

1070

J. RAYMOND GROSEY, et al,

Complainants,

vs

MARY WILLIE GAUSE, et al,

Respondents.

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

No. _____

This cause coming on to be heard on complainants' motion to set aside the order of submission and final decree and amend its complaint as stated in said motion and being considered by the court, the said motion is granted and complainants are permitted to amend their complaint in red ink as requested in said motion.

Dated this 27th day of December, 1932.

F. W. Hare

JUDGE

RECORDED

Dissee On Motion

Filed Dec 27th 1932
D W Nicholson
Register

The State of Alabama,

Baldwin County.

{ No. 1070.... CIRCUIT COURT IN EQUITY.

J. RAYMOND CROSBY & S. N. CROSBY

Complainant....

vs.

MARY WILLIE GAUSE, MAMIE LEE GRAHAM, MAMIE LEE NORSTEDT, CARLETON
HASTIE, JOSEPH HASTIE, JOHN HASTIE and ANNIE BYRNE McCARROLL

Defendant....

Motion is hereby made for a Decree Pro Confesso against MARY WILLIE GAUSE, MAMIE
LEE GRAHAM, MAMIE LEE NORSTEDT, CARLETON HASTIE

Defendant ..

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 29th day of MARCH 1933

B. F. McMillen
Solicitor.

No. 1070 **RECORDED** Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

J. Raymond Crosby
Etal

vs.

Mary Willie Gause
Etal

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

Filed *March 20* 19*33*

D. Richardson
Register.

Recorded in _____ Record,

Vol. _____ Page _____

Register.

THE STATE OF ALABAMA, }
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 1070 March, Term, 1933

J. Raymond Crosby & S. N. Crosby, Complainant..

Vs.

Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt,
Carlton Hastie, Joseph Hastie & Annie Byrne McCarroll Defendant..

Motion is hereby made for a Decree Pro Confesso against Joseph Hastie, John Hastie,
and Annie Byrne McCarroll Defendant..

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

This 20 day of March 1933

B. J. McCarroll
Solicitor.

RECORDED
No. 1070

Page

State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

J. Raymond Crosby,
Et al

Complainant

Vs.

Mary Willie Gause,
Et al

Defendant

Motion for Decree Pro Confesso
On Publication.

Filed March 20, 1933

J. M. Richardson

Register.

Recorded in Record,

Vol. Page

Register.

J. RAYMOND CROSBY, et al,

Complainants,

vs

MARY WILLIE GAUSE, et al,

Respondents.

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA. IN EQUITY.

No. _____

TO THE HONORABLE F. W. HARE, JUDGE:-

Comes the complainants and move the court to permit them to set aside the order of submission and final decree rendered in this cause on to-wit; December 21st, 1932, and amend the original complaint filed in said cause in red ink as per the amendment hereto attached.

B. F. McMillan
ATTORNEY FOR COMPLAINANTS.

J. RAYMOND CROSBY, et al,

Complainants,

vs

MARY WILLIE GAUSE, et al,

Respondents.

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

No. _____

By order of the court first had and obtained, complainants amend the complaint filed in said cause in red ink as follows, viz:

1. By adding to the "PRAYER FOR PROCESS" next after the words "and Annie Byrne McCarrol" the word "Carleton Hastie."
2. By adding in red ink in the "PRAYER FOR RELIEF" next after the word "Annie Byrne McCarrol," the word, "Carleton Hastie."

B. J. Verneer
ATTORNEY FOR COMPLAINANT.

1070
J. RAYMOND CROSBY & S. N. CROSBY,

Complainants,

IN THE CIRCUIT COURT OF

vs.

BALDWIN COUNTY, ALABAMA,

MARY WILLIE GAUSE, ^{et al} MAMIE LEE
GRAHAM, MAMIE LEE NORSTEDT,
CARLETON HASTIE, JOSEPH HASTIE,

IN EQUITY. No 1070

JOHN HASTIE and ANNIE BYRNE
McCARROLL.,

Respondents

This cause coming on to be heard was submitted for final decree on the pleadings, decree pro confesso and proof as noted by the Register and upon consideration thereof, the Court is of the opinion that the Complainants are entitled to the relief prayed for.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Respondents Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Carleton Hastie, Joseph Hastie, John Hastie and Annie Byrne McCarroll, nor any of them have any claim, interest, right or title therein or incumbrance upon the following described land situated in Baldwin County, Alabama, to-wit:

"Section forty (40), Township One (1) North of Range Two (2) East, and Section Forty-one (41), Township One (1) North of Ranges One (1) and Two (2) East, also all of the confliction between Frances Girard and Louis Baudan Tracts that lies north of Bayou Jessamine, also the forty (40) acres homesteaded by the late B.F. McMillan, Sr., deceased, comprising in all One Thousand Seven Hundred and Seven (1707) acres, more or less. All within the water boundaries of the Tensaw River, Bayou Jessamine and Bottle Bayou or Creek. Said Section Forty (40) being the Louis Baudan Tract, and said Section Forty-one (41), being the Reuben Dyer Tract; commonly called, known and referred to as "Aiken Island";

and that the title to the same is vested in the said J. Raymond Crosby and S. N. Crosby as against the said Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Joseph Hastie, John Hastie, Carelton Hastie and Annie Byrne McCarrol .

IT IS FURTHER ORDERED that the Register of this Court, within thirty days from the rendition of this decree file a certified copy thereof in the office of the Judge of Probate of Baldwin County, Alabama, for record therein, and that the costs thereof be taxed in the costs of this cause.

(PAGE TWO)

IT IS FURTHER ORDERED that the Complainants pay the cost of this cause for which execution may issue.

Done at Monroeville, Alabama, on this the 23rd day of December, 1932.

J. W. Stark
JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT OF ALABAMA.

Final Deane

Filed Dec 27th 1933
T. W. Dickinson
Register

Final Deeds

Filed Dec 27th 1933
T. M. Richmond
Register

.....

 J. RAYMOND CROSBY, ET AL.,
 vs.
 MARY WILLIE GAUSE, ET AL.

THE STATE OF ALABAMA,
 BALDWIN COUNTY

IN EQUITY,
 CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,
 Decree Pro Confesso on Publication, Decree Pro Confesso on personal
 service, answer of Guardian Ad Litem, and testimony of John G.
 Aiken, Jr., and William K. Aiken

and in behalf of Defendant upon

W. K. Aiken
 Register.

Register

day of December 1922

Filed in Open Court this 22nd

NOTE OF TESTIMONY

MARY WILLIE GAUSE, ET AL

VS

J. RAYMOND GROSBY, ET AL.

CIRCUIT COURT OF BALDWIN COUNTY

IN EQUITY,

THE STATE OF ALABAMA
BALDWIN COUNTY

No.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 1070 VACATION Term, 192 32

J. RAYMOND CROSBY & S. N. CROSBY , Complainant ..

vs.

MARY WILLIE GAUSE, MAMIE LEE GRAHAM, MAMIE LEE NORSTEDT,
CARLETON HASTIE, JOSEPH HASTIE, JOHN HASTIE and , Defendant ..
ANNIE BYRNE MCCARROLL

To T. W. RICHESON , Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by B. F. McMILLAN, JR., by

H. E. SMITH Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

B. F. McMILLAN, JR.

..... B. F. Smith
Solicitor for Complainant.

No.

Page

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

J. RAYMOND CROSBY, ET AL.,

vs.

MARY WILLIE CAUSE, ET AL.

REQUEST FOR DECREE IN
VACATION

FILED DECEMBER 22, 1923

J. M. Richards
Register

RECORDED IN RECORD

VOL. PAGE

Register

STATE OF ALABAMA,
COUNTY OF BALDWIN.

IN THE CIRCUIT COURT OF SAID COUNTY,
IN EQUITY.

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

Humbly complaining your orators, J.Raymond Crosby and S.N. Crosby bring this bill of complaint against Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Carleton Hastie, Joseph Hastie, John Hastie and Annie Byrne McCarrol, and respectfully show:

FIRST:

Complainants are over the age of twenty-one years. Complainant J.Raymond Crosby resides in Mobile, Alabama, and Complainant, S.N.Crosby, resides at Ozark, Alabama; The respondents are over the age of twenty-one years except John Hastie who is over the age of fourteen years and under the age of twenty-one years. Respondents, Mary Willie Gause and Mamie Lee Graham reside at Stockton, Alabama; Respondent, Mamie Lee Norstedt, resides at Mobile, Alabama; Respondents, Joseph Hastie and John Hastie reside at Sacramento, California; Respondent, Annie Byrn McCarrol resides at Oakland, California and respondent, Carleton Hastie, resides at Birmingham, Alabama.

SECOND:

Complainants are in the actual peaceable possession of, claiming to own and do own that certain land in Baldwin County, Alabama, particularly described as follows, viz:

"Section forty (40), Township One (1) North of Range Two (2) East, and Section Forty-one (41), Township One (1) North of Ranges One (1) and Two (2) East, also all of the confliction between Frances Girard and Louis Baudan tracts that lies north of Bayou Lessamine, also the forty (40) acres homesteaded by the late B.F.McMillan, Sr., deceased, comprising in all One Thousand Seven Hundred and Seven (1707) acres, more or less. All within the water boundaries of Tensaw River, Bayou Jessamine and Bottle Bayou or creek. Said Section Forty (40) being the Louis Baudan Tract, and said Section Forty-one (41) being the Reubin Dyer Tract; commonly called, known and referred to as "Aiken Island;"

The respondents claim or are reputed to claim some right, title, or interest or encumbrance upon said land but they in fact have no title or claim thereto. No suit is pending to enforce their said claim and complainant now calls upon the respondents and

each of them to set forth and specify their title, claim, interest or encumbrance and how and by what instrument the same is derived and created.

PRAYER FOR PROCESS.

The premisses considered complainants pray that your Honor will take jurisdiction of the cause made by this bill of complaint and that by proper process issuing to them from this court the said Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Joseph Hastie, John Hastie and Annie Byrne McCarrol, be made parties respondent hereto and be required to answer the charges herein made within the time and in all things as required by the rules and practices of this court. That your Honor will appoint a guardian ad litem to represent the said minor and will enter all necessary decrees to bring the said respondents into this cause as defendants.

PRAYER FOR RELIEF.

Complainants further pray that upon the hearing of this cause Your Honor will order, adjudge and decree that the said Respondents viz: Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Joseph Hastie, John Hastie and Annie Byrne McCarrol and none of them have any right, title, interest or claim in the said land and that you will further decree that the title of said land is vested in complainants. Complainants pray for such other, further and different relief as in equity and good conscience may be due them in the premises.

B.F. McMillan, Jr.,
Solicitor for Complainants.

FOOTNOTE: The respondents and each of them are required to answer each and every allegation and paragraph of the foregoing bill of complaint but their oath thereto are hereby expressly waived.

B.F. McMillan, Jr.,
Solicitor for Complainants.

STATE OF ALABAMA,
COUNTY OF BALDWIN.

Before me, Ruth Macdonald, a Notary Public in and for said State and County, personally appeared B.F. McMillan, Jr., who is known to me and who being sworn says:

Affiant is attorney for the Complainants, has personal knowledge of the facts herein stated and is duly and legally authorized to make this affidavit.

Affiant says that the allegations of the foregoing bill of complaint are true.

B.F. McMillan, Jr.,

Sworn to and subscribed before me this 29th day of September, 1932.
RUTH MACDONALD, Notary Public, Mobile Co. Ala.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

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

J. RAYMOND CROSBY, ET AL., Complainant
vs.
MARY WILLIE GAUSE, ET AL., Defendants.

In this cause it appearing to the Register, from the affidavit of Complainant's solicitor, that the Defendant John Hastie, ^{is} a minor over the age of fourteen years, and it further appearing that no person has been nominated to act as guardian ad litem for said minor defendant, and J.B. BLACKBURN, ESQ., having filed his consent in writing to act as such guardian ad litem upon the hearing of said cause, and he being a fit and suitable person, it is now therefore ordered by the Register that J.B. BLACKBURN, ESQ., be, and he is hereby appointed as guardian ad litem, for, and to represent the interests of the said minor in this cause.

Witness my hand this the 20 day of Dec, 1932

T. W. Richerson

REGISTER.

I, J.B. BLACKBURN, the person designated by T.W. RICHERRSON, Register, Circuit Court, Baldwin County, Alabama, do hereby consent to said appointment and to act as such guardian ad litem.

12/20/32

J. B. Blackburn

STATE OF ALABAMA, |
COUNTY OF BALDWIN. | * IN THE CIRCUIT COURT OF SAID COUNTY.
 | IN EQUITY No. _____

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

Humbly complaining your orators, J. Raymond Crosby and S. N. Crosby, bring this bill of complaint against Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Carleton Hastie, Joseph Hastie, John Hastie and Annie Byrne McCarrol, and respectfully show:

FIRST.

Complainants are over the age of twenty-one years. Complainant, J. Raymond Crosby resides in Mobile, Alabama, and complainant, S. N. Crosby, resides at Ozark, Alabama; The respondents are over the age of twenty-one years except John Hastie who is over the age of fourteen years and under the age of twenty-one years. Respondents, Mary Willie Gause and Mamie Lee Graham reside at Stockton, Alabama; Respondent, Mamie Lee Norstedt, resides at Mobile, Alabama; Respondents, Joseph Hastie and John Hastie reside at Sacramento, California; Respondent, Annie Byrne McCarrol resides at Oakland, California and respondent, Carleton Hastie, resides at Birmingham, Alabama.

SECOND.

Complainants are in the actual peaceable possession of, claiming to own and do own that certain land in Baldwin County, Alabama, particularly described as follows, viz:

"Section forty (40), Township One (1) North of Range Two (2) East, and Section Forty-one (41), Township One (1) North of Ranges One (1) and Two (2), East, also all of the confliction between Frances Girard and Louis Baudan tracts that lies north of Bayou Jessamine, also the forty (40) acres homesteaded by the late B. F. McMillan, Sr., deceased, comprising in all One Thousand Seven Hundred and Seven (1707) acres, more or less. All within the water boundaries of the Tensaw River, Bayou Jessamine and Bottle Bayou or Creek. Said Section Forty (40) being the Louis Baudan Tract, and said Section Forty-one (41), being the Reubin Dyer Tract; commonly called, known and referred to as "Aiken Island;"

The respondents claim or are reputed to claim some right, title, or interest in or encumbrance upon said land but they in fact have

no title or claim thereto. No suit is pending to enforce their said claim and complainant now calls upon the respondents and each of them to set forth and specify their title, claim, interest or encumbrance and how and by what instrument the same is derived and created.

PRAYER FOR PROCESS

The premises considered complainant prays that your Honor will take jurisdiction of the cause made by this bill of complaint and that by proper process issuing to them from this court the said Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Joseph Hastie, John Hastie and Annie Byrne McCarrol ^{and Corlelon Hester} be made parties respondent hereto and be required to answer the charges herein made within the time and in all things as required by the rules and practices of this court. That your Honor will appoint a guardian ad litem to represent the said minor and will enter all necessary decrees to bring the said respondents into this cause as defendants.

PRAYER FOR RELIEF.

Complainants further pray that upon the hearing of this cause your Honor will order, adjudge and decree that the said respondents, viz: Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Joseph Hastie, John Hastie and Annie Byrne McCarrol ^{and Corlelon Hester} and none of them have any right, title, interest or claim in the said land and that you will further decree that the title of said land is vested in complainants. Complainants pray for such other, further and different relief as in equity and good conscience may be due them in the premises.

B. J. McCarroll
SOLICITOR FOR COMPLAINANT,

FOOT NOTE: The respondents and each of them are required to answer each and every allegation and paragraph of the foregoing bill of complaint but their oaths thereto are hereby expressly waived.

B. J. McCarroll
SOLICITOR FOR COMPLAINANT.

no title or claim thereto. No suit is pending to enforce their said claim and complainant now calls upon the respondents and each of them to set forth and specify their title, claim, interest or encumbrance and how and by what instrument the same is derived and created.

PRAYER FOR PROCESS

The premises considered complainant prays that your Honor will take jurisdiction of the cause made by this bill of complaint and that by proper process issuing to them from this court the said Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Joseph Hastie, John Hastie and Annie Byrne McCarrol ^{and Corlelon Hastie} be made parties respondent hereto and be required to answer the charges herein made within the time and in all things as required by the rules and practices of this court. That your Honor will appoint a guardian ad litem to represent the said minor and will enter all necessary decrees to bring the said respondents into this cause as defendants.

PRAYER FOR RELIEF.

Complainants further pray that upon the hearing of this cause your Honor will order, adjudge and decree that the said respondents, viz: Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Joseph Hastie, John Hastie and Annie Byrne McCarrol ^{and Corlelon Hastie} and none of them have any right, title, interest or claim in the said land and that you will further decree that the title of said land is vested in complainants. Complainants pray for such other, further and different relief as in equity and good conscience may be due them in the premises.

B. J. McCarroll
SOLICITOR FOR COMPLAINANT,

FOOT NOTE: The respondents and each of them are required to answer each and every allegation and paragraph of the foregoing bill of complaint but their oaths thereto are hereby expressly waived.

B. J. McCarroll
SOLICITOR FOR COMPLAINANT.

STATE OF ALABAMA, !
 *
COUNTY OF MOBILE. !

Before me, Ruth Macdonald, a Notary Public in and for said State and County, personally appeared B. F. McMillan, Jr., who is known to me and who being sworn says:

Affiant is attorney for the complainants, has personal knowledge of the facts herein stated and is duly and legally authorized to make this affidavit.

Affiant says that the allegations of the foregoing bill of complaint are true.

B. F. McMillan, Jr.

Sworn to and subscribed before me this 29th day of September, 1932.

Ruth Macdonald
Notary Public, Mobile County, Alabama.

The State of Alabama } Circuit Court of Baldwin County, Alabama,
Baldwin County (in Equity)

J. Raymond Crosby and S. N. Crosby, COMPLAINANTS
vs.
Mary Willie Gause, Mamie Lee Grahm, Mamie Lee Norstedt, Carleton Hastie, Joseph Hastie, John Hastie and Annie Byrne McCarrroll, I. W. Nicholson, RESPONDENTS

as Register and Commissioner

have called and caused to come before me John G. Aiken, Sr., and William

K. Aiken

witnesses named in the Requirement for Oral Examination, on the 22nd day of December,

1932, at the office of Hon. H. Embree Smith

in Bay Minette, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said John G. Aiken, Sr.

doth depose and say as follows:

I know all of the parties in this suit as set out in the Bill

of Complaint. The Complainants, J. Raymond Crosby and S. N.

Crosby are each over the age of twenty-one years. J. Raymond

Crosby resides in Mobile, Alabama, and S. N. Crosby resides

in Ozark, Alabama. All of the respondents in this cause are

over twenty-one years of age, with the exception of John

Hastie, who is a minor over the age of fourteen years, his age

being nineteen years. The respondents, Mary Willie Gause and

Mamie Lee Grahm, reside at Stockton, Alabama, and I have been

informed and believe, and upon such information and belief

state that the respondents, Joseph Hastie and John Hastie, re-

sides at Sacramento, California, and that the respondent, Annie

Byrne McCarrroll, resides at Oakland, California; the respondent,

Carleton Hastie, resides at Birmingham, Alabama.

I know that the Complainants, J. Raymond Crosby and S. N.

Crosby are in actual peaceful possession of, claiming to own,

and do own the tract of land particularly described in the

original Bill of Complaint in this cause. None of the Respondents have ever asserted any title or claim to said land.

There is no suit, according to my knowledge and belief, to enforce any claim in their favor.

The property described in the Bill of Complaint comprises and is known as Aiken Island. There is no other land embraced in the suit except Aiken Island. I, together with my children, owned Aiken Island up until the date of December 10, 1929, when we sold the same to J. R. Crosby and S. N. Crosby. The names of my children who owned an interest jointly with me were John Gaston Aiken, Jr., William K. Aiken, Clara Alma Aiken, and Evelyn E. Aiken. ~~Resides my interest in said land which I had already acquired by inheritance from my sister Norma Aiken which deed is recorded in Deed Book 42, Page 571, and by inheritance from my said sister Norma Aiken.~~ We acquired title to said land by deed of June 15, 1927, from my sister, Norma Aiken which deed is recorded in Deed Book 42, Page 571, and by inheritance from ~~my~~ said sister Norma Aiken.

The land described in the bill of complaint is the same land as that embraced in the two certified copies of patents from the United States Government to Louis Baudin and Reuben Dyer. I attach said patents to my testimony and mark the same Exhibits "A" and "B" respectively.

The property described in the bill of complaint was in the possession and belonged to the estate of Josuah Kennedy, who died in December, 1838. The property, or a one-fifth interest therein was acquired by my mother, Clara A. Aiken, a daughter of Josuah Kennedy, in 1853, by deed from William R. Hallett, executor of said estate, by deed

recorded in the Probate Court of Baldwin County, which deed is recorded in Deed Book 46 N.S., Pages 465-6. (The deed Book being introduced into evidence by agreement). Mrs. Clara A. Aiken was my mother and she made exchanges of land with the other tenants in common. My mother acquired title to Aiken Island by an exchange of property with the other tenants in common. After her death intestate, in August, 1877, myself and my brother and sisters, six of us, claimed

original Bill of Complaint in this cause. None of the Respondents have ever asserted any title or claim to said land.

There is no suit, according to my knowledge and belief, to enforce any claim in their favor.

The property described in the Bill of Complaint comprises and is known as Aiken Island. There is no other land embraced in the suit except Aiken Island. I, together with my children, owned Aiken Island up until the date of December 10, 1929, when we sold the same to J. R. Crosby and S. N. Crosby. The names of my children who owned an interest jointly with me were John Gaston Aiken, Jr., William K. Aiken, Clara Alma Aiken, and Evelyn E. Aiken. ~~Resides in the interest in said land which I had already acquired by deed and inheritance~~ We acquired title to said land by deed of June 15, 1927, from my sister, Norma Aiken which deed is recorded in Deed Book 42, Page 571, and by inheritance from ~~my~~ said sister Norma Aiken.

The land described in the bill of complaint is the same land as that embraced in the two certified copies of patents from the United States Government to Louis Baudin and Reuben Dyer. I attach said patents to my testimony and mark the same Exhibits "A" and "B" respectively.

The property described in the bill of complaint was in the possession and belonged to the estate of Josuah Kennedy, who died in December, 1838. The property, or a one-fifth interest therein was acquired by my mother, Clara A. Aiken, a daughter of Josuah Kennedy, in 1853, by deed from William R. Hallett, executor of said estate, by deed recorded in the Probate Court of Baldwin County, which deed is recorded in Deed Book 46 N.S., Pages 465-6. (The deed Book being introduced into evidence by agreement). Mrs. Clara A. Aiken was my mother and she made exchanges of land with the other tenants in common. My mother acquired title to Aiken Island by an exchange of property with the other tenants in common. After her death intestate, in August, 1877, myself and my brother and sisters, six of us, claimed

the title to and had possession of the land described in

~~the title to and had possession of the land described in~~

~~the title to and had possession of the land described in~~

ORAL EXAMINATION

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

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

Given under my hand and seal, this 21st day of December 1932.

T.W. Richerson (L. S.)

No. 1070 Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Maynard Crosby & Co.
COMPLAINANT

VS.

Maynard Crosby & Co.
RESPONDENT

ORAL DEPOSITION

Filed December 21, 1932

J.B. Blackburn, Register
RECORDED IN

Record

Vol. _____ Page _____

Register

the bill of complaint. The only outsider to claim any title to said property was Laura A. Catrett, to whom I and my brother William G. Aiken, sold our undivided one-sixth interest each, in said property, the deeds being filed for record October 25, 1898 and recorded in deed book "Y", pages 257-8 and pages 273-4, respectively. (The deed book being introduced into evidence by agreement). The said Laura A. Catrett, joined by her husband sold our interest to Norma Aiken, my sister by deed recorded in the Probate Court of Baldwin County, in Deed Book 21 N.S. pages 1 and 2. (The deed book being introduced into evidence by agreement)

My sisters, Alma A. Aiken, Leila Aiken, and Adele A. Aiken, conveyed their undivided interest in said properties to my said sister, Norma Aiken, by deed dated August 14, 1901, and filed September 1, 1904, recorded in Deed Book 21 N.S. page 453. (The deed book being introduced into evidence by agreement). There were six children, myself, my brother and sisters, of the said Clara A. Aiken, and by these conveyances the said Norma Aiken, my sister, acquired the entire title to Aiken Island.

To my knowledge taxes have been paid on said property by myself, my said sisters and brother and my mother ^{and the Crosbys} since 1875, to date. No one else, to my knowledge, has assessed the same for taxation or paid any taxes thereon during all of said period.

I know of my own personal knowledge, that said property has been in the exclusive possession of my said mother, my sisters and brother and myself and my children ^{and the Crosbys} from 1875 to this date with the exception of the interest held a short time by Laura A. Catrett, who was in possession as tenant in common under the deed above set out from myself and my brother William G. Aiken, who as before stated, resold her interest to Norma Aiken.

No one ever disputed our right to possession of this property and our claim to the entire title was at all times

recognized. The land itself being generally known and described by residents in that locality as Aiken Island, by which name it has been known as far back as I can remember and is still known. We kept, up until we sold to the complainants in this cause, cattle and hogs on the island, repeatedly cut timber thereon from year to year, the land was farmed by my father and the old fields are still in evidence there.

During all of this time no one has ever questioned our right to possession or ownership, and such possession has at all times been open, notorious, hostile, exclusive, continuous, and under claim of title, with color of title, the payment of taxes and rightful ownership.

Since the time, as before stated, that we sold said property to the complainants in this cause they have continued under the same unquestioned possession, have cut timber thereon, has had an agent on said land almost daily, trapping and fishing, and has recently rented out the same so far as hunting rights are concerned to a hunting club.

Cross Examination by Hon. J.B. Blackburn, Guardian Ad Litem for John Hastie.

I am personally acquainted with the minor Respondent, John Hastie, and was acquainted with his father, Carleton Hastie during his lifetime and have known both of the said parties since each of them were born. During the entire life of Carleton Hastie he was engaged in logging and timber operations and was continuously around or near the land described in the original Bill of Complaint and had personal knowledge of the fact that the Aikens, ^{and} Laura Catrett, were claiming to own the same lands, that they were exercising acts of ownership over all of it which consisted of cutting and removing timber, using the land as a pasture for cattle, and keeping trespassers off of it. This land is what is known as swamp or over-flow land and can only ^{safely} be used for growing timber and pasturing cattle and I would say that ~~we exercised~~ the

Aikens, Laura Catrett and J. Raymond and Samuel Crosby have exercised all rights of ownership over the said land that can be profitably be exercised over land of that kind.

For more than twenty years, prior to the death of Carleton Hastie, the father of John Hastie, he made no claim whatever to the said property and his heirs have made no claim to it since his death.

John G. Aiken, Sr.

William K. Aiken, a witness in behalf of Complainant, who, being duly sworn, doth depose and say as follows:

My name is William K. Aiken. I am twenty-five years of age and am the son of John G. Aiken, Sr., who has testified in this cause. I am familiar with the possession and ownership of Aiken Island for the past seventeen or eighteen years. I know that it has been claimed and owned by my father, his sister and brother and the Crosbys. I have never heard of anyone else claiming to own the same or any part thereof. I have been on this land repeatedly while my father and his family were cutting timber thereon, and for several years I helped log the timber, and in looking out after our cattle and hogs which were pastured there. No one ever questioned, during this period our right, to cut timber or to keep our stock pastured there. The Crosbys, since my father sold to them, have continued to cut timber and use it almost daily for that purpose and for hunting, trapping and fishing.

Cross Examination by Hon. J. B. Blacknurn, Guardian Ad Litem for John Hastie.

I was personally acquainted with Carleton Hastie, the father of John Hastie, during the last few years of his life and have never heard of him making any claim whatever to the property known as Aiken Island. I am personally acquainted with all of his heirs, and have never heard of any of them making a claim to this land.

William K. Aiken

DEPARTMENT OF THE INTERIOR

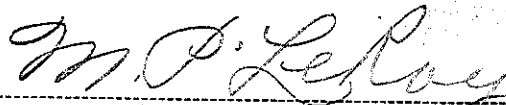
GENERAL LAND OFFICE

WASHINGTON

May 18, 1929

I hereby certify that the annexed copy of patent is a true and literal exemplification from the record which is in my custody in this office.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.



Recorder of the General Land Office.



What must be
 done when the
 State is
 in the
 hands of
 the
 people

1839
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The United States of America,
 do hereby certify, that when these presents shall come, Granting
 Office a Certificate numbered Two, of the Register
 and Receiver of the Land Office at St. Stephens,
 Malama, with a plot of the Survey of the Tract of
 Land therein mentioned, whereby it appears that the
 Act of Congress, approved on the second day of
 March, one thousand eight hundred and twenty
 nine, entitled "An Act confirming the reports of
 the Register and Receiver of the Land Office for
 the District of Saint Stephens in the State of
 Malama and for other purposes," the claim
 of the Legat Representing of Louis Baudin
 in right of Louis Baudin, entered as number

Spain, in Lot Number One, of the Regista and
Requerimiento Confirmed, and that the same has been
Surveyed and is designated in the Flat of the Survey
dated 15th August 1838, in the General Land Office,
a Section forty, in Township one North of Range
two East, containing One thousand, two hundred
and forty five acres and fifty hundredths of an
acre, in the District of Lands, subject to Patent
St. Stephens, in the State of Alabama;
Now Know Ye that the United States of
America in consideration of the foregoing, and in
conformity with said Act of Congress, have received
released, and forever quit claimed, and by these presents
do receive, release and forever quit claim, unto the said
Legal Representatives of Louis Pandin, and to
their Heirs, the said Land above described, subject
to any just claim or claims, to all and every part thereof,
of all and every person or persons, bodies politic or
Corporate derived from the United States or from
either the British, French, or Spanish Governments.

To Have and To Hold the same together
with all the right, privilege, immunity, and appur-
tenances of whatsoever nature thereunto belonging, subject
to any such just claim or claims as aforesaid, unto
them the said Legal Representatives of Louis
Pandin, and to their Heirs and Assigns forever
so that neither the United States nor any other person
claiming under them except as is provided in said Act,
and the Reservations aforesaid may or can set up
any right or title thereto.

In Testimony whereof, I, Martin Van
Buren, Secretary of the United States of America,
do hereby certify that the foregoing is a true and correct
copy of the original as the same appears in the
General Land Office to be hereunto attested.

U. S. of America

20

Louis Bardin

Oct. 11, 1838

THE STATE OF ALABAMA } PROBATE COURT
BALDWIN COUNTY }

Filed in office this 30 day of May 1929

and duly recorded in Book 4678
pages 4678 and I certify that s. etc.

~~license or privilege tax, paid as required by an Act of
the Legislature, approved September 14, 1885, and
etc. license or privilege tax, paid as
required by an Act of the Legislature, approved August
10, 1885.~~

L. W. Humphreys
Judge of Probate.
By L. K. Kiser

N. C. Stone
City

9/20/29

9/07 dms

85

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON

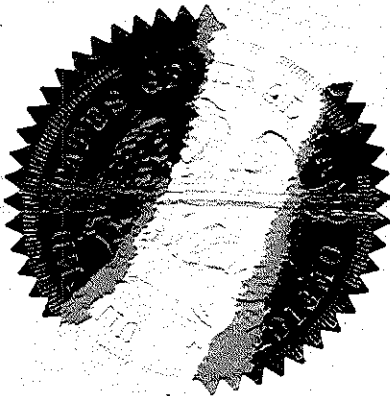
Oct 4, 1928

I hereby certify that the annexed copy of patent is a true and literal exemplification from the record which is in my custody in this office.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.



Recorder of the General Land Office.



315112
WJD
Exhibit B

4-205r

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

Oct 4, 1928

I hereby certify that the annexed copy of patent is a true and literal exemplification from the record which is in my custody in this office.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

M. P. LeRoy
Recorder of the General Land Office.

6-1042



The United States of America

Know Ye that there has been deposited in the General Land Office a Certified Copy of a Certificate numbered B 66 of the Board of Commissioners East of Pearl River, whereby it appears that according to the second Section of the Act of Congress passed on the third day of March one thousand eight hundred and three entitled "An Act regulating the grant of land and providing for the disposal of the lands of the United States South of the State Tennessee."

Harlow Dyer was confirmed in his claim as a donation by virtue of Company, to the State of Iowa

that of Dyer, dated 11th August 1835, in the General Land Office, at Section forty two, in Township one North of Range one, and two East, in the District of Lands now subject to sale at S. Stephens in the State of Alabama.

J. RAYMOND CROSBY AND
S. N. CROSBY,

Complainants,

VS.

MARY WILLIE GAUSE, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 1070.

Now comes the minor Respondent, John Hastie, by J. B. Blackburn, as guardian ad litem, and for answer to the Bill of Complaint denies each and every allegation thereof and requires strict proof of same.

J. B. Blackburn
Guardian ad litem for John Hastie

ANSWER OF JOHN HASTIE.

J. RAYMOND CROSBY AND S. N.
CROSBY,
Complainants.

VS.

MARY WILLIE GAUSE, et al,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 1070.

Filed on this the 21st day of
December, 1932.

D. W. Richardson
Register

J. RAYMOND CROSBY AND
S. N. CROSBY,

Complainants,

VS.

MARY WILLIE GAUSE, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 1070.

Now comes the minor Respondent, John Hastie, by J. B. Blackburn, as guardian ad litem, and for answer to the Bill of Complaint denies each and every allegation thereof and requires strict proof of same.

J. B. Blackburn,
Guardian ad litem for John Hastie

CERTIFIED COPY OF DECREE.

J. RAYMOND CROSBY & S. N. CROSBY,

Complainants,

vs.

MARY WILLIE GAUSE, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY. No. 1070.

This cause coming on to be heard was submitted for final decree on the pleadings, decree pro confesso and proof as noted by the Register and upon consideration thereof, the Court is of the opinion that the complainants are entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Respondents, Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Carleton Hastie, Joseph Hastie, John Hastie and Annie Byrne McCarroll, nor any of them have any claim, interest, right or title therein or incumbrance upon the following described land situated in Baldwin County, Alabama, to-wit:-

"Section forty (40), Township One (1) North of Range Two (2) East, and Section Forty-one (41), Township One (1) North of Ranges One (1) and Two (2) East, also all of the confliction between Frances Girard and Louis Baudan Tracts that lies north of Bayou Jessamine, also the forty (40) acres homesteaded by the late B. F. McMillan, Sr., deceased, comprising in all one thousand seven hundred and seven (1707) acres, more or less. All within the water boundaries of the Tensaw River, Bayou Jessamine and Bottle Bayou or Creek. Said Section Forty (40) being the Louis Baudan Tract, and said Section Forty-one (41) being the Reuben Dyer Tract; commonly called, known and referred to as "Aiken Island;"

and that the title to the same is vested in the said J. Raymond Crosby and S. N. Crosby as against the said Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Joseph Hastie, John Hastie, Carleton Hastie and Annie Byrne McCarroll.

IT IS FURTHER ORDERED that the Register of this Court, within thirty days from the rendition of this decree file a certified copy thereof in the office of the Judge of Probate of Baldwin County, Alabama, for record therein, and that the costs thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainants pay the cost of this cause for which execution may issue.

Done at Bay Minette, Alabama, on this the 22nd day of March, 1933.

F. W. Hare, Judge of the Twenty-
First Judicial Circuit of Ala-
bama.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

I, T. W. Richerson, Register, Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above is a full, true and correct copy of the final decree rendered in a cause styled J. Raymond Crosby and S. N. Crosby, Complainants and Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Carleton Hastie, Joseph Hastie, John Hastie and An-

nie Byrne McCarroll, are Respondents, on the 22nd day of March, 1933, as the same appears of record in the office of Register.

Witness my hand and the seal of the Circuit Court of Baldwin County, Alabama, this the 22nd day of March, 1933.

REGISTER, CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

CERTIFIED COPY OF DECREE.

J. RAYMOND CROSBY & S. N. CROSBY,

Complainants,

vs.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

MARY WILLIE GAUSE, ET AL.,

IN EQUITY. No. 1070.

Respondents.

This cause coming on to be heard was submitted for final decree on the pleadings, decree pro confesso and proof as noted by the Register and upon consideration thereof, the Court is of the opinion that the complainants are entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Respondents, Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Carleton Hastie, Joseph Hastie, John Hastie and Annie Byrne McCarroll, nor any of them have any claim, interest, right or title therein or incumbrance upon the following described land situated in Baldwin County, Alabama, to-wit:-

"Section forty (40), Township One (1) North of Range Two (2) East, and Section Forty-one (41), Township One (1) North of Ranges One (1) and Two (2) East, also all of the confliction between Frances Girard and Louis Baudan Tracts that lies north of Bayou Jessamine, also the forty (40) acres homesteaded by the late B. F. McMillan, Sr., deceased, comprising in all one thousand seven hundred and seven (1707) acres, more or less. All within the water boundaries of the Tensaw River, Bayou Jessamine and Bottle Bayou or Creek. Said Section Forty (40) being the Louis Baudan Tract, and said Section Forty-one (41) being the Reuben Dyer Tract; commonly called, known and referred to as "Aiken Island;"

and that the title to the same is vested in the said J. Raymond Crosby and S. N. Crosby as against the said Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Joseph Hastie, John Hastie, Carleton Hastie and Annie Byrne McCarroll.

IT IS FURTHER ORDERED that the Register of this Court, within thirty days from the rendition of this decree file a certified copy thereof in the office of the Judge of Probate of Baldwin County, Alabama, for record therein, and that the costs thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainants pay the cost of this cause for which execution may issue.

Done at Bay Minette, Alabama, on this the 22nd day of March, 1933.

F. W. Hare, Judge of the Twenty-
First Judicial Circuit of Ala-
bama.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

I, T. W. Richerson, Register, Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above is a full, true and correct copy of the final decree rendered in a cause styled J. Raymond Crosby and S. N. Crosby, Complainants and Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Carleton Hastie, Joseph Hastie, John Hastie and An-

The State of Alabama, {
Baldwin County.

No. 1070

CIRCUIT COURT, IN EQUITY

J. RAYMOND CROSBY & S. N. CROSBY

Complainant.

vs.

MARY WILLIE GAUSE, MAMIE LEE GRAHAM, MAMIE LEE NORSTEDT, CARLETON
HASTIE, JOSEPH HASTIE, JOHN HASTIE and ANNIE BYRNE MCCARROLL

Defendant.

In this cause it appears to the REGISTER

that a Summons requiring the Defendant s. MARY WILLIE GAUSE, MAMIE LEE GRAHAM,

...CARLETON HASTIE, MAMIE LEE NORSTEDT

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, JEFFERSON &
MOBILE County, Alabama, on the

7th and 12th day of October 1932.

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 B. F. McMillan, Jr

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 Mary Willie Gause, Mamie Lee Graham,

Mamie Lee Norstedt, and Carleton Hastie

Defendant. aforesaid.

This 20 day of March 19 33

B. F. McMillan, Jr
Register.

No. 1070

Page _____

The State of Alabama,
Baldwin County

Circuit Court In Equity

J Raymond Crook et al

VS.

Mary Willie Lane et al

**Decree Pro Confesso On
Personal Service.**

Issued March 20 1933

J D McKesson

Register.

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

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Mamie Lee Norstedt,
Mobile Alabama,

of Mobile County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by J. Raymond Crosby and S.N. Crosby,

against said Mamie Lee Norstedt,

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 4th day of

October, 1932

T. W. Richerson Register

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

21/2 Original
RECORDED
Deerlet Page 23

SERVE ON.....

Circuit Court of Baldwin County
In Equity.

No.

SUMMONS

J. Raymond Crosby and S.N.

Crosby,

vs.

Mamie Lee Norstedt,
Mobile Ala.

766 Parkham St

B.F. Mc Millan, Jr.

Solicitor for Complainant

Recorded in Vol. Page

RECORDED

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 11

day of Oct. September 1932

Dr. H. Halcumbe, Jr.
Sheriff.

Executed this 12 day of

October 1932

by leaving a copy of the within Summons with

Mamie Lee Norstedt

Defendant,

Dr. H. Halcumbe, Jr.
Sheriff.

By A. B. Farmer

Deputy Sheriff.

Jaylog Low

R. M. Newton
Wiggins, Miss

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

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Carelton Hastie,
Birmingham Ala

of Jefferson 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
J. Raymond Crosby and S.N. Crosby,

against said Carelton Hastie,

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 4th day of

October 1932

T. W. Richerson Register

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

Aug 1922
docket page 23
SERVE ON

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

J. Raymond Crosby
& S.N. Crosby

vs.

for
Mechanics for
Drummer Motor
Co
Carelton Hastie,
Birmingham Ala.

B.F. Mc Millan, Jr.,
Solicitor for Complainant

Recorded in Vol. _____ Page _____
1000

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____ 192 _____

Sheriff.

Executed this _____ day of _____

_____ 192 _____
by leaving a copy of the within Summons with _____

Defendant

Sheriff

By _____ Deputy Sheriff.

EXECUTED this the *21st*

day of *Oct* 193 _____

by leaving a copy of the within with

Carelton Hastie

JAS. F. HAWKINS, Sheriff,
Baldwin County, Ala.

By *Mc Jones*

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 Mary Willie Gause and
Mamie Lee Graham, (Stockton Alabama)

of Baldwin 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
J. Raymond Crosby and S.N. Crosby,

against said Mary Lee Gause and Mamie Lee Graham et al,

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

WITNESS, T. W. Richerson, Register of said Circuit Court, this 4th
October, 1932.

T. W. Richerson Register

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

Original
Docket Page 23

SERVE ON **RECORDED**

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

J. Raymond Crosby and S.N.
Crosby,

vs.

Mary Willie Gause and
Mamie Lee Graham et al,

(Stockton Ala)

B.F. Mo Millan, Jr.,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

RECORDED

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____ 192 _____

Sheriff.

Executed this 12th day of

Oct

192 21

by leaving a copy of the within Summons with

Mary Willie Gause

Mamie Lee Graham

Defendant.

W.R. Stuart

Sheriff.

By M.H. Wilkins

Deputy Sheriff.

The State of Alabama, {
Baldwin County.

No. 1070

CIRCUIT COURT, IN EQUITY

J. RAYMOND CROSBY, ET AL

Complainant

vs.

MARY WILLIE GAUSE, ET AL

Defendant

In this cause it appears to the REGISTER
that a Summons requiring the Defendant s. Mary Willie Gause, Mamie Lee Graham

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
12th day of October 19 32

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 R. F. McMILLAN, JR., by H. E. Smith

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 MARY WILLIE GAUSE, MAMIE LEE GRAHAM

Defendant s. aforesaid.

This 19th day of December 19 32



Register.

No. 1070

Page _____

The State of Alabama,
Baldwin County

Circuit Court In Equity

J. RAYMOND CROSBY, ET AL

vs.

MARY WILLIE GAUSE, ET AL.,

**Decree Pro Confesso On
Personal Service.**

Issued DECEMBER 19, 1932

W. M. Richardson
Register.

The State of Alabama, {
Baldwin County.

No. 1070 CIRCUIT COURT, IN EQUITY

J. RAYMOND CROSBY, ET AL

Complainant

vs.

MARY WILLIE GAUSE, ET AL

Defendant

In this cause it appears to the REGISTER
 that a Summons requiring the Defendant MAMIE LEE NORSTEDT


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 MAMIE LEE NORSTEDT
 was served upon HER by the Sheriff of MOBILE County, Alabama, on the
 12th day of OCTOBER 1932

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 HON. B.F. McMILLAN, JR by H.E. SMITH

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 MAMIE LEE NORSTEDT

Defendant aforesaid.

This 19th day of December 1932



Register.

No. 1070

Page _____

The State of Alabama,
Baldwin County

Circuit Court In Equity

J. RAYMOND CROSBY, ET AL

vs.

MARY WILLIE GAUSE, ET AL

Decree Pro Confesso On
Personal Service.

Issued DECEMBER 19, 1932

W. F. Richardson
Register.

No. 1070

Page

The State of Alabama,
Baldwin County

Circuit Court In Equity

J. RAYMOND CROSBY, ET AL

vs.

MARY WILLIE GAUSE, ET AL

**Decree Pro Confesso On
Personal Service.**

Issued DECEMBER 19, 1932

W. H. Richardson
Register.

The State of Alabama, {
Baldwin County.

No. 1070

CIRCUIT COURT, IN EQUITY

J. RAYMOND CROSBY ET AL

Complainant

vs.

MARY WILLIE GAUSE, ET AL

Defendant


In this cause it appears to the REGISTER
that a Summons requiring the Defendant CARELTON HASTIE

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 CARELTON HASTIE
was served upon HIM by the Sheriff of JEFFERSON County, Alabama, on the
7th day of October 19 32

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 HON. B.F. McMILLAN, JR., by H.E. SMITH
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 CARELTON HASTIE

Defendant ... aforesaid.

This 19th day of December 19 32



Register.

No. 1070 Page _____

The State of Alabama,
Baldwin County

Circuit Court In Equity

J. RAYMOND CROSBY, ET AL

vs.

MARY WILLIE GAUSE, ET AL

Decree Pro Confesso On
Personal Service.

Issued DECEMBER 19, 1932

J. M. Richardson
Register.

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 1070 March Term, 1933

J. Raymond Crosby, Etal Complainant.
vs. *Mary Willie Lane, Etal* Defendant.

In this cause it appears to the Register *J. M. Richardson* that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 10 day of October, 1932, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Bay Minette County, on the 10th day of October, 1932, and

And it now further appearing to the Register *J. M. Richardson*, that the said *Joseph Hastie, John Hastie, & Annie Byrne McCarroll*

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

J. M. Richardson that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said *Joseph Hastie, John Hastie & Annie Byrne McCarroll*

This 20 day of October March 1933

J. M. Richardson Register.

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 1070

Term, 192

J. RAYMOND CROSBY, ET AL.,

Complainant..

vs. MARY WILLIE GAUSE, ET AL

Defendant..

In this cause it appears to the Register T. W. RICHESON that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the

10th day of October, 19232, in the BALDWIN TIMES

a newspaper published in BAY MINETTE Alabama, that a copy of said order was posted at the Court House door in BALDWIN County, on the 10th day of

OCTOBER 19232, and

And it now further appearing to the Register T. W. RICHESON, that the said

John Hastie, JOSEPH HASTIE AND ANNIE BYRNE McCARROL

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant S, ordered and decreed by the Register T. W. RICHESON that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said JOSEPH HASTIE AND ANNIE BYRNE McCARROL and John Hastie,

This 19th day of December 19232

T. W. RICHESON Register.

No. 1070

Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

J. Raymond Crosby

vs.

Willie Mae Guse et al.

**DECREE PRO CONFESSO
ON PUBLICATION**

Issued Dec, 19th, 192³²

W. M. Rice

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Meore Printing Company, Bay Minette, Ala.

MOTION FOR DECREE PRO CONFESSO
ON PUBLICATION.

J. RAYMOND CROSBY, ET AL.,

Complainants,

vs.

MARY WILLIE GAUSE, ET AL.,

BALDWIN COUNTY.

IN THE CHANCERY COURT OF

Respondents

Comes the Complainant in the above styled cause and shows unto the Register, that an order of publication was made on the 3rd day of October, 1932, and which was duly published, and which was directed to Joseph Hastie, & Anna Byrne McCarrol, defendants in said cause, and which required the said defendant to answer or demur to the Bill of Complaint in this cause, within thirty days after the 7th day of November, 1932, and which the said defendants have to this date failed to do; wherefore the complainants moves the Register to grant a decree Proconfesso against the said defendants.

This the 17th Day of December, 1932.

B. F. McCarrol
SOLICITOR FOR COMPLAINANT.

for loss and
SOLICITOR FOR COMPLAINT.

B. F. W. Winters

This the 17th Day of December, 1932.

Proconfesso against the said defendants.

Decree Pro Confesso and Publication
to do; wherefore the said plaintiffs moves the Register to grant a decree
November, 1932, and which the said defendants have to this date failed
to comply with in this cause. Within thirty days after the 17th day of
and which required the said defendant to answer or demur to the Bill
as to Joseph Hestie, and which the said defendant in said cause,
of October, 1932, and which was duly duplicated, and which was direct-
the Register, just as a matter of duplication was made on the 24th day
comes the complaint in the above styled cause and shows into

Defendants

MARY LILLIE GAUSE, ET AL.,

vs.

Complainants,

BUTDAIN COUNTY.

J. RAYMOND GOSBY, ET AL.,

IN THE CHANCERY COURT OF

ON PUBLICATION.

MOTION FOR DECREE PRO CONFESSO

Published Every Thursday

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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

R. B. Vail
Editor and Proprietor

207-119.31

NOTICE TO NON-RESIDENT

The State of Alabama, Baldwin County, Circuit Court, in Equity. This the 3rd, day of October, 1932.

J. RAYMOND CROSEY and S. N. CROSEY, vs. JOSEPH HASTIE, JOHN HASTIE, ANNIE BYRNE MCCARROL, et als.

In this cause it being made to appear to the Clerk of this Court by the affidavit of B. F. McMillan, Jr., Atty. for Complainants, that the Defendants, Joseph Hastie, John Hastie and Annie Byrne McCarrol, are non-residents of the State of Alabama, Joseph Hastie and John Hastie residing at Sacramento, California, Annie Byrne McCarrol, residing at Oakland, California, and further, that, in the belief of the said Affiant, the Defendants are over the age of 21 years, except John Hastie, a minor over the age of 14 years, it is therefore, ordered that publication be made in The Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said Joseph Hastie, John Hastie and Annie Byrne McCarrol, to answer or demur to the Bill of Complaint in this cause by the 7th day of November, 1932, or after thirty days therefrom a decree Pro Confesso may be taken against the said Defendants.

T. W. RICHMOND, Registrar.

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

R. B. Vail, being duly sworn, deposes and says that he is

the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

J. R. Crosey & S. N. Crosey
vs

Joseph Hastie et als

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

Date of first publication	<u>October 6 1932</u>	Vol. <u>43</u> No. <u>36</u>
Date of second publication	<u>October 13 1932</u>	Vol. <u>43</u> No. <u>37</u>
Date of third publication	<u>October 20 1932</u>	Vol. <u>43</u> No. <u>38</u>
Date of fourth publication	<u>October 27 1932</u>	Vol. <u>43</u> No. <u>39</u>

Subscribed and sworn before the undersigned this 23 day of

December 1932

T. W. Richmond

R. B. Vail

Publisher

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

THE BOSTON TIMES

PUBLISHED IN THE CITY OF BOSTON, MASSACHUSETTS, MONDAY, DECEMBER 23, 1932

PRINTED AT THE BOSTON TIMES PRINTING HOUSE, 100 NASSAU ST., BOSTON, MASS.

NOV 23 1932

RECEIVED BY THE BOSTON TIMES

Filed Dec 23/1932
D. M. Richardson
Register

J. RAYMOND CROSBY & S.N.CROSBY,

Complainants,

vs

MARY WILLIE GAUSE, Et Al,

Respondents.

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

No. 1 0 7 0.

This cause coming on to be heard was submitted for final decree on the pleadings, decree pro confesso and proof as noted by the Register and upon consideration thereof, the Court is of the opinion that the Complainants are entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Respondents, Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Carleton Hastie, Joseph Hastie, John Hastie and Annie Byrne McCarroll, nor any of them have any claim, interest, right or title therein or incumbrance upon the following described land situated in Baldwin County, Alabama, to-wit:

"Section forty (40), Township One (1) North of Range Two (2) East, and Section Forty-one (41), Township One (1) North of Ranges One (1) and Two (2) East, also all of the confliction between Frances Girard and Louis Baudan Tracts that lies north of Bayou Jessamine, also the forty (40) acres homesteaded by the late B.F.McMillan, Sr., deceased, comprising in all One Thousand Seven Hundred and Seven (1707) acres, more or less. All within the water boundaries of the Tensaw River, Bayou Messamine and Bottle Bayou or Creek. Said Section Forty (40) being the Louis Baudan Tract, and said Section Forty-one (41), being the Reuben Dyer Tract; commonly called, known and referred to as "Aiken Island;"

and that the title to the same is vested in the said J. Raymond Crosby and S.N.Crosby as against the said Mary Willie Gause, Mamie Lee Graham, Mamie Lee Norstedt, Joseph Hastie, John Hastie, Carleton Hastie and Annie Byrne McCarrol.

IT IS FURTHER ORDERED that the Register of this Court, within thirty days from the rendition of this decree file a certified copy thereof in the office of the Judge of Probate of Baldwin County, Alabama, for record therein, and that the costs thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainants pay the cost of this cause for which execution may issue.

Done at Bay Minette, Alabama, on this the 22nd day of March, 1933.

J. W. Hare
JUDGE OF THE TWENTY-FIRST JUDICIAL CIR-
CUIT OF ALABAMA.

S. RALMOND CROSBY, et al,

vs.

WILLIE MAE GAUSE, et al,

FINAL DECREE

Filed March 27, 1933

J. M. Richardson

Registrar

J. H. R.

BAY MINETTE, ALA.

M

J. W. Pickens

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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

Brosby et al. vs. Laine et al.

October 6, 1932-'4 Times

207 words

9-31

The State of Alabama,

Baldwin County.

{ No. 1070 CIRCUIT COURT IN EQUITY.

J. RAYMOND CROSBY, Et al., Complainant

vs.

MARY WILLIE GAUSE, ET AL Defendant

Motion is hereby made for a Decree Pro Confesso against MARY WILLIE GAUSE,

MAMIE LEE GRAHAM, MAMIE LEE NORSTEDT & CARLTON HASTIE Defendant

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 17th day of December 1932.

..... B. F. McMillan Solicitor,
Per H. S. Smith

No. 1070

Page.....

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

J. D. Corley

vs.

Mary Willie Jones

et al

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

Filed Dec 17 1932

D. M. Richmond

Register.

Recorded in..... Record,

Vol..... Page.....

Register.

42

13512-2

4.

By A. W. Benson Esq.
Att. N. York and Recorder of the General Land Office.

14.

(S) Given under my hand at the City of
Washington the eleventh day of October
in the year of our Lord one thousand
eight hundred and thirty eight, and of
the Independence of the United
States the thirty third.
By the President: Martin Van Buren
W. Van Buren Secy
W. Garland Recorder of the General Land Office