson, Eloise Nelson, Lowell, Arthur H. Nelson, Mrs. Lucile Leavins,
J. Morgan Nelson, J. W. Fulford, Robert Dixon, Henry Anderson,
W. L. Waters, Clifford Parnell,

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the
 service of said Summons upon the said defendants,

was served upon _____ by the Sheriff of Baldwin County, Alabama, on the
21st, day of April 1931,

And the said Defendant S. having failed to demur, plead to or answer the said Bill of Complaint
 to this date, it is now, therefore, on motion of Complainant,

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as
 confessed against the said Estelle Nelson, Dade, J. Archibald Nelson, Albert Nelson,
Eloise Nelson, Lowell, Arthur H. Nelson, Mrs. Louise Leavins, J. Morgan
Nelson, J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters,
Clifford Parnell,

Defendant aforesaid.

This 3rd, day of August, 1931

W. R. Parnell

Register.

No. 960.

Page

The State of Alabama,
Baldwin County

Circuit Court In Equity

Charles E. Nelson,

vs.

Estelle Nelson Dade,

Decree Pro Confesso On
Personal Service.

Issued August 3rd, 1931. 19

W. H. Hester
Register.

The State of Alabama, { No. 960 CIRCUIT COURT IN EQUITY.
Baldwin County.

Charles E. Nelson Complainant

vs.

Estelle Nelson Dade. et al,

..... Defendant..S

Motion is hereby made for a Decree Pro Confesso against Estelle Nelson Dade,
~~Estelle Nelson Dade, Albert Nelson, Eloise Nelson Lowell,~~
~~Arthur E. Nelson, Mrs. Lucille Levins, J. Morgan Nelson, Lucille Nelson,~~
~~J.W. Fulford, Robert Dixon, Henry Anderson, W.L. Waters,~~ Defendant ..
Clifford Parnell,
in the above stated cause, on the ground that more than thirty days have elapsed since service of
summons upon said Defendant.....; and that said summons was duly served according to law, and
that said Defendant S ha. V e failed to demur, plead to or answer the Bill of Complaint in this cause
to this date.

This 6th day of August 19 32

Phylbert Head, Jr. Solicitor.

No. *762*

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The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Charles E. Nelson

VS.

Estelle Nelson Dade, et als.

**MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE**

Filed *Aug 5* 19*32*

W. H. K. K. K.
Register.

Recorded in Record,

Vol. Page

Register.

Moore Printing Company, Bay Minette, Ala.

The State of Alabama,

Baldwin County.

No. 960 CIRCUIT COURT IN EQUITY.Charles E. Nelson

Complainant

vs.

Estelle Nelson, Wade J. Archapao Nelson, Albert Nelson, Eloise Nelson, Lawrence, Arthur H. Nelson, Mrs. Lucile Leavins, J. Morgan Nelson, Lucile Nelson, W. L. Waters, Plaintiff Defendant

Edison Henry Anderson, W. L. Waters, Clifford Powell, Lucile Nelson, a minor, William Nelson, a minor

Motion is hereby made for a Decree Pro Confesso against all above namedDefendants, except two minors last named Defendants.

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant S; and that said summons was duly served according to law, and that said Defendants have failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 3 day of Aug 1931Hyatt, Heard & Shamm Solicitor.

No. 940

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The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Charles E. Hearn

VS.

Estee Hearn Black,

MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE

Filed Aug 3rd 1931

Register.

Recorded in Record.

Vol. Page

Register.

Meore Printing Company, Day Minette, Ala.

CHARLES E. NELSON

Complainant.

VS.

ESTELLE NELSON DADE. et al

Respondents.

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IN EQUITY.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Comes J. W. Fulford, one of the defendants in the above styled cause and moves the court to set aside the decree pro confesso heretofore rendered against him in this cause, upon the following grounds:

That on, to-wit, July 18th, 1931 and within the time allowed for answers to pleadings, respondent filed in this cause certain interrogatories to the complainant requiring him to specify clearly the grounds upon which his title is based and which information is material and necessary for the proper preparation of respondent's answer; that said interrogatories have not yet been answered, that respondent is ready and willing to file his answer and interpose his defense as soon as the necessary information is forthcoming and that to require respondent to file an answer with this motion would be to impose a hardship.

R. L. R. & Co.

Solicitors for Respondent
J. W. Fulford.

CHARLES E. NELSON
Complainant

VS

ESTHER NELSON DADY, et al
Respondents.

MOTION TO SET ASIDE DECREE

PRO CONFESSO.

*Filed Aug 14th 1931
J. P. McInerney
Register*

NICKAREY & COBB
Attorneys for Respondents.

CHARLES E. NELSON,
Complainant,

-VS-

ESTELLE NELSON DADE, ET AL,
Respondents.

IN THE CIRCUIT COURT-EQUITY SIDE
STATE OF ALABAMA
BALDWIN COUNTY.

Now comes J. Archibald Nelson and for answer to the
Bill of Complaint filed herein admits all of the allegations con-
tained in said Bill of Complaint as being true.

(Sign Here) x J. Archibald Nelson
~~Solicitors for Complainant.~~

A N S W E R.

CHARLES E. NELSON,
Complainant,

vs.

ESTELLE NELSON DADE ET AL,
Respondents.

IN THE CIRCUIT COURT-EQUITY SIDE
STATE OF ALABAMA
BALDWIN COUNTY.

*Filed June 24/1931
G. W. McCreary
Clerk*

Answered as required by the order of the court in the case of Charles E. Nelson vs. Estelle Nelson Dade et al. filed in Baldwin County, Alabama, on the 14th day of June, 1931.

Witness my hand and seal this 24th day of June, 1931.

G. W. McCreary, Clerk.

- 12 -

Witness my hand and seal this 24th day of June, 1931.

Charles E. Nelson.

Estelle Nelson Dade et al.

CHARLES E. NELSON,

Complainant,

-VS-

ESTELLE NELSON DADE ET AL,

Respondents.

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

Now comes the Complainant in the above-stated cause, Charles E. Nelson, and for answer to the Interrogatories filed by the Respondent, J. W. Fulford, to him on the 15th day of July, 1931 and for answer thereto says:-

1st. That he is claiming the property involved in this suit under the following Deed:- Deed from Sarah A. Grist and Benjamin Grist, her husband, to Sarah A. Forbes executed on February 1st, 1879 and recorded in Deed Book "L", pages 713-14 Probate Records of Baldwin County, Alabama; that under said Deed the said Sarah A. Forbes went into the possession of said lands described in the Bill of Complaint and remained therein openly, notoriously and adversely as against the world.

2nd. That he is claiming under a Deed of Joel Haywood Tatum and Fannie Tatum, his wife, to Sarah A. Forbes executed April 24th, 1885.

3rd. That he is claiming said lands under and through a Will executed by Sarah A. Forbes, deceased, which was executed March 1st, 1898 and probated and recorded in Will Book "B", page 54-5, Probate Records of Baldwin County, Alabama.

4th. That he is claiming under and through a Deed executed by Virginie Whaley to Joseph R. Forbes and Christina Forbes, his wife, which Deed is recorded in Deed Book 2 N. S., pages 352-5, Probate Records of Baldwin County, Alabama, said Deed being executed on December 26th, 1899.

5th. That he is claiming under and through a Deed executed by Joseph R. Forbes and Christina Forbes on May 30th, 1905 to George Oliver Lantron, said Deed being filed for record July 5th, 1905.

6th. That he is claiming under and through a Deed from George Oliver Lantron and Emily Ann Lantron, his wife, to Rudolph

J. Wind, said Deed being filed for record in the Probate Court of Baldwin County, Alabama, October 3rd, 1921.

7th. That he is claiming under and through a Deed from Rudolph J. Wind, a bachelor, to George Oliver Lantron and Emily Ann Lantron dated August 26th, 1921, filed for record October 3rd, 1921, recorded Deed Book 31 N. S., pages 276-7.

8th. That he is claiming through a Deed from George Oliver Lantron and Emily A. Lantron, his wife to Charles M. Nelson, said Deed being dated January 24th, 1924, filed for record March 10th, 1924 and recorded in Deed Book 34 N. S., pages 326-7, Probate Records Baldwin County, Alabama; that the said Charles M. Nelson immediately entered into the possession of said lands and continued therein up until the time of his death, devising said lands to his wife, Mary A. Nelson which Will was probated on January 12th, 1927 Probate Court of Baldwin County, Alabama, which proceedings were recorded in Minutes "I", pages 595-6; that the said Mary A. Nelson went into the possession of said lands and remained therein up until the time of her death; that she devised said lands to Charles E. Nelson, Complainant, Estelle Nelson Dade, J. Archie Nelson, Albert Nelson, Eloise Nelson Lowell and Arthur E. Nelson, all of whom went into possession of said lands and have remained therein ever since; that said Will of Mary Ann Nelson was probated on the 10th day of April, 1930 in the Probate Court of Baldwin County, Alabama, and said proceedings were recorded in Minutes "J", page 524.

That the respective Claimants in the aforesaid conveyances each went into possession of said lands at the time that said Deeds were executed to them; that they remained therein in the open, notorious and exclusive possession of said lands claiming to own the same against the world up until the time they conveyed to their respective successors.

In answer to the second Interrogatory the said Charles E. Nelson says that he is in the possession of the property involved in this suit and has been in the open, notorious and exclusive possession of the same ever since the date he acquired the same, which is shown in answer to the first Interrogatory; that his pos-

session is open, notorious, hostile and exclusive as to said lands, using the same in every way that the same may be susceptible of.

In answer to the third Interrogatory Charles E. Nelson says that the possession he claims covers the specific part of the tract of land upon which the Respondents, Fulford, Dixon, Anderson, Waters and Parnell were seeking to cut the timber from. It is not a fact that the said Fulford, Dixon, Anderson, Waters and Parnell were in the possession of said lands at the time the Bill was filed, they were trespassing upon said lands and upon the possession of the said Charles E. Nelson as to said lands.

* Charles E. Nelson

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, Arnold M. Brubaker, a Notary Public in and for said State and County, personally appeared Charles E. Nelson, who being duly sworn deposes and says that the allegations contained in the foregoing Answer to the said Interrogatories are true and correct.

* Charles E. Nelson

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this the 12 day of August, 1951.

Arnold M. Brubaker
Notary Public, Baldwin County,
State of Alabama.

LAW OFFICES

RICKARBY & COBB

ROBERTSDALE, ALA.

August 13th, 1921

Thomas W. Richerson Esq.
Bay Minette, Alabama

Dear Tom:

CHARLES W. NELSON VS ESTELLE NELSON DAVE: Mr. Cobb writes me that although in behalf of J. W. Bulford we had filed interrogatories to the complainant, the latter has now taken a decree pro confesso against Bulford and others claiming that this is not such an appearance as would prevent this decree. Naturally, we can not afford to let this stand and as I do not understand from Mr. Cobb's letter whether or not he has filed a motion to set this aside I am sending such a motion, which I will ask you to file if Cobb has not already done so. In that event just hold the papers until I come up Monday. At that time, too, I hope to bring up another small package of nutriment.

Sincerely,

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 J. Archibald Nelson,

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

Chas E. Nelson,

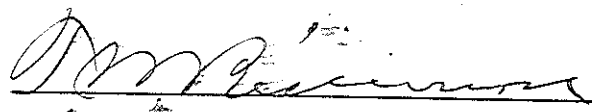
against said

J. Archibald Nelson,

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 14th day of

April 193 1.

 Register

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

58 *Bennett*
ORIGINAL
960

SERVE ON _____
Circuit Court of Baldwin County
In Equity

No. _____
SUMMONS

Charles E. Nelson,

vs.

J. Archibald Nelson, et al.

Lybert, Heard, & Chason,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 23

day of April 1931

B. G. Chalkley
Sheriff.

Executed this 23 day of

April 1931

by leaving a copy of the within Summons with

J. Archibald Nelson

Defendant.

B. G. Chalkley
Sheriff.

By *Wm Bennett*
Deputy Sheriff.

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 Estelle Nelson Dade, J. Archibald Nelson,
Albert Nelson, Eloise Nelson, Lowell, Arthur H. Nelson, Mrs. Lucile Levins,
J. Morgan Nelson, Lucile Nelson (a minor) Willard Nelson (a Minor)
J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters, Clifford Parnell,

Baldwin

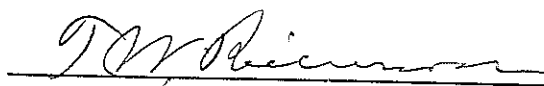
of _____ County, to be and appear before the Judge of the Circuit Court
of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by
Charles E. Nelson,

against said Estelle Nelson, Dade, J. Archibald Nelson, Albert Nelson,
Eloise Nelson Lowell, Arthur H. Nelson, Mrs. Lucile ~~Levins~~, Levins
~~J. Morgan Nelson, Lucile Nelson (a Minor)~~
Willard Nelson, (A Minor) J. W. Fulford, Robert Dixon, Henry Anderson,
W. L. Waters, Clifford Parnell,

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 14th day of

April 193 1.



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

Chas E. Nelson,

VS.

Estelle Nelson, *deceased*

J. Archibald Nelson, *deceased* Albert Nelson

Mloise Nelson Lowell,

Arthur H. Nelson,

Mrs. Lucile Levins, J. Morgan

Nelson, *deceased* Nelson,

Willard Nelson, *deceased* W. W. Wulford,

Robert Dixon, Henry Anderson,

M. L. Waters, *deceased* W. L. Ford, Earnell,

Hybert, *deceased* Chason.

Recorded in Vol. 54 Page _____

Shel Keith

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____ 19____

Sheriff.

Executed this 21st day of

April 1931

by leaving a copy of the within Summons with

with all the within

named parties except

Wheeler Nelson Defendant.

W. H. Street

Sheriff.

By W. H. Street
Deputy Sheriff.

CHARLES E. NELSON,

Complainant,

-VS-

ESTELLE NELSON DADE, J. ARCHI-
BALD NELSON, ALBERT NELSON,
ELOISE NELSON LOWELL, ARTHUR H.
NELSON, MRS. LUCILE LEVENS, J.
MORGAN NELSON, and LUCILE NELSON,
A Minor, WILLARD NELSON, A Minor,
J. W. FULFORD, ROBERT DIXON, HENRY
ANDERSON, W. L. WATERS, CLIFFORD
PARNELL,

Defendants.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

TO THE HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT:

Your Orator humbly complaining of the Defendants in a matter as will hereinafter appear, shows unto your Honor as follows:

1. That all the Defendants, as well as himself, are resident citizens of the State of Alabama, and are over the age of twenty-one years with the exception of Lucile Nelson and Willard Nelson, who are Minors over the age of fourteen years.

2. Your Orator further shows unto your Honor that Estelle Nelson Dade, J. Archibald Nelson, Albert Nelson, Eloise Nelson Lowell, Arthur H. Nelson, Mrs. Lucile Levens, J. Morgan Nelson, Lucile Nelson, Willard Nelson and himself, are the joint owners and are in possession of the following described lands situated in Baldwin County, Alabama, to-wit:

The South half ($S\frac{1}{2}$) of Lot Seven (7); the South half ($S\frac{1}{2}$) of Lot Eight (8); Lots Nine (9) and Ten (10), fractional Section Twenty-four (24) in Township Seven (7) South of Range Two (2) East;

and that there is no suit pending to test the title as to the same.

3. Your Orator further shows unto your Honor that the Defendants, J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Parnell are making repeated trespasses upon the afore-said lands, hauling timber from the same and threatening to cut all of the timber off of said lands. Your Orator further shows unto your Honor that said lands are principally valuable for the timber that is situated and located thereon, and that unless the said J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters and Clif-

ford Parnell are restrained and enjoined from cutting the timber off of said lands, the same will be absolutely stripped and denuded from timber, and said lands will be of no practical value.

4. Your Orator further shows unto your Honor that the said J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Parnell are not being authorized to make said trespasses upon said lands by any of the joint owners thereof; that said trespassing and cutting of timber is contrary to the wishes and wills of all the joint owners of said land.

Your Orator further shows unto your Honor that the said Defendants, J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Parnell are insolvent and are unable to respond in damages in a Court of Justice.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises, your Orator prays that your Honor will cause the usual Writ of process to issue to Estelle Nelson Dade, J. Archibald Nelson, Albert Nelson, Eloise Nelson Lowell, Arthur H. Nelson, Mrs. Lucile Levens, J. Morgan Nelson, Lucile Nelson, Willard Nelson, J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters, Clifford Parnell, making them parties Defendants to this Bill of Complaint and requiring them to plead, answer or demur to the same within the time as required by law.

Your Orator further prays unto your Honor that you will cause a temporary Writ of Injunction to issue restraining the said Defendants, J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters, Clifford Parnell, from trespassing upon said lands, from cutting or removing timber therefrom and from interfering with your Orator in his possession of said property.

PRAYER FOR RELIEF.

The premises considered, your Orator prays that upon the final hearing of this cause your Honor will cause said temporary Writ of Injunction to be made perpetual and forever restraining the

said Defendants, J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters, Clifford Parnell, from cutting or removing timber from said lands and from trespassing thereon and from interfering with the possession of your Orator as to the same.

Your Orator prays for such other and further relief as in equity may seem just and meet, and Orator will ever pray, etc.

Hyatt West & Thomas
Solicitors for Complainant.

FOOT-NOTE.

Defendants are required to answer paragraph 1, 2, 3 and 4 of the foregoing Bill of Complaint, but answer under oath is hereby expressly waived.

Hyatt West & Thomas
Solicitors for Complainant.

MURDOCK STORE

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, R. C. Seard, a Notary Public in and for said County in said State, personally appeared Charles E. Nelson, who being duly sworn, says that the allegations contained in the foregoing Bill of Complaint are true and correct.

Charles E. Nelson

Sworn to and subscribed before me, a Notary Public, whose seal is hereto affixed, this 13th day of April, 1931.

R. C. Seard
Notary Public, Baldwin County,
State of Alabama.

TO THE REGISTER OF THE CIRCUIT COURT, BALDWIN COUNTY, ALABAMA:

Upon Complainant entering into bond with good and sufficient Sureties, in the sum of \$ 250.00, to be approved by you, you will issue the temporary Writ of Injunction as prayed for.

Dated this 14 day of April, 1931.

F. W. Hare
Judge.

STATE OF ALABAMA.

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS: That we, Charles E. Nelson and Thos. Wilson and Mmanuel Rose, are held and firmly bound unto the Register of the Circuit Court in Equity for said County in the sum of \$ 250⁰⁰, for the payment of which to the said Register, or his successors, we bind ourselves, our executors and administrators, jointly and severally.

Sealed with our seals and dated this 13th day of April, 1931.

Whereas, the said Charles E. Nelson has filed his Bill of Complaint in the said Circuit Court in Equity and has obtained thereon an Order for the issuance of an Injunction from the Hon. F. W. Hare, Judge, to restrain and enjoin J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters, Clifford Parnell, from cutting or removing the timber from or on the following described real estate situated in Baldwin County, Alabama, to-wit:-

The South half (S $\frac{1}{2}$) of Lot Seven (7); the South half (S $\frac{1}{2}$) of Lot Eight (8); Lots Nine (9) and Ten (10), fractional Section Twenty-four (24) in Township Seven (7) South of Range Two (2) East,

and from trespassing upon said lands or interfering with the possession of the said Charles E. Nelson as to the same.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH that if the said Charles E. Nelson, his heirs, executors, administrators or any of them, shall well and truly pay or cause to be paid all damages which any person may sustain by the suing out of said Injunction if the said is dissolved by the Circuit Court in Equity on the Bill filed by the said Charles E. Nelson as aforesaid, then the above obligation to be void, otherwise to remain in full force and effect.

Witness our hands and seals on the day and year first above written.

Charles E. Nelson (SEAL)

Thos Wilson (SEAL)

Mmanuel Rose (SEAL)

Taken and approved this
14 day of April, 1931.
J. M. [Signature]
Register.

CHARLES E. NELSON,

Complainant,

VS.

ESTELLE NELSON DADE, J. ARCHI-
BALD NELSON, ALBERT NELSON,
ELOISE NELSON LOWELL, ARTHUR E.
NELSON, MRS. LUCILE LEVENS, J.
MORGAN NELSON, and LUCILE NELSON,
A Minor, WILLARD NELSON, A Minor,
J. W. FULFORD, ROBERT DIXON,
HENRY ANDERSON, W. L. WATERS,
CLIFFORD PARNEILL,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
EQUITY SIDE. NO. 960.

THE JOINT AND SEVERAL ANSWERS OF LUCILE NELSON
AND WILLARD NELSON, MINORS.

Now come Lucile Nelson and Willard Nelson, Minors, by J.
B. Blackburn, as Guardian ad litem, and for answer to the Bill of
Complaint in the above entitled cause, say as follows, to-wit:

FIRST: Answering the first paragraph of the Bill of Com-
plaint, these Respondents admit that the allegations of the said
paragraph are true.

SECOND: Answering the second paragraph of the Bill of
Complaint, these Respondents admit that the allegations of the said
paragraph are true.

THIRD: Answering the third paragraph of the Bill of Com-
plaint, these Respondents admit that the allegations of the said
paragraph are true.

FOURTH: Answering the fourth paragraph of the Bill of
Complaint, these Respondents admit that the allegations of the said
paragraph are true.

These Respondents say that any other matters in the said
Bill of Complaint which are necessary for them to make answer unto
and not herein well and sufficiently answered, are true to the best
of these Respondents' knowledge and belief, wherefore, the said
Respondents pray to be dismissed with their reasonable costs and

charges in this behalf sustained.

J. B. Blackburn

As Guardian ad litem for Lucile
Nelson and Willard Nelson, Minors.

BE IT KNOWN, That We, Sarah A Grist and Benjamin Grist, her husband, of the County of Baldwin, State of Alabama, for and in consideration of the sum of two hundred dollars lawful money of the United States of America to her in hand paid, by Sarah A Forbes at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, Has remised, released and forever quit claimed, and by these presents Do remise, release and forever quit-claim unto the said Sarah A Forbes in full and actual possession now being, and to her heirs and assigns forever, all and singular, the estate, right, title, interest, use, trust, property, claim and demand whatsoever, at law as well as in equity in possession as well as in expectancy of, in, to, or out of all and singular the following described land to-wit: Section twenty three (23) and Fractional Section twenty four (24) in the County of Baldwin, State of Alabama, Township 7 South, Range (2) East.

To Have and to Hold the said released premises unto the said Sarah A Forbes, heirs and assigns to her own proper use, benefit and behoof forever, So That neither the said Sarah A Grist or Benjamin Grist of their heirs or assigns, nor any other person or persons in trust for them or in their name or names, or in the name, right or stead of any of them, shall or will, can or may, by any ways or means whatever, hereafter have, claim, challenge, or demand any right, title, interest or estate, of, in, to or out of said premises above described and hereby released; But That she, the said Sarah A Grist and Benjamin Grist & their heirs and assigns, each and every of them, from all estate, right, title, interest, property, claim and demand whatsoever of, in, to, or out of the said premises, or any part thereof, are, is and shall be by these presents forever excluded and debarred.

In Witness Whereof, the said Sarah A Grist and Benjamin Grist, Hath hereunto set their Hands and Seals this the 1st day of February, in the year of our Lord one thousand eight hundred and seventy nine.

Sarah A Grist (SEAL).

Benj Grist. (SEAL)

The State of Alabama)
Mobile County)

I, Travis George, Justice of the Peace for said County hereby certify that Sarah A Grist whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that being informed of the contents of the conveyance she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 1st day of February,
A.D. 1879.

Travis George, J.P. M.C. (L.S.)

Received for Record Feby 10th, 1881

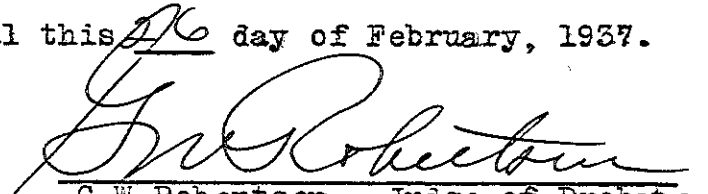
Recorded the 18th day of Feby 1881.

W H Gasque, Judge.

State of Alabama)
Baldwin County)

I, G W Robertson, Judge of Probate in and for said County and State, and by virtue thereof keeper of the public records of said County, do hereby certify that the above and foregoing constitutes a true and correct and accurate copy of the record of the above instrument as it appears in Deed Record L pages 713 to 714 of the records reposing in my office.

Witness my hand and seal this 26 day of February, 1937.


G W Robertson, Judge of Probate
Baldwin County, Alabama.



Bay Minette, Ala.,

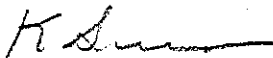
November 7th, 1935.

To Mary F. Green, Commissioner.

Taking Testimony of Charles E.
Nelson, Sam Williams, James A.
Bishop, J. R. Forbes and Arthur
R. Nelson in case of Charles E.
Nelson vs. J. W. Fulford et al, original.....\$7.50

2 copies @ \$3.75 each..... 7.50

Total.....\$15.00.

K. L. 
R

10 00
10 00
20 00

CHARLES E. NELSON,

Complainant,

-vs-

ESTELLE NELSON DADE ET
AL,

Respondents.

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

Now comes the Complainant in the aforesaid cause and on account of the death of the Respondents, Morgan Nelson and Albert Nelson, since the filing of the Original Bill of Complaint in this cause, amends his said Complaint by adding thereto the following, who are the heirs and children of Morgan Nelson, Deceased, viz:-

Nadine Nelson, who is a minor over the age of fourteen years,

and who joins in as a Complainant in this cause by her next friend, Charles E. Nelson.

That the heirs and children of Albert Nelson, Deceased, are as follows:-

Eloise Nelson, twenty-one years of age;

Arthur Nelson, a minor fourteen years of age;

Eugene Nelson, a minor twelve years of age;

Frances Nelson, a minor eight years of age;

Morgan Nelson, a minor four years of age.

That the children herein mentioned who are under the age twenty-one years are joined as Complainants by their next friend, Charles E. Nelson; that Eloise Nelson by amendment is also made a party Complainant, and that said Bill of Complaint is also amended by making Mrs. Eloise S. Nelson a party complainant also, she being the widow of Morgan Nelson, Deceased, and said Bill of Complaint is also amended by making Frances S. Nelson a party complainant also, she being the widow of Albert Nelson, Deceased.

Hyland & Chason
Solicitors for Complainant.

960
697 RECORDED
INDEXED

AMENDMENT.

CHARLES E. NELSON,

Complainant,

-vs-

WISLIE NELSON DADE ET AL,

respondents.

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

Filed April 23 1935

Charles E. Nelson
Register.

CHARLES E. NELSON
Complainant

VS

ESTELLE NELSON DADE, et al
Respondents

E Q U I T Y
CIRCUIT COURT OF
BALDWIN COUNTY

Pursuant to the terms of an agreement between the parties hereto made August 22, 1936, whereby certain designated pages of the abstracts of title abstracting deeds relied upon by each party shall be placed in evidence and have the same legal effect and to be subject to the same legal objections as could have been interposed to the original deeds, the Respondent, J. W. Fulford, offers in evidence in support of his claim of title the following:

From abstract of Norborne C. Stone dated December 18, 1930, and to be submitted by Complainant, the items abstracted on the following pages:

Page 3 Copy of plat.
5 Tract Book entry.
6 Patent to Gordon and Morton.
12-22 Chancery proceedings for division of estates of Gordon and Morton.
23 Register's deed to Harrington.
24 Deed of Harrington to Nelson.
25 Mortgage of Nelson to Harrington.
26 Deed of Nelson to Johnson.
28 Deed of Johnson to Joseph Nelson, Jr.

From abstract made by Harry H. Parker, October 10, 1931, and submitted herewith the following pages:

Page 11 No probate of Joseph Nelson, Jr., estate.
20 Joseph Nelson heirs to Charles E. Nelson.
22 Joseph Nelson heirs to Charles E. Nelson.
Deed of Charles A. Nelson to Mary Persys Fulford.

The foregoing to be in addition to Respondents' testimony heretofore taken by deposition and on file.

Elliot L. Rintoul
Solicitor for J. W. Fulford,
Respondent.

RECORDED
Duck
7-304

CHARLES E. NELSON
VS
ESTELLE NELSON DADE, et al

RESPONDENTS' LIST OF
DOCUMENTARY EVIDENCE

Filed February 3, 1937
R. S. Duck, Register

CHARLES E. NELSON,

Complainant,

-vs-

ESTELLE NELSON DADE, J. ARCHIBALD NELSON, ALBERT NELSON, ELOISE NELSON LOWELL, ARTHUR H. NELSON, MRS. LUCILE LEVENS, J. MORGAN NELSON, and LUCILE NELSON, A Minor, WILLARD NELSON, A Minor, J. W. FULFORD, ROBERT DIXON, HENRY ANDERSON, W. L. WATERS, CLIFFORD PARNELL,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
EQUITY SIDE. NO. 960.

THE JOINT AND SEVERAL ANSWERS OF LUCILE NELSON AND WILLARD NELSON, MINORS.

Now come Lucile Nelson and Willard Nelson, Minors, by S. C. Jenkins, as Guardian ad litem, and for answer to the Bill of Complaint, in the above entitled cause, say as follows, to-wit:

FIRST: Answering the first paragraph of the Bill of Complaint, these Respondents admit that the allegations of the said paragraph are true.

SECOND: Answering the second paragraph of the Bill of Complaint, these Respondents admit that the allegations of the said paragraph are true.

THIRD: Answering the third paragraph of the Bill of Complaint, these Respondents admit that the allegations of the said paragraph are true.

FOURTH: Answering the fourth paragraph of the Bill of Complaint, these Respondents admit that the allegations of the said paragraph are true.

These Respondents say that any other matters in the said Bill of Complaint which are necessary for them to make answer unto and not herein well and sufficiently answered, are true to the best of these Respondents' knowledge and belief, wherefore, the said Respondents pray to be dismissed with their reasonable costs and charges in this behalf sustained.

S. C. Jenkins

As Guardian ad litem for Lucile
Nelson and Willard Nelson, Minors

Figure 1 is a line graph showing the percentage of total catch versus the number of hauls for three species: *P. setiferus*, *P. setiferus* + *P. setiferus* + *P. setiferus*, and *P. setiferus* + *P. setiferus* + *P. setiferus*. The x-axis represents the number of hauls (1 to 10), and the y-axis represents the percentage of total catch (0 to 100). The graph shows that the percentage of total catch decreases as the number of hauls increases, with *P. setiferus* + *P. setiferus* + *P. setiferus* showing the highest percentage of total catch across all hauls.

COMMITTEE: These resolutions were the suggestions of the
COMMITTEE: Therefore the committee believes of the Bill of
rights resolutions are true.
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COMMITTEE: Therefore the committee believes of the Bill of
rights resolutions are true.
COMMITTEE: These resolutions were the suggestions of the
COMMITTEE: Therefore the committee believes of the Bill of
rights resolutions are true.

Filed this 2 day Aug 1932
Robert S. Buck
Clerk-Register

Filed this 24th day of December 1935
Robert L. Clark
 Clerk-Register

CHARLES E. NELSON,Complainant,vs.ESTELLE NELSON DADE, et al,Respondents.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Respondents

This cause is submitted in behalf of ~~Complainant~~ upon the ~~original bill of complaint,~~

Answer of J. W. Fulford; Depositions of Charles A. Nelson, Harry
Parker, Frank Levene, Charles Bryant and J. W. Fulford; Agreement
between Solicitors for Complainant and Respondents filed February 17,
1937; Original Deed from Charles A. Nelson to Mary Persis Fulford.

and in behalf of Defendant upon

B. Deuch

Register.

Back
RECORDED. 2-28-37

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

CHARLES E. NELSON,

Complainant,

vs.

ESTELLE NELSON DADE, et al.,

Respondents.

NOTE OF TESTIMONY

Filed in Open Court this 17th

day of February 1937

Robert

REGISTER

MOORE PRINTING CO., BAY MINETTE, ALA.

COPY

CHARLES E. NELSON,

Complainant,

VS.

ESTELLE NELSON DADÉ, J.
ARCHIBALD NELSON, ALBERT
NELSON, ELOISE NELSON, MRS.
WILL, ARTHUR E. NELSON, MRS.
LUCILLE LEVENS, J. MORGAN
NELSON AND LUCILLE NELSON,
A MINOR, WILLARD NELSON, A
MINOR, J. W. FULLORD, ROBERT
DIXON, HENRY ANDERSON, W. L.
WATERS, CLIFFORD FARNELL,
Respondents,

DECREE.

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

This cause coming on to be heard, was submitted for final decree on the bill of complaint as last amended, answer of J. W. Fullord, answer of Lucille Nelson and Willard Nelson, minors, by and through their guardian ad litem, decree pro confesso against Eloise Nelson, Lowell, Estelle Nelson Dade, J. Archibald Nelson, Albert Nelson, Arthur H. Nelson, Mrs. Lucille Levens, J. Morgan Nelson, Robert Dixon, Henry Anderson, W. L. Waters, and Clifford Farnell, and the same being understood by the court - And it appearing to the court that all the parties to this suit, with the exception of J. W. Fullord, Robert Dixon, Henry Anderson, W. L. Waters, and Clifford Farnell, are the joint owners and are in possession of the lands described in the Bill of Complaint, as last amended.

And it further appearing to the court that the said J. W. Fullord, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Farnell have been making repeated trespasses upon the aforesaid lands and that said lands are principally valuable for the timber that is situated and located thereon.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the said temporary writ of injunction heretofore issued in this cause restraining the said J. W. Fullord, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Farnell from trespassing upon said lands by cutting and removing timber therefrom and from interfering with Charles E. Nelson's possession of said property, be made perpetual.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said J. W. Fullord, Robert Dixon, Henry Anderson, W. L. Waters, and Clifford Farnell be and they are perpetually enjoined from interfering with the possession of the said Charles E. Nelson as to the property described in the bill of complaint as last amended, or from trespassing upon said lands, or cutting or removing timber therefrom.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the said J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters, and Clifford Farnell, be and they are taxed with the cost of this proceeding, for which let execution issue.

DONE AT MONROEVILLE, ALABAMA, June 29th, 1937.

F. W. HARR,
JUDGE.

Handwritten:
J. W. Fulford
Robert Dixon
Henry Anderson
W. L. Waters
Clifford Farnell
June 29, 1937

COST OF DECREE

Headquarters

RECEIVED REVENUE DIVISION, JUN 30 1937

10

Comptroller

CLIFFORD W. HARRIS

CHARLES E. NELSON,

Complainant,

vs.

ESTELLE NELSON DADE, ET AL.,

Respondents,

COPY OF DECREE.

FILED July 8, 1937.

H.S. Dack, Register

JUDGE

E. A. HARRIS

DONE VI MONSIEURIE VIVBURY 2000 3000 1020

NOTE: Proceedings for action for execution of the
will of the late William H. Dack, deceased, are pending in the
court of the County of Cook, Illinois, and the court of the
County of Cook, Illinois, has ordered the execution of the will of
the late William H. Dack, deceased, to be carried out.

CHARLES E. NELSON,

Complainant,

-vs-

ESTELLE NELSON DADE, et al,

Respondents.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

It appearing that it is necessary both for the Complainant and the Respondent in the aforesaid cause to introduce copies of certain instruments or conveyances which are of record in the Probate Court of Baldwin County, Alabama, and which involve the lands mentioned in this suit, and in view of the fact that the value of the lands involved in this suit is very small, and the cost of certified copies of the Records would be greatly disproportionate to the amount involved herein, it is agreed by and between the parties that the Abstract of these lands showing the various conveyances connected therewith, as prepared by Norborne Stone under Certificate dated December 18th, 1930, and as prepared by Harry H. Parker under Certificate dated October 10th, 1931, be and the same are introduced in evidence, the said Complainant introducing the Abstract as prepared by Norborne Stone, and the said Respondent introducing both of said Abstracts, and without any objections on the part of either party, the same to be used by the Judge in reaching his conclusions in the premises. The said abstracted Deeds relied upon by each party shall be placed in evidence and have the same legal effect, and be subject to the same legal objections, as could have been interposed to the original Deeds.

The Complainant offers in evidence in support of his claim of title the following instruments appearing in the Abstract of Norborne Stone above referred to, said instruments being on the following pages, viz:-

Page 3, Copy of Plat;

Page 5, Tract Book Entry;

Page 6, U. S. Patent to David Gordon, John Morton and Alexander Morton;

Pages 12 to 22, Chancery Proceedings for Division of Estates of Gordon and Morton;

Page 23, Register's Deed to Noah Harrington Jr.

(page two)

Page 24, Warranty Deed from Noah Harrington and wife to Joseph Nelson;

Page 26, Warranty Deed from Joseph Nelson Jr., and wife to James D. Johnson;

Page 28, Warranty Deed from James D. Johnson and wife to Joseph Nelson Jr.;

Page 29, Warranty Deed from Joseph Nelson and wife to Allen and James R. Grist;

Page 34, Quit Claim Deed from Sarah A. Grist and Benj. Grist, her husband, to Sarah A. Forbes;

Pages 38 to 41, Proceedings in connection with the Last Will of James D. Tatum;

Page 43, Quit Claim Deed from Joel Haywood Tatum and wife to Sarah A. Forbes;

Pages 45 to 49, Proceedings in connection with the Last Will of Sarah A. Forbes;

Page 50, Warranty Deed from Virginia Whaley to Joseph R. Forbes and Christina Forbes;

Page 51, Affidavit as to Virginia Whaley;

Page 53, Warranty Deed from Joseph R. Forbes and Christina Forbes, his wife, to George Oliver Lantron;

Page 54, Quit Claim Deed from George Oliver Lantron to Rudolph J. Wind;

Page 55, Quit Claim Deed from Rudolph J. Wind, a bachelor, to George Oliver Lantron and Emily Ann Lantron, his wife;

Page 56, Warranty Deed from George Oliver Lantron and Emily A. Lantron, his wife, to Charles M. Nelson;

Page 57, Turpentine Lease from Charles M. Nelson and Mary A. Nelson, his wife, to M. F. Northrop;

Pages 61 to 68, Proceedings in connection with Last Will of Charles M. Nelson;

Pages 70 to 76, Proceedings in connection with Estate of Mary Ann Nelson.

The Respondent, J. W. Fulford, offers in evidence in support of his claim of title, the following instruments from the Abstract of Norborne Stone above referred to, viz:-

Page 3, Copy of Plat;

Page 5, Tract Book Entry;

Page 6, Patent to Gordon and Morton;

Pages 12 to 22, Chancery Proceedings for division of Estates of Gordon and Morton;

Page 23, Register's Deed to Harrington;

(page two)

(page three)

Page 24, Deed of Harrington to Nelson;

Page 25, Mortgage of Nelson to Harrington;

Page 26, Deed of Nelson to Johnson;

Page 28, Deed of Johnson to Joseph Nelson Jr.;

and the following instruments from the Abstract made by Harry Parker above referred to, viz:-

Page 11, No probate of Joseph Nelson Jr., Estate;

Page 20, Joseph Nelson heirs to Charles E. Nelson;

Page 22, Joseph Nelson heirs to Charles E. Nelson;
Deed of Charles A. Nelson to Mary Persys Fulford.

It is agreed that the foregoing are to be in addition to the Complainant's and Respondent's Testimony heretofore taken in this cause.

Dated this 12th day of February, 1937.

Hubert & Chason
Solicitors for Complainant.

Elizabeth B. Rinsley
Solicitor for J. W. Fulford.

RECORDED
Duck
7-21/6

AGREEMENT.

CHARLES E. NELSON,

Complainant,

-vs-

HESTER NELSON DADE, et al,

Respondents.

IN THE CIRCUIT COURT--IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

Filed February 12, 1937

Radwick
Register.

CHARLES E. NELSON,

Complainant,

-vs-

ESTELLE NELSON DADE ET AL,

Respondents.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

NOTE OF TESTIMONY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint; Amended Bill of Complaint; Motion for Decree Pro Confesso against Estelle Nelson Dade, J. Archibald Nelson, Albert Nelson, Eloise Nelson Lowell, Arthur H. Nelson, Mrs. Lucille Levins, J. Morgan Nelson, Robert Dixon, Henry Anderson, W. L. Waters, and Clifford Parnell; Decree Pro Confesso against Estelle Nelson Dade, J. Archibald Nelson, Albert Nelson, Eloise Nelson Lowell, Arthur H. Nelson, Mrs. Lucille Levins, J. Morgan Nelson, Robert Dixon, Henry Anderson, W. L. Waters, Clifford Parnell; Commission to T. W. Richerson Jr. to take testimony of Charles E. Nelson; Testimony of Charles E. Nelson; Stipulation between Solicitors for Complainant, Solicitor for J. W. Fulford and Guardian Ad Litem dated July 31st, 1935; Testimony of James A. Bishop, Sam Williams and Charles E. Nelson; Testimony of J. R. Forbes and Arthur H. Nelson; Agreement between Solicitors for Complainant and Solicitor for J. W. Fulford dated February 12th, 1937.

R. A. Richerson

Register.

RECORDED

Book
2-283

NOTE OF TESTIMONY.

CHARLES E. NELSON,

Complainant,

-vs-

ESTELLE NELSON DADIE, J. W.
FULFORD ET AL,

Respondents.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Filed February 17, 1937

Oradlock

Register.

CHARLES E. NELSON,

Complainant.

VS

ESTELLE NELSON DADE, et al

Respondents.

EQUITY.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Comes J. W. FULFORD, one of the Defendants named in the above entitled cause and by leave of Court files this, his answer to the Bill of Complaint.

FIRST: Respondent admits the allegations of the first paragraph of the bill as to residence and ages of the parties.

SECOND: In answer to the Second paragraph, Respondent avers that at the time this bill was filed he was in occupancy of a part of the lands described in the bill, owned by Mary Persis Fulford, wife of Respondent under whom he was in possession and occupancy, but he disclaims all interest in the other part of the land described in said Bill. The description of the land to which Mary Persis Fulford has title is as follows:

Beginning at the SW corner of Sec. 24 Twp. 7 S. R. 2 E., thence North 360 feet, thence East 627 feet, thence South $27 \frac{3}{4}$ East 521 feet more or less to the margin of Weeks Bay, thence South $53 \frac{1}{2}$ West down to the margin of Weeks Bay 336 feet, thence West 610 feet to the beginning, containing 12 acres more or less. In government Subdivision Nine Fractional Section 24, Twp. 7 S. R. 2 E.

THIRD: In response to the third and fourth paragraphs of the Bill, Respondent denies that he was trespassing upon the land here claimed by his said wife but on the contrary avers that at the time this injunction was served his said wife was in possession and ownership of said lands and the timber thereon with legal title thereto. He admits that the principal value of said land is the timber on same.

THE PREMISES CONSIDERED, Respondent prays that the injunction in this cause be dissolved, that the Bill be dismissed

Solicitor for Respondent J. W. Fulford.

Lee H. R. R. R. R.

in this behalf expended.

and that he be permitted to go hence with his reasonable costs

Q: Your name, please sir?

A: J. R. Forbes.

Q: Where do you live, Mr. Forbes?

A: Coden.

Q: Did you know Mrs. Sarah Forbes in her lifetime?

A: Yes sir.

Q: What relation was she to you?

A: My aunt, great aunt.

Q: Are you acquainted with that certain strip of land beginning at the southwest corner of Section 24, Township 7 South of Range 2 East, thence North 660 feet, thence East 627 feet, thence South 270 East 521 feet, more or less, to the margin of Week's Bay, thence South 532 West down to the margin of Week's Bay 336 feet, thence West 610 feet to the beginning, containing 12 acres, more or less, in Government Subdivision Nine, Fractional Section 24, Township 7 South of Range 2 East, Baldwin County, Alabama?

A: Yes sir.

Q: How long have you known that land, Mr. Forbes?

A: Forty-nine years.

Q: When you first knew it who was in possession of it?

A: Aunt Sarah Forbes and her husband.

Q: Were they living on Section 24 or Section 23?

A: Section 23.

Q: Their house, their home was on Section 23?

A: Yes sir.

Q: And how far is this strip of land from the home?

A: Not over a quarter of a mile if so far.

Q: When did your Aunt Sarah Forbes die?

A: I don't know just what year.

Q: Well at the time that she died was she living in the home there on Section 23?

A: Yes sir.

Q: Section 23 or 24?

A: Section 23.

Q: Did she die, to refresh your recollection, somewhere about November, 1899?

A: Somewhere along there to the best of my recollections.

(page two)

Q: At the time of her death were you living in the home with her?

A: Yes, I was.

Q: Were you living in Sarah Forbes home?

A: Yes sir. I took care of her, kept the place going.

Q: And did she will you that property?

A: Yes sir.

Q: This particular property that I've asked you about, along with other property?

A: Yes sir.

Q: And did you go into the immediate possession of it at her death?

A: Yes sir.

Q: How long did you stay in possession of it?

A: Until I sold it, I don't remember exactly how many years it was, about thirty years ago.

Q: To refresh your recollection, was it in May, 1905?

A: Somewhere around there.

Q: Who did you sell it to?

A: I sold it to Oliver Lantrom.

Q: Is that the same person as George Oliver Lantrom?

A: Yes sir.

Q: You sold it to him?

A: Yes sir.

Q: You put him in possession of it?

A: Yes sir.

Q: And during the time that your aunt was in possession of this 12 acres of land that I asked you about what acts of ownership did she exercise over it?

A: Why full ownership as far as I know.

Q: Did she get any wood off of it?

A: Anything she wished to get off of it, it was hers.

Q: Was it recognized in the community as hers?

A: Yes sir.

Q: What did you do with it?

A: I sold it to Lantrom.

Q: Did you turpentine it or have it turpented?

(page two)

(page three)

A: I leased it for turpentine purposes.

Q: And you sold it to Mr. Lantrom?

A: Yes sir.

Q: What year was it you leased it for turpentine purposes?

A: About 1904, as well as I remember, somewhere along there.

Q: During that time did you give anybody an oil lease on it?

A: I believe I did, as I remember it.

Q: To refresh your recollection did you give a Mineral Lease to the Baldwin County Oil & Development Company?

A: Yes sir.

Q: And did you say that you leased it for turpentine purposes, who did you lease it to?

A: Jasper Rogers.

Q: And did he start working it?

A: Yes sir.

Q: On this particular 12 acres?

A: Yes sir.

Q: And he was working it when you sold to Mr. Lantrom?

A: No, the storm blew it all down.

Q: Well after the storm blew it down what became of the timber?

A: They logged it off.

Q: Who?

A: Bishop, I believe, logged it off, and some of it stayed there and went to waste.

Q: Who was it logged it?

A: I think Jim Bishop logged it after the storm.

Q: Is that the same person as James A. Bishop?

A: Yes sir. I don't remember whether Lantrom or Bishop logged it, but it was logged anyway.

Q: Lantrom went into possession of it?

A: Yes sir.

Q: And used it as his home?

A: Yes sir.

Q: What other acts of ownership did you exercise over it during the time that you were the owner of it other than leasing it for turpentine purposes and giving a mineral lease, did you get any wood off of it?

(page three)

A: No sir, I sold brush off of it, water brush for a break-water.
Q: What year was that?
A: I don't remember.
Q: About how long, according to your best recollection, before you parted with the title did you sell this brush off?
A: Must have been twenty-five years.
Q: Was that while Mrs. Forbes was there?
A: Yes.
Q: And you were looking after it for her?
A: Yes sir.
Q: And you sold off for her as her agent this brush?
A: Yes sir.
Q: Who did you sell it to?
A: Mr. Smith.
Q: Who was he representing?
A: For the Government.
Q: Did he have a contract to do some Government work?
A: He was hauling brush to Ship Island for a break-water.
Q: How long did he get brush off of it?
A: Got all he could get off it.
Q: Was it over a period of years?
A: Three or four months.
Q: The under-brush, is that what he got?
A: Yes sir, tied it up in bundles with wire.
Q: Never cut any timber?
A: No sir, just small brush.
Q: Now you say that it was about 1904 that you leased it for turpentine purposes?
A: Yes sir, as well as I remember, 1904.
Q: And the storm came in what, 1906, and blew the timber down?
A: Yes sir.
Q: And then Lantrom got the timber and moved it?
A: Yes sir, moved it off for saw logs.
Q: Did you move away from that neighborhood then?
A: No sir, not right then.

(page five)

Q: When did you move away from that neighborhood?

A: I guess it was about a year after that.

Q: And did you move over to Mobile then?

A: No sir, Magnolia Springs.

Q: How far from this land is Magnolia Springs?

A: About, I should judge, seven miles.

Q: And then you moved from there to your present place?

A: No sir, I moved from Magnolia Springs to Foley.

Q: When did you move from Baldwin County?

A: I moved from Baldwin County about eighteen years ago to Mobile.

Q: Where did you live in Mobile County?

A: I lived in Mobile in the city.

Q: Where are you living at the present time?

A: At Coden, Alabama.

Q: Now after you sold this property and still remained here in Baldwin County did you visit back down in that neighborhood there?

A: Once in a while.

Q: And when you left here was Lentron still in possession of the property?

A: Yes sir.

Q: As to the brush you spoke of, I understand that you sold this brush during the life of your aunt?

A: I did, yes sir.

Q: Sarah Forbes, and you sold it for her acting as her agent?

A: Yes sir.

Q: You were looking out after her property?

A: Yes sir.

Q: Where did you come from to this state?

A: Eastern part of North Carolina.

Q: And you moved direct from there down to your Aunt Sarah Forbes and lived with her?

A: Yes sir.

Q: And took care of her until she died?

A: Yes sir.

Q: And then she willed you the property, this particular property, along with others?

A: Yes sir.

(page five)

(page six)

Q: Mr. Forbes did you say that your aunt lived on 22?

A: No sir, I did not.

Q: Well where did you say she lived?

A: In 23.

Q: She only had just a little patch cultivated there didn't she? She didn't cultivate much land?

A: No, about 15 acres in cultivation, I think there was then, maybe twenty, when I sold it.

Q: All that was in 23?

A: That's where she lived, yes sir.

Q: That's where she cultivated the land?

A: Yes.

Q: You heard this description that Mr. Hybart read to you, do you know the exact lines of that he called out to you?

A: I don't know as I could find the exact spot, but I know where it is and all.

Q: You know it is down in the corner of the land your aunt was claiming?

A: Yes, Section 24, in the corner.

Q: Now do you know where the west line of Section 24 is, the exact location of the west line of Section 24?

A: I know about where they say it is, where it comes into Turkey Branch, when it comes and goes across the land they speak about, this 12 acres.

Q: Goes across this, does it?

A: It corners and crosses Turkey Branch.

A: That's where the west line between Section 23 and Section 24 comes in.

Q: Well that land at the time you sold it and moved away was of very little value, wasn't it?

A: Well, it wasn't worth so awful much I don't suppose at that time.

Q: Your aunt had plenty of land in that community, didn't she?

A: Well, at that time she had 275 acres right there.

Q: And while you knew the general location of that land, why you didn't pay any special attention to this particular 12 acres any more than any other 12 acres in the land?

A: No, no more than any other part of it.

Q: Did everybody in that community know where that west line of 24 ran?

(page six)

(page seven)

A: I don't know whether everybody in the community did or not.

Q: Did you and all the family know that?

A: I don't know whether the whole family did or not. Don't suppose the old lady did, because she couldn't get around for years.

Q: That brush you sold had no special value, just under-brush and ti-ti that was used for making water breaks?

A: Used for making a break-water.

Q: Didn't pay very much for it, did they?

A: I don't remember just what they did pay for it now.

RE-DIRECT EXAMINATION BY MR. HYBART.

Q: On the home there you say they had a piece of land that was in cultivation, that Mrs. Forbes had?

A: Yes.

Q: And after her death you carried it on and cultivated it, was in the visible possession of it?

A: Yes sir.

Q: And claiming this other land around there?

A: Yes.

Q: And you owned lands in Section 23 and 24?

A: Yes sir.

What's your mileage, Mr. Forbes?

A: 67 miles each way.

Q: Your name, please sir?

A: Arthur H. Nelson.

Q: Where do you live?

A: Barnwell.

Q: Are you one of the joint owners of this property?

A: Yes sir.

Q: Named in this suit here?

A: Yes sir.

Q: Do you know J. W. Fulford?

A: Yes sir.

Q: Robert Dixon?

A: Yes sir.

Q: Henry Anderson?

A: Yes sir.

Q: W. L. Waters?

A: Yes sir.

Q: Clifford Parnell?

A: Yes sir.

Q: Do you remember when this injunction was sworn out in this case?

A: I don't remember the date, but I remember the time.

Q: At the time this injunction was sworn out did you see those parties that you have mentioned, Fulford, Dixon, Anderson, Waters and Parnell on this land involved in this suit?

A: Yes sir.

Q: What were they engaged in doing?

A: They were preparing to cut timber.

Q: What did they have?

A: Saws.

Q: Were they rafting any timber around there?

A: They rafted eight or ten logs.

Q: Right off this property?

A: Yes sir.

Q: Did you warn them to stay away?

A: I told them to stay away or we would have them put in jail, and they proceeded to put the raft back on the beach where they

got it and left it.

(page two)

Q: Did they tell you that they intended to cut timber there?

A: Not the men, Mr. Gullford did. I told him to quit and he said they was going to keep right on until we stopped them, and I told him that that would happen today.

Q: And the injunction was sworn out?

A: Yes sir.

Q: The principal value of the land was for the timber on it?

A: Yes sir.

CROSS EXAMINATION BY HON. E. G. RICKABRY, SOLICITOR FOR J. W. GULLFORD.

Q: I believe you said you were a son of Mr. Nelson, which Mr. Nelson?

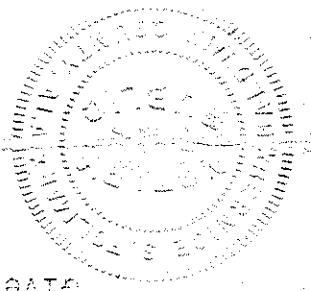
A: I am a son of Charles M. Nelson, brother of Charles E. Nelson.

Mileage: 40 miles each way.

1935.

I, Mary E. Green, as Commissioner, hereby certify that the foregoing depositions on Oral Examination were taken down in writing by me in the words of the witnesses, said witnesses having been duly sworn, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses; that I am not of counsel or of kin to any of the parties to said cause, or in any manner interested in the result thereof. Given under my hand and seal, this 7th day of November, 1935.

Mary E. Green



Notary Public, Baldwin County, Alabama

Bennie S. Johnson

Given under my hand and seal this 10th day of April, 1931.

subscribed his name as a witness in the presence of the grantor, and of the other witnesses and that such other witnesses of the grantor, and of the other witnesses and in the presence of the other subscribing witnesses on the day the same date; that he attested the same in the presence same in his presence and in the presence of the other subscribing witnesses sworn, states that CHARLES A. WILSON, the grantor, voluntarily executed the going conveyance is known to me, appeared before me on this day, and being hereby certified that HARRY H. PARKER, a subscribing witness to the fore-

State of Alabama
BALDWIN COUNTY.

J. W. Fisher
Harry A. Parker

EXCORDED, SIGNED, SEALED AND
RETURNED TO THE REGISTRAR OF

Charles A. Wilson

GIVEN UNDER MY HAND AND SEAL this third day of November 1930.

use forever.

to her separate use free from the interference of control of her present or any future husband, and to her heirs or assigns, to her and their sole

To have and to hold to the said Mary Fests Fulford, wife of J.W. Fulford, Twenty four Township seven South Range Two East. In Government Subdivision Nine, Fractional Section Acres more or less. In Government Subdivision Nine, Fractional Section Weeks 24300 ft. thence north 55 deg. West down the margin of the margin of Weeks Bay : thence South 55 deg. West down the margin of thence East 627 ft, thence South 27 deg. East, 521 ft, more or less to Twenty four, Township seven, South, Range Two East, thence North 660 ft, In said County of Baldwin, beginning at the South West corner of Section

or to the following described real estate (or lands), to-wit: said Mrs Mary Fests Fulford, all my right, title, interest and claim, in whereof is acknowledged, do remise, release, quit-claim, and convey to the paid in hand by Mrs Mary Fests Fulford, wife of J.W. Fulford, the receipt of the sum of one dollar (\$1.00) and other valuable considerations to me that Charles A. Nelson, in consideration

SEAL OF BALDWIN COUNTY

TESTIMONY

De la Cruz

Feeling Your 14/1933
J. P. [Signature]

[Signature]

The State of Alabama,

Baldwin County.

No. 960 CIRCUIT COURT IN EQUITY.

Charles E. Nelson

Complainant

vs.

Estelle Nelson Dade, et al

Defendant

Motion is hereby made for a Decree Pro Confesso against Estelle Nelson Dade, J.E. Archibald Nelson, Albert Nelson, Eloise Nelson Lowell, Arthur H. Nelson, Mrs. Lucille Levins, J. Morgan Nelson, Robert Dixon, Henry Anderson, W.L. Waters, Clifford Parnell, Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said DefendantS...and that said summons was duly served according to law, and that said DefendantS...have failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 29th day of July 19 35

Solicitor.

CHARLES E. NELSON,
Complainant.
VS
ESTELLE NELSON DADE, et al
Respondents.

DEPOSITION OF CHARLES E. NELSON taken May 11th, 1935, at Fairhope, Alabama.

Present, Charles L. Hybart and John Chason, Esqs., Solicitors for Complainant, and Elliott G. Rickarby, Esq., Solicitor for Respondent, J. W. Fullford. Charles E. Nelson, being duly sworn upon examination by C. L. Hybart, Esq., and cross examination by Elliott G. Rickarby, Esq., testified as follows:

My name is CHARLES E. NELSON. I reside at Point Clear, Alabama, and am fifty one years of age. I am interested in the lands involved in this, suit, and am the Complainant in this case. The following defendants are also interested in the lands involved in this suit:

Estelle Nelson Dade, J. Archibald Nelson, Albert Nelson, Eloise Nelson Lowell, Arthur H. Nelson, Mrs. Lucile Levens, J. Morgan Nelson, Lucile Nelson, a minor, Willard Nelson, a minor. J. Morgan Nelson died three years ago. He left one child, Nadine Nelson, about nine years old, and a wife, Eloise S. Nelson. All of the parties to this suit are residents of the State of Alabama and are over the age of twenty one years with the exceptions of Lucile, Willard and Nadine Nelson, Willard Nelson is thirteen years of age, Lucile Nelson about sixteen years, and Nadine about nine. All of the parties mentioned in paragraph two of the Bill of Complaint, that is, Estelle N. Dade, J. Archibald Nelson, Albert Nelson, Eloise Nelson Lowell, Arthur H. Nelson, Mrs. Lucile Levens, J. Morgan Nelson, Lucile Nelson, Willard Nelson are the joint owners of the property involved in this suit. Since the filing of the Bill of Complaint, Albert Nelson as well as J. Morgan Nelson has died. Albert

960

No.

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RECORDED
INDEXED

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

Charles E. Nelson,

vs.

Estelle Nelson Dade et al

MOTION FOR DECREE PRO CONFESSO ON PERSONAL SERVICE

Filed July 29th, 1935 19

Robert S. Deek

Register.

Recorded in *Final* Record.

Vol. *128* Page *183*

CBH
Register.

Moore Printing Company, Bay Minette, Ala.

Albert Nelson left the following children: Eloise Nelson, about nineteen, Arthur Nelson, twelve, Eugene, ten, "Angel" age seven, and Morgan, age two. The widow's name is Fannie S. Nelson. The children and widow of Albert Nelson live at Barnwell, in Baldwin County.

I am acquainted with the lands involved in this suit and have been since I was nineteen years of age. I live about seven miles from the land and have seen the same frequently during that time. My father's name was Charles M. Nelson. His wife's name was Mary Anne Nelson, and he was married only one time. They had eight children, and their names are as follows: Charles E., Estelle N. Dade, J. Archibald, Albert, Eloise N. Lowell, Arthur S., Mrs. Lucile Levens, J. Morgan, and Donald Nelson. Donald Nelson was the father of William and Lucile. My father, Charles M. Nelson was in possession of the property involved in this suit for a short while. My recollection is about a year to a year and a half. He acquired the land from George Oliver Lantton. This was about the year 1925. Mr. Lantton lived at one time about a mile and a quarter from these lands. This was in 1907 or 1908. He was in the logging business at that time, though I do not remember if he was logging these particular lands at that time. He was logging over the whole country behind a huge hurricane. After my father, Charles M. Nelson purchased this land he leased it to Mr. M. F. Northrup for turpentine. This was in the year 1934. It was about a year or a year and a half before my father's death. He died October 4th, 1935. After my father leased the lands in this suit to Mr. M. F. Northrup, Mr. Northrup operated them, that is, he turpented them by boxing trees, hauling gum off the lands, and using them as he saw fit for that purpose. M. F. Northrup or his men operated these lands for three or four years after the date of his lease and he stopped operating at the expiration of his lease in 1938. I do not know whether Mr. Northrup assigned his lease to the Fairhope Naval Stores

I know Robert Dixon, W. L. Waters, Henry Anderson, and Clifford Parnell. They are white men, and were living at the time of filing this bill, in Turkey Branch, in the neighborhood of this land. My best judgment at the time they were working for

timber.

This land is principally valuable for its timing of the timber as heretofore mentioned by M. F. Northrup in connection with the lands since 1924 is the cutting and turpentine evidence of any acts of possession of anyone that I know of in his wife, Mary Persis Fulford been in possession. The only these lands Mr. Fulford has never been in possession, nor has from these lands. During the time since my father purchased I see him. He lives at Turkey Branch, about a quarter of a mile and his heirs have been in possession. I know Mr. Fulford when my father, Charles M. Nelson acquired his deed to this land, he was Mr. Fulford, that came there and stopped there. Ever since there and stopped them. I was informed by Mr. Johnson that it were cutting trees for staves on these lands, some one went out timber off the lands for staves. While Mannon Johnson's men turpentine it January 1st, 1931. He cut just a little Mannon Johnson, who lives at Magnolia Springs. He started but do not think they did. The lease is in the possession of recall whether any of the other Nelson heirs signed it or not, Mobile. I executed the lease to Mannon Johnson. I do not Johnson leased these lands from me for Mr. Frank Boykin of acres, After Mr. Northrup's operations there ceased, Mannon turpentine, on this particular tract, which contains 115 and they turpentine every tree that was large enough to be but he made his rounds about once a week by my best judgment, not there all during the time the property was being turpentine Mr. Steele. I know that he was working for Northrup. He was assigns worked that timber on the lands. His woods rider was the Company or not but I do know that Mr. Northrup or his Company or not. I do not know if he has any connection with

Mr. Fulford is that they came on the lands only one time that I know of, the day this bill of complaint was filed, or prior thereto. J. W. Fulford, Robert Dixon, W. L. Waters, Henry Anderson and Clifford Parnell had no authority from any of the joint owners of the property to trespass upon said lands or to cut the timber there. I was the agent of all of the Nelson heirs at the time of the filing of the bill and have the management and control of the property involved in this suit. These trespasses were made contrary to the wishes of the Nelson heirs. I know of no property that Robert Dixon, W. L. Waters, Henry Anderson or Clifford Parnell own except that I know that Mr. Fulford owns a home and two acres of land in section 23, valued at \$300.00 in my best judgment. I know of no other property he owns. So far as I know these other men, namely W. L. Waters, Henry Anderson, Clifford Parnell and Robert Dixon own nothing. This is the only suit pending in regard to the title to this property. It was July 3rd, 1929, that my Mother, Mrs. Mary A. Nelson, died.

Ralph G. Nelson is no relation to me that I know of. Charles A. Nelson is no relation. He and Ralph Nelson are brothers. When my father made the turpentine lease to Mr. Northrup and his associates to which I referred, he included in this lease not only the land in litigation but about four or five more forties in section 23. This tract comprised something like 300 acres. I do not know exactly the acreage. I did not check up behind Mr. Northrup to see just where the boxes were put. Mr. Harry Parker surveyed out the land for my father so as the lessor would know where to put the cups. I did not know anything about the twelve acres in the extreme southwest corner of section 24 except that we leased the entire tract

CROSS EXAMINATION BY ELLIOTT G. RICKARBY, ESQ.
SOLICITOR FOR J. W. FULFORD.

- 4 -

I know of no survey being made of the piece of land claimed by Mrs. Fulford but since the description has been read to me I know where the land is. I am acquainted with the land that she alleges to claim according to the description. On that particular twelve acres of land it is alleged that Mrs. Fulford claims that there was timber turpentine by M. R. Northrup and Mannon Johnson. All the timber that was large enough to be turpentine was used and turpentine and this working of the timber on this particular tract went on for five, six or seven years by these parties.

Solicitor for Complainant.

REDIRECT EXAMINATION BY C. L. HYBART, ESQ.

A. I do not.

Do you know the lines to this tract?

Commencing at the southwest corner of the section turning thence North 660 feet thence East 627 feet thence South 27 $\frac{1}{2}$ degrees East 521 feet thence South 53 $\frac{1}{2}$ degrees West 336 feet to the South line of the section, thence West along the section line 610 feet to the point of beginning, and containing twelve acres.

corner of Section 24 in a tract described as follows:

Q. Mrs. Fulford claims twelve acres in the extreme

whether Fulford's land is in the Bay or not.

is or whether it is in the Bay or not. I do not know

I do not know just where the southwest corner of Section 24

do know that there is a lot of timber on the entire tract.

whether there is any timber on this twelve acres or not but

to the twelve acres claimed by Mr. Fulford. I do not know

not know whether or not there is a tree on it. I am alluding

Fulford was turpentine if there are any trees on it but I do

personal knowledge that this twelve acres claimed by Mr.

including this and it was all turpentine. I know of my

It is agreed between the parties to this cause acting by their respective solicitors, that the testimony of said witnesses, which has been taken down in shorthand be transcribed by the stenographer and filed without the signature of the witness, said signature being hereby waived.

Thybert & Chown
Solicitors for Complaint.

Wm. R. O'Connell
Solicitor for Respondent
J. W. Fullford.

T. W. Richerson, Jr.,
Bay Minette, Alabama
TO

Bernice S. Folmar, Dr.
Robertsdale, Alabama

To services in taking and transcribing testimony of
Charles E. Nelson in case of Charles E. Nelson vs
Estelle Nelson Dads, et al., \$5.00

The State of Alabama, {
Baldwin County

CIRCUIT COURT

To T.W. RICHMOND, JR.,

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine CHARLES E. NELSON

as witnesses in behalf of COMPLAINANT in a cause pending in our Circuit Court of Baldwin County, of said State, wherein CHARLES E. NELSON

Complainant
and ESTELLE NELSON DADE, ET AL.

Defendant,

on oath to be by you administered, upon HIM
to take and certify the deposition... of the witness.... and return the same to our Court, with all convenient speed, under your hand.

Witness 11th day of May 19 33

T.W. Richmond

REGISTER

COMMISSIONER'S FEE, \$ 5.00

Plenographer
WITNESS FEES, \$ 5.00
Peru G. G. G. G.

The State of Alabama, { No. 960 CIRCUIT COURT IN EQUITY.
Baldwin County.

Charles E. Nelson, Complainant
vs.
Estelle Nelson Dade, et al Defendant

In this cause it appears to the Register
that a summons requiring the Defendants Estelle Nelson Dade, J. Archibald Nelson,
Albert Nelson, Eloise Nelson Lowell, Arthur H. Nelson, Mrs. Lucille
Devins, J. Morgan Nelson, Robert Dixon, Henry Anderson, W. L. Waters,
Clifford Parnell,

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days
after the service of said Summons upon them
was served upon them by the Sheriff of Baldwin County, Alabama, on the
20&23 day of May 1931 19 ..

And the said Defendant.. having failed to demur, plead to or answer the said Bill of Complaint
to this date, it is now, therefore, on motion of Hybart & Chason

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things
taken as confessed against the said Estelle Nelson Dade, J. Archibald Nelson, Alber
Nelson, Eloise Nelson Lowell, Arthur H. Nelson, Mrs. Lucille Devins,
J. Morgan Nelson, Robert Dixon, Henry Anderson, W. L. Waters.....
Clifford Parnell.

..... DefendantS. aforesaid.
This 29th day of July 1935
..... Register.

RECORDED
Bruck

No. 960

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The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Charles E. Nelson
vs.

Estelle Nelson Dade, et al

**DECREE PRO CONFESSO ON
PERSONAL SERVICE**

Issued July 29th, 1935 19

Robert R. Dade
Register.

Meade Printing Company, Bay Minette, Ala.

6-182

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7-2-1914

The State of Alabama
BALDWIN COUNTY

CIRCUIT COURT

CHARLES E. NELSON

VS.
Complainant

ESTELLE NELSON DADE, ET AL.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

T. W. RICHMOND, JR.

WITNESSES:

CHARLES E. NELSON

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To T.W. RICHMOND, JR.,

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine CHARLES E. NELSON

as witnesses in behalf of COMPLAINANT in a cause pending in our Circuit Court of Baldwin County, of said State, wherein CHARLES E. NELSON

Complainant

and ESTELLE NELSON DADE, ET AL

Defendant,

on oath to be by you administered, upon HIM to take and certify the deposition... of the witness... and return the same to our Court, with all convenient speed, under your hand.

Witness 11th day of May 19 33

T.W. Richmond

REGISTER

COMMISSIONER'S FEE, \$ 5.00

Plumographer
WITNESS FEES, \$ 5.00
Plumographer

CHARLES E. NELSON,

Complainant,

VS.

ESTELLE NELSON DADE, J. ARCHIBALD NELSON, ALBERT NELSON, ELOISE NELSON LOWELL, ARTHUR H. NELSON, MRS. LUCILLE LEVENS, J. MORGAN NELSON AND LUCILLE NELSON, A MINOR, WILLARD NELSON, a Minor, J. W. FULFORD, ROBERT DIXON, HENRY ANDERSON, W. L. WATERS, CLIFFORD PARNELL,

Defendants.

IN THE CIRCUIT COURT-

EQUITY SIDE, STATE OF

ALABAMA. BALDWIN COUNTY.

This cause coming on to be heard is submitted for a final decree on the bill of complaint as last amended, answer of J. W. Fulford, answer of Lucille Nelson and Willard Nelson, minors, by and through their guardian ad litem, decree proconfesso against Eloise Nelson Lowell, Estelle Nelson Dade, J. Archibald Nelson, Albert Nelson, Arthur H. Nelson, Mrs. Lucille Levens, J. Morgan Nelson, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Parnell, and agreement of Solicitors and testimony as noted by the Register, and the same being understood by the Court - And it appearing to the Court that all of the parties to this suit, with the exception of J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Parnell, are the joint owners and are in possession of the lands described in the bill of complaint as last amended.

And it further appearing to the Court that the said J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Parnell have been making repeated trespasses upon the aforesaid land and that said lands are principally valuable for the timber that is situated and located thereon.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the said temporary writ of injunction heretofore issued in this cause restraining the said J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Parnell from trespassing upon said lands

and cutting and removing timber therefrom and from interfering with Charles E. Nelson's possession of said property, be made perpetual.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Parnell be and they are perpetually enjoined from interfering with the possession of the said Charles E. Nelson as to the property described in the bill of complaint as last amended, or from trespassing upon said lands, or cutting or removing timber therefrom.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters, and Clifford Parnell be and they are taxed with the cost of this proceeding, for which let execution issue.

DONE AT MONROEVILLE, ALABAMA, June 29th., 1937.

F. W. Hare
JUDGE

CHARLES E. NELSON,

Complainant,

-vs-

ESTELLE NELSON DADE, J. ARCHIBALD NELSON, ALBERT NELSON, ELOISE NELSON LOWELL, ARTHUR H. NELSON, MRS. LUCILE LEVENS, J. MORGAN NELSON, and LUCILE NELSON, a Minor, WILLARD NELSON, a Minor, J. W. FULFORD, ROBERT DIXON, HENRY ANDERSON, W. L. WATERS, CLIFFORD PARNELL,

Defendants.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

TO THE HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT:

Your Orator humbly complaining of the Defendants in a matter as will hereinafter appear, shows unto your Honor as follows:

1. That all the Defendants, as well as himself, are resident citizens of the State of Alabama, and are over the age of twenty-one years with the exception of Lucile Nelson and Willard Nelson, who are Minors over the age of fourteen years.

2. Your Orator further shows unto your Honor that Estelle Nelson Dade, J. Archibald Nelson, Albert Nelson, Eloise Nelson Lowell, Arthur H. Nelson, Mrs. Lucile Levens, J. Morgan Nelson, Lucile Nelson, Willard Nelson and himself, are the joint owners and are in possession of the following described lands situated in Baldwin County, Alabama, to-wit:

The South half ($S\frac{1}{2}$) of Lot Seven (7); the South half ($S\frac{1}{2}$) of Lot Eight (8); Lots Nine (9) and Ten (10), fractional Section Twenty-four (24) in Township Seven (7) South of Range Two (2) East;

and that there is no suit pending to test the title as to the same.

3. Your Orator further shows unto your Honor that the Defendants, J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Parnell are making repeated trespasses upon the aforesaid lands, hauling timber from the same and threatening to cut all of the timber off of said lands. Your Orator further shows unto your Honor that said lands are principally valuable for the timber that is situated and located thereon, and that unless the said J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters

Duch
RECORDED 285

Dine

No. 960

Charles E. Nelson

U.S.

Estelle Nelson

Duch, et al,

DECREE.

Filed July 8, 1937
U.S. District Registrar

and cutting and removing timber therefrom and from interfering with Charles E. Nelson's possession of said property, be made perpetual.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Parnell be and they are perpetually enjoined from interfering with the possession of the said Charles E. Nelson as to the property described in the bill of complaint as last amended, or from trespassing upon said lands, or cutting or removing timber therefrom.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters, and Clifford Parnell be and they are taxed with the cost of this proceeding, for which let execution issue.

DONE AT MONROEVILLE, ALABAMA, June 29th., 1937.

J. W. Hare

JUDGE

and Clifford Parnell are restrained and enjoined from cutting the timber off of said lands, the same will be absolutely stripped and denuded from timber, and said lands will be of no practical value. 4. Your Orator further shows unto your Honor that the said J. W. Hulford, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Parnell are not being authorized to make said trespasses upon said lands by any of the joint owners thereof; that said trespassing and cutting of timber is contrary to the wishes and wills of all the joint owners of said land.

Your Orator further shows unto your Honor that the said

Defendants, J. W. Hulford, Robert Dixon, Henry Anderson, W. L. L.

Waters and Clifford Parnell are insolvent and are unable to respond in damages in a Court of Justice.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises, your

Orator prays that your Honor will cause the usual writ of process

to issue to Estelle Nelson Bode, J. Archibald Nelson, Albert Nelson, Elsie Nelson Lowell, Arthur H. Nelson, Mrs. Lucile Levens, J.

Morgan Nelson, Lucile Nelson, Willard Nelson, J. W. Hulford, Robert

Dixon, Henry Anderson, W. L. Waters, Clifford Parnell, making them parties Defendants to this Bill of Complaint and requiring them to

plead, answer or demur to the same within the time as required by

law.

Your Orator further prays unto your Honor that you will

cause a temporary writ of Injunction to issue restraining the said

Defendants, J. W. Hulford, Robert Dixon, Henry Anderson, W. L. L.

Waters, Clifford Parnell, from trespassing upon said lands, from cutting or removing timber therefrom and from interfering with

your Orator in his possession of said property.

PRAYER FOR RELIEF.

The premises considered, your Orator prays that upon the

final hearing of this cause your Honor will cause said temporary

writ of Injunction to be made perpetual and forever restraining the

said Defendants, J. W. Hulford, Robert Dixon, Henry Anderson,

W. L. Waters, Clifford Bernal, from cutting or removing timber from said lands and from trespassing thereon and from interfering with the possession of your Oration as to the same.

Your Oration prays for such other and further relief as in equity may seem just and meet, and Oration will ever pray, etc.

FOOT NOTE:-

Defendants are required to answer paragraph 1, 2, 3 and 4 of the foregoing Bill of Complaint, but answer under oath is hereby expressly waived.

Solicitors for Complaint.

My last heard of Oration

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, R. C. Heard, a Notary Public in

and for said County in said State, personally appeared Charles E.

Nelson, who being duly sworn, says that the allegations contained

in the foregoing Bill of Complaint are true and correct.

Chas. E. Nelson

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 13th day of April, 1931.

R. C. HEARD
Notary Public, Baldwin County,
State of Alabama.

TO THE REGISTER OF THE CIRCUIT COURT, BALDWIN COUNTY, ALABAMA:

Upon Complaintant entering into Bond with Good and Sufficient

sureties, in the sum of \$ 200.50, to be approved by you,

you will issue the temporary writ of Injunction as prayed for.

Dated this 14th day of April, 1931.

F. W. HARR
Judge.

Filed April 14, 1931
T. W. Richerson, Register.

Encl

7214

RECORDED

BILL OF COMPLAINT

Bill of Complaint

and cutting and removing timber therefrom and from interfering with Charles E. Nelson's possession of said property, be made perpetual.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Parnell be and they are perpetually enjoined from interfering with the possession of the said Charles E. Nelson as to the property described in the bill of complaint as last amended, or from trespassing upon said lands, or cutting or removing timber therefrom.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said J. W. Fulford, Robert Dixon, Henry Anderson, W. L. Waters, and Clifford Parnell be and they are taxed with the cost of this proceeding, for which let execution issue.

DONE AT MONROEVILLE, ALABAMA, June 29th., 1937.

J. W. Hare

JUDGE

CHANCERY EXECUTION

BILL OF COSTS

No. 960

VS. Charles E. Nelson PLAINTIFF
Estelle Nelson Duff DEFENDANT
et al.

FEES OF REGISTER		Dollars	Cents	Brought Forward	\$
Filing each bill and other papers	\$ 10			For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
Issuing each subpoena	50			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof	40			Each notice sent by mail to creditor	15
Entering each return thereof	15			Filing receipting for and docketing each claim, etc.	25
For each order of publication	1 00			For all entries on subpoena-docket, etc.	50
Issuing Writ of injunction	1 50			For all entries on commission docket, etc.	50
For each copy thereof	50			Making final record. per 100 words	15
Entering each return thereof	15			Certified copy of decree	1 00
Issuing Writ of Attachment	1 00			Report of divorce to State Health Office (Acts 1915)	50
Entering each return thereof	15				
Docketing each case	1 00			TOTAL FEES OF REGISTER..	
Entering each appearance	25				
Issuing each decree pro confesso on per ser.	1 00			FEES OF SHERIFF	
Issuing each decree pro confesso on publica	1 00			Serving and returning subpoena on deft.	\$1 50
Each order appointing guardian	1 00			Serving and returning subpoena for witness	65
Any other order by Register	50			Levying attachment	3 00
Issuing Commission to take testimony	50			Entering and returning same	25
Receiving and filing	10			Selling property attached	75
Endorsing each package	10			Impanelling Jury	2 50
Entering order submitting cause	50			Executing Writ of possession	1 50
Entering any other order of court	25			Collecting execution for costs	65
Noting all testimony	50			Serving and returning sci. fa., each	65
Abstract of cause, etc.	1 00			Serving and returning notice	1 50
Entering each decree	75			Serving and returning writ of injunction	1 50
For every 100 words over 500	15			Serving and returning writ of exeat	75
Taking account, etc.	3 00			Taking and approving bonds, each	2 50
Taking testimony, etc.	15			Collecting money on execution	1 00
Each report, 500 words or less	2 50			Making Deed	3 00
For every 100 words over 500	15			Serving and returning application, etc.	1 50
Amount claimed less than \$500, etc.	2 00			Serving attachment, contempt of court	1 50
Issuing each subpoena	25				
Witness certificate, each	25			TOTAL FEES OF SHERIFF..	
Issuing execution, each	75				
Entering each return	15			RECAPITULATION	
Taking and approving bond, each	1 00			Register's Fees	58 99
Making copy of bill, etc.	15			Sheriff's Fees	18 00
Each notice not otherwise provided for	50			Commissioner's Fees	25 00
Each certificate or affidavit, with seal	50			Solicitor's Fees	
Each certificate or affidavit, no seal	25			Witness Fees	
Hearing and passing on application, etc.	3 00			Guardian Ad Litem	
Each settlement with Receiver, etc.	3 00			Printer's Fees	15 00
Examining each voucher of Receiver, etc.	10			Trial Tax	3 00
Examining each answer, etc.	3 00			Recording Decree in Probate Court	
Recording resignation, etc.	75				
Entering each certificate to Supreme Court	50				
Taking questions and answers, etc.	25				
For all other ser relating to such proceedings	1 00				
For services in proceeding to relieve minors, etc., same fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per cent; all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent					
Sub Total Carried Forward				TOTAL	119 95

The State of Alabama, {
Baldwin County

No. 960
Circuit Court, In Equity June Term, 1937

To any Sheriff of the State of Alabama—GREETING:

You are hereby commanded, That of the goods and chattels, lands and tenements of J. W. Fulford, Robert Dixon, Henry Andrews, W. L. Waters & Clifford Parnell Defendant you cause to be made the sum of _____ Dollars, which Charles E. Nelson Plaintiff recovered of them on the 29 day of June 1937 by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of \$119.95 Dollars,

costs o' suit, and have the same to render to the said R. S. Duch and make return of this Writ and the execution thereof, according to law.

Interest from _____ 193_____ to date of collection.

Witness my hand, this 24 day of January 1937

R. S. Duch Register

No. 960

THE STATE OF ALABAMA

Baldwin County.

Circuit Court, In Equity

Charles E. Johnson

51

Estelle Morris Dade

pt a2.

CHANCERY EXECUTION
Fi. Fa.

\$119.95

Total \$

Free Book 3 Page 122

Execution Docket Page 111

Complainant's Solicitor

THE STATE OF ALABAMA

Baldwin County

has _____ duly waived _____ right _____ to the exemption of personal property as to the collection of the debt for which this execution is issued.

Register.

Received in office this 24th day of Jan 1939
W. H. Stuart

Sheriff

Execution Docket_____ Page 35

Returned 4/24/39 no property
of Rev. Judson et al found
in Baldwin County
Ga., there

Q. What is the name of the person who is the owner of the property?

MOORE PRINTING CO., MAY NINETEEN, ALEX.

The State of Alabama,
Baldwin County

By virtue of the within execution I have levied

CHANCERY EXECUTION

BILL OF COSTS

No. 960

Charles E. Nelson vs

Estelle Nelson, Plaintiff
Defendant

FEES OF REGISTER		Dollars	Cents	Brought Forward	\$
Filing each bill and other papers	\$ 10			For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
Issuing each subpoena	50			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof	40			Each notice sent by mail to creditor	15
Entering each return thereof	15			Filing receipting for and docketing each claim, etc.	25
For each order of publication	1 00			For all entries on subpoena docket, etc.	50
Issuing Writ of injunction	1 50			For all entries on commission docket, etc.	50
For each copy thereof	50			Making final record, per 100 words	15
Entering each return thereof	15			Certified copy of decree	1 00
Issuing Writ of Attachment	1 00			Report of divorce to State Health Office (Acts 1915)	50
Entering each return thereof	15				
Docketing each case	1 00			TOTAL FEES OF REGISTER	
Entering each appearance	25				
Issuing each decree pro confesso on per ser.	1 00			FEES OF SHERIFF	
Issuing each decree pro confesso on publica	1 00			Serving and returning subpoena on deft.	\$1 50
Each order appointing guardian	1 00			Serving and returning subpoena for witness	65
Any other order by Register	50			Levy and attachment	3 00
Issuing Commission to take testimony	50			Entering and returning same	25
Receiving and filing	10			Selling property attached	
Endorsing each package	10			Impaneling Jury	75
Entering order submitting cause	50			Executing Writ of possession	2 50
Entering any other order of court	25			Collecting execution for costs	1 50
Noting all testimony	50			Serving and returning sci. fa., each	65
Abstract of cause, etc.	1 00			Serving and returning notice	65
Entering each decree	75			Serving and returning writ of injunction	1 50
For every 100 words over 500	15			Serving and returning writ of exeat	1 50
Taking account, etc.	3 00			Taking and approving bonds, each	75
Taking testimony, etc.	15			Collecting money on execution	
Each report, 500 words or less	2 50			Making Deed	2 50
For every 100 words over 500	15			Serving and returning application, etc.	1 00
Amount claimed less than \$500, etc.	2 00			Serving attachment, contempt of court	1 50
Issuing each subpoena	25				
Witness certificate, each	25			TOTAL FEES OF SHERIFF	
Issuing execution, each	75				
Entering each return	15			RECAPITULATION	
Taking and approving bond, each	1 00			Register's Fees	58 99
Making copy of bill, etc.	15			Sheriff's Fees	18 00
Each notice not otherwise provided for	50			Commissioner's Fees	25 00
Each certificate or affidavit, with seal	50			Solicitor's Fees	
Each certificate or affidavit, no seal	25			Witness Fees	
Hearing and passing on application, etc.	3 00			Guardian Ad Litem	15 00
Each settlement with Receiver, etc.	3 00			Printer's Fees	
Examining each voucher of Receiver, etc.	10			Trial Tax	3 00
Examining each answer, etc.	3 00			Recording Decree in Probate Court	
Recording resignation, etc.	75				
Entering each certificate to Supreme Court	50				
Taking questions and answers, etc.	25				
For all other ser relating to such proceedings	1 00				
For services in proceeding to relieve minors, etc., same fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per cent; all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent					
Sub Total Carried Forward				TOTAL	119 95

The State of Alabama,
Baldwin County

No. 960
Circuit Court, In Equity June Term, 1937

To any Sheriff of the State of Alabama—GREETING:

You are hereby commanded, That of the goods and chattels, lands and tenements of

J. M. Fulford, Robert L. Simpson, Henry Anderson, Defendant
you cause to be made the sum of

which Charles E. Nelson Plaintiff

recovered of \$200 on the 29 day of June 1937

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of

119 95 Dollars,

costs of suit, and have the same to render to the said Plaintiff and make return of this Writ and the execution thereof, according to law.

Interest from 1937 to date of collection.

Witness my hand, this 28 day of Sept 1937 Register

No. 96a

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

Charles E. Johnson

Estelle Mulvan
Baba Cerad

CHANCERY EXECUTION
Fi. Fa.

\$1985

Total	-	-	-	\$
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Free Book 3 Page 433

Execution Docket Page 111

Complainant's Solicitor

THE STATE OF ALABAMA
Baldwin County.

has not duly waived its right to the exemption of personal property as to the collection of the debt for which this execution is issued.

Register.

Received in office this

day of January 1938

[Signature]
Sheriff

Execution Docket:

Page

15

Returned for delivery
Apr 6th 1938
M. W. McKim,
Chicago

MOORE PRINTING CO., BAY MINETTE, ALA.

The State of Alabama, }
Baldwin County }

By virtue of the within execution I have levied

CHANCERY EXECUTION
BILL OF COSTS

No. 960 . Charles E Nelson. VS. Estelle Nelson Dade Et Al. PLAINTIFF
DEFENDANT

FEES OF REGISTER		Dollars	Cents	Brought Forward	\$31	45
Filing each bill and other papers	\$ 10	2	00	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.		
Issuing each subpoena	50	5	50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Issuing each copy thereof	40	4	40	Each notice sent by mail to creditor	15	
Entering each return thereof	15			Filing receipting for and docketing each claim, etc.	25	
For each order of publication	1 00			For all entries on subpoena docket, etc.	50	
Issuing Writ of injunction	1 50			For all entries on commission docket, etc.	50	50
For each copy thereof	50			Making final record, per 100 words	15	25.00
Entering each return thereof	15			Certified copy of decree	1 00	2 00
Issuing Writ of Attachment	1 00			Report of divorce to State Health Office (Acts 1915)	50	
Entering each return thereof	15			TOTAL FEES OF REGISTER..		5895
Docketing each case	1 00	1	00	FEES OF SHERIFF		
Entering each appearance	25			Serving and returning subpoena on deft. \$1 50	1650	
Issuing each decree pro confesso on per ser. 1 00	11	58		Serving and returning subpoena for witness	65	
Issuing each decree pro confesso on publica 1 00				Levyng attachment	3 00	
Each order appointing guardian	1 00	1	00	Entering and returning same	25	
Any other order by Register	50		50	Selling property attached	75	
Issuing Commission to take testimony	50	2	00	Impaneling Jury	2 50	
Receiving and filing	10		40	Executing Writ of possession	1 50	1 50.
Endorsing each package	10		40	Collecting execution for costs	65	
Entering order submitting cause	50		50	Serving and returning sci. fa., each	65	
Entering any other order of court	25			Serving and returning notice	1 50	
Noting all testimony	50		50	Serving and returning writ of injunction	1 50	
Abstract of cause, etc.	1 00			Serving and returning writ of exeat.	75	
Entering each decree	75		75	Taking and approving bonds, each	2 50	
For every 100 words over 500	15	1	00	Collecting money on execution	1 00	
Taking account, etc.	3 00			Making Deed	1 50	
Taking testimony, etc	15			Serving and returning application, etc..	3 00	
Each report, 500 words or less	2 50	31	45	Serving attachment, contempt of court..		
For every 100 words over 500	15			TOTAL FEES OF SHERIFF..	18.00	
Amount claimed less than \$500, etc	2 00			RECAPITULATION		
Issuing each subpoena	25			Register's Fees	58 95.	
Witness certificate, each	25			Sheriff's Fees	18.00	
Issuing execution, each	75			Commissioner's Fees	25.00	
Entering each return	15			Solicitor's Fees		
Taking and approving bond, each	1 00			Witness Fees		
Making copy of bill, etc	15			Guardian Ad Litem	15.00	
Each notice not otherwise provided for	50			Printer's Fees		
Each certificate or affidavit, with seal	50			Trial Tax	3 00	3.00
Each certificate or affidavit, no seal	25			Recording Decree in Probate Court		
Hearing and passing on application, etc.	3 00			TOTAL	11995	
Each settlement with Receiver, etc.	3 00					
Examining each voucher of Receiver, etc	10					
Examining each answer, etc.	3 00					
Recording resignation, etc.	75					
Entering each certificate to Supreme Court	50					
Taking questions and answers, etc	25					
For all other ser relating to such proceedings	1 00					
For services in proceeding to relieve minors, etc., same fee as in similar cases.						
Commission on sales, etc: 1st \$100, 2 per cent: all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent.						
Sub Total Carried Forward						

The State of Alabama, {
Baldwin County

No. 960.
Circuit Court, In Equity June. Term, 193 7

To any Sheriff of the State of Alabama—GREETING:

You are hereby commanded, That of the goods and chattels, lands and tenements of
J W Fulkford. Robert Dixon, Henry Anderson. W L Waters & Clifford Parhall .

you cause to be made the sum of One Hundred Nineteen and 95/100. Costs. Dollars,
which Charles E Nelson. Plaintiff

recovered of Them on the 29th day of June. 193 7

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of
Dollars,

costs o' suit, and have the same to render to the said
and make return of this Writ and the execution thereof, according to law.

Interest from 193 to date of collection.

Witness my hand, this 28th day of Sept; 193 7
Register

964

Baldwin County.

Charles E. Phelps.

Estelle Hudson
Dade Co GA

CHANCERY EXECUTION
Fi. Fa.

\$1199.50

Total	11723
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Free Book 3 Page 483

Execution Docket _____ Page 111

Complainant's Solicitor

Baldwin County.

Register.

Received in office this 29

day of Feb 1937

W. H. Williams
Sheriff

Execution Docket _____ Page 134

Execution Docket
Page
Returned to
Dec. 21 - 1937
Mr. H. McElhenny
Shaw

MOORE PRINTING CO., EAY NINETE, ALA.

The State of Alabama, }
Baldwin County }

By virtue of the within execution I have levied.

PARTIAL

ABSTRACT

OF

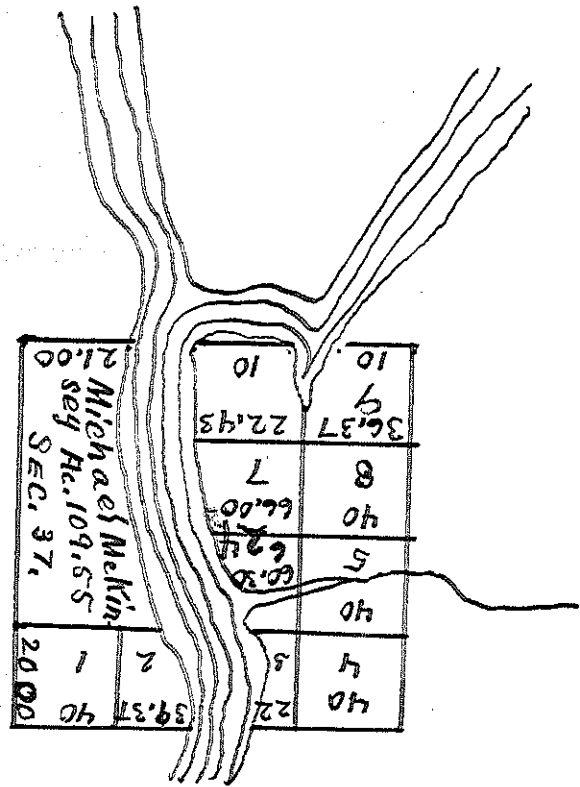
TITLE

"to the following described real estate
(or lands), to-wit:
Government Sub-divisions two, three,
four, five, six, seven, eight, nine
and ten, in Fractional Section Twenty-
four, T.7.S.2.E. Baldwin Co. Ala.

Tract Book Volume One, Page 213.
Township 7 South Range 2 East, St. Stephens Meridian, Alabama.

Section 24, 406.47 Acres.
Lot 2 - 39.37 Acres, Sold or granted to Jonathan Hunt. Date of Sale May 17
1836. #Cer. 7234.
Lot 3 - 22.00 Acres; Lot 4 - 40.00 Acres; Lot 5 - 40.00 Acres; Lot 6 -
60.30 Acres; Lot 7 - 66.00 Acres; Lot 8 - 40.00 Acres; Lot 9 - 36.37
Acres; Lot 10 - 22.43 Acres. Sold or granted to David Gordon, John &
Alex Norton. Date of Sale June 18 1836. #Cer. 7636.

Plat Book #1, Baldwin County, Alabama. Photolithographic Maps of United States Surveys, showing R. 1. Section 24 T 7 S R 2 E. Land District South-
ern part of Alabama.



Patent; (Certified copy)

Dated July 10 1839

Certificate #7636

Filed for record January 20 1926, 1.50PM.
Recorded in Deed Book 38MS, Page 256

The United States of America,
By Martin Van Buren, Pres.,

To

David Gordon, John Norton
and Alexander Norton.

Conveys

"For the Lots or Divisions two, three, four, and five of West fractional
Section twenty four, in Township seven South, of Range two East, in the
District of Lands Subject to Sale at St. Stephens, Alabama, containing
Three hundred and twenty seven acres and ten hundredths of an acre, acc-
ording to the official plat of the survey of the said Lands.

Record Book "N", pages 109 to 125, S.E. Chancery Division, in office of Register of Circuit Court, Mobile, Ala.

Richard Norton, Admr. of John Norton and
Executor of Alex Norton, deceased, Complainants,
vs.
John Wood, Wm. Wood, David Gordon, Joseph Wood, John
M. Jones, Anna Keltie Wood, Henry Dubose, Marion C.
Norton, John C. Norton, Anna Keltie Eastup, Thomas
Eastup, her husband, Mary E. Norton, Catherine P.
Norton, Susan R. Norton, Wm. Norton, Samuel C. Bussy,
Catherine Posey, Mary Posey and Susan Posey, Def'ts.
.....

No. 1567.
Chancery Court.

Bill filed.....for settlement of estates and
sale of land therefor. Exhibit A. to bill contains a list of the lands and
among the items is Lots 2 - 3 - 4 - 5 of W Tr. Sec. 24, T. 7. S. R. 2. E. 327.10
Acres.

Service.

Service accepted by John Wood, David Gordon, Wm. T. Dubose-Guardian of Henry
Dubose, and Joseph Wood.

Orders of Publication and Proof thereof for the rest.

Henry Dubose answers by John M. Taylor, Guardian ad Litem,
but did not note appointment in record. File missing.

Record Book "N", page 117, S.E. Chancery Division, Mobile, Ala.

Reference :- Report of Master as to manner of sale of
Lands, etc. Also Minute Book "D", Page 294.
Confirmation of Report of Master and Order of Sale. Also Minute
Book "D", Page 308.

Record Book "N", Page 122, Also Minute Book "E", page 175.
Confirmation of Sale by Master to Noah Harrington Junior of Lots
2 - 3 - 4 - 5 - of W Tr. Sec. 24, T. 7. S. R. 2. E. 327.10 Ac. at 45¢ per acre
\$147.20, and other sales. States "for which he made deeds to said purchas-
ers - with the exception of Wm D Gager - which part was RESOLD to Alexander
Mokinsky.

Sets out report of Master, and confirms the same. The report sets
up sale on 1st, Monday in June, 1861, pursuant to decree of Jan. Term, 1861,
after thirty days advertisement in a newspaper, etc.
Reports sale of Lots 2 - 3 - 4 - 5 - of W Tr. Sec. 24, T. 7. S. R. 2. E.
327.10 acres to Noah Harrington Junior for 45¢ per acre, \$147.20.
Recites that report was read more than two days before in open
Court and no exceptions filed and confirmation of it.

David Gordon, et al

To

Noah Harrington Junior.

Chancellors Deed
Dated June 2 1851
Acknowledged June 24 1851, before

William Brooks & Peace Mobile Co Als

Filed for record June 25 1851

Recorded in Record Book "F", Pages 159-160
Cons: \$147.20 It is Paid

It is properly indexed

Names of all signers are in body of con-

veyance

No Witnesses.

Conveys

"and described as follows, to wit, Lots 2, 3, 4, 5, West Fractional Section
24 Township 7 South Range 2 East containing 327 10/100 Acres.

Recites: - I, O.S. Jewett Register and Master in chancery, of the Chancery
for the first District of the Southern Chancery Division of said State, in
pursuance of the command made by the Honorable the Chancery Court for the Dis-
trict aforesaid, and in execution of a certain Decree made by said Court
at the Term thereof, held in and for said district, at Mobile, on the first
Monday of April A.D. Eighteen hundred & fifty-one in a certain suit in Chan-
cery, pending in said Court, wherein Richard Norton, Adm. of the Estate of
John Norton decd. Executor of the Last Will & Testament of Alex. Norton
decd. complainant and John Joseph and William Wood, David Gordon, Jno. H. Jones
& wife, Henry Dubose et al. Defendants and in obedience to the requirements
of said Decree I did expose at public sale in front of the Court House of
said County on the first Monday of June A.D. 1851 - - between the hours of
Twelve O'clock Noon and three O'clock in the afternoon on said day the
Lands ordered to be sold by said Decree, after having given thirty days pro-
vious notice of the said intended sale, by publication in the herald and
tribune a Newspaper printed in the City of Mobile, at which said sale so
made as aforesaid Noah Harrington Junior became the purchaser of the said
Land so ordered to be sold - - Now therefore be it known that I, O.S.
Jewett, Register and Master as aforesaid, in consideration of the premises
and pursuant to the authority aforesaid and of the said sum of money paid
to me in hand, have bargained sold and convey, etc. - -

Noah Harrington &
Sophronia A Harrington,
his wife,

To

Joseph Nelson-

Warranty Deed
Dated April 10 1854
Acknowledged April 12 1854, before
J R Eastburn NB Mobile Co Ala.; (SEAL)
Grantors are married
No separate acknowledgment of wife
Filed for record April 9 1855
Recorded in Record Book "B", Pages 514-515
Cons: \$409.00 It is paid
It is properly indexed
Names of all signers in body of con-
veyance
No Witnesses.

Conveys

All those certain Lots or Pieces of Land situated lying and being in the
County of Baldwin and State of Alabama Being the Lots or Divisions two
three four & five of west fractional section twenty four in Township seven
south of Range two East in the Districts of Lands subject to sale at St
stephens Alabama containing three hundred & twenty seven acres and ten
hundredths of an acre according to the official plat of a survey of the
said Lands returned to the General Land Office by the surveyor General.

Signed: M. Harrington; S.A. Harrington.

Recites: Provided always and these presents are upon this express condition that if the said Joseph Nelson shall well and truly pay to the said, Nosh Harrington his executors administrators or assigns the sum of four hundred and nine Dollars the amount of two certain promissory notes bearing even date herewith made by the said Joseph Nelson in favor of the said Nosh Harrington for two hundred and four Dollars and fifty cents each due the first of November 1854, and the first of May, 1855, then these presents shall cease determine and be void otherwise to be and remain in full force.

General.
of the said Lands returned to the General Land office by the surveyor ten one hundredths of an acre, according to the official plat of a survey Stephens Alabama containing three hundred and twenty seven acres and south of Range two East in the District of Lands Subject to sale at St four and five of West fractional section twenty four in Township seven County of Baldwin and state of Alabama Being the Lots or Divisions two three "All those certain Lots or parcels of Land situated lying and being in the

Conveys

Witness: J.R. Eastburn.

Verance

Names of all signers are in body of con-

It is properly indexed

Cons: \$409.00

Recorded in Record Book "R", Pages 453-454

Filed for record April 18 1854

Does not state if Grantor is married

J R Eastburn, JR Mobile Co Ala (SMT)

Acknowledged April 18 1854, before

Dated April 10 1854

Notary

Joseph Nelson

To

Nosh Harrington

-----0-----
A careful search of the indexes
to the land records on file in
the Office of the Probate Judge
of Baldwin County Alabama show
no cancellation of the mortgage
from Joseph Nelson to Noah Har-
rington. -----

ABSTRACTER'S NOTE.

Joseph Nelson Jr and
Isabella M Nelson,
his wife,

To

James D Johnson.

Warranty Deed

Dated May 19 1856

Acknowledged May 19 1856, before

Timrod Underwood, J. Peace; Baldwin Co Ala.,

Grantors are married

No separate acknowledgment of wife

Filed for record November 11 1856

It is properly indexed

Names of all signers are in body of con-

veyance

Recorded in Record Book "G", Pages 156-157

Cons: \$8,000.00 It is paid

Witness: Abisha Nelson

Conveys

"all and singular the following described lands lying, being and situate in
the County of Baldwin and State of Alabama, To-wit, - - - and the lots or
divisions two, three, four and five of West fractional Section twenty four
(except five acres on the North side of Turkey Branch at the Mouth, known as
the ways owned by Philip Davis) all in Township Seven, South of Range two
East (and other lands) Containing Two Thousand and Seventy five Acres, -

James D Johnson and
Sarah Johnson, his wife,

To

Joseph Nelson, Jr.

Warranty Deed
Dated September 9 1880
Acknowledged September 9 1880, before
R.N. Bishop, J. Peace Baldwin Co Ala.
Grantors are married
No separate acknowledgment of wife
Filed for record September 15 1914
Recorded in Deed Book 32 MS, Page 598
It is properly indexed
Names of all signers are in body of con-
veyance
Cons: \$8000.00
It is paid.
No Witnesses.

Conveys

"The following lying, being and situate in the County of Baldwin and state
of Alabama, town, -- -- and the lots or divisions two three four and
five of west fractional section twenty four except five acres on the south
side of turkey branch at the mouth known as the ways owned by Philip Davis
all in township seven south of range two east (and other lands) containing
two thousand and seventy five acres more or less in the st Stephens land
district.

Note:-- This deed is given in place of one that was given some years since
and lost or misplaced.

ABSTRACTER'S NOTE.

A careful search of the indexes
to the Probate records on file in
the Office of the Probate Judge
of Baldwin County Alabama show
no proceedings in the Estate of
Joseph Nelson, Jr. -----

QUIT CLAIM DEED.

State of Alabama)

Baldwin County)

KNOW ALL MEN BY THESE PRESENTS, That Mary Ard and Bose Ard, her husband;

Alabama Mannich and Hermon L. Mannich, her husband; A.C. Nelson and Lella Nelson, his wife; Noah Nelson and Mary Nelson, his wife; Nellie Leavins and W. W. Leavins, her husband; Avvie Wynn, a widow; Indu Underwood and John Underwood, her husband; Minnie Underwood and M. O. Underwood, her husband; Effie Wynn and Andy Wynn, her husband; Georgeanna McKenzie, a widow; Mary Ella McCrea, a single woman; Ralph G. Nelson, a single man; Charles W. Nelson, a single man; Lula Merriman and Charles E. Merriman, her husband; Devereaux Nelson and Pearl Nelson, his wife; Frank B. Nelson and Mary Nelson, his wife; James Nelson and Georgeanna Nelson, his wife; Sarah Clements and Frank Clements, her husband; Isabelle Kruse and W. W. Kruse, her husband; Edward Nelson and Carrie Nelson, his wife; Lizzie Thomley, a widow; Mrs. Nora Todd, a single woman;

in consideration of the sum of One Dollar and other valuable considerations to them in hand paid by Ralph G. Nelson and Charles A. Nelson, the receipt whereof is hereby acknowledged, do remise, release, quit-claim, and convey to the said Ralph G. Nelson and Charles A. Nelson, all their right, title, interest and claim, in or to the following described real estate (or lands), to-wit:

in said County of Baldwin, from a stake which is the center of the West line of Government Subdivision No. 8, Fractional Section 24, T. 7. S. R. 2. E., run North Eighty six feet; thence North 86 $\frac{1}{2}$ East Four hundred eleven feet; thence North 1 $\frac{1}{2}$ East Five Hundred Fifty Four feet; thence East Nine Hundred Nine feet; thence North Eight hundred Ninety seven feet; thence East Nineteen Hundred seven feet, more or less to the Margin of Fish River; thence South 30 $\frac{1}{2}$ East and following the meanderings of Fish River to where the center line of Government Subdivision No. 7, aforesaid section intersects Fish River; thence West to the point of Beginning. Land is the South 897 feet of Gov. Subdiv. No. 6, and the North Half of Gov. Subdiv. Nos. 7 and 8. 24. T. 7. S. R. 2. E.

TO HAVE AND TO HOLD to the said Ralph G. Nelson and Charles A. Nelson, their heirs and assigns forever.

GIVEN UNDER OUR HANDS AND SEALS this 15th day of July, 1930.

WITNESSES:

George Nelson
Sarah Clements
Frank Clements
Mary E. Nelson
Frank B. Nelson
James S. Nelson
Mary Ella McKee

Lula E. Merriman
Charles E. Merriman
J. E. Nelson
Carrie Nelson
Ralph G. Nelson
Isabelle E. Kruse
W. W. Kruse

Mrs Nora Todd
Mrs Nellie Leavins

his
W.W. X Leavins
mark

Witness to mark of W.W. Leavins
Raleigh McKenzie

A C Nelson
Leila Nelson
Mary Nelson
Alabama Mannich
Herman L Mannich
Devereaux Nelson
Pearl Nelson
Avvie Wynn
Lizzie Thomley

her
Mary X Ard
mark
his

Witness to mark of Mary Ard
Raleigh McKenzie

Bose X Ard
mark

Witness to mark of Bose Ard
Raleigh McKenzie

Andy Wynn
her
Effie X Wynn
mark

Witness to mark of Effie Wynn
Raleigh McKenzie

J H Underwood
Indy Underwood
M.O. Underwood
Minnie Underwood
~~Georgiana Underwood~~

her
Georgiana X McKenzie
mark

Witness to mark of Georgiana McKenzie
Raleigh McKenzie

Chas A Nelson
Della Dorgan a widow
Agnes Nelson a widow
Callie Nelson a widow

STATE OF ALABAMA)

MOBILE COUNTY) I, John E. Mandeville, a Notary Public, in and for said
State and County, do hereby certify that Mary Ella McCrea, a single woman;
Lula Merriman and Charles Merriman, her husband; Frank Nelson and Mary Nelson,
his wife; James Nelson and Georgiana Nelson, his wife; Sarah Clements & Frank
Clements, her husband; Isabella Kruse and William Kruse, her husband; Edward
Nelson and Carrie Nelson, his wife; and Ralph G. Nelson whose names are
signed to the foregoing conveyance, and who are known to me acknowledged
before me, on this day that being informed of the contents of the said con-
veyance, they executed the same voluntarily on the day the same bears date. Ivey-
Given under my hand this 12th day of July, 1930.

John E. Mandeville
Notary Public, Mobile County, Ala. (Seal)

STATE OF ALABAMA)
MOBILE COUNTY

I, John E2 Mandeville, a Notary Public, in and for said State and County, do hereby certify that on the 12th day of July, 1930, came before me the within named Lula Merriman known to me to be the wife of the within named Charles Merriman; and the within named Mary Nelson, known to me to be the wife of the within named Frank Nelson; and the within Georgiana Nelson, known to me to be the wife of the within named James Nelson; and the within named Isabella Kruse, known to me to be the wife of the within named William Kruse; and the within named Carrie Nelson, known to me to be the wife of the within named Edward Nelson; who being examined separate and apart, individually, from their husbands in reference to their signatures to the within conveyance, acknowledged that they signed the same of their own free will and accord, and without fear, constraint or threats on the part of the husbands.

In witness whereof, I hereunto set my hand, this 12th day of July, 1930.

John E Mandeville

Notary Public, Mobile County, Ala. (SEAL)

STATE OF ALABAMA)
BALDWIN COUNTY

I, G. E. Perkins, a Notary Public, in and for said State and County, do hereby certify that Mary Ard and Bose Ard, her husband; Alabama Mannich and Harmon L. Mannich, her husband; A. C. Nelson and Leila Nelson, his wife; Noah Nelson and Mary Nelson, his wife; Nellie Leavins and W. W. Leavins, her husband; Avvie Wynn, a widow; Indy Underwood and John Underwood, her husband; Minnie Underwood and M. O. Underwood, her husband; Effie Wynn and Andy Wynn, her husband; Mrs. Nora Todd, a widow; Georgiana McKenzie, a widow; Ralph G. Nelson, a single man; Charles A. Nelson, a single man; Devereaux Nelson and Pearl Nelson, his wife; Lizzie Thomley, a widow; whose names are signed to the foregoing conveyance, and who are known to me acknowledged before me, on this day that being informed of the contents of the said conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand this 15th day of July, 1930.

G.E.Perkins

(SEAL)

STATE OF ALABAMA)

BALDWIN COUNTY) I, G.E.Perkins, a Notary Public, in and for said State and County, do hereby certify that on the 15th day of July, 1930, came before me the within named Mary Ard, known to me to be the wife of the within named Bose Ard; and the within named Alabama Mannich, known to me to be the wife of the within named Harmon L. Mannich; and the within named Leila Nelson, known to me to be the wife of the within named A. C. Nelson; and the within named Mary Nelson, known to me to be the wife of the within named Noah Nelson; and the within named Nellie Leavins, known to me to be the wife of the within named W. W. Leavins; and the within named Indy Underwood, known to me to be the wife of the within named John Underwood; and the within named Minnie Underwood, known to me to be the wife of the within named M. O. Underwood; and the within named Effie Wynn, known to me to be the wife of the within named Andy Wynn; and the within named Pearl Nelson, known to me to be the wife of the within named Devereaux Nelson; who being examined separate and apart, individually, from their husbands in reference to their signatures to the within conveyance, acknowledged that they signed the same of their own free will and accord, and without fear, constraint or threats on the part of the husbands.

In witness whereof, I hereunto set my hand, this 15th day of July, 1930.

G. E. Perkins

(SEAL)

QUIT CLAIM DEED.

State of Alabama,
Baldwin County)

KNOW ALL MEN BY THESE PRESENTS, that Ralph G. Nelson, a single man, in consideration of the sum of One Dollar and other valuable considerations to him in hand paid by Charles A. Nelson, the receipt whereof is hereby acknowledged, do remise, release, quit-claim, and convey to the said Charles A. Nelson, all his right, title, interest and claim, in or to the following described real estate (or lands), to-wit:

in said County of Baldwin, from the Northwest corner of Government Sub-division No. 8, Fractional Section 24, T. 7. S. R. 2. E., run West Four-teen Hundred and Twenty feet for a point of beginning; thence North Eight-Hundred Ninety seven feet; thence East Eighteen Hundred seven feet, more or less to the Margin of Fish River; thence South 30° East and following the meanderings of Fish River to where the center line of Government Subdivi-son No. 7, aforesaid section intersects Fish River; thence West to a point Twenty One Hundred and Seventy eight feet East of a point in the center of the West line of Government Subdivision No. 8; thence North Six Hundred and Sixty feet; thence West Seven Hundred and Fifty eight feet to the point of Beginning. Lot contains 25 Acres and is part of Government Subdivisions Six and Seven, Tl. Sec. 24, T. 7. S. R. 2. E.

TO HAVE AND TO HOLD to the said Charles A. Nelson, his heirs and assigns forever.

GIVEN UNDER MY HAND AND SEAL this _____ day of _____, 1930.

WITNESSES:

L.S.

STATE OF ALABAMA,
BALDWIN COUNTY) I,

I, _____, in and for said State and County, do hereby certify that Ralph G. Nelson, a single man, whose name is signed to the foregoing conveyance, and who is known to me acknowledged before me, on this day that being informed of the contents of the said conveyance, he executed the same voluntarily on the day the same bears date.

_____ day of _____, 1930.

QUIT CLAIM DEED.

State of Alabama)

Baldwin County)

KNOW ALL MEN BY THESE PRESENTS, That Charles A Nelson, a single man, in consideration of the sum of One Dollar and other valuable considerations to him in hand paid by Ralph G Nelson, the receipt whereof is hereby acknowledged, do remise, release, quit-claim, and convey to the said Ralph G Nelson, all his right, title, interest and claim, in or to the following described real estate (or lands), to-wit:

In said County of Baldwin, Begin at the Northwest corner of Government Sub-division No. 8, Fractional Section 34, T. 7. S. R. 2. E., run East Thirteen Hundred and Twenty feet; thence North Eight Hundred Ninety seven feet; thence East One Hundred feet; thence South Eight Hundred Ninety seven feet; thence East Seven Hundred and Fifty eight feet; thence South Six Hundred and Sixty feet, more or less to the center line of Government Subdivision No. 7, afore- said section; thence West Seventeen Hundred and Seventy five feet; thence North 1 1/2 East Three Hundred and Eight feet; thence South Eighty Six Degrees West Four Hundred and Twenty seven feet more or less to the Section line; thence North Three Hundred and Sixty five feet, more or less, to the point of Beginning. Lot contains 32 Acres and is part of Government Subdivisions Six, Seven and Eight, T. 7. S. R. 2. E.

TO HAVE AND TO HOLD to the said Ralph G. Nelson, his heirs and assigns

GIVEN UNDER MY HAND AND SEAL this

day of

1930.

L.S.

WITNESSES:

STATE OF ALABAMA)
BALDWIN COUNTY) I,

in and for said State and County, do hereby certify that Charles A Nelson, a single man, whose name is signed to the foregoing conveyance, and who is known to me acknowledged before me, on this day that being informed of the contents of the said conveyance, he executed the same voluntarily on the day the same bears date.

1930.

day of

Given under my hand this

QUIT CLAIM DEED.

State of Alabama)
Baldwin County)

KNOW ALL MEN BY THESE PRESENTS, That Charles A Nelson, and Jennie B Nelson, husband and wife, in consideration of the sum of One Dollar and other valuable considerations to us in hand paid by Ralph G Nelson, the receipt whereof is hereby acknowledged, do remise, release, quit-claim, and convey to the said Ralph G Nelson, all our right, title, interest and claim, in or to the following described real estate (or lands), to-wit:

division No. 8, Fractional Section 24, T. 7. S. R. 2. E., run East Thirteen Hundred and Twenty feet; thence North Eight Hundred Ninety seven feet; thence East One Hundred feet; thence South Eight Hundred Ninety seven feet; thence East Seven Hundred and Fifty eight feet; thence South Six Hundred and Sixty feet, more or less to the center line of Government Subdivision No. 7, afore-said Section; thence West Seventeen Hundred and Seventy five feet; thence North 1 1/2. East Three Hundred and Eight feet; thence South Fifty Six Degrees West Four Hundred and Twenty seven feet more or less to the Section line; thence North Three Hundred and Sixty five feet, more or less, to the point of Beginning. Lot contains 32 Acres and is part of Government Subdivisions Six, Seven and Eight, Sec. 24, T. 7. S. R. 2. E.

TO HAVE AND TO HOLD to the said Ralph G. Nelson, his heirs and assigns forever.

GIVEN UNDER OUR HANDS AND SEALS this 15th day of October 1930.

WITNESSES:

L.S.

L.S.

STATE OF ALABAMA)
BALDWIN COUNTY) I,

a do hereby certify that Charles A Nelson, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me, on this day that being informed of the contents of the said conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand this day of 1931.

STATE OF ALABAMA)
MOBILE COUNTY) I,

a do hereby certify that on the day of 1931,

same before me the within named Jennie B. Nelson, known to me to be the wife of the within named Charles A Nelson, who being examined separately and apart from her husband in reference to her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraint or threats on the part of the husband.

In witness whereof, I hereunto set my hand, this day of 1931.

1931.

WARRANTY DEED.

STATE OF ALABAMA
BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of One Dollar and other valuable considerations, to me in hand paid by J. W. Fulford, the receipt whereof is hereby acknowledged, We, Ralph G Nelson and Charles A Nelson, single men, do grant, bargain, sell and convey unto the said J. W. Fulford, the following described lands situated in Baldwin County, Alabama, to-wit:-

From a stake which is the center of the west line of Government Subdivision No. 8, Fractional Section 24, T. 7. S. R. 2. E., run East Four Hundred and Three feet; thence North $1\frac{1}{2}^{\circ}$ East Three Hundred and Eight feet; thence South Eighty Six Degrees West Four Hundred and Twenty seven feet more or less to the Section line; thence South Two Hundred and Ninety five feet more or less to the point of beginning. Lot is Three acres and is in Gov. Subdiv. No. 8, Fl.Sec.24.T.7.S.R.2.E.

TO HAVE AND TO HOLD TO THE SAID J.W.Fulford and his heirs and assigns forever.

And we do covenant with the said J.W.Fulford, that we are seized in fee of the above described premises; that we have the right to sell and convey the same, that the said premises are free from all encumbrances; and that we will and our heirs, executors and administrators shall forever WARRANT AND DEFEND the same to the said J.W.Fulford and to his heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS our hands and seals this _____ day of _____ 1930.

WITNESSES: _____ L.S.

_____ L.S.

STATE OF ALABAMA)
BALDWIN COUNTY) I,

_____, in and for said State and County, do hereby certify that Ralph G. Nelson and Charles A Nelson, single men, whose names are signed to the foregoing conveyance, and who are known to me acknowledged before me, on this day that being informed of the contents of the said conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand this _____ day of _____ 1930.

STATE OF ALABAMA
Baldwin County

KNOW ALL MEN BY THESE PRESENTS, That I, Charles A. Nelson, in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to me paid in hand by Mrs. Mary Persis Eulford, wife of J.W. Eulford, the receipt whereof is acknowledged, do remise, release, quit-claim, and convey to the said Mrs. Mary Persis Eulford, all my right, title, interest and claim, in or to the following described real estate (or lands), to-wit:

In said County of Baldwin, beginning at the South west corner of Section Twenty Four, Township Seven, Range Two, East, thence North 660 ft, thence East 627 ft, thence South 27 $\frac{1}{2}$ deg. East, 521 ft, more or less to the margin of Weekes Bay : thence South 55 $\frac{1}{2}$ deg. West down the margin of Weekes Bay 556 ft. thence West 610 ft, to the beginning, containing Twelve acres more or less. In Government Subdivision Nine, Fractional Section Twenty Four, Township Seven south Range Two East.

To have and to hold to the said Mary Persis Eulford, wife of J.W. Eulford, to her separate use free from the interference or control of her present or any future husband, and to her heirs or assigns, to her and their sole use forever.

GIVEN UNDER MY HAND AND SEAL this third day of November 1930.

Charles A Nelson SEAL

EXECUTED, SIGNED, SEALED AND
DELIVERED IN THE PRESENCE OF.

Harry M. Parker

J.W. Eulford.

Filed Nov 4 1930 at 10.27 AM and recorded in Deed Book 49NS page 353.

QUIT CLAIM DEED.

STATE OF ALABAMA
(BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That K. C. DILL, a widow; Mary Ard and Rose Ard, her husband; Alabama Mannich and Harmon L. Mannich, her husband; A. C. Nelson and Lella Nelson, his wife; Noah Nelson and Mary Nelson, his wife; Nettie Leavins and W. W. Leavins, her husband; Avvie Wynn, a widow; Indy Underwood and John Underwood, her husband; Lizzie Thomeley, a widow; J. W. Frost and Elizabeth Frost, his wife; Minnie Underwood and N. O. Underwood, her husband; Little Wynn and Andy Wynn, her husband; Mrs. J. W. Nelson, a widow; Georgiana McKenzie, a widow; Della Dorgan, a widow; Mrs. Ed Nelson, a widow; Mary Ella McGee, a single woman; Ralph G. Nelson, a single man; Charles A. Nelson, a single man; Lulu E. Merriman and Charles E. Merriman, her husband; Devereaux Nelson and Pearl Nelson, his wife; Frank B. Nelson, and Mary Nelson, his wife; James Nelson and Georgiana Nelson, his wife; Sarah Clements and Frank Clements, her husband; James Fullford and Etta Fullford, his wife; Robert Fullford and Lena Fullford, his wife; Laura Bryant and George Bryant, her husband; Parolee Newell, a widow; Nealy Cosgrove, a single woman; Fred Nelson, a single man; Violet E. Nelson, a single woman; Albert Nelson and her husband; Orin Nelson and his wife; Malsy Todd, his wife; Isabella Kruse and W. W. Kruse, her husband; Nancy Ewing and Charley Ewing, her husband; Hilary Nelson, a widower; O. D. Nelson, a widower; a single woman; Isabella Kruse and W. W. Kruse, her husband; Nancy Ewing and Charley Ewing, her husband; Edward Nelson and Carrie Nelson, his wife; Eleanor Lowell, a single woman; Novie Nelson, a single woman; George Nelson and Elsie Nelson, his wife; Rudolph Mannich and Isabella Mannich, his wife; Lena Mac Vail and her husband; Julius Mannich and her husband; Reuben Mannich and Owen Mannich and her husband; Clara and her husband; Joseph Nelson, a single man; Frank Troup and his wife; J. D. Nelson, a widower; Agnes Robinson, a single woman; Elsie Nelson, a widow; Laura Van Assendelft and Van Assendelft, her husband;

in consideration of the sum of One Dollar and other valuable considerations to them in hand paid by Charles A. Nelson, the receipt whereof is hereby acknowledged, do remise, release, quit-claim, and convey to the said Charles A. Nelson, all their right, title, interest and claim, in or to the following described real estate (or lands), to-wit:

in said County of Baldwin, The South Half of Government Subdivisions No. 7 and 8, and all of Government Subdivisions No. 9 and 10, in Fractional Section 24, T. 7. S. R. 2. E. And also beginning at a stake which is North Eighty six feet from the center of the West line of Gov. Subdiv. 8, thence North 86 1/2° East Four hundred eleven feet; thence North 1 1/2° East Five Hundred Fifty four feet; thence West to the Northwest corner of Gov Subdiv. 8; thence South to the point of beginning, in Sub Div 8 Sec. 24 T 7 S R 2 E.

TO HAVE AND TO HOLD to the said Charles A. Nelson, his heirs and assigns forever.

Signed sealed & delivered
in presence of
J.W.Fulford

G.Klumpp
Signed Sealed & delivered
in presence of
J.W.Fulford

Eva L Nelson
Signed sealed & delivered
in the presence of
J.W.Fulford

Mrs Leo McDonald
signed sealed & delivered
in presence of
J.W.Fulford

Mrs Martin Emerson
Signed sealed & delivered
in the presence of
J.W.Fulford

Signed sealed & Belivered
in the presence of
J.W.Fulford

Lucille Matkins
signed sealed and delivered
in the presence of
A.A.Allen
C.F.Allen

J.D.Levine
P.E.Levine

The State of Alabama,)
County of Baldwin.)

I, Ethel Calhoun, a notary Public in and for said State and County, do hereby certify that J.W.Fulford, a subscribing witness to the foregoing conveyance, known to me, appeared before me on this day, and being sworn, stated that Alabama Mannich, Herman Mannich, A.C.Nelson, Lula Nelson, Mary Nelson, Noah Nelson, Nellie Leavins, W.W.Leavins, Mary Ard, Andy Wynn and Mrs Andy Wynn, the grantors, voluntarily executed the same in his presence, and in the presence of the other subscribing witness, on the day the same bears date; that he attested the same in the presence of the grantors, and of the other witness, and that such other witness subscribed his name as a witness in his presence.

Given under my hand this 4th day of November, A.D., 1930.

NPSEAL.

Alabama Mannich
Herman Mannich

A.C.Nelson
Leila Nelson

Mary Nelson
Noah Nelson

Nellie Leavins
W W Leavins

Mary Ard

Andhe Wynn
Mrs Andrew Wynn

James S Nelson
Georgie Nelson
Frank B. Nelson
Mary E Nelson
Sarah C Clemmatts
Mary Ella McRee
Charles E Merriman
Lula E Marriman

Ethel Calhoun
Notary Public, Baldwin County,
Alabama.

QUIT CLAIM DEED.

State of Alabama)
Baldwin County)

KNOW ALL MEN BY THESE PRESENTS, That Sarah Clements, a single woman; Frank B Nelson and Mary E Nelson, his wife; Mary Ella McGee, a widow; Lula E Merriman and Charles E Merriman, her husband; Devereaux Nelson and Pearl Nelson, his wife; Agnes Nelson, a widow; Callie Nelson, a widow; Charles A Nelson, a single man; Georgiana McKenzie, a widow; heirs at law of Joseph Nelson, deceased, in consideration of the sum of One Dollar and other valuable considerations to them in hand paid by Charles A Nelson, the receipt whereof is hereby acknowledged, do remise, release, quit-claim, and convey to the said Charles A Nelson, all their right, title interest and claim, in or to the following described real estate (or lands), to-wit:

The said County of Baldwin, The North Half of the North West Quarter, The East Half of the South West Quarter; The South West Quarter of the South West Quarter; and the East Half of Section Fifteen; The South East Quarter of the South West Quarter; of Section Fourteen; The East Half of the East Half; The South West Quarter of the North East Quarter; The East Half of the South East Quarter; The East Half of the South West Quarter; and the South West Quarter of the South West Quarter; All of Section Twenty Two; Sub-divisions Two; Three; Four; Five and Six of Fractional Section Twenty Four; The North Half of the North West Quarter of Fractional Section Twenty Six; all these lands in Township Seven South Range Two East. And also any other lands that we have any interest in belonging or once belonging to Joseph Nelson, except the South Half of the North West Quarter; and the North Half of the North West Quarter of the South West Quarter of Section Fifteen; and the North East Quarter of the South West Quarter of Section Fourteen; in Township Seven South Range Two East which certain heirs or issue of heirs of Joseph Nelson have Deeds to.

TO HAVE AND TO HOLD to the said Charles A Nelson, his heirs and assigns forever.

WITNESSES:

Janie Levine to Charles A Nelson

and Mary Ella McGee

O.L. Ellis to Sarah Clements

Maggie Anthony to Frank B. Nelson

to Mary E. Nelson

Eddie Jordan to Charles E. Merriman

to Lula E. Merriman

Harry H. Barker, witness to Charles A Nelson

to Mary Ella McGee

to Sarah Clements

to Frank B. Nelson

to Mary E. Nelson

to Charles E. Merriman

to Lula E. Merriman

Mrs. Thos. J. Bell

J.W. Fulford

Georgiana McKenzie
Callie Nelson
Devereaux Nelson
Grace Pearl Nelson

Charles A Nelson
Mary Ella McGee
Sarah Clements
Frank B. Nelson
Mary E. Nelson
Charles E. Merriman
Lula E. Merriman

The State of Alabama)
County of Baldwin.)

I, G E Perkins a notary public in and for said State and County, do hereby certify that Harry H Parker, a subscribing witness to the foregoing conveyance, known to me, appeared before me on this day, and being sworn, stated that Charles A. Nelson, a single man; Sarah Clements, a single woman; Frank B Nelson and Harry E Nelson, his wife; Mary Ella McKee, a widow; Lula E Merriman and Charles E Merriman, her husband; the grantors, voluntarily executed the same in his presence, and in the presence of the other subscribing witness, on the day the same bears date; that he attested the same in the presence of the grantors, and of the other witness, and that such other witness subscribed his name as a witness in his presence.

G.E. Perkins
day of January, A. D., 1931.

Officers Seal.

The State of Alabama)
County of Baldwin.)

I, a subscribing witness to the foregoing conveyance, known to me, appeared before me on this day, and being sworn, stated that Georgiana McKenzie, a widow; Callie Nelson, a widow; Devereaux Nelson and Grace Pearl Nelson, his wife; the grantors, voluntarily executed the same in his presence, and in the presence of the other subscribing witness, on the day the same bears date; that he attested the same in the presence of the grantors, and of the other witness, and that such other witness subscribed his name as a witness in his presence.

Given under my hand this _____ day of _____, A. D., 1931.

Officer's Seal.

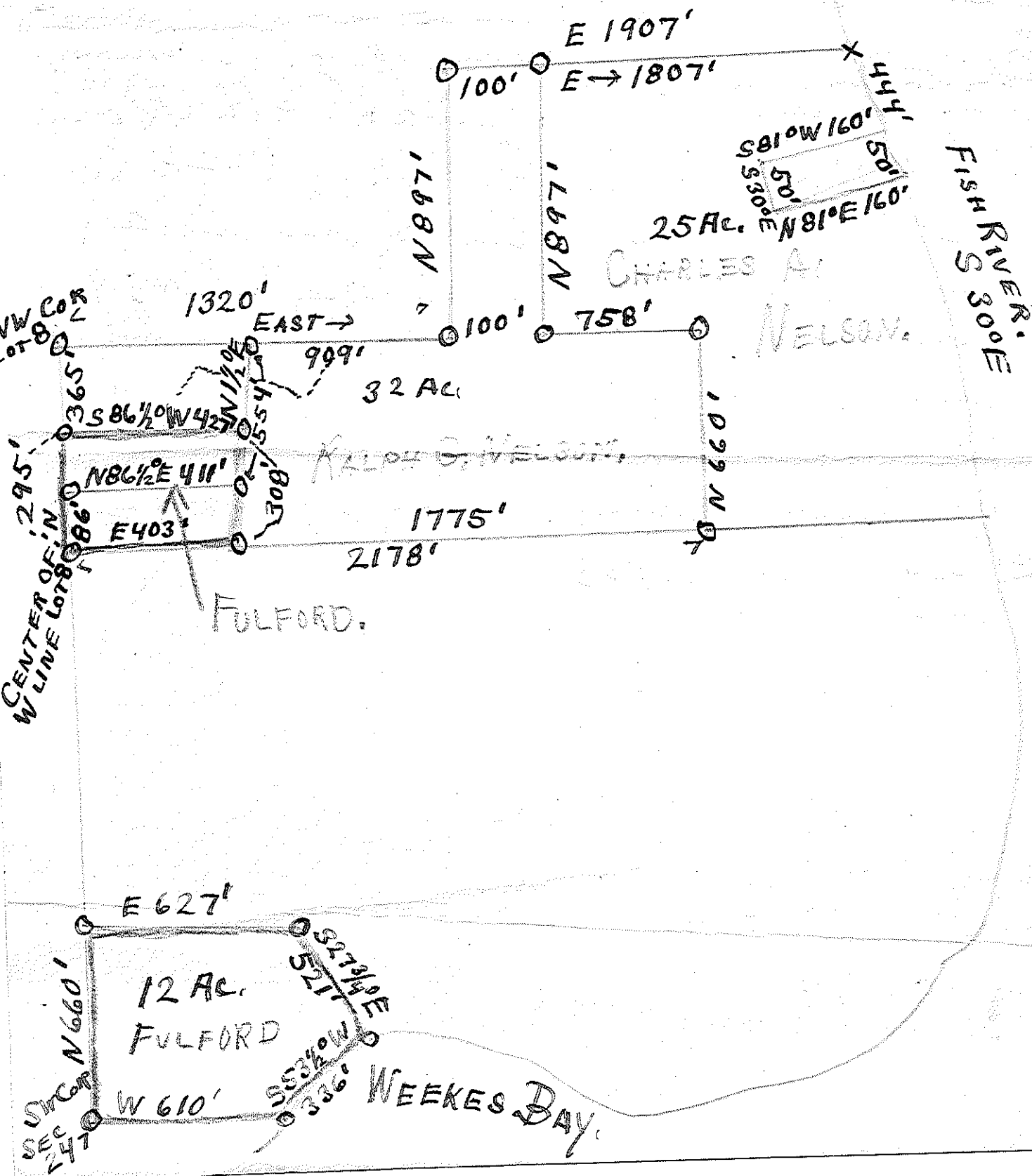
C E R T I F I C A T E .

I, Harry H. Parker, Licensed Abstractor of Baldwin County Land Titles hereby certify that the foregoing pages from 1 to 24 are a true and correct Abstract of certain instruments which show the title of Charles A Nelson to the lands described in the caption to this Abstract.

Dated at Fairhope, Alabama, on the 10th day of October, A. D. 1931,
at 3 o'clock, P.M.

Harry H. Parker
Licensed Abstractor.

MAP OF PART OF FL. SEC. 24, T. 7, S. R. 2, E.
By Harry H. Parker.
SURVEYOR.



Fairhope, Ala. Aug 1st 1932

For and in consideration of the sum of Five
Dollars (\$5.00) to me in hand paid, the
receipt of which is hereby acknowledged
I do hereby agree to assume charge and
to look after the interests of J. T. Worcester, in
and to the ^{S. H. H.} of Edward G. M. Rosa.
acting as Agent for Edward G. M. Rosa.
M. A. L. M. A. L. M. A. L. M. A. L. M. A. L. M.
and S. M. Perkins. And I hereby agree
to report to the said J. T. Worcester any act
of trespass on the part of any person herein
or ever, unless such person or person have
proper authority therefor. This agreement shall expire on the
1st day of Aug. 1933.

MAP OF PART OF FL. SEC. 24, T. 7. S. R. 2. E.
 By *Wm. H. Parker*
 SURVEYOR.

FISH RIVER.
 S 300° E

25 AC. 30.5
 S 81° W 160' 50"
 N 81° E 160' 50"

E 1907' 100' E → 1807'

N 897'

N 897'

758'

32 AC.

1320' EAST → 999'

300' 554' 1320' 586' 1/2° W 42° N 1320' 586' 1/2° E 411' N 86 1/2° E 411' E 403'

2178' 1775'

N 660'

FULFORD.

NW COR. LOT 8. 295' 365' CENTER OF 'N' W LINE LOT 8

12 AC. FULFORD

E 627'

S 27 1/2° E 327 1/2' S 53 1/2° W 336' W 610' SEC. 24, T. 7. S. R. 2. E.

WEEKS BAY.

C E R T I F I C A T E .

I, Harry H. Parker, Licensed Abstractor of Baldwin County Land Titles hereby certify that the foregoing pages from 1 to 24 are a true and correct Abstract of certain instruments which show the title of Charles A Nelson to the lands described in the caption to this Abstract.

Dated at Fairhope, Alabama, on the 10th day of October, A. D. 1931,
at 3 o'clock, P.M.

Harry H. Parker
Licensed Abstractor.

QUIT CLAIM DEED.

State of Alabama)
Baldwin County)

KNOW ALL MEN BY THESE PRESENTS, That Sarah Clements, a single woman; Frank B Nelson and Mary E Nelson, his wife; Mary Ella McRee, a widow; Lula E Merriman and Charles E Merriman, her husband; Devereaux Nelson and Pearl Nelson, his wife; Agnes Nelson, a widow; Callie Nelson, a widow; Charles A Nelson, a single man; Georgiana McKenzie, a widow; heirs at law of Joseph Nelson, deceased, in consideration of the sum of One Dollar and other valuable considerations to them in hand paid by Charles A Nelson, the receipt whereof is hereby acknowledged, do remise, release, quit-claim, and convey to the said Charles A Nelson, all their right, title interest and claim, in or to the following described real estate (or lands), to-wit: in said County of Baldwin, The North Half of the North West quarter; The East Half of the South West quarter; The South Half of the North West quarter of the South West quarter; The South West quarter of the South West quarter; and the East Half of Section Fifteen; The South East quarter; and the South East quarter of the South West quarter; of Section Fourteen; The East Half of the East Half; The South West quarter of the North East quarter; The East Half of the South East quarter; The East Half of the South West quarter; and the South West quarter of the South West quarter of Section Twenty Two; All of Section Twenty Three; Sub-divisions Two; Three; Four; Five and Six of Fractional Section Twenty Four; The North Half of the North West quarter of Fractional Section Twenty Six; all these lands in Township Seven South Range Two East. And also any other lands that we have any interest in belonging or once belonging to Joseph Nelson, except the South Half of the North West quarter; and the North Half of the North West quarter of the South West quarter of Section Fifteen; and the North East quarter of the South West quarter of Section Fourteen; in Township Seven South Range Two East which certain heirs or issue of heirs of Joseph Nelson have Deeds to.

TO HAVE AND TO HOLD to the said Charles A Nelson, his heirs and assigns forever.

Given under our hands and seals this 24th day of January, 1931.

WITNESSES:

Janie Levine to Charles A Nelson
and Mary Ella McRee

O.L. Ellis to Sarah Clemments
Maggie Anthony to Frank B. Nelson
to Mary E. Nelson

Eddie Jordan to Charles E. Merriman
to Lula E. Merriman

Harry H. Parker, witness to Charles A Nelson
to Mary Ella McRee
to Sarah Clemments
to Frank B Nelson
to Mary E Nelson
to Charles E Merriman
to Lula E Merriman

Mrs. Thos. J. Fell

J.W. Fulford

Charles A Nelson
Mary Ella McRee
Sarah Clemments
Frank B. Nelson
Mary E. Nelson
Charles E. Merriman
Lula E Merriman

Georgiana McKenzie
Callie Nelson
Devereaux Nelson
Grace Pearl Nelson

CHARLES E. NELSON,

Complainant,

-vs-

ESTELLE NELSON DADE ET AL,

Respondents.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

It is agreed by and between the parties, through their Solicitors of Record, and including S. C. Jenkins, Guardian Ad Litem of Lucile Nelson and Willard Nelson, minors, that Miss Mary Green is to act as Commissioner in taking the testimony of Charles E. Nelson, Sam Williams and James A. Bishop, and is to take the testimony of the several witnesses down in shorthand and is to transcribe the same, and to furnish a copy of the testimony so taken which is to be taxed as a part of the costs, to Hon. Elliott G. Rickarby, Solicitor for J. W. Fulford and Mrs. Persis Fulford, and Hybart & Chason, Solicitors for Complainants; that the signing of the testimony by the several witnesses is hereby waived, and the issuance of a commission to Miss Mary Green is also waived.

Dated this 31st day of July, 1935.

Hybart & Chason
Solicitors for complainant.

Elliott G. Rickarby
Solicitor for J. W. Fulford.

S. C. Jenkins
Guardian Ad Litem.

TESTIMONY OF JAMES A. BISHOP.

DIRECT EXAMINATION BY HON. C. L. HYBART, ONE OF SOLICITORS FOR COMPLAINANTS:-

Q: What is your name?

A: James A. Bishop.

Q: How old are you Mr. Bishop?

A: 77 years old the 14th day of September.

Q: Where do you reside?

A: Barnwell.

Q: Are you acquainted with that certain strip of land Beginning at the SW corner of Section 24, Township 7 South, Range 2 East, thence North 660 feet, thence East 627 feet, thence South 27° East 521 feet, more or less, to the margin of Week's Bay, thence South 53½° West down to the margin of Week's Bay 336 feet, thence West 610 feet to the beginning, containing 12 acres, more or less, in Government Subdivision 9, Fractional Section 24, Township 7 South of Range 2 East?

A: Yes sir, I have been there.

Q: How long have you known that land?

A: I have known it about fifty years, I reckon. I bought a piece right by it.

Q: You bought a piece right by it?

A: Yes.

Q: In what section did you buy your land?

A: I bought Section 23.

Q: Section 23?

A: Yes sir.

Q: Who did you buy your land from?

A: Mrs. Sarah A. Forbes.

Q: Was Mrs. Sarah A. Forbes one and the same person as Mrs. Sal-lie A. Forbes?

A: I think so, I am satisfied she was.

Q: That's your best recollection?

A: Yes sir.

Q: And you bought your land in Section 23?

A: Yes sir.

Q: Now was Mrs. Sarah A. Forbes living on the land in Section 23 at the time that you bought it from her?

A: Yes sir.

Q: Was she in possession of this land in Section 24 at the time?

(page two)

A: Not that I know of. I don't know nothing about who was in possession of it. I believe I heard Oliver Lantron owned the land you're speaking about.

Q: Now who did Mrs. Sarah A. Forbes get this land from?

A: This 23?

Q: Yes.

A: From Sarah A. Grist.

Q: Was Mrs. Sarah A. Grist in possession, was she living on Section 23, at the time she sold it to Mrs. Sarah A. Forbes?

A: I don't think so, I think she was dead.

Q: Well was Mrs. Sarah A. Forbes living on the land in Section 23 at the time?

A: When I bought it, yes sir, she was living there.

Q: Did you know George Oliver Lantron?

A: Yes sir.

Q: Now do you know when he went into possession of the lands in Subdivision 9, Fractional Section 24, Township 7 Range 2 East that I have just described to you?

A: I know the land but I don't know when he went into possession nor the year he bought it. I just heard he owned the land, that is all.

Q: Did you know of his cutting timber on the land?

A: No sir, I don't know of anybody cutting the timber.

Mr. Hybart: Mr. Rickarby, I understand you only claim twelve acres of land?

Mr. Rickarby: That's all.

Q: Now have you been on this land which is in dispute here, this 12 acres of land described?

A: Yes, I was over there yesterday on part of it, on the edge of it.

Q: Is there any timber on the land?

A: No sir, been cut off.

Q: Been recently cut off?

A: Yes sir.

Q: Now do you remember being ^{at Fairhope} ~~there~~ about two years ago last May? at which time some testimony was taken over there of Mr. Nelson's?

A: Yes sir.

Q: Did you go on this 12 acres of land soon after that time?

A: Yes sir.

Q: Who did you go with?

(page two)

(page three)

A: This man Williams here and Mr. Nelson.

Q: Mr. Charles E. Nelson?

A: Yes sir.

Q: And what Mr. Williams?

A: Sam Williams.

Q: You all went down there, did you go over the land down there?

A: The edge of it.

Q: Did you see any pine timber there that had been turpentine?

A: At that time there was boxed timber on the land.

Q: Now, according to your judgment, how many boxed trees or turpentine trees did you see there on the land?

A: We just looked over it, supposed it to be about 75.

Q: That's your best judgment?

A: Yes sir, there might have been a few more, but it was somewhere in the neighborhood of 75.

Q: About 75 trees?

A: About that, yes sir.

Q: Did you see the boxes there?

A: Saw the cups, yes sir.

Q: And did you notice the appearance of the boxing of the timber, was it freshly boxed or had it been worked some time?

A: It looked like it was being worked, you could tell they were working the timber at that time.

Q: Could you tell whether it had been worked some time or was it freshly cut? Could you tell from what you saw whether the boxes were one year or two years or three?

A: Why the boxes were pretty high up, must have been about four years. Looked like it was that high, it would take four years, three anyway.

Q: Have you had any experience in the turpentine business?

A: No I have never worked any turpentine, but have seen it going on all my life.

Q: Sold timber for that purpose?

A: Yes sir.

Q: Had your timber turpentine?

A: Yes sir.

Q: And noticed it going on practically all your life and been selling timber for turpentine purposes a good deal?

A: Yes sir.

(page three)

(page four)

Q: And in your judgment those boxes had been worked for at least four years?

A: I think they looked to be about three or four years.

Q: Do you know who was working that timber at that time for turpentine purposes?

A: I don't know. I might have heard Mr. Nelson say but I don't recollect. I believe he did say Mr. Johnson.

CROSS EXAMINATION BY HON. E. G. RICKARBY.

Q: Mr. Bishop, when you say that Mrs. Forbes was in possession, what kind of possession did she have?

A: She was living in her house, living there at the place farming.

Q: Her place was on Section 25 wasn't it?

A: 25, yes sir.

Q: The place you bought?

A: Yes sir.

Q: She had only a small farm, didn't she? She did not have a large farm did she? How much land was she farming?

A: Looked to be right smart patch. She was making a living there. The old man was an old man and she was an old woman at the time I bought.

Q: Was it a small patch of two or three acres or was it a large farm like the Corte's or Bertolla's?

A: Something like five or six acres, maybe more.

Q: And that part she had under fence?

A: Yes, she had that part under fence.

Q: But nothing else under fence?

A: No.

Q: Now you live about fifteen or eighteen miles from there don't you?

A: I live about three miles from there.

Q: Three miles?

A: Yes sir.

Q: Due West? About 3 miles due West?

A: Yes, to that section. It is just 2 miles by the section line. I live in 21, the Northwest side, and that is right straight on down two sections, 23, 22, 21.

Q: Mrs. Grist was dead long before you ever bought that land, was she not?

A: Mr. and Mrs. Grist died a long time before Mr. Forbes moved over there. When I bought the place from Mrs. Forbes Mr. and Mrs. Grist had been dead some time.

(page four)

(page five)

RE-DIRECT EXAMINATION BY MR. HYBART.

Q: Did you know Mrs. Sarah A. Grist?

A: I knew them, yes sir.

Q: The old lady?

A: Yes sir, and I knew Mr. Ben Grist too. A long time ago they used to work the turpentine.

Q: Did they turpentine that place over there?

A: Yes. He lived right on the place.

Q: He and his wife lived on this place?

A: Not exactly in the same place that Mr. Forbes did, but right up on the same land.

Q: On Section 23?

A: On Section 23.

Q: And did they live there a long time?

A: Yes sir, they lived there a long time.

Q: Now Mr. and Mrs. Sarah Grist lived on these lands in Section 23?

A: Yes sir.

Q: And she lived there up until the time she sold to Mrs. Forbes?

A: I think she was dead. Well, she couldn't have been dead at the time, but I don't recall just exactly that year, but she wasn't there I don't think when Mrs. Forbes bought.

Q: Did Mrs. Forbes go into possession of the land, living on it, at the time she bought it in 1879?

A: Yes sir.

Q: That's your best recollection?

A: Yes sir.

Q: And she lived on Section 23 in this home up until the time that you bought, is that right?

A: Yes sir, she lived there after I bought because I sold her part of it back.

TESTIMONY OF SAM WILLIAMS. DIRECT EXAMINATION BY HON. C. L. HYBART,
ONE OF THE SOLICITORS FOR COMPLAINANT.

Q: Is this Mr. Sam Williams?

A: Yes sir.

Q: Mr. Williams how old are you?

A: I am sixty years old.

Q: Mr. Williams are you acquainted with this plot of land described as follows:- Beginning at the SW corner of Section 24, Township 7 South, Range 2 East, thence North 660 feet, thence East 627 feet, thence South 27° East 521 feet, more or less, to the margin of Week's Bay, thence South 53½° West down to the margin of Week's Bay 336 feet, thence West 610 feet to the beginning, containing 12 acres, more or less, in Government Subdivision 9, Fractional Section 24, Township 7 South of Range 2 East, in Baldwin County, Alabama?

A: Yes sir.

Q: How long have you known that land, Mr. Williams?

A: I have been knowing that land about 38 years, best I can remember.

Q: Now when you first knew this land who was in possession of it?

A: Forbes.

Q: Who is that, Mrs. Sarah A. Forbes?

A: No sir.

Q: What Forbes was that?

A: Ed Forbes, Joseph R. Forbes. His father and him was both on the place.

Q: Joseph R. Forbes and Ed Forbes was both on the place, and that was how long ago?

A: About 38 years.

Q: Now did you know Mrs. Sarah A. Forbes?

A: Yes sir.

Q: What relation was the father you're talking about? Who was that, Mrs. Sarah A. Forbes' husband?

A: No sir, that was her husband's nephew.

Q: Now were they living on the place there, living on two Sections, 23 and 24?

A: Yes sir, Ed Forbes was living on that place after the old people died.

Q: Now as to this particular 12 acres of land down there, have you known of anybody cutting the timber off of it?

A: No sir, only being turpentineed.

Q: Who was the first person you ever heard of turpentineing it?

A: I think that George Bryant turpentineed part of this land.

Q: Is that your best recollection?

A: Yes sir.

Q: Who was George Bryant? Is he a citizen of this County?

A: Yes sir.

Q: Where does he live?

A: He lives in Mobile.

Q: And how long did he turpentine it there?

A: Well, I can't tell you. I don't remember about that. I know when he stopped was at the time of the 1906 storm.

Q: Was the timber blown down at that time?

A: Yes sir, quite a lot.

Q: Did anybody cut the timber off of it during that time?

A: I think it was logged. The timber that was big enough for logs was took off, but I don't remember who took it off.

Q: Did you know one George Oliver Lantorn?

A: Yes sir, I knew him.

Q: Was he in possession of that land down there at any time?

A: Yes sir, he owned the land at one time.

Q: When did he own the land?

A: I couldn't tell you that. He got it from Joe Forbes. He swapped him a schooner, a boat, for the land.

Q: To Joe Forbes?

A: Yes sir.

Q: And was Joe Forbes in the possession of the land at that time?

A: Mr. George Bryant was turpentineing it there.

Q: Who was in possession at the time George Bryant was turpentineing it?

A: Ed Forbes.

Q: You say that was about 1905?

A: To the best of my recollection, yes sir.

Q: Do you know of anybody else turpentineing it?

A: It has been turpentineed since, but I don't know who turpentineed it at different times. I never kept up with it.

Q: Now have you been on the land recently?

A: Yes sir, I was there yesterday.

Q: Any timber on it now?

A: No sir.

Q: Was there any timber on it at the time you visited it prior to yesterday?

A: Yes sir.

Q: When was that?

A: Two years last April or May. I think it was May.

Q: And how many trees there did you find on it then?

A: We judged in our judgment about seventy-five trees being turpentine.

Q: Were the trees freshly turpentine or did they have the appearance of having been turpentine several years?

A: They had been freshly turpentine.

Q: Freshly turpentine?

A: Yes sir.

Q: Could you tell how many years they had been worked?

A: Well, I judge about four years, the cups were up about as high as your head.

Q: Have you had experience in the turpentine business?

A: No sir.

Q: Have you observed people turpentine?

A: Yes sir.

Q: Sold timber for that purpose?

A: No sir, but I have seen turpentine business going on, and I judge four years.

Q: And you don't know who was doing that turpentine?

A: Well I heard at that time that Mr. Johnson was turpentineing it.

Q: What Johnson was that?

A: Wenders Johnson.

Q: You don't know who cut the timber off it in 1906 after the storm?

A: No sir, I don't know who cut it off.

Q: Do you know the name of this place, has it got any name down there?

A: The only name it is called is Chestnut Landing.

Q: Did you ever hear of it being called the Grist Place?

A: No sir.

Q: The Forbes Place?

A: Yes sir, it has been called the Forbes Place, but that was before my recollection.

(page four)

Q: You say you knew Mrs. Sarah A. Forbes?

A: Yes sir.

Q: And she lived over there on Section 23?

A: Yes sir. I got brush off that place at least 38 years ago.

Q: What part of the tract did you cut the brush off?

A: East from where the 12 acres is.

Q: How far east?

A: I suppose maybe 300 yards.

Q: Who did you cut them off for?

A: Captain John Smith.

Q: Do you know who he got the brush from?

A: From Forbes I suppose.

Q: And when you say it was supposed to be Forbes what do you mean by that, the Forbes were living there weren't they?

A: Yes sir.

Q: Did you have a crew of men over there doing that work?

A: Several of us was cutting there.

Q: Did you see the Forbes there at the time?

A: Yes sir.

Q: Did you see Mrs. Sarah A. Forbes?

A: Well, I don't remember, but I saw Joseph Forbes and Ed Forbes.

Q: And according to your best recollection they obtained the brush from the Forbes?

A: Yes sir.

Mr. Chason: Do you know whether this Lot 9, the 12 acres in Lot 9, touches Section 23 or not, where this house is located? Do you know whether the lands join?

A: Yes sir, 23 and 24 joins there.

Q: About how far is this house you spoke of Sarah Forbes living in from this 12 acre tract?

A: Well, the way the lines is run out I judge about 300 yards from there. Now the way the Parker survey is--

Q: This 12 acres comes within 300 yards of the house?

A: Yes sir.

Q: Do you know whether they cut any wood off of the 12 acres to use around the place?

A: No sir, I don't know that.

(page four)

(page five)

CROSS EXAMINATION BY MR. E. G. RICKARBY.

Q: Mr. Williams, this 12 acres that Mr. Hybart described to you; that's never been under fence has it?

A: No sir, I've never known it to be fenced.

Q: And you have known the land generally, but the Forbes lived in the adjoining section did they not?

A: 23, yes sir.

Q: And they never cultivated any part of this 12 acres?

A: Not in 24, no sir.

HON. S. C. JENKINS, GUARDIAN AD LITEM FOR
LUCILLE NELSON AND WILLARD NELSON, MINORS.

Mr. Jenkins: You spoke of two lands there, Chestnut Landing and Forbes' Landing, are they one and the same or different landings?

A: They are different landings. One is on Weeks Bay and one on Turkey Branch. Chestnut Landing and Forbes' Place is the same.

Mr. Jenkins: That came out in the evidence and I just wanted to locate it.

RE-DIRECT EXAMINATION BY MR. HYBART.

Q: I understood you to say that this Chestnut Landing is also known as the Forbes' Place down there?

A: Yes sir.

Q: Is this Mr. Charles E. Nelson?

A: Yes sir.

Q: Mr. Nelson, where do you live?

A: Point Clear.

Q: How old are you?

A: 53.

Q: Are you interested in the lands involved in this suit, and which are described in the answer of J. W. Eulford, that's that 12 acres?

A: Yes sir.

Q: How long have you known these lands?

A: I've known this land ever since my father bought it in 1924, I believe.

Q: Who did he buy it from?

A: George Oliver Lantton.

Q: Were you acquainted with the lands prior to that time?

A: Yes sir, I was. I had rode through that country cow hunting, but I didn't just know who the place belonged to. Well, I did know it belonged to Lantton too.

Q: Did you know whether during the time it belonged to George Oliver Lantton that there was any timber cut off by Lantton?

A: Yes sir, Mr. Williams spoke of the 1906 storm blowing timber down and somebody moving some timber they cut down. I know who cut it.

Q: Who.

A: George Oliver Lantton. He was hauling logs himself out of that neighborhood. He was camping and he was living at his mother's place hauling timber out of there to keep from ruining his logs that blew down.

Q: Who are the owners of this twelve acres of land?

A: Charles M. Nelson Estate.

Q: Who was the Charles M. Nelson Estate? Who are they?

Mr. Rickaby: Respondent notes objection to evidence as to owner-ship, the deeds being the best evidence.

A: Charles A. Nelson, Miss Estelle Nelson Dade, J. Archibald Nelson, Albert S. Nelson, Eloise Nelson Lowell, Donald Nelson, Arthur H. Nelson and J. M. Nelson.

Q: Albert Nelson is dead?

A: Yes sir. Albert and Morgan is dead, but they was living at that time.

(page two)

Q: Who are Albert's children?

A: Eloise Nelson, Arthur Nelson, Eugene Nelson, Frances Nelson and Morgan Nelson.

Q: All those under age except Eloise Nelson?

A: Yes sir.

Q: Who were the children of, I believe you spoke of Donald?

A: Lucille Nelson and Willard.

Q: When did Mr. Donald Nelson die?

A: He died about 1927, I believe.

Q: I believe you said Morgan Nelson is dead. Who are his children?

A: Nadine Nelson, one.

Q: And who was his widow?

A: Eloise S. Nelson.

Q: She is living?

A: Yes sir.

Q: Is Nadine Nelson a minor?

A: Yes sir, about fourteen years old.

Q: Albert Nelson's widow?

A: She is living, Frances S. Nelson.

Q: Now are you acquainted with all the parties to this suit?

A: Yes sir.

Q: They are all citizens, residents of the State of Alabama?

A: Yes sir.

Q: Which ones of the parties are over the age of 21 years and which are under?

A: Eloise Nelson is over the age of 21, and there's Arthur, Eugene, Frances, Morgan, Nadine, Willard and Lucille under 21.

Q: Now Estelle Nelson Dade is over 21?

A: Yes sir.

Q: J. Archibald Nelson is over 21?

A: Yes sir.

Q: And you are over 21?

A: Yes sir.

Q: Did I ask about Eloise Nelson Lowell, is she over 21?

A: Yes sir.

Q: And Arthur H. Nelson?

(page two)

(page three)

A: Yes sir.

Q: And Mrs. Lucille Levens?

A: Yes sir, she is over 21.

Q: Now all the parties to this suit with the exception of J. W. Hulford, Robert Dixon, Henry Anderson, W. L. Waters and Clifford Parnell are the joint owners of the land? I mean all the parties to the suit with the exception of those named?

A: Yes sir, they are the joint owners except them.

Q: How far do you live from these lands?

A: About, I reckon, about 7 miles it is from home down there.

Q: Your father was Charles W. Nelson?

A: Charles W. Nelson.

Q: And your mother was Mrs. Mary Ann Nelson?

A: Yes sir.

Q: And they lived a mile and a half from there. You say that your father bought these lands from George Oliver Lantorn in 1924?

A: Yes sir.

Q: And did he go into possession of the land, this particular land here that's in litigation?

A: Yes sir.

Q: And what did he do on the lands there?

A: He sold to Northrup turpentine leases.

Q: Do you recall what year it was?

A: About '25, or the latter part of '24. It was right behind it.

Q: Did Northrup go to turpentine it?

A: Yes sir, right then.

Q: On this 12 acre tract?

A: Yes sir.

Q: Put his boxes up there?

A: Yes sir.

Q: And scraped and cupped the trees and used it?

A: Yes sir.

Q: And this land is principally valuable for its timber, isn't it?

A: That's all it's fit for, just the timber on it.

Q: How long did Northrup turpentine it?

A: I think they leased for three years at a time, or maybe four.

(page three)

(page four)

Q: How many years did he turpentine it?

A: Three or four years.

Q: Who turpented it after that?

A: Manders Johnson.

Q: Who did he lease it from?

A: The heirs, me and the rest of the children.

Q: When did he lease it from you?

A: About a year after Mr. Northrup was through with it.

Q: You mean the heirs of Charles M. Nelson, Deceased?

A: Yes sir.

Q: What date did you say?

A: I'm trying to think. It must have been in '29 that he leased that land.

Q: Then he started to working it?

A: Yes sir.

Q: And continued to work it?

A: He did.

Q: Up until he wound it up?

A: Yes sir.

Q: How many years did he work it?

A: Up until January one year ago when his lease was out.

Q: During the time that he was working it was that when you got out the injunction here?

A: Yes sir.

Q: Mr. Fullord was interfering with the operations down there?

A: Yes sir.

Q: And after you got the injunction out he continued on working it?

A: Yes sir, until he wound up.

Q: At the time Mr. Fullord made these trespasses there you was in possession of it, wasn't you?

A: Yes sir.

Q: And claiming it?

A: Yes sir, and paying taxes on it.

Q: Now when were you on this particular piece of land last Mr. Nelson?

A: I was on it two years ago that day on the 11th of May.

(page four)

Q: This 12 acres of land he claims in his answer here?
A: Yes sir. I went with Mr. Keith, Mr. Williams and Mr. Bishop.
Mr. Keith is dead.

Q: And you went down on this land on Weeks Bay?

A: Yes sir.

Q: To count the timber and look it over?

A: Yes sir.

Q: How many trees would you say were being worked there then?

A: I imagine all that was big enough for turpentine would be between 75 and 80. We estimated about 75 trees. It was wet and we couldn't go all over it.

Q: You've had experience with turpentine, haven't you?

A: I've seen it all my life.

Q: Sold timber for that purpose?

A: Yes sir.

Q: And in your judgment about how long had those trees been worked in there?

A: Well at that time Mr. Johnson had been working them about two years, I imagine, but before Mr. Johnson they had been worked about three or four years before that. Mr. Johnson back-boxed his trees on the other side.

Q: And your judgment was?

A: They had been worked about seven or eight years all told.

Q: And you saw about 75 trees?

A: Yes sir.

Q: And do you know of anybody turpentine this timber there before Northrup?

A: No sir, I don't.

Q: You know Lantion cut timber off of there?

A: I know he hauled timber off there in 1906.

Q: Of this particular 12 acres?

A: I am not certain, but he went in that neighborhood.

Q: And in your best judgment he was going on this particular 12 acres?

A: Yes sir. Mr. Lantion lived at his mother's house, and he had an ox team and was hauling logs.

Q: In what section did George Oliver Lantion live?

A: Section 27, just south of 22.

Q: Who did he buy this land from?

A: This was George Oliver Lantton's father that he was staying with.

Q: You mean the man who was driving the team?

A: George Oliver Lantton was a son of the George Lantton that lived on Section 27. It was about a mile in there to that land from his house. I am not certain he was cutting lots out of there but I know he was in the timber business with an ox team.

Q: Do you know the Rathbone Naval Stores Company?

A: No sir.

Q: Who was Mr. Northrup? Did you see Mr. Northrup in the woods there?

A: No sir, saw his man Mr. Steele.

Q: His foreman?

A: His woods rider.

Q: And how often did you see him on there?

A: Just every now and then.

Q: And during that time Mr. Northrup was turpentineing it you saw him?

A: Yes sir, and lots of other people saw him.

Q: You don't remember what Steele that was?

A: Wasn't it W. E. Steele?

Q: Now at the time that you leased the land to Manders Johnson did you lease them to Frank Boykin.

A: I think Frank Boykin had Johnson do it, but I don't know. I leased it to Johnson, and Johnson paid me.

Q: And Johnson was the man that was working the timber at the time Fullord tried to break in there on you?

A: Yes sir.

Q: Where did Manders Johnson live?

A: Right there on Section 25.

Q: Right close to the land, not far from it?

A: Lived in a quarter of it, I guess, or close to it.

Q: Now did Manders Johnson cut any staves or anything like that off this land?

A: I don't think he did. Not that I know of.

Q: Now ever since your father acquired this land he and his heirs have been in possession of it?

A: Yes sir.

Q: Ever known of J. W. Eulford being in possession of the land?

A: No sir.

Q: Do you know where he lives?

A: I think he lives in Mobile.

Q: Where was he living in 1931?

A: He must have been living in that neighborhood, in Section 23, in a cottage he had built there, on Turkey Creek, or maybe up at Mr. Bishop's place. He lived in Barnwell somewhere in Section 23 at that time.

Q: Mr. Rickarby, are you representing Robert Dixon, Henry Anderson, W. L. Waters and Clifford Parnell?

Mr. Rickarby: No sir.

Q: Mr. Nelson, did J. W. Eulford or anyone else, Robert Dixon, Henry Anderson, W. L. Waters or Clifford Parnell, have any authority from any of you all to go there and trespass on these lands, cut the timber from it?

A: They did not.

Q: Were you the agent of the Nelson heirs?

A: Yes sir.

Q: You were looking after it?

A: Yes sir.

Q: At the time of the filing of the Bill of Complaint?

A: Yes sir.

Q: Were these trespasses by Eulford made contrary to the wishes of the heirs?

A: Yes sir, they was.

Q: Do you know of any property that Robert Dixon or W. L. Waters, Henry Anderson, Clifford Parnell or J. W. Eulford owned?

A: No sir, I don't know of any without that's one piece in 23 that Eulford may own, maybe one or two acres in Section 23. There's a cottage built on it.

Q: How much is that worth?

A: I would just off hand say about \$200.00 maybe, if anybody wanted it bad enough.

Q: This is the only suit you know of pending in regard to the title to this property?

A: Yes sir.

Q: When did Mrs. Mary Ann Nelson die, your mother?

A: She died on the 3rd day of July, 1929.

CROSS-EXAMINATION BY MR. RICKARBY.

Q: Mr. Nelson, you say you and your father asserted possession

(page eight)

of this land, you did that by turning it, didn't you?

A: Yes sir.

Q: What is the value of this 12 acres today that we're having all this trouble about?

A: At this time about one dollar an acre. I'm telling you the value of it now. It's almost worthless. In wet weather you can't even get over it.

Mr. Jenkins:- I don't care to ask any questions.

Mr. Hickory: That's all.

I, Mary Green, as Commissioner, hereby certify that the foregoing depositions on Oral Examination were taken down in writing by me in the words of the witnesses, ^{said witnesses having been duly sworn} at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses; that I am not of counsel or of kin to any of the parties to said cause, or in any manner interested in the result thereof.

Given under my hand and seal, this 31st day of July, 1935.

Mary Green

960 - Equity

Chas. E. Nelson

VS

Estelle Nelson Bede

Depositions

Filed this 2 day Aug 1935

Robert S. Bede

Clerk-Register

Filed this 2 day August 1935

Robert S. Bede

Clerk-Register

CHARLES E. NELSON,

Complainant,

-VS-

ESTELLE NELSON DADE ET AL,

Respondents.

IN THE CIRCUIT COURT-IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

It is agreed by and between the parties, through their Solicitors of Record, and including S. C. Jenkins, Guardian Ad Litem of Lucile Nelson and Willard Nelson, minors, that Miss Mary Green is to act as Commissioner in taking the testimony of Charles E. Nelson, Sam Williams and James A. Bishop, and is to take the testimony of the several witnesses down in shorthand and is to transcribe the same, and to furnish a copy of the testimony so taken which is to be taxed as a part of the costs, to Hon. Elliott G. Rickarby, Solicitor for J. W. Fulford and Mrs. Persis Fulford, and Hybart & Chason, Solicitors for Complainants; that the signing of the testimony by the several witnesses is hereby waived, and the issuance of a commission to Miss Mary Green is also waived.

Dated this 31st day of July, 1935.

Hybart & Chason
Solicitors for complainant.

Elliott G. Rickarby
Solicitor for J. W. Fulford.

S. C. Jenkins
Guardian Ad Litem.

THE DEPOSITIONS OF
 CHARLES A. NELSON, HARRY PARKER, FRANK LEWNE, CHARLES BRYANT and J. W. FULLFORD,
 witnesses for Respondent J. W. Fullford.
 The said witnesses appearing before Kathleen Simon, acting Commissioner by
 agreement at the office of Respondent's Solicitor in Fairhope on the 15th day
 of August, 1935 upon examination by Solicitor for Respondent, E. G. Rickard, Esq.
 and cross examination by Solicitors for Complainant, Messrs Hybart & Chason
 testified as follows:

HARRY H. PARKER.

Examined by Mr. Rickard.

Q - Mr. Parker, what is your business?
 A - Surveyor and abstractor of land title.
 Q - For how long?
 A - I have been a surveyor for about thirty years and worked at abstracts
 since about 1919, about 15 years.

Q - Mr. Parker, do you know that tract of land in the Southwest corner of
 Section 24, Township 7, South of Range 2 East beginning at the Southwest
 corner of the Section running North 660 feet, thence East 627 feet, thence
 South 27 degrees, East 521 feet more or less to the margin of Weeks Bay,
 thence South 53 degrees West along the margin of Weeks Bay 336 feet,
 thence West 610 feet to the point of beginning, containing twelve more
 or less in Government Sub-division mine, fractional, Section 24, Township
 7, South of Range 2 East?

A - Yes sir, I surveyed it.
 Q - How long have you known this particular tract of land generally?

A - I would say generally since 1910, I have worked in it.

Q - When did you first survey that land and by whom?

A - The first time I ran the West line of fractional Section 24, Township 7,
 South Range 2 East was about 1924 for Mr. Charles M. Nelson.

Q - Was he the father of Charles E. Nelson in this case?

A - Yes sir.

Q - Did you find the section corner at the place that Mr. Nelson indicated

he thought it was?

A - No sir, I found it approximately 600 feet west.

Q - Before you started surveying, did Mr. Charles M. Nelson tell you about

where he thought the corner was?

A - The circumstances were, Mr. Charles M. Nelson had built a new house and

I think it was Mr. Baumhauer or Mr. Baumhauer's wife who claimed the land.

This was in the southwest corner of section 23 adjoining Mr. Nelson

hired me to survey his land and find out where his house was and after the

surveying out at the house, we surveyed this land in question in fractional

section 24. The lines were very different from what everybody expected.

Later I checked this survey from corners which were proved by the original

Government field notes but I have never been able to prove the Southwest

corner of fractional section 24 exactly according to the Government field

note location by the bearing trees.

Q - Did you survey this same plot of land later?

A - Yes sir. Once for Charles A. Nelson and once for J. W. Rulford.

Q - At the time you made all of this survey, did you find anybody in possession

of the twelve acres described above of lot 9?

A - Someone was turpentering that part of lot nine under a lease from Brodbeck &

Zundel Brothers, but they were supposed to be in section 23. I think James

H. Keith claimed part of this land also but no one was in actual fence

possession.

Q - When you ran the line out for section 24 for Mr. Charles M. Nelson, did you

or not establish that line west of where he had been claiming?

A - I don't know exactly where he claimed it. He told me he thought the corner

was on the Bay but he did not know exactly where the corner was and he

employed me to survey it to find out.

Q - Did you find a stake at the corner where Mr. Charles M. Nelson said he

thought was the corner of the edge of the bay?

A - I have no record of it.

Q - Did you later in making the survey for Mr. Rulford find an old iron pipe

standing up as a stake at the margin of the bay?

A - Yes.

CROSS EXAMINATION BY MR. HYBART.

- Q - Mr. Witness, you said something about finding an old iron pipe standing up somewhere about the line of somewhere at the margin of the Bay?
- A - When I surveyed for Mr. Charles M. Nelson, I ran East from proven corner section 23, Township 7, Range 2. This was the Southwest corner of said section, East one mile according to field note distance to set the Southwest corner of section 24 but I could not prove same by the witness trees. And after that I ran on to the Bay on Mr. Charles M. Nelson's and set a stake.
- Q - What sort of a stake was this?
- A - A wooden stake.
- Q - How about the iron stake you were talking about?
- A - Well, we found it, Mr. Fulford and I.
- Q - You were making a survey for Mr. J. W. Fulford at that time?
- A - Yes sir.
- Q - When was this?
- A - About November 3rd, 1930.
- Q - Did the field notes show anything about an iron pipe being placed within the corner of said line?
- A - No sir.
- Q - Where did you get the field notes?
- A - From Bay Minette Probate Office.
- Q - Now, Mr. Witness, you say that your first survey was for Mr. Charles M. Nelson?
- A - Yes.
- Q - When was that?
- A - About 1924.
- Q - You were then surveying in section 23?
- A - And also in section 24?
- Q - Now, you say that you established the Southwest corner of Section 23?
- A - Yes.
- Q - By what?
- A - By the witness trees, heart pine stumps.
- Q - You found four stumps there?
- A - Yes sir.
- Q - What did the field notes call for at the Southwest corner of section 23, Township 7, Range 2?
- A - Four pine trees.

Q - Did you have to dig down to find them?

A - Yes sir.

Q - Who was present?

A - Morgan Nelson, Charles M. Nelson, I think Arthur Nelson was there and he had some strangers helping.

Q - And from this corner you ran due East one mile, now Mr. Witness, isn't it a fact

with your experience as a surveyor that many of these lines didn't run on a

straight line according to the backs on the trees?

A - On this East and West line, I found several old marks which clearly gave the location of the line in this northly and southerly line.

Q - Do you know whether in its survey that the Government went over further in locating the Southwest corner of section 24 than where you terminated your survey for this former?

A - Yes.

Q - Then what witness trees did you find at the Southwest corner?

A - No witness tree, original place is on the line.

Q - But Mr. Witness, if they had extended the section line a mile or mile and a quarter, it would be the true line, would it not?

A - Yes sir.

Q - Now you say that you ran the North and South line commencing where?

A - At the Allen pasture, they call it; the Northwest corner of section 24, Township 7, Range 2.

Q - Where did you run from there?

A - I ran a mile South.

Q - On a direct line?

A - Yes sir, on a direct line.

Q - Mr. Witness, what time of day were you running the line?

A - We were all day running it.

Q - Was it a hot day?

A - I donot remember whether the day was hot or not.

Q - Isn't it a fact you can't run a straight line on a hot day?

A - Yes.

Q - Is there any variation there?

A - The variation is four degrees and forty minutes East of true North.

Q - Isn't it a fact Mr. Witness, that a most accurate survey of land is to trail through the woods and find the Government marks?

A - Yes sir.

Q - You can't depend so much on your chain and compass in locating the true Government line if this is done by the marks on the trees and other Government marks and you haven't been able to locate that Southwest corner of section 24 yet?

A - No.

Q - What did the field notes call for at that corner?

A - I think four pine trees.

Q - Now this section in that Government sub-division, lot 9, that is part of fractional

24?

A - Yes.

Q - Did you try to locate the corners of that?

A - Yes sir.

Q - Did you locate the Southeast corner there of Government sub-division, lot 9 at

that corner?

A - The Southeast corner of Government sub-division 9 is on a marshy point of grass

and I didn't run over that.

Q - You don't know whether the Government survey went over on that point or not?

A - There is no corner of record.

Q - To make a correct survey of sub-division 9, you would have to know about where

that corner was wouldn't you, the Southeast corner of the sub-division 9?

A - Yes, if one had been established.

Q - Now in 1924, I believe it was you made this survey for Mr. Nelson, did you notice

any pine trees growing on sub-division nine?

A - Yes sir.

Q - When were you in there next?

A - About the 15th day of July 1930.

Q - At that time did you notice any trees being turpentine on this sub-division?

A - Yes sir.

Q - Did you see any one in there at work at this time?

A - No.

Q - Then did you get back there on this Government sub-division nine?

A - About 3rd day of November 1930.

Q - You still saw these trees there being turpentine, and did you notice any timber

being cut off on sub-division 9 at this time?

A - Seems to me there was paper wood cut.

Q - Did you see any one working there at that time?

A - No sir.

Q - In November 1930 whom were you there with?

A - Mr. J. W. Bulford.

Q - Have you been back there since?

A - No sir.

Q - How far did you live from this land?

A - Twelve miles.

Q - You say you have been a surveyor about how long?

A - Thirty years.

Q - Are you a graduate of any institution?

A - No sir, only common school education.

Q - Are you a county surveyor?

A - I was from 1912 to 1916 but it interfered with other business, I could not serve

longer and resigned. Baldwin has no surveyor at present.

RE-DIRECT EXAMINATION.

Q - Is this the sketch that you made at the time that you made Mr. Fulford's survey?

A - Yes sir.

Q - Mr. Parker, the south and east boundaries of lot 9 according to this copy are in

Weeks Bay.

A - Part of the south line is.

Q - The southeast corner of lot 9 would be located in Weeks Bay, would it not?

A - The southeast corner of lot 9 is exactly in a marshy point which was inaccessible

to see at the time.

THE RESPONDENT OFFERS IN EVIDENCE PLAT IDENTIFIED BY THE WITNESS TO BE MARKED

"EXHIBIT A".

RE-CROSS EXAMINATION.

Q - Mr. Surveyor you say the south line is out in the bay of this lot?

A - Yes sir, we had no boat to use.

Q - And that is more or less guess across this south line?

A - Yes.

Q - I notice in this plat of land on Weeks Bay this exhibit marked "A", that in the

center you have the word Fulford written, that means that he had you to make the

survey and as you say he was claiming the land?

A - Yes.

FRANK LEVENE.

Q - Mr. Levene, where were you born and raised?

A - I was born and raised in Baldwin County at Barnwell.

Q - Do you know the twelve acres in the southwest corner of lot nine, section 24 that

is involved in this suit that is claimed by Mr. Fulford and Mr. Nelson?

A - Yes sir.

Q - Who has been in possession of that place to your knowledge in the last fifteen or

Twenty years?

A - Mr. Charles A. Nelson.

Q - About when?

A - Around 1930.

Q - What did he do to establish his possession there?

A - I helped him build a little house on it and then he decided later that he would build a little house down the river.

Q - He didn't complete that house did he?

A - He built one large room. He didn't finish building.

Q - Did he live in that room that he built?

A - He lived in there awhile and then I came to town later.

Q - Was he on there when you came to town?

A - Yes sir.

Q - Well now, you came to town to work but did you come back from there frequently?

A - Yes sir, I came back in about six months and he had started his place on the river front.

Q - Who was there and in possession?

A - Charlie M. Nelson. In fact he built him a large room and partitioned it off when I went over and he had a saw mill running.

Q - Did you ever see Mr. Fulford on that property?

A - Yes sir.

Q - About how long after?

A - Well, they were turpentineing it, in fact I didn't do much running around over there mostly I was on the river on my launch. Once or twice I met him on the highway, I would be going up to the store for groceries.

Q - What was Mr. Fulford doing to assert possession?

A - He was turpentineing.

Q - About when was that?

A - About 1931, if I am not mistaken.

CROSS-EXAMINATION.

Q - Mr. Levene, where are you living now?

A - Living on my launch at Arlington, Mobile, Alabama.

Q - How long since you lived in Baldwin County?

A - I didn't live there in about 15 years. I'd be visiting there sometimes

Q - Who were you visiting?

A - Mr. McKenzie.

Q - You know where the corners of this land you are talking about?

A - Yes sir, I was over there once when Mr. Parker was surveying.

Q - When was that?

A - Around 1930.

Q - Did you go with him on his surveying?

A - In fact, I helped him with it. He asked me to hlep him.

Q - Who was he surveying for?

A - Charles A. Nelson.

Q - Who was in the party?

A - Charlie Nelson, Raleigh McKenzie.

Q - Any one else?

A - I think that was all.

Q - What corner did you start?

A - In my judgment it would be the northwest corner.

Q - Which way did you go over there?

A - South

Q - How far south?

A - I did not pay any attention.

Q - Then you went east? You run a line East?

A - Yes.

Q - All the way across?

A - Yes sir. Did you

Q - How far did you go?

A - I don't know.

Q - Have you any judgment how far east you ran?

A - I guess somewhere close to a mile.

Q - Then which way did you go?

A - North.

Q - How far north did you go?

A - About a mile.

Q - What direction then?

A - West or southwest I judge it.

Q - Went West of the point where you started?

A - Yes.

Q - How far?

A - About a mile.

Q - Now, in running that east and west line , did you run through the Bay any?

A - We went to the marsh with it.

Q - You didn't survey through the Bay?

A - No sir.

Q - Where did you pick up the line again?

A - On the River.

Q - What River?

A - Fish River.

Q - East or west bank?

A - West bank.

Q - Run across the River?

A - We didn't run across the River. We found some old survey stakes there and lightwood stumps.

Q - So you didn't cross the River?

A - No sir.

Q - Did the southeast corner of the lot run across on the east side of the river?

A - No sir, we just run it down to the river.

Q - Where did you find the corner?

A - The southeast corner of the lot we were surveying was on the west bank of Fish River.

Q - Now how far was this house that we talked about of Mr. Charles A. Nelsons from the southwest corner of the lot you surveyed there?

A - Mile or mile and half.

Q - Now in what direction of the southwest corner was it?

A - His place was I judge, southwest of the lot we surveyed where he built the place on the river about a mile and a half.

Q - You say that Mr. Fulford turpentineed some land over there?

A - Yes sir.

Q - Was on that land the house where Charles Nelson built?

A - Just opposite.

Q - How far?

A - The trees around the house were short leaf and they had just boxed the long leaf.

Q - How far was the nearest long leaf timber turpentineed from the house that Charles A. Nelson built?

A - I judge it was around a quarter of a mile.

Q - Did you see Mr. Fulford turpentineing this timber?

A - Well, I did not see him turpentineing this timber. He told me he was in the turpentine business.

Q - Where was he when you had this conversation?

A - I was going to the store and he was on this same property that we were talking about. The main highway goes through it.

Q - What is the name of this highway that runs through this property?

A - I do not know.

Q - Where did this highway lead to?

A - Goes down to what they call McKenzie's Ferry along the highway.

Q - Public highway?

A - Yes sir.

Q - Frequently traveled?

A - Yes sir.

Q - Did it run right through this land you were talking about?

A - Yes.

Q - Is this house that Mr. Nelson built and lived on this highway?

A - Yes sir.

Q - How far from the highway?

A - The first one he built was 100 yards from the highway and the other one is right on the highway right by the ferry.

Q - Was the ferry on this land you were talking about?

A - Yes sir.

Q - Which side of the road was the first house built on?

A - The south side. Both were built on the south side.

CHARLES A. NELSON.

Q - Mr. Nelson are you acquainted with the tract of land that is in suit in this case here?

A - Yes sir.

Q - That is claimed by Mr. Hulford and Charles E. Nelson?

A - Yes sir.

Q - Were you at any time in possession of section 24 in which that land is situated?

A - Yes sir, I was in possession of it.

Q - When did your possession start?

A - I think, if I am not mistaken about 1930. I have been in possession for about 10 years.

Q - From whom did you get it?

A - I got it from the heirs of the Nelsons. The land was supposed to belong to Joseph Nelson.

Q - About when did you get it?

A - Somewhere about five years ago.

Q - When did your grandfather die?

A - He died a good while ago, about twenty years ago.

Q - After his death who was in possession of that land?

A - Not any one that I know of. It was customary in them days to just take what you wanted.

Q - When did you get actively in possession of that land?

A - About five years ago.

Q - What did you do to show your possession at that time?

A - I built a house and put notices up. Lived there and run a saw mill on it.

Q - What year was that?

A - If I am not mistaken it was 1931 or 1932.

Q - How long have you staid in possession since that time?

A - I had a tenant on the place ever since I left.

Q - Now will you look at this plat, Exhibit A, and state what part of this land shown by this plat you have been in possession of in 10 years.

A - I have been paying taxes on it for 10 years and have been in possession of it for 5 years. I claimed from Mr. Fulford's piece to the Costright line. 300 feet north of the main highway.

Q - And claiming east how far did you claim?

A - East to the River.

Q - South?

A - South down to the south corner as far as the section went down to the section line.

Q - Did you at any time sell any of that land to Mr. Fulford or his wife?

A - Yes sir.

Q - Well, you look at this instrument and state if this was the deed you gave when you disposed of that land?

A - As well as I remember that is the deed all right.

Respondent offers in evidence a deed dated November 3, 1930 from Charles A. Nelson to Mary Persis Fulford. Respondent's Exhibit B.

Q - Mr. Nelson, after you made that deed to Mrs Fulford, did she or her husband get into possession of the 12 acres in the Southwest quarter of lot 9?

A - If I am not mistaken, he started to go into possession and he staked off his part, and he started to cut some timber to build a house and Mr. Charles Nelson stopped him from cutting the timber. He didn't get the house put up.

Q - Was he stopped by this suit?

A - I think so. My memory is kinda bad and it has been so long ago.

Q - When you were in possession, were any "keep out" or tresspass signs put up around the place?

A - Yes sir.

Q - By whom?

A - I did.

Q - Where were they put up?

A - Some on the highway so everybody could see them.

- Q - Mr. Nelson, did Mr. Charles E. Nelson - has he been in possession of that land at any time?
- A - Not as I know of. He has had no house and no fence only leased it for turpentine.
- Q - When did he lease it for turpentine, before he got Fulford off or after?
- A - I do not remember.
- Q - Do you know to whom he gave the lease?
- A - I believe it was Johnson, I am not sure.
- Q - Did you raise any objection to Johnson turpentineing?
- A - I went over there at the time I was in Mobile and Mississippi. When they went to cutting the wood, I stopped them from cutting the wood.
- Q - When who went to cutting wood?
- A - Owens, that was the man.
- Q - Who stopped Owens?
- A - I did.
- Q - Did you at any time have an agreement with Mr. Charles E. Nelson that this property might be turpentineed until this suit was completed?
- A - I do not know whether I did or not. It has been so long that I haven't given it any thought.
- Q - Aside from this turpentineing has Charles E. Nelson asserted any possession of this property to your knowledge?
- A - No sir, he has not.
- Q - Where are you living now?
- A - I am living in Mobile now.
- Q - How long have you been living there?
- A - I have been there about a year and half.
- Q - That was after this suit was started?
- A - Yes sir.

CROSS EXAMINATION.

- Q- Mr. Nelson, you say your memory is bad?
- A - Well, yes sir. I can't remember like I ought to.
- Q - Your contracts are hard to remember or not?
- A - Yes sir, they are.
- Q - Your grandfather died about 40 years ago?
- A - I do not know what year he died.
- Q - How old were you when he died?
- A - I do not know just how old.
- Q - How old now?
- A - I am 61 years.

Q - Are you a married man?

A - Yes sir.

Q - Were you married at the time your grandfather died? You remember about how old you were when you married?

A - About thirty years.

Q - You remember about how long you married before your grandfather died?

A - No.

Q - What was your grandfather named?

A - Joseph Nelson.

Q - Where did he live?

A - Point Clear.

Q - Live there all his life?

A - Nearly all his life.

Q - Never lived on any of this land?

A - He lived on the land in 23.

Q - Do you remember Mrs Sarah Forbes?

A - Yes sir.

Q - She lived there quite awhile?

A - Yes sir.

Q - Did you know Mrs Mary Grist?

A - No sir.

Q - Now, in what direction did your grandfather live from Mrs Sarah Forbes?

A - She lived in the house my grandfather lived in.

Q - She lived in the house your grandfather lived in after his death?

A - Yes sir.

Q - Did you know George Oliver Lantron?

A - Yes sir.

Q - Did he live in the house that Mrs Sarah Forbes lived in?

A - He lived about a mile in section 23 catercornered across the section.

Q - How long did George Oliver Lantron live there?

A - About 15 years.

Q - Mrs Sarah Forbes moved away from this place and died across the river.

A - Yes sir.

Q - When she moved away from there she lived with George Oliver Lantron on section 23?

A - Yes sir, I am pretty sure it was section 23.

Q - How many children did your grandfather have?

A - 26.

Q - Do you remember the names of all?

A - No sir.

Q - Do you know all the ir descendants?

A - Not all of them.

Q - Now, where have you been living for the last 25 years?

A - Over here and in Mississippi.

Q - Well, did you live in Baldwin County?

A - I lived there on that place.

Q - You were talking about section 24?

A - Yes sir.

Q - On this particular 12 acres?

A - Not on the 12 acres but on the same piece of land in section 24.

Q - You mean this 12 acres in section 24 you lived on?

A - No sir.

Q - So you lived here on this land the last five years. Where did you live the

10 years previous to that?

A - I was in Mississippi eight years and in Mobile the rest of the time.

Q - Then in the last 25 years you have only lived here in Baldwin County about a

year and a half?

A - When I was a young man I was born and raised in Baldwin County.

Q - Where have you lived in the last 25 years?

A - Well, I lived in section 24 for 2 or 3 years I don't remember which and then

in Mississippi eight years and then in Mobile the balance of the time.

Q - So after all you have only lived here in Baldwin County in the last 25 years,

two or three years? Did you come back from Mississippi or Mobile?

A - Mobile.

Q - Now when you came back here about 1930 and you went up there and started a

house up there in section 24, was it not on this 12 acres here in dispute and the

is all you did there on the place?

A - Yes sir. Well, I had a saw mill on the place and run it for two or three years.

Q - How far was that saw mill located from this land in suit?

A - About one half mile.

Q - How far was the house that you built in section 24 from the land in suit?

A - Well, one was one quarter mile and one one half mile.

Q - Now, when you came back here on the land you saw where this land in suit had been

terminated?

A - Yes sir.

Q - When you went on the land in section 24 that you talk about, you saw didn't you, where the timber on the land in suit had been turpentine and in your judgment a couple of years prior?

A - Could have been four or five years.

Q - So far as you know?

A - Yes.

Q - Do you know who was turpentine that timber?

A - No sir, I don't only what I heard.

Q - Did you hear that M. R. Northrup of Fairhope was turpentine it?

A - No sir, Bryant.

Q - Bryant?

A - Yes sir.

Q - You did not know exactly who it was?

A - I didn't only I know Mr. Rulford was the last.

Q - When did he start turpentine it?

A - I do not know, but I know he turpentine it. It was before I sold him the land.

Q - What year did you sell Rulford the land?

A - I don't know. I didn't bring any map with me.

Q - How long before you sold him the land that Rulford was turpentine the land?

A - I do not remember how long.

Q - Did you ever see him on the land turpentine?

A - No sir, I have never seen Mr. Rulford but I know he had been turpentine.

Q - This particular 12 acres?

A - No sir.

Q - You never saw Mr. Rulford turpentine this particular 12 acres?

A - No sir. I mean turpentine in section 24.

Q - But you did see where someone had been turpentine on this particular 12 acres when you got there?

A - I do not know.

Q - Didn't you just tell the commissioner there and testify that when you got back and when you came there in 1930 that you saw where some one had been turpentine

the timber on this particular land in suit?

A - It was turpentine but I didn't pay any attention to that particular spot.

Q - Was the timber on this particular land being turpentine at the time that you

went on the place in 1930 or 1931?

A - No sir.

Q - Was there any signs it had been turpentine? And about how old were the boxes on there?

A - Two or three years.

Q - Now you never did know that Rulford turpentine this particular 12 acres?

A - No sir.

RE-DIRECT EXAMINATION.

Q - You said just now that you didn't know of Mr. Rulford turpentine this particular 12 acres but was he turpentine over the land that you had owned in 24 generally?

A - Yes sir.

Q - This 12 acres was a part of section 24 wasn't it?

A - Commissioner did not catch answer to this question.

Q - Just now you said you did not remember the date when you sold to Rulford, was

this deed given at the time of sale? (Exhibit B) Was the sawmill that you put

up on 24?

A - Yes sir.

Q - When you said just now that Mr. Rulford "couldn't get in" did you mean that he

was not allowed on the 12 acres or was stopped by the gentlemen from cutting

the timber?

A - Yes sir.

RE-CROSS EXAMINATION

Mr. Witness this timber has been cut off those 12 acres?

A - Yes sir.

Q - Who cut this off?

A - Mr. Keith cut it off.

Q - Mr. Keith cut it off?

A - Well, I went over there right at the time and I think Keith was doing the

sawing of it.

Q - Who cut the paper wood off it?

A - Owens.

Q - Mr. Keith cut the timber and Mr. Owens the paper wood?

A - Yes.

Q - When was this?

A - I think it was in 1932.

Charles Bryant.

Q - Mr. Bryant, do you know this land in lot 9, section 24, involved in this suit?

A - I know where it is.

Q - How long have you known that land?

A - All my life as far back as I can remember.

Q - How far do you live from there?

A - About three miles.

Q - When you first knew this land in section 24, who was in possession of it?

A - I do not know. No one was in possession that I know of.

Q - When did any one go into possession of this land?

A - Well, my brother leased turpentine rights in there and I tallied boxes for him.

That was before the September storm.

Q - Then after your brother turpented it?

A - I do not remember. I believe Everette & Boykin.

Q - Mr. Bryant, was the timber on that land blown down with other timber in 1916 storm?

A - Yes sir. It was boxed with axes and all timber was blown down that was boxed.

Q - Was the down timber taken off that after the 1916 storm?

A - I do not remember. I saw Ed Nelson hauling some timber after the 1906 storm

but it has been so long ago.

Q - Is Ed Nelson a brother of Charles A. Nelson?

A - Yes sir.

Q - Did you at any time get any brush for making mats down at Ft. Morgan?

A - No sir.

Q - There was a good deal of brush gotten off the Baldwin County lands for that purpose?

A - Yes sir.

Q - Did they get it off without permission?

A - I do not know.

CROSS EXAMINATION

Q - Mr. Witness, I believe that you say in 1906 just prior to the storm, George Bryant your brother turpented the timber and then Everette & Boykin?

A - To the best of my recollection.

Q - That is known as the Forbes place?

A - What I have always known is the Forbes place was section 23.

Q - Now, you know George Oliver Lenton?

A - Yes sir.

Q - He hauled that timber out of there?

A - I know of Oliver getting a 40 acres in that neighborhood but I never did see

him on it but I heard him say that he got it.

Q - But you know that Everette & Boykin hauled timber out of that?

A - No.

Q - That was land valuable for turpentine at that time?

A - Yes and for cutting wood off on it in connection with the business.

Q - How long did Everette & Boykin work in there?

A - They must have been in there ten years or more. There is a Boykin interested in

it now. I worked for them five years.

Q - Then you know Mr. Charles M. Nelson?

A - Yes sir.

Q - You know of Mr. M. F. Northrup of this place?

A - Yes sir.

Q - Do you know of him turpentineing this land down there?

A - Not in there, no sir, he was in twenty-one. On a piece of Bishop's.

Q - In 24 don't you know Mr. Northrup started to operate on these lands?

A - No.

Q - Didn't you know that the Fairhope Naval Stores Company - M. F. Northrup,

commenced turpentineing this land here in suit in 1924 or 1925?

A - I do not remember what year that was.

Q - Do you know of them turpentineing down there?

A - Yes, he was in the Bishop tract and section 21.

Q - This 12 acres in section 24?

A - I do not know anything about it and I won't say whether they were turpentineing in

24 or 25, but I do know he was on Bishop's.

Q - When were you on this particular land in suit in section 24?

A - I was down in that part about two weeks ago. It has been at least two or three

years ago that I was on it.

Q - When you passed across there, did you notice where the timber has been turpentineed?

A - Looked about 10 or 12 years that it had been turpentineed.

Q - Are you a turpentine man?

A - No, I do not say that I am but you can tell from the highest that these boxes was high pulling.

Q - You have been acquainted with the turpentine business in some way for a good many years?

A - Yes, I have leased boxes for Everette & Boykin and observed boxing and trees at the time of working for my brother.

Q - And in your judgment the timber on this particular land had been turpented at the time you saw it that you say was two or three years. Looked like it had gone through 10 or 12 years?

A - I went through there three or four years ago. The trees looked like it had been through 10 or 12 years.

Q - Boxes looked very high on the trees.

A - High pulling. This particular 12 acres I didn't know where it is. I do not believe I could find the corner.

CHARLES E. NELSON,

Complainant.

vs

ESTELLE NELSON DADE,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

It is agreed between the Solicitors for the Complainant and the Solicitor for Respondent J. W. Fulford that the testimony of J. W. Fulford, Harry Parker, and witnesses for Respondent, may be taken on oral examination before Mrs. Kathleen Sermon as Commissioner at the office of Respondent's Solicitor at Fairhope, Alabama on August 15th, 1935. *Formal issue of commission is waived*

It is further agreed that the testimony as given by the witnesses shall be taken down in shorthand by the Commissioner, transcribed by her and filed and that the signatures of Respondent's witnesses thereto is hereby waived. A copy of said evidences to be furnished to Complainant's Solicitor and charged as a part of the costs in this case.

IN WITNESS WHEREOF, said Solicitors have hereto set their hands at Fairhope, Alabama this the 15th day of August, 1935.

Hyfaut & Shanon
Solicitor for Complainant.

Ellen G. Piers Early
Solicitor for Respondents.

I, Kathleen Simon, Commissioner acting by attached

agreement of parties in the case of CHARLES E. NELSON, Complainant,

versus ESTELLE NELSON DADE, et al, Respondents, hereby certify

that CHARLES A. NELSON, HARRY PARKER, FRANK LEVINS, CHARLES BRYANT,

and J. W. FULLFORD, witnesses for Respondent, appeared before me

in the office of E. G. RICKARBY, Esquire, Fairhope, Alabama, on

August 15, 1935, where upon examination by E. G. Rickarby, Esquire,

Respondents' Solicitor, and Messrs. Hybart & Chason, Solicitors for

Complainant, they having been first duly sworn, testified as is

herein set forth. That their testimony was reduced by me to writing

as near as possible in the language of the witnesses but signature

thereto was not affixed under the terms of said agreement. A copy

of said evidence has been furnished Complainant's solicitors.

I further certify that I am not of counsel or of kin to

any party in said cause or anywise interested in the result thereof.

In Witness whereof I hereto set my hand and seal as

Commissioner this the twenty-seventh day of January, 1936.

Kathleen Simon
Commissioner.

*Commissioner's fee \$5.00
not paid*

I, Kathleen Sirmon, Commissioner acting by attached agreement of parties in the case of CHARLES E. NELSON, Complainant, versus ESTELLE NELSON DADE, et al, Respondents, hereby certify that CHARLES A. NELSON, HARRY PARKER, FRANK LEVINS, CHARLES BRYANT, and J. W. FULFORD, witnesses for Respondent, appeared before me in the office of E. G. RICKARBY, Esquire, Fairhope, Alabama, on August 15, 1935, where upon examination by E. G. Rickarby, Esquire, Respondents' Solicitor, and Messrs. Hybart & Chason, Solicitors for Complainant, they having been first duly sworn, testified as is herein set forth. That their testimony was reduced by me to writing as near as possible in the language of the witnesses but signature thereto was not affixed under the terms of said agreement. A copy of said evidence has been furnished Complainant's solicitors.

I further certify that I am not of counsel or of kin to any party in said cause or anywise interested in the result thereof.

In Witness whereof I hereto set my hand and seal as Commissioner this the twenty-seventh day of January, 1936.

Kathleen Sirmon
Commissioner.

*Commissioner's fee \$5.00
not paid.*

I, Kathleen Simon, Commissioner acting by attached

agreement of parties in the case of CHARLES E. NELSON, Complainant,

versus ESTELLE NELSON DADE, et al, Respondents, hereby certify

that CHARLES A. NELSON, HARRY PARKER, FRANK LEVINS, CHARLES BRYANT,

and J. W. FULFORD, witnesses for Respondent, appeared before me

in the office of E. G. RICKARBY, Esquire, Fairhope, Alabama, on

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In Witness whereof I hereto set my hand and seal as

Commissioner this the twenty-seventh day of January, 1936.

Commissioner.

Kathleen Simon

Commissioner for
not here