

Bogalusa, Louisiana
September 7, 1939

Hon. R. S. Duck
Clerk of the Circuit Court
Baldwin County, Alabama
Bay Minette, Alabama

Dear Sir:

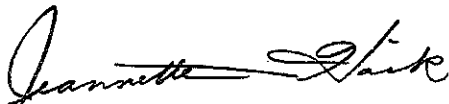
IN RE: RICHARD P. BAER & COMPANY
VS. FRANK NORDEN, NO. 377 AT LAW

I enclose herewith the following:

- (1) Commission to take the testimony of A. O. Thayer;
- (2) Interrogatories propounded by plaintiff;
- (3) Cross Interrogatories propounded by defendant;
- (4) Answer to interrogatories;
- (5) Answer to cross interrogatories.

The deposition of Mr. A. O. Thayer has been duly signed, sworn to and certified by me, and, I trust, you will find in proper form.

Very truly yours,



Jeannette Haik, Commissioner

JH.

Enc. 5

REGISTERED MAIL
RETURN RECEIPT
REQUESTED

No 1 Defendant

Gentlemen of the jury if you
believe the evidence in this
case you must find for
the Defendant

Refused
to take
Judge

*Senior
J. W. Stare
Judge*

(X)

The Court charges the Jury that if you are reasonably satisfied from the evidence that the Defendant prior to the bringing of this suit was in the open, notorious, exclusive and continuous adverse possession of the lands involved in this suit and claiming to own the same for a period of twenty years, prior to the bringing of this suit, then your verdict should be for the Defendant.

ESTABLISHED 1898



TWO BAND MILLS
PLANING MILL
DRY KILNS

RICHARD P. BAER & CO.

MANUFACTURERS OF HARDWOOD LUMBER

OFFICES: 1001 N. CALVERT STREET

BALTIMORE, MD.

September 23, 1939.

THE THE CLERK OF THE COURT,
Baldwin County,
BayMinette, Alabama.

Dear Sir:

Please pay to Mr. Leslie Hall, Fifty Dollars(\$50.00)
out of the \$125.00 that we deposited with you in connection with
the Frank Norden suit, which amount is due to be refunded to us.

Yours truly,

Richard P. Baer
RICHARD P. BAER & COMPANY

SUBPOENA DECUS TECUM.

The State of Alabama,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON M. H. WILKINS, Tax Collector

at the instance of the Plaintiff, if he should be found in your County, personally
to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court
House in Bay Minette, to wit: on 14th Thursday, the day of Sept. 14, 1939

at 8:30, and to bring with him and produce at the time and place aforesaid, to be used as evi-
All reports of taxes of Richard P. Baer & Co. to date;
dence. (here describe it), and then and there testify and the truth

to speak concerning all and singular those things of which he may have knowledge, or the said instrument of writ-
ing doth import of, and concerning, and concerning a certain suit now pending and undetermined in said Court,
wherein RICHARD BAER, Et Al Plaintiff
and FRANK NORDEN Defendant.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this
writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this 14th day of Sept 1939

R. S. Duck
By: Thelma Thurgood Clerk
Deputy Clerk

Mobile

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred. Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA
BALDWIN COUNTY

S.D. Page No.....
Case No. *377*

CIRCUIT COURT

Fall Term, 193*9*

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon

Wm. B. Grunsell

if to be found in your County, at the instance of the *plaintiff*

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by *8:30* o'clock of the forenoon, on the *14* day of *Sept* 193*9*

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein *H. Richard P. Bann, et al* Plaintiff

and *Frank Holden* Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this *7* day of *Sept* 193*9*

R.S. Dool Clerk.

Received in office this 7 day of

Sept

1939

W. H. Holcombe

Sheriff.

by J. M. Allen

I have executed this writ

Wm. D. Greenwood

9/7
93

ORIGINAL

No. 277

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this _____ day of

1939

W. H. Holcombe

Sheriff.

by J. M. Allen

Plaintiff

Clerk.

18 N. Monterey St. Mobile

SUBPOENA DECUS TECUM.

The State of Alabama,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

J. W. Robertson

at the instance of the *plaintiff*, if he should be found in your County, personally
to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court
House in *Bay Minette, Ala.*, to wit: on *14*, the day of *Sept*, 19*39*
at *8:30*, and to bring with him and produce at the time and place aforesaid, to be used as evi-
dence *Dud. Book* *12/5* (here describe it), and then and there testify and the truth
to speak concerning all and singular those things of which he may have knowledge, or the said instrument of writ-
ing doth import of, and concerning, and concerning a certain suit now pending and undetermined in said Court,
wherein *Richard P. Barr, et al* Plaintiff
and *Frank Norden* Defendant.
And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this
writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this *14* day of *Sept*, 19*39*.

R. S. Duck

Clerk.

Executed 9-14-39
by handing a copy to
Sgt. Roberts
W.R. Stuart Sheriff
By John R Davis

No.

THE STATE OF ALABAMA
Baldwin County

Plaintiff

VS. SUBPOENA DECUS TECUM

Defendant

CIRCUIT COURT

WITNESSES:

SET FOR TRIAL

day of

1939

GILF PTC. CO., MOBILE

Baldwin

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.....

Case No. *377*

CIRCUIT COURT

Fall Term, 193*9*

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon *Orchie McMillan of Stockton*

if to be found in your County, at the instance of the *plaintiff*
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,
by *8:30* o'clock of the forenoon, on the *14* day of *September* 193*9*
and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to
say, in a certain cause pending, wherein *Richard P. Beau, et al.* Plaintiff
and *Frank Narden* Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this *7* day of *Sept* 193*9*.

R. S. Dorch Clerk.

Received in office this 9 day of

Sept

1939

W.R. Stuart

Sheriff.

I have executed this writ this 9-9-39

by serving copy of
Within
Archie M. P. Mallan

W.R. Stuart
Sheriff.

ORIGINAL

No. 377

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Richard P. Barr, et al

Plaintiff

VS.

Frank Gordon

Defendant

CIVIL SUBPOENA

Issued this _____ day of

1939

Clerk.

SUBPOENA DECUS TECUM.

The State of Alabama,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON ORT ERTZINGER

at the instance of the Plaintiff, if he should be found in your County, personally
to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court
House in Bay Minette to wit: on Thursday, the day of Sept. 14, 1939
at 8:30, and to bring with him and produce at the time and place aforesaid, to be used as evi-
dence Abstract of lands of R. L. Baer, et al (here describe it), and then and there testify and the truth

to speak concerning all and singular those things of which he may have knowledge, or the said instrument of writ-
ing doth import of, and concerning, and concerning a certain suit now pending and undetermined in said Court,
wherein RICHARD BAER, Et Al Plaintiff
and FRANK NORDEN Defendant.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this
writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this 14th day of Sept., 1939.

R. S. Dicks
By Hauvlice Thompson
Deputy Clerk

Clerk.

No.

THE STATE OF ALABAMA
Baldwin County

Plaintiff

VS. SUBPOENA DEBUS TECUM

Defendant

CIRCUIT COURT

WITNESSES:

SET FOR TRIAL

day of

192

GILL PTG. CO., MOBILE

Executed 9-14-39

by *Henry A. Adams*
witness *Wm. H. Adams*
by *Wm. H. Adams*

Baldwin

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred. Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA }
BALDWIN COUNTY }

S.D. Page No.....

CIRCUIT COURT

Case No. *377*

Spring Term, 193*9*

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon *Warren D. Taylor*

if to be found in your County, at the instance of the *dyt*

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by *8:30* o'clock of the forenoon, on the *13* day of *April* 193*9*

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein *Richard Barr, et al* Plaintiff

and *Frank Nordin* Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this *27* day of *March* 193*9*

Edw. J. Thompson

Clerk.

Edw. J. Thompson

Received in office this 27 day of

March 1939

W.R. Stuart
Sheriff.

I have executed this writ

3-30-39

By serving in full

W.R. Stuart
D
Sheriff.

ORIGINAL

No. 277 Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

Richard Bann, et al.

Plaintiff

VS.

Frank Gordon

Defendant

CIVIL SUBPOENA

Issued this 29 day of

March 1939

R. S. DUCK

clerk, - register

Clerk.

As Wallace Thompson
Deputy

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred. Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.

Case No. 377

CIRCUIT COURT

Fall Term, 1939

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Marshall Langan, E. N. Teal, Joseph F. Garland, Richard Riley, Wm. H. Demarantville, Albert Stovall, John Stanton, W. D. Greenwood, Harry Draystall, Willie Lavibard Morris, M. Andrews, John Hendrix, J. P. Vaughn, Sr. Frank P. Leonard & Frank Stanton if to be found in your County, at the instance of the Defendant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 14 day of September 1938

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein Richard P. Barr et al Plaintiff

and Frank Jordan Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 31 day of Aug 1939

12-13-75

...Clerk.

By Harold Thompson

Received in office this 3/12 day of

Aug 1937

W. R. Stuart
Sheriff.

I have executed this writ

W. P. Vaughn sr
John Hendrix
Merris M. Andrews
Harry Drysdale
W. D. Greenwood
John Stanton
Albert Storall
Wm H. Demasairille
Willie Larkard
Richard Riley
Joseph F. Godard
E. N. Irel
Marshall Langam

W. H. Holcombe Sr
W. H. Holcombe Jr
W. H. Holcombe
Sheriff.

81
11/15/39 Mobile County
ORIGINAL

No. 377

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

Richard P. Baer, et al,

Plaintiff

VS.

Frank Kordian

Defendant

CIVIL SUBPOENA

Issued this _____ day of

1937

R. S. DUCK

clerk, - register

Clerk.

By

Bernie 5 Deputy

Kamm 7

W. H. Holcombe 1

Baldwin County
CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena,
or within five days after adjournment of Court, else he will be barred. Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA
BALDWIN COUNTY

S.D. Page No.....
Case No. *377*

CIRCUIT COURT
Fall Term, 193*9*

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon *Warren Taylor, James Johnson,*
Lawrence Johnson

if to be found in your County, at the instance of the *Defendant*
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,
by *8:30* o'clock of the forenoon, on the *14* day of *September* 193*9*
and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to
say, in a certain cause pending, wherein *Richard P. Bauer, et al.,* Plaintiff
and *Frank Norden* Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this *31* day of *Aug.* 193*9*

R. S. DUCK

Clerk.

Handwritten signature

Received in office this 31st day of

Aug 1939

W.R. Stuart

Sheriff.

I have executed this writ

Laurence Johnson 9-7

Warren Taylor 9-6-K

James Johnson 9-7

Baldwin County

ORIGINAL

No. 377

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Richard P. Baer, et al

Plaintiff

VS.

Frank Nordin,

Defendant

CIVIL SUBPOENA

Issued this.....day of

193

R. B. DICK

By

Clerk.

W.R. Stuart

Sheriff.

Mobile County

CIVIL SUBPOENA—ORIGINAL In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.

CIRCUIT COURT

Case No. 377

Spring Term, 1939

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Marshall Langan (1003 Spring Hill Ave.)

⁺³⁰ E. N. Lee (1012 Texas St.) ⁺³⁰ Joseph F. Gahard (255 S. Broad St.)
⁺³⁰ Richard Riley (307 St. Michael St.) ⁺³⁰ Ed. Demersville (Oak Antwerp Bldg.) ⁺³⁰ Albert Stovall (302 Stocking St.) ⁺³⁰ W. D. Greenwood (187 N. Monterey St.) ⁺³⁰ Harry Oydsale (Jachin St.) ⁺³⁰ Willie Larkard (703 S. Conception St.) ⁺³⁰ John Hendrix (Mt. Vernon) ⁺³⁰ P. Langhan, Sr. (90 Co. Court House)

if to be found in your County, at the instance of the Defendant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 9:30 o'clock of the forenoon, on the 13 day of April 1939

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein Richard Baer, Et al Plaintiff

and Frank Norden Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 27 day of March 1939

R. S. DUCK

clerk, - register

Clerk.

By Wadley Thompson
Deputy

Received in office this 27 day of

March

1939

W.R. Stuart

Sheriff.

I have executed this writ by personal
service on
E. H. Teel

Joseph H. Godard

Richard Riley

Mr. H. Nemeranville

Albert Stovall

Willie Larkins

Z. P. Langham, on

the 30th day of March, 1939,

and on W. D. Greenwood

on the 5th day of April, 1939,

and on Harry Dunsdale

on the 6th day of April

1939.

W. H. Halcomb

Sheriff.

by A. V. Hume & M. Bernstein
D. S.

Mobile County

31
3/28/39
Hume & Bernstein

ORIGINAL

No. 377

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Richard Brier, et al

Plaintiff

VS.

Frank Parker

John all several call

Bob Irving Long

Defendant

CIVIL SUBPOENA

Issued this 27th day of

March

1939

R. S. DUCK

clerk, - register

By Paul Alice Thompson

Clerk.

Deputy

1. The Court charges the Jury that if
you believe the evidence in this case
you must find a verdict for the plaintiff.

Refused

J. W. Hare

Judge

2. The Court charges the Jury, that, if you believe from the evidence that the defendant, Norden, did not have open, notorious, hostile and continuous possession of the property sued upon, it makes no difference how many years, he may have come on the land, you must find a verdict for the plaintiff.

Given
J.W. Hare
Judge

Baer et al vs. Norden

CHARGE NO. 2: (Defendant)

The Court charges the Jury that openness and notoriety and exclusiveness of possession are shown by such acts in respect of the land in its condition at the time as comport with ownership, that is, such acts as would ordinarily be performed by the true owners in appropriating the land or its avails to his own use, and preventing others from the use of it as far as reasonably practicable.

Given
J.W. Hare

JUDGE.

Beier et al vs. Jordan

CHARGE NO. 2 : (Defendant)

The Court charges the jury that openness and notoriety and exclusiveness of possession are shown by such acts in respect of the land in its condition at the time as comport with ownership, that is, such acts as would ordinarily be performed by the true owners in appropriating the land or its avails to his own use, and preventing others from the use of it

as far as reasonably practicable
ala State Land Co. - Mathews

168 ala, 260

JUDGE.

1. The Court charges the Jury, that, to constitute adverse possession there must be actual possession, continuous possession for the statutory period, open and notorious possession, and that such actual, continuous, open and notorious possession must be accompanied by a claim of ownership.

Given
J. W. Hare
Judge

Baer et al vs. Norden.

CHARGE NO. 3: (Defendant)

The Court charges the jury that to constitute an actual possession of land it is only necessary to put it to such use or exercise such dominion over it as in its present state it is reasonably adapted to.

Given
J. W. Hare

JUDGE

Beer et al vs. Norden.

CHARGE NO. 5 (Defendant)

The Court charges the jury that to constitute an actual possession of land it is only necessary to put it to such use or exercise such dominion over it as in the present state it is reasonably adapted to.

JUDGE

Ala. State of Ala. v. Mathews
168 Ala., 200.

A The Court charges the Jury, that, where, in ejectment, plaintiff establishes a complete chain of title to the land, the defendant has the burden of proving the defense of adverse possession for the statutory period necessary to perfect his title.

Refused (abstract)
J. W. Hare
Judge

Baer et al vs. Norden.

CHARGE NO. 4: (Defendant)

The Court charges the Jury that the possession of lands is a fact continuous in its nature, and when once shown to exist it will be presumed to continue until or unless the contrary is shown.

Refused (abstract)
J. W. Hare
JUDGE.

6 The Court charges the Jury, that, the mere claim of a right or title to land not accompanied by actual possession of the same, no matter how long such claim of right and title may be, and no matter how loudly and vociferously or noisily and publicly the mere claim of right or title may have been made, it is not sufficient to cut off the right of entry of the true owner; nor is the right of recovery cut off by said claim of right and title; and if the person who makes such claim has not been in open, hostile, notorious and continuous possession of the land actually for a sufficient time to cut off the title of the owner under the statutes of Alabama, he may maintain an action for recovery of the land, no matter how long the defendant has asserted his mere claim of right and title and regardless of the publicity which may have been given to such mere claim of right and title.

Given
J.W. Hare
Judge

Baer et al vs. Norden.

CHARGE NO. 5: (Defendant)

The Court charges the Jury that the adverse possession of land is a fact continuous in its nature, and that if it be shown to have existed at any time it will be presumed to have continued thereafter until evidence is adduced showing that it is not.

Given
J.W. Hare
JUDGE.

CHARGE NO. 6: (Defendant)

Gentlemen of the Jury, I charge you that a party may be in possession of property, holding the same adversely, although the same may not be inclosed.

Benie

J. W. Hare

JUDGE.

6. The Court charges the Jury, that, the burden of proof of adverse possession is on the one relying thereon.

Benie
J. W. Hare
Judge

Baer et al vs. Norden.

CHARGE NO. 7: (Defendant)

Gentlemen of the Jury, if you believe to your reasonable satisfaction from the evidence that the possession of the property sued for in this suit has been open, notorious, continuous, adverse and exclusive in the defendant for twenty years or more before the commencement of the present suit, then you must find for the defendant.

Genie

7. The Court charges the Jury, that, so long as there is no adverse holding by the defendant, the true owner owes no one the duty of a visible or audible assertion of ownership and no unfavorable inferences can be drawn from his inactivity.

Given
J.W. Hare
Judge

Baer vs. Norden.

CHARGE No. 8. (Defendant)

Gentlemen of the Jury, if you believe to your reasonable satisfaction from the evidence in this case that the defendant was in open, notorious, ^{continuous} adverse, exclusive and hostile possession of any portion of the land sued for in this complaint, and such possession continued unbroken for a period of twenty years or more down to the filing of this suit; then, I charge you that you must find for the Defendant for that portion of the land of which he had such possession for such length of time.

9-14-39.

Given

J. W. Hare

JUDGE.

P. The Court charges the Jury, that, openness and notoriety and exclusiveness of possession are shown by such acts in respect of the land in its condition at the time as comports with ownership - - such acts as would ordinarily be presumed by the true owner in appropriating the land or its avails to its own use and in preventing others from the use of it as far as reasonably practical.

168 Ala. 200.

Given
A. W. Stare
Judge

9. The Court charges the Jury, that, in this case the defendant must show such acts of possession of the land sued for as ousted the plaintiff of its constructive possession, and if he has not shown such acts of possession you must find for the plaintiff.

Given
J. W. Hare
Judge

10. The Court charges the Jury, that, to acquire title by adverse possession there must be:

1. An actual occupancy clear, definite, positive and notorious.
2. It must be continuous, adverse and exclusive during a period of at least ten years.
3. It must be with the intention to claim title to the land occupied.

187 Ala. 355.

Given
J. W. Hare
Judge

// The Court charges the Jury, that, the possession of land which the law protects is open and notorious possession and not a secret or furtive possession.

128 Ala. 589.

Given
J.W. Ware
Judge

12. The Court charges the Jury, that, to constitute adverse possession there must be an actual claim of present ownership, accompanied with possession, and a possession with a mere intention to claim in the future is not adverse possession.

128 Ala. 589.

Given
J.W. Ware
Judge

13. The Court charges the Jury, that, if adverse possession is held without color of title as in this case, such possession is limited to the portion actually occupied and does not extend to lands not in the actual possession of the defendant.

Given
J. W. Hare
Judge

14. The Court charges the Jury, that, if you believe from all of the evidence that the defendant, Norden, lived elsewhere, other than the land sued upon and merely maintained his camp as a fishing shack and used the same at unrelated and interrupted periods, you must find a verdict for the plaintiff.

Given
J. W. Hare
Judge

15. The Court charges the Jury, that, although payment of taxes on land is not alone evidence of possession yet it may be taken to show the extent of such possession in connection with the evidence of actual possession.

Refused (abstract)
J. W. Hare
Judge

16. The Court charges the Jury, that, in cases of adverse possession under color of title a possession of part of the land by the adverse possessor constructively includes the entire tract of land to the extent of the limits defined in the paper conveyance on which the color of title is based.

Given
J. W. Hare
Judge

17

The Court charges the Jury, that, in cases of adverse possession under color of title the actual possession is constructively extended to the limits defined in the paper conveyance on which the color of title is based.

*Refused (Covered)
J. W. Stare
Judge*

18

The Court charges the Jury, that, if you are reasonably satisfied from the evidence that the plaintiff and those under whom he claims had such an adverse possession of the land as from its wild nature it was susceptible of, for ten years prior to the time that the defendant or those under whom he claims entered into possession for at least a period of ten years, then your verdict must be for the plaintiff.

*Refused
J. W. Stare
Judge*

19. The Court charges the Jury, that, the deeds in the plaintiff's chain of title in this case constitutes color of title to the property in the plaintiff and if you believe from all the evidence that the plaintiff entered into possession of ~~upon~~ the lands involved in this suit under color of title prior to the entry upon said land by the defendant and have since held same in open, notorious and hostile possession for ten years, then you must find a verdict for the plaintiff.

Refused
J.W. Hare
Judge

20. The Court charges the jury that the fact, if it is a fact, that the defendant constructed a temporary camp on marsh land to obtain shelter while hunting and trapping is not sufficient to make the defendant a possessor.

Refused
J.W. Hare, Judge

RICHARD P. BAER AND COMPANY,
 Plaintiffs,
 VS.
 FRANK NORDEN,
 Defendant.

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

Now comes the Defendant in the aforesaid cause
 and moves the Court for a new trial, and for grounds therefor,
 says:-

FIRST:

That the verdict of the Jury was contrary to
 the evidence in the case.

SECOND:

That the verdict of the Jury was contrary to
 law.

THIRD:

That the verdict of the Jury was contrary to
 the charge of the Court.

FOURTH:

That the Court erred in giving to the Jury at
 the request of the Plaintiff the following charge:-

- #12. The Court charges the Jury, that, to constitute
 adverse possession there must be an actual claim
 of present ownership, accompanied with possession,
 and a possession with a mere intention to claim
 in the future is not adverse possession.
 128 Ala. 589

FIFTH:

That the Court erred in giving to the Jury
 at the request of the Plaintiff the following written charge:-

- #9. The Court charges the Jury, that, in this case the
 defendant must show such acts of possession of the
 lands sued for as ousted the plaintiff of its con-
 structive possession, and if he has not shown such
 acts of possession you must find for the plaintiff.

SIXTH:

The Court erred in giving the following written
 charge at the request of the Plaintiff in the aforesaid cause:

- #13. The Court charges the Jury, that, if adverse possession is held without color of title as in this case, such possession is limited to the portion actually occupied and does not extend to lands not in the actual possession of the defendant.

SEVENTH:

The Court Erred in giving the following written charge at the request of the Plaintiff:

- #14. The Court charges the Jury, that, if you believe from all of the evidence that the defendant, Norden, lived elsewhere, other than the land sued upon and merely maintained his camp as a fishing shack and used the same at unrelated and interrupted periods, you must find a verdict for the Plaintiff.

EIGHTH:

The Court Erred in giving the following written charge at the request of the Plaintiff in the aforesaid cause:

- #7 The Court charges the Jury, that, so long as there is no adverse holding by the defendant, the true owner owes no one the duty of a visible or audible assertion of ownership and no unfavorable inferences can be drawn from his inactivity.

NINTETH:

The Court erred in giving the following written charge at the request of the Plaintiff:

- #5. The Court charges the Jury, that, the mere claim of a right or title to land not accompanied by actual possession of the same, no matter how long such claim of right and title may be, and no matter how loudly and vociferously or noisily and publicly the mere claim of right or title may have been made, it is not sufficient to cut off the right of entry of the true owner; nor is the right of recovery cut off by said claim of right and title; and if the person who makes such claim has not been in open, hostile, notorious and continuous possession of the land actually for a sufficient time to cut off the title of the owner under the statutes of Alabama, he may maintain an action for recovery of the land, no matter how long the defendant has asserted his mere claim of right and title and regardless of the publicity which may have been given to such mere claim of right and title.

TENTH:

The Court erred in giving the following written charge at the request of the Plaintiff in the aforesaid cause:

- #2. The Court charges the jury, that, if you believe from the evidence that the defendant, Norden, did not have open, notorious, hostile and continuous possession of the property sued upon, it makes no difference how many years, he may have come on the land, you must find a verdict for the Plaintiff.

(page three)

ELEVENTH:

The Court erred in failing to give the following charge for the defendant.

#1 Gentlemen of the Jury, if you believe the evidence in this case you must find for the Defendant.

TWELFTH:

The Court erred in failing to give the following written charge requested by the defendant.

#9 Gentlemen of the Jury, if you believe to your reasonable satisfaction from the evidence that the plaintiffs have failed to show a right to recover on the strength of their own title then they cannot recover even though the defendant has failed to make out a complete title.

TO THE HONORABLE HENRI ALDRIDGE AND LESLIE HALL, ATTORNEYS
FOR PLAINTIFF.

Robert J. Carson Jr.
Robert Carson
Attorneys for Defendant

Filed Sept. 27th 1939

R. S. Duck

Attorney

By: Freddie Thompson,
Deputy Clerk.

RICHARD P. BEAR & COMPANY,
Plaintiff,
Vs.
FRANK NORDEN,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.

Motion for a new trial in the aforesaid cause having been filed within thirty days from the judgment of the Court in the aforesaid cause by the defendant, and having been heard on October 6, 1939, and taken under consideration by the Court, and after due consideration the Court is of the opinion that said motion for a new trial should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the motion heretofore filed for a new trial in the aforesaid cause be, and the same is hereby granted, and the verdict of the jury and the judgment thereon is hereby set aside and held for naught
ordered reinstated on the docket for trial
Dated this 19th day of December, 1939.

F. M. Hare
JUDGE

RICHARD P. BEAR & COMPANY,
Plaintiff,

vs.

FRANK NORDEN,
Defendant.

JUDGMENT GRANTING NEW TRIAL

Filed December 20, 1939
R.S. Dorch, Clerk

RICHARD P. BAER and M. S.
BAER, composing RICHARD P.
BAER & COMPANY,

Plaintiffs,

-VS-

FRANK NORDEN,

Defendant.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY.
AT LAW. NUMBER 3

Plaintiffs sue to recover possession of the following tract of land, viz: West fractional part of regular Section Sixteen, Township Three South, Range One East, in Baldwin County, Alabama, of which they were in possession and upon which pending such possession and before the commencement of this suit the defendant entered and unlawfully withholds, together with Five Thousand (\$5,000.00) Dollars for the detention thereof.

B. Y. Wynn
Attorney for Plaintiff

Jury Trial Verdict

B. Y. Wynn
Attorney for Plaintiff.

THE STATE OF ALABAMA,
Baldwin County.

No. _____ CIRCUIT COURT

August. 3 1937 193

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon Frank Norden.

to appear and plead, answer or demur, within thirty day from the service hereof, to the Complaint filed in

the Circuit Court of Baldwin County, State of Alabama at Bay Minette, Ala., against

Frank Norden. Defendant by Richard P Baer. and

M S Baer. composing Richard P Baer & Co.

Plaintiff

Witness my hand this 3. day of August. 193 7

Richard P Baer Clerk.

COMPLAINT

Plaintiff versus

The Plaintiff claims of the Defendant

Dollars, due by

Plaintiff's Attorney.

1/2
RECORD 1-1-11 8-12-1
Duck

No. 377
ALABAMA
THE STATE OF COUNTY
BALDWIN COURT
CIRCUIT

and M S Baer
Richard P Baer, P Baer & Co.
Composing Richard
PLAINTIFF
vs.

X Frank Norden
DEFENDANT

Summons and Complaint
7
193

Aug. 3
Filed, *RR Duck*, Clerk
Defendant Lives at

Plaintiff's Attorney

RECEIVED IN OFFICE
193

Sheriff
I have executed this Writ

this August 9, 1937
by leaving a copy of the within Summons and
Complaint with
Frank Norden

R. L. Stalcum, Sheriff

RICHARD P. BAER, et al,
Plaintiffs,

vs

FRANK NORDEN,
Defendant,

*circumstances
Baer v Norden
at Law No 37*

And now comes plaintiffs and by leave of the Court
first had and obtained amend their complaint in this cause
to read as follows:

"Plaintiffs sue to recover possession of the follow-
ing tract of land, viz: *that part of*

*West half section 16 Township
3 south, Range 1 East, said
part of Chenoweth Bay, in Redwood
Co also*

Of which they were in possession and upon which pending such
possession and before commencement of this suit, defendant
entered and unlawfully withholds together with \$ 5000⁰⁰
for the detention thereof.

A. S. McMillan
Attorneys for Plaintiffs

Jury trial demanded

*McMillan
attys for Def.*

RICHARD P. BATH & CO.,
Plaintiff,

vs.

FRANK NORDEN,
Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY ALABAMA

AT LAW.

NUMBER 377.

BILL OF COSTS.

To

JEANNETTE

HAIR

Dr.

For taking deposition of A. O. Thayer, witness for plaintiff in
the above numbered and entitled cause.

To notice to witness

\$.25

" Swearing witness

.20

" Writing caption and deposition of
witness and certificate

10.00

Postage

.30

TOTAL COST OF TAKING DEPOSITION ..

\$10.75

RICHARD P. BAER & CO.,
Plaintiff,

vs.

FRANK NORDEN,
Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

NUMBER 377

BILL OF COSTS.

To JEANNETTE HAIK Dr.

For taking deposition of A. O. Thayer, witness for plaintiff in
the above numbered and entitled cause.

To notice to witness	\$.25
" Swearing witness .....	.20
" Writing caption and deposition of witness and certificate	10.00
Postage .....	.30

TOTAL COST OF TAKING DEPOSITION .. \$10.75

RICHARD P. BAER, & CO.
Plaintiff,

Vs.

FRANK NORDEN,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NUMBER 377.

COMMISSION.

TO.....

JEANNETTE HAIK,
of Guy V. Rich Law Offices,
Bogalusa, Louisiana.

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 A. C. THAYER

_____, witness in behalf of the plaintiff in the cause now pending in our Circuit Court of Baldwin County, Alabama, wherein RICHARD P. BAER & CO., is Plaintiff, and FRANK NORDEN, is Defendant, on oath to be by you administered, upon interrogatories annexed to this commission, to take and certify the deposition of the witness, and return the same to our said Court, to be holden on ____ day of September, 1939, next, under your hand and seal.

R. S. Duck
R. S. DUCK, Clerk of the
Circuit Court.

By: Wendell Thompson
Deputy Clerk.

RICHARD P. BAER AND M. S. BAER,
Composing RICHARD P. BAER &
COMPANY,

Plaintiff.

-vs-

FRANK NORDEN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NUMBER 377.

AFFIDAVIT.

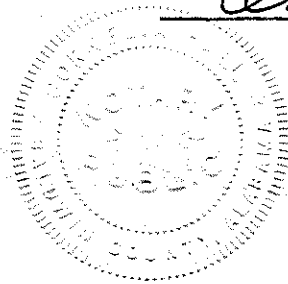
Before me, Cornelia Hall, a Notary Public, in
and for said State and County, personally appeared Leslie Hall,
who is known to me and, who being, by me, first duly sworn, on
oath deposes and says:

That he is one of the attorneys for Richard P. Baer and
M. S. Baer, composing Richard P. Baer & Company, the plaintiff
in this cause; that A. O. Thayer is a material witness for the
said plaintiff in the above styled cause; and, that said A. O.
Thayer resides at Bogalusa, Louisiana, which is more than one
hundred miles from the place of trial, computing by the route
usually traveled, and resides out of the State of Alabama.

Leslie Hall SEAL.
Leslie Hall,
Attorney for Plaintiff.

Sworn to and subscribed before me
by Leslie Hall on this the 5th day
of April, 1939.

Cornelia Hall
Notary Public.



RICHARD P. BAER AND M. S. BAER,
Composing RICHARD P. BAER &
COMPANY,

Plaintiff.

-vs-

FRANK NORDEN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NUMBER 377.

INTERROGATORIES PROPOUNDED TO A. O. THAYER OF
BOGALUSA, LOUISIANA, A MATERIAL WITNESS EXAMINED
ON BEHALF OF THE PLAINTIFF IN THE ABOVE STYLED
CAUSE.

1. Please state your name, age and place of residence.
2. Please state what your business is at the present time, by whom you are employed, and how long you have been so employed.
3. Please state in what capacity you were employed and by whom during the period from 1924 through 1937.
4. Please state whether or not you are familiar with the location and acreage of those certain lands purchased by the Magazine Lumber Company from the Magazine Hardwood Sawmill Company during the year 1924. If you are familiar with said lands please state whether or not you made a personal survey or examination of said lands alleged to have been conveyed by the said deed. If you did make such a survey or examination, please state for what purpose said examination and survey was made.
5. Please state whether or not the lands involved in this suit, namely: Division A of the regular Section 16, T 3 S, R 1 E, in Baldwin County, Alabama, also described as the West Fractional part of regular Section 16, T 3 S, R 1 E, in Baldwin County, Alabama, lying South and West of Chuckfey Bay, was included in the survey or examination you made of the lands. Is this the same land as that involved in the suit of Richard P. Baer & Company vs. Frank Norden now pending in the Circuit Court of Baldwin County, at Law, Number 377?
6. Please state whether or not this is the same land subsequently conveyed by the Magazine Lumber Company to Richard P. Baer & Company, the Plaintiff in this cause. If your answer is "Yes", please state to the best of your recollection when this transaction took place.
7. Please state fully and in detail exactly what your examination or surveys referred to hereinabove consisted. Kindly state the names and addresses of any other persons who accompanied you on these surveys.
8. Please state the condition of the lands you examined as to what portion of same contained timber, whether or not any of the land was marsh or inundated land. Please state whether or not, at the time of the purchase of this land by the Magazine Lumber Company, there was located on said land improvements of any kind.
9. Please state whether or not, at the time you looked over said land, there was a camp located thereon.
10. Please state whether or not, at the time you went over the land involved in this suit, one Frank Norden was occupying any portion thereof.

11. Please state whether or not, at the time you went over the land involved in this suit, the said land was posted.

12. Please state whether or not, at the time you went over the land involved in this suit, the said land was fenced.

13. Please state whether or not, at the time you went over the land involved in this suit, any part thereof was under cultivation or had any cultivated crops of any kind growing thereon.

14. Please state whether or not, at the time of the survey, there were any log booms or bulkheads of any kind located on or adjacent to the land involved in this suit.

15. Please state whether or not, at the time you looked over said lands, there was a wharf or pier of any kind connected to or extending from the land involved in this suit.

16. Please state whether or not, at any time subsequent to the purchase of the said lands by the Magazine Lumber Company from the Magazine Hardwood Sawmill Company, you have seen the camp alleged to have been placed there by Frank Norden. If your answer is "Yes", state when you saw the said camp. If you saw the said camp, please state if you have personal knowledge of its exact location. If your answer is "Yes", please state if this camp was located there at the time of the said purchase set out above. If the said camp was not there at that time, state in your best judgement when the said camp was placed there.

17. Please state specifically and in detail what, if any, timber operations were carried on by the Magazine Hardwood Sawmill Company, the Magazine Lumber Company, and/or Richard P. Baer & Company on or adjacent to Division A of Section 16, T 3 S, R 1 E, in Baldwin County, Alabama. If the timber operations referred to above did take place, kindly state the names and addresses of the persons, firms, or corporations that performed the logging operations referred to and over what period of time these operations took place.

18. Do you know Archer McMillan, of Baldwin County, Alabama? Do you know in what business or occupation he is engaged? If so, in your best judgement, how long has he been engaged in the said business and occupation. If you know, state in detail whether or not Archer McMillan carried on any logging operations for the Magazine Hardwood Sawmill Company, the Magazine Lumber Company, and/or Richard P. Baer & Company.

19. Please state whether or not Archer McMillan carried on any logging or timber operations for the companies set out above on Division A of Section 16, T 3 S, R 1 E, in Baldwin County, Alabama. If so, over what period of time did these operations take place and state in detail of what these operations consisted?

20. Are you familiar with the transaction involving the transfer of this property between the Magazine Hardwood Sawmill Company and the Magazine Lumber Company? Were you present at the time the said transfer was made? If so, state in detail the circumstances of the deal or transfer. At the time said transfer was made, please state what deeds or papers of transfer or other papers were delivered to the transferee, to whom they were given, and of what these papers consisted. If said transfer did take place, please state if the said Magazine Hardwood Sawmill Company gave a deed to the said Magazine Lumber Company. Please state if the Magazine Hardwood Sawmill Company gave an abstract of title to the said lands to the Magazine Lumber Company. Please state if the Magazine Hardwood Sawmill Company gave any other papers antedating the said deed involved in the transaction to the Magazine Lumber Company.

21. Are you familiar with the transaction involving the transfer of this property between the Magazine Lumber Company and Richard P. Baer & Company? Were you present at the time said transfer was made? If so, state in detail the circumstances if the deal or transfer. At the time said transfer was made, please state what deeds or papers of transfer or other papers were delivered to the transferee, to whom they were given and of what these papers consisted. If said transfer did take place please state if the said Magazine Lumber Company gave a deed to the said Richard P. Baer & Company. Please state if the Magazine Lumber Company gave an abstract of title to the said lands to Richard P. Baer & Company. Please state if the Magazine Lumber Company gave any other papers antedating the said deed involved in the transaction to Richard P. Baer & Company.

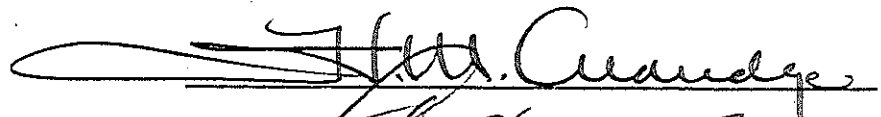

22. Please state whether or not the Magazine Hardwood Sawmill Company, the Magazine Lumber Company, and/or Richard P. Baer & Company ever rented to the United States Government or any branch thereof any portion of the land involved in this suit for the purpose of erecting a beacon light thereon.

23. How long have you been engaged in the survey of timber and marsh lands? State, in your opinion, whether or not Division A of Section 16, T 3 S, R 1 E, of Baldwin County, Alabama, is capable of habitation.

24. Were you ever employed by the Magazine Hardwood Sawmill Company? If you were so employed, in what capacity and over what period of time were you so employed?

25. Were you ever employed by the Magazine Lumber Company? If you were so employed, in what capacity and over what period of time were you so employed?

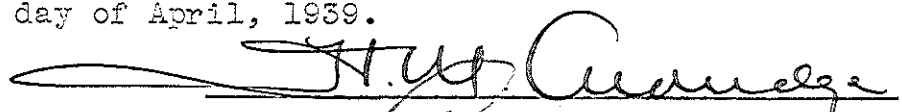
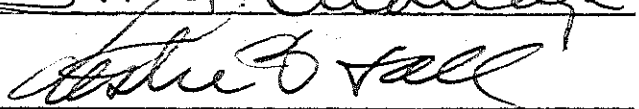
26. Please state whether or not the land involved in this suit, to wit, Division A of Section 16, T 3 S, R 1 E, Baldwin County, Alabama, was purchased as a part of a larger tract of land. If your answer is "Yes", please state the approximate acreage of the larger tract of land. Please state if all the land was purchased as a single unit.

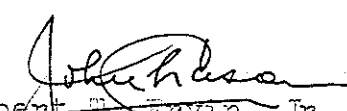


Attorneys for Plaintiff.

NOTICE:

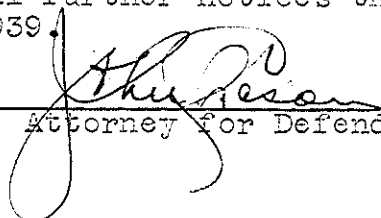
Notice is hereby given that the witness, A. O. Thayer, reside in Bogalusa, Louisiana, and that the Plaintiff suggests Jeannette Haik, whose address is care of Guy V. Rich Law Offices, Bogalusa, Louisiana, as a suitable Commissioner to take the deposition of said A. O. Thayer.

Dated this 5th day of April, 1939.



Attorneys for Plaintiff.


I, Robert E. Ervin, Jr., one of the Attorneys for Frank Norder, the Defendant in the above styled cause, do hereby acknowledge receipt of a copy of the foregoing affidavit and interrogatories and of the notice thereto attached and waive all further notices thereof.

Dated this 5th day of April, 1939.


Attorney for Defendant.

Civ. No. 377

Richard P. Baer & Co.
Pl.

vs.

Franka Norden,
Defendant.

Interrogatory to A.O.
Deputy of
Thayer, Bogalusa, La.

In the Circuit Court
of Baldwin County
Alabama
At Law

Filed in Office this
6 day of April,
1939.

R. S. Dwyer
Clerk

B. - Sandice Thompson

RICHARD P. BAER and M. S. BAER,
Composing RICHARD P. BAER &
COMPANY,

Plaintiff,

vs.

FRANK NORDEN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

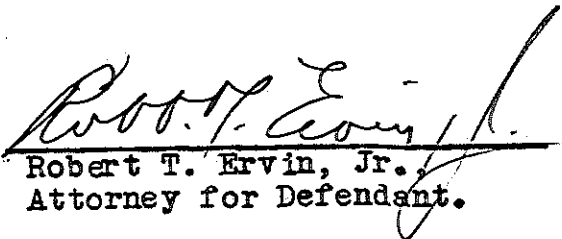
AT LAW,

No. 377.

AFFIDAVIT

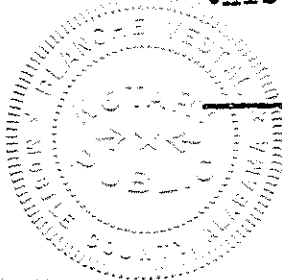
Before me, Blanche Vestal, a notary public in and
for said state and county this day personally appeared Robert
Ervin, Jr., who is known to me and who being first duly sworn
on oath deposes and says:

That he is one of the attorneys for Frank Norden,
the defendant in the above styled cause, and that the fore-
going cross-interrogatories propounded to the witness A. O.
Thayer and his answers thereto are material to the defendant
in this cause.


Robert T. Ervin, Jr.,
Attorney for Defendant.

Subscribed and sworn to before me
this the 14th day of June, 1939.


Notary Public.



RICHARD P. BAER and M. S. BAER,)
Composing RICHARD P. BAER &)
COMPANY,)

Plaintiff,)

vs.)

FRANK NORDEN,)

Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW,

No. 377.

CROSS-INTERROGATORIES PROPOUNDED BY DEFENDANT
TO A. O. THAYER OF BOGALUSA, LOUISIANA, A WITNESS
FOR PLAINTIFF IN THE ABOVE STYLED CAUSE.

1. Are all answers which you have made to interrogatories propounded by the plaintiff herein based on your own personal knowledge; and, if not, please state which of such answers are not based on your own personal knowledge of the facts?

2. If you answer "yes" to plaintiff's interrogatory 12, please state what kind of beacon light is erected on the land.

3. Please state what type of business the following is, that is, whether a corporation, a partnership, or individuals:
Magazine Hardwood Sawmill Company;
Magazine Lumber Company;
Richard P. Baer & Company.
Please give the names and titles of the officers thereof.

4. Do you know William Greenwood, better known as Will Greenwood, of Mobile, Alabama? How long have you known him? Did he ever do any work or was he ever employed by either the Magazine Hardwood Sawmill Company, the Magazine Lumber Company and/or Richard P. Baer & Company? If so, when was he so employed and what kind of work did he do?

5. Did William or Willie Greenwood ever cruise or estimate any timber on any part of the land in question claimed by either of the above named parties, and did he ever cut or pull any timber on said land for either of the above named parties, either by contract or in any way? If so, when and over what parts of the land claimed did he do so? Did he ever cruise, estimate, cut or pull any timber located on Division "A" of Section 16, Township 3 South, Range 1 East?

6. When was it that William Greenwood first mentioned to you that Frank Norden was living on the land involved in this suit? During said conversation, did not Greenwood mention to you that Frank Norden had a camp on said land, was claiming the land as his own, had signs on it, and would not allow any trespassing or hunting on said land?

7. Did not said Greenwood inform you three times about Frank Norden's claiming the said land: once, in or around 1924 or 1925, once in or around 1934, and once in 1937? What did Greenwood say to you on these occasions or any of the occasions when he talked to you about Frank Norden's being on the land in question?

8. If you answer plaintiff's interrogatories 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, or any of them, please state the time it was you looked over the said land.

9. Have you ever seen Frank Norden's house which is located on the land involved in this suit? Have you ever been there? If so, give the dates of said visits. Have you ever talked or written to Frank Norden?

10. Do you know the location of Frank Norden's house on said land? Do you know the location of the land known as Division "A" of Section 16, Township 3 South, Range 1 East, Baldwin County? If so, describe such location. Have you ever surveyed the lines of said Division "A"? If so, when and who assisted in such survey?

11. Do you know where Chuckfey Bay is? If so, describe the location of said bay in reference to other bays and river in that vicinity. Have you ever been on or in Chuckfey Bay?

12. When did you first know or hear that Frank Norden had a camp on Chuckfey Bay or on said land?

13. How long have you known August Z. Oberhaus, game warden of Mobile, Alabama?

14. Has not August Z. Oberhaus been acting as agent for Magazine Hardwood Sawmill Company, the Magazine Lumber Company, Richard P. Baer & Company, or either of them, in looking after the property claimed by said companies, or either of them, in Baldwin County, Alabama?

In this connection, on January 14, 1927, did you sign a letter for the Magazine Lumber Company appointing said Oberhaus agent for the Magazine Lumber Company to look after the property claimed to be owned by said Company or companies, located in Baldwin County? If you did not sign such letter, when did you first know that said Oberhaus was appointed as such agent?

15. Did not the Magazine Lumber Company on January 28, 1927, know that Frank Norden was in possession of the property involved in this suit, claiming it as his own, with a house located thereon occupied by the said Norden, and the premises fenced?

16. Did not you, as Treasurer of the Magazine Lumber Company, on the 28th day of January, 1927, cause a lease to be drafted and signed by you, as such Treasurer, which lease was delivered to August Z. Oberhaus with instruction to the said Oberhaus, as agent of said Company, to obtain Frank Norden's signature thereon, if he could? And did not the said Oberhaus, as such agent or caretaker for the Magazine Lumber Company, shortly thereafter report to you that Frank Norden had refused to sign such lease stating that he owned the premises in question, said premises being described as being in the William Simpson Grant, etc., on which is located the house occupied by said Norden together with premises under fence erected by the said Norden?

17. How long prior to January 14, 1927 had it been reported to you that Frank Norden was occupying the land in question, claiming the same as his own?

18. Is it true that Frank Norden has never, during the time you were connected with either the Magazine Hardwood Sawmill Company, the Magazine Lumber Company, and/or Richard P. Baer & Company, or either of them, recognized or done any act recognizing that said above companies or any of them were the owners or owner of the premises involved in this suit?

19. Do you not know that on October 1, 1918, when the Magazine Hardwood Sawmill Company purchased the lands comprising the tract known as the William Simpson Grant, Frank Norden had a camp on said land and was occupying the premises in question? it is alleged

20. Do you not know, or has it not been reported to you, that Frank Norden had a camp on and occupied the premises in question since, to wit, the year 1904, during which year the J. D. Cameron Sons Company purchased the lands in what was known as the William Simpson Grant by quitclaim deed from the Farmers Loan & Trust Co.

21. In January 1927, was not the law firm of Stevens, Mc-Corvey, McLeod, Goode & Turner acting as attorneys for the Magazine Lumber Company? And as such, did such firm write a letter to the Magazine Lumber Company or to you, as Treasurer of said Company, dated January 13, 1927, in which it is stated that you had advised them (said attorneys) that Frank Norden had fenced up the property which he was claiming, said letter also referring to the lease (mentioned in a foregoing cross-interrogatory herein) which was drafted in an effort to have Frank Norden sign the same?

22. After Frank Norden refused to sign the proposed written lease, did you not state to August Oberhaus in effect that the Magazine Lumber Company was not going to spend any money in trying to eject Frank Norden, and that, insofar as the Company was concerned, Frank Norden had the property claimed and occupied by him?

23. Did you not, as Treasurer and/or agent of either of the Magazine Hardwood Sawmill Company, the Magazine Lumber Company, and/or Richard P. Baer & Company, execute a written trapping lease to a man named Earl Davis, better known as Red Davis, covering the property or part of the property located in the William Simpson Grant? Give the date, to the best of your recollection, when said trapping lease was given.

Did you not, at the time said trapping lease was signed or shortly thereafter, state to the said Earl Davis that the said lease did not cover the land located on the West and Southwest side of Chuckfey Bay, as that land was owned and occupied by Frank Norden?

24. Approximately how long has the colored man whose name is George Jacobs lived on the shell pile at Irwin Lake?

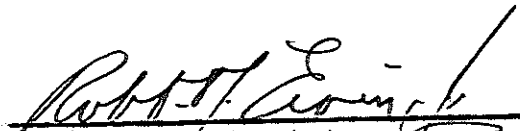

Did not you or either of the above named companies appoint the said George Jacobs as watchman and caretaker also for the property known as the William Simpson Grant?

Did not George Jacobs come to you around 1920 and tell you that Frank Norden was claiming the land in question and would not let him enter on the land, and that the said Norden had signs with his name as owner posted all over the land in question?

If George Jacobs did not tell these facts to you, please give the name or names of the person or persons working for either Magazine Hardwood Sawmill Company, the Magazine Lumber Company, and Richard P. Baer & Company to whom he did state such facts.

25. When did you and/or the Magazine Hardwood Sawmill Company and/or the Magazine Lumber Company execute a trapping lease to the Jones-Douglas Fur Company covering the lands located in the William Simpson Grant?

Please attach hereto copy of the letter which you wrote Jones of the Jones-Douglas Fur Company in which you stated to Mr. Jones that he would have to go to Frank Norden and have Norden point out to him the said Norden's property, so that he, Mr. Jones, would not trespass on Mr. Norden's property. If you do not have a copy of said letter please state whether or not you, as Treasurer of the above named company or either of them, wrote such letter.



Robert T. Ervin, Jr. and
J. E. Meredith,
Attorneys for Defendant.

I, Henry W. Aldridge, one of the attorneys for plaintiff in the above styled cause, hereby acknowledge receipt of a copy of the foregoing affidavit and Cross-Interrogatories, and waive all further notice thereof.

Dated at Mobile, Alabama, this 14th day of June, 1939.


Attorney for Plaintiff.

RICHARD P. BAER & CO.,
Plaintiff,

vs.

FRANK WORDEN,
Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 377.

STATE OF LOUISIANA

PARISH OF WASHINGTON

Deposition of witness, O. A. THAYER, taken and subscribed before me, JAMES H. HAIK, a commissioner duly commissioned by the Circuit Court of Baldwin County, Alabama, in the matter of cause entitled RICHARD P. BAER & COMPANY vs. FRANK WORDEN, NO. 377 on the Docket of said Court; said deposition being taken on the 16th day of Sept., 1939, between the hours of nine (9:00) o'clock a.m. and ten (10:00) o'clock a.m., of said day, at my office in the City of Bogalusa, Parish of Washington, State of Louisiana, and pursuant to the annexed commission, issued from the above court in the above numbered and entitled cause, and to be read in evidence in said cause, now pending in said Court.

Personally came and appeared A. O. THAYER, witness, known to and of lawful age, being present at the time and place aforesaid, and being by me first duly sworn, according to law, to testify the truth, the whole truth and nothing but the truth, in regard to the matter in controversy in the suit aforesaid, did then and there, on his oath, depose, say and answer as follows, to-wit:

TO THE FIRST INTERROGATORY:

A. O. Thayer, 67 years, 506 Alabama Avenue, Bogalusa, Louisiana

TO THE SECOND INTERROGATORY:

Treasurer and Manager of Magazine Hardwood Saw Mill Company and Magazine Lumber Company for 32 years.

TO THE THIRD INTERROGATORY:

Magazine Lumber Company, as Treasurer and Manager.

TO THE FOURTH INTERROGATORY:

I am familiar with the location and acreage of land purchased by Magazine Lumber Company from the Magazine Hardwood Saw Mill Company in 1924. I made a general examination of land and timber in 1918 at the time land was purchased by Magazine Hardwood Sawmill Company, and have been on land many times since.

The general estimation of the timber was made by Timber Estimator Mr. Hewlett, who is now deceased, and the purpose of the examination made by me was to determine the quality of the timber on the land and the approximate quantity of the different species and the feasibility of logging the timber for commercial purposes.

TO THE FIFTH INTERROGATORY:

Division A of the regular Section 16, E3S, R1E, in Baldwin County, Alabama, also described as the West Fractional part of regular Section 16, T 3 S, R 1 E, in Baldwin County, Alabama, lying South and West of Chucklef

Bay was included in the general examination made of the property at that time and is the same land involved in the property at that time and is the same land involved in the suit of Richard P. Baer & Company versus Frank Norden now pending in the Circuit Court of Baldwin County, at law, No. 377.

TO THE SIXTH INTERROGATORY:

Yes. This is the same land conveyed by Magazine Lumber Company to Richard P. Baer & Company, the transfer having been made in April, 1936.

TO THE SEVENTH INTERROGATORY:

My examination was to get an approximate idea as to the quality of timber on the land, the approximate quantity of the different species and feasibility of logging same. I made the first estimation with Mr. Hewlett now deceased, and later with Mr. Charles Cooper, also deceased, and Mr. Greenwood several times, whose address is Monterey Street, Mobile, Alabama.

TO THE EIGHTH INTERROGATORY:

There was almost no timber on the land in dispute. About half this land is shell and the balance marshy. During the Spring freshets and sometimes during a high tide all of the land is covered with water. To the best of my knowledge, there were no improvements on the land at the time of purchase.

TO THE NINTH INTERROGATORY:

To my knowledge, there was no camp at the time of the examination.

TO THE TENTH INTERROGATORY:

Not to my knowledge.

TO THE ELEVENTH INTERROGATORY:

NOT TO MY KNOWLEDGE.

TO THE TWELFTH INTERROGATORY:

Not to my knowledge.

TO THE THIRTEENTH INTERROGATORY:

Not to my knowledge.

TO THE FOURTEENTH INTERROGATORY:

Not to my knowledge.

TO THE FIFTEENTH INTERROGATORY:

Not to my knowledge.

TO THE SIXTEENTH INTERROGATORY:

I have never seen the camp alleged to have been placed there by Frank Norden. I do not know when it was placed there.

TO THE SEVENTEENTH INTERROGATORY:

Logging operations were carried on by the Magazine Lumber Company beginning in 1926 on parts of the whole tract. Practically all the logging done under contract with Archie McMillan, who logged 4,905,103 ft. from 1926 to 1930.

Willie Greenwood logged in 1933 to 1935, 124,430 ft. Murphy McMillan logged for Roux Crate & Box Company in 1937-1938, 387,430 ft., who purchased 1,000,000 ft. from Richard P. Baer & Company.

TO THE EIGHTEENTH INTERROGATORY:

Yes. I have known Archie McMillan for many years. He has been

engaged in logging timber for the Bay Poplar Lumber Company and the Magazine Lumber Company, having been engaged in that business for about thirty years. He has logged for the Magazine Lumber Company, but not Richard P. Baer & Company.

His logging consisted of pulling the timber from the swamps with his pull boat, rafting same and bringing it to the mill.

TO THE NINETEENTH INTERROGATORY:

Archie McMillan never logged on Division A - Section 16 - T 3 S R 1 E, but has logged on different parts of the entire tract, during which time he took off 4,905,103 feet.

TO THE TWENTIETH INTERROGATORY:

I was familiar with the transfer of the property to the Magazine Lumber Company, a Maryland Corporation. Frank Heim came to Mobile and consulted with Stevens & McCorvey and then returned to Baltimore. The deed and minutes transferring the property were held in Baltimore, which is the main office of the Magazine Lumber Company. I was not present at the Board of Directors meeting.

The Magazine Hardwood Sawmill Company gave the Magazine Lumber Company the original abstract of title made at the time the lands were originally purchased. No other papers antedating the Magazine Hardwood Sawmill Company deed were given.

TO THE TWENTY-FIRST INTERROGATORY:

I am not familiar with the transfer of the property from the Magazine Lumber Company to Richard P. Baer & Company, except that all the stockholders consented to the transfer, as the Magazine Lumber Company was of business in Alabama. I have no knowledge of the passing of deed or abstract to Richard P. Baer & Company, as this matter was handled by the Baltimore Office.

TO THE TWENTY-SECOND INTERROGATORY:

Not on the disputed property, but an airway's Beacon was erected in another portion of the tract.

TO THE TWENTY-THIRD INTERROGATORY:

I have been engaged for 32 years in the survey of timber. I do not consider Division A of Section 16, T 3 S, R 1 E as habitable, except a few portions of the year, as it is overflowed during high water.

TO THE TWENTY-FOURTH INTERROGATORY:

I was employed by the Magazine Hardwood Sawmill Company from 1924 'til 1924 as Treasurer and Manager.

TO THE TWENTY-FIFTH INTERROGATORY:

I have been employed by the Magazine Lumber Company from 1924 'til present time as Treasurer & Manager.

TO THE TWENTY-SIXTH INTERROGATORY:

Division A of Section 16, T 3 S, R 1 E, Baldwin County, Alabama was purchased as a part of a larger tract containing 13,300 acres. The land was purchased as a single unit.

Answers to Cross-Interrogatories propounded by defendant to A. O. Thayer, of Bogalusa, Louisiana, a witness for plaintiff in the above styled cause.

TO THE FIRST CROSS-INTERROGATORY:

All of the answers which I have made to the interrogatories propounded to me by the plaintiff herein are based on my own personal knowledge excepting answers to Interrogatories No. 9, 10, 11, 12, 13, 14, 15 and 16.

TO THE SECOND CROSS-INTERROGATORY:

This was a beacon to direct air passage from the North to Mobil.

TO THE THIRD CROSS-INTERROGATORY:

Magazine Hardwood Sawmill Company - Corporation.
R. P. Baer, President;
M. S. Baer, Vice-President;
F. L. Heim, Secretary; and
A. O. Thayer, Treasurer.

Magazine Lumber Company - Corporation.
R. P. Baer, President;
M. S. Baer, Vice-President;
F. L. Heim and William Vogedes, Secretaries; and
A. L. Thayer, Treasurer.

Richard P. Baer & Company - Partnership.
Richard P. Baer,
M. S. Baer.

TO THE FOURTH CROSS-INTERROGATORY:

Have known Willie Greenwood for about thirty years. He logged for us on contract and was employed measuring rafts.

TO THE FIFTH CROSS-INTERROGATORY:

~~He pulled a small amount of timber for Laubenthal to whom we sold the timber.~~ He never cruised, estimated, or cut timber on Div. A. Sec. 16 T 3 S R 1 E.

TO THE SIXTH CROSS-INTERROGATORY:

About nine or ten years ago. Greenwood said he had a camp boat anchored on the land, but at that time he did not say that he claimed the land or would not allow trespassers.

TO THE SEVENTH CROSS-INTERROGATORY:

Greenwood informed me several times of the fact that Norden was on the land, but I don't remember the dates. He simply told me of his being on the land, but offered no suggestions.

TO THE EIGHTH CROSS-INTERROGATORY:

Probably, about 1920. I went up with Chas. Cooper, but did not see any camp.

TO THE NINTH CROSS-INTERROGATORY:

No. I have never talked or written to Frank Norden.

TO THE TENTH CROSS-INTERROGATORY:

The camp is reported to be located about one mile from the end of the

to Chuckfey Bay. The Bay is about one to two miles north of Rafy River. have never surveyed the lines of said Division "A".

TO THE ELEVENTH CROSS-INTERROGATORY:

Yes; answered in No. 10. Yes, once.

TO THE TWELFTH CROSS-INTERROGATORY:

About 1927 I knew that Norden was claiming the land, but knew of no camp.

TO THE THIRTEENTH CROSS-INTERROGATORY:

About fifteen years.

TO THE FOURTEENTH CROSS-INTERROGATORY:

Yes. Yes, I signed the letter.

TO THE FIFTEENTH CROSS-INTERROGATORY:

Knew that Norden claimed the land, but did not know of the house and fence.

TO THE SIXTEENTH CROSS-INTERROGATORY:

Yes. We had lease drawn up and presented by Oberhaus to Norden thinking thereby to get the matter in good shape, but, when he refused to sign we soon after brought suit against him.

TO THE SEVENTEENTH CROSS-INTERROGATORY:

Just about the same time.

TO THE EIGHTEENTH CROSS-INTERROGATORY:

I do not know.

TO THE NINETEENTH CROSS-INTERROGATORY:

I never knew he had a camp, but was informed he had a houseboat.

TO THE TWENTIETH CROSS-INTERROGATORY:

I do not know.

TO THE TWENTY-FIRST CROSS-INTERROGATORY:

I do not remember the details of the letter as to my advising about the fencing, etc.

TO THE TWENTY-SECOND CROSS-INTERROGATORY:

I never made any such statement.

TO THE TWENTY-THIRD CROSS-INTERROGATORY:

~~I gave lease to Earl Davis, but don't remember the date.~~ I never told Davis land owned by Frank Norden, but pointed out that the land was in dispute.

TO THE TWENTY-FOURTH CROSS-INTERROGATORY:

George Jacobs has been living on the shell pile at Irwin Lake seven years. George Jacobs was appointed as watchman and caretaker of the property known as the William Simpson Grant, and was appointed by me. Jacobs was not on the Shell Bank in 1920, nor do I remember his telling me about it nor do I know of his telling anyone else in the companies mentioned.

TO THE TWENTY-FIFTH CROSS-INTERROGATORY:

We cannot find any copy of any lease with the Jones-Douglas Fur Company. I have no recollection of writing any such letter and have no record of same.

A O Thayer

Subscribed and sworn to before me on this 6th day of September 1939.

Jeannette Haik
Commissioner

STATE OF LOUISIANA)
 (
PARISH OF WASHINGTON)

I, JEANNETTE HAIK, duly appointed as commissioner by the Circuit Court of Baldwin County of Alabama, in the cause entitled Richard P. Baer & Company, Plaintiff, vs. Frank Norden, Defendant, No. 377 at Law on the Docket of said Court, per commission hereto attached, do hereby certify that the above named A. O. THAYER was by me duly sworn to testify to the truth, the whole and nothing but the truth in said cause, and that the deposition, above, was by him subscribed as above set forth, was reduced to writing by me and was subscribed by said witness in my presence and that said deposition was taken as specified in the commission hereto attached and that I am not counsel, attorney or relative of either party, or otherwise interested in the event of this suit.

IN TESTIMONY WHEREOF, I have set my hand on this 6th day of September, A.D., 1939.

Jeannette Haik
Commissioner

RICHARD P. BAER and M. S.
BAER, composing the firm
of Richard P. Baer & Com-
pany,

Plaintiffs,

-vs-

FRANK NORDEN,

Defendant.

IN THE CIRCUIT COURT--LAW

STATE OF ALABAMA

BALDWIN COUNTY.

Now comes the defendant in the above styled cause,
for plea to the Complaint filed in said cause says:-

Not guilty.

R. B. Crum

Hyatt Mason
Attorneys for Defendant

P L E A.

RICHARD P. BAER and M. S.
BAER, composing the firm
of Richard P. Baer & Com-
pany,

Plaintiffs,

-VS-

FRANK NORDEN,

Defendant.

IN THE CIRCUIT COURT--LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Filed March 22nd, 1939

R. S. Durek

No 9 Defendant.

Gentlemen of the jury if you believe to your reasonable satisfaction from the evidence that the plaintiffs have failed to show a right to recover on the strength of their own title then they cannot recover even though the defendant has failed to make out a complete title.

Refused
J. M. Hare
Judge

2-

The Court charges the jury that - ~~proceeding from~~ ~~but~~ ~~an~~ ~~action~~ ~~at~~ ~~law~~ ~~or~~ ~~in~~ ~~equity~~ -
is a rule of repose which
at the end of twenty years
touching title of property -
but the law gives 20 years
to the absolute owner beyond
which courts will not
inquire

The rule is absolute and
the doctrine that demand
unascertained for so long a
time either having no foundation
in justice or having been adjusted

Refused
Judge

RICHARD P. Baer & Co
Plaintiff

vs.

FRANK NORDEN,
Defendant

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

NO. 377

Now comes the Plaintiff in the above entitled cause and respectfully petitions this Honorable Court as follows:


(1) That the foregoing cause was terminated in this said Court and the Costs therefor paid on December 13, 1940.

(2) That in connection with the trial of said cause and as evidence in said cause the Plaintiff introduced certain documents hereinafter set out which said documents are in possession of the Clerk of this said Court.

(3) That said documents are of great importance to the said Plaintiff in the carry on of its business and therefore Plaintiff is anxious to secure said documents for its own possession, substituting therefor, if the Court so decrees, copies thereof, insofar as that may be done.

THEREFORE IN CONSIDERATION OF THE FOREGOING, Plaintiff respectfully prays that this Honorable Court will order the Clerk of the said Court to turn over to the possession of the said Plaintiff the following papers:

- (1) Deed from Magazine Lumber Co. to Baer Co.
- (2) Deed from Cameron Co. to Magazine Lmbr. Co.
- (3) ~~Lease from Magazine Lmbr. Co. to Frank Norden~~
- (4) Deed from Magazine Hardwood Co. to Magazine Lmbr. Co.
- (5) Photostatic Copy of Map of T 3 S, R 1 E Baldwin County, Alabama.


ATTORNEY FOR PLAINTIFF

377

RECORDED

Motion

RICHARD

###P. BAER,
Plaintiff

Vs.

FRANK NORDEN,
Defendant.

AT LAW. NUMBER #377

MOTION TO WITHDRAW DOCUMENTS
FROM FILE.

Filed August 8, 1941
R.S. Duck, Clerk

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT. (LAW)

Term, 1940

Richard P. Bars & Company, et al.
No. 377 vs. Plaintiff
Frank N. Dine,
Defendant

$A^2 - 14A - 40$

BILL OF COSTS

CLERK'S FEES:	AMOUNT
Fees in Circuit Court—	
Docketing Cause, One Fee only of.....	.25
Issuing Summ. and Compit., each.....	1.25
Issuing Alias or Branch Summons & Complaint, each	1.25
Making Copies Thereof, Minimum, each .....	.30
Making Copies Thereof, over 200 Words, per 100 words..	.15
Entering Sheriff's Returns, each .....	.20
Entering Appearances, each .....	.20
Certifying Affidavits, each .....	.25
Issuing Attachments with Bond, each	1.00
Orders of Publication, each .....	.50
Copy of Same, each .....	.50
Issuing Summ. to Garnishee, each .....	.50
Copy of Same, Per 100 Words .....	.15
Swearing Garnishee, Etc., Per 100 words, .15, Minimum .....	.50
Release of Garnishee, each .....	.25
Issuing Sale Notice or Similar Notice, each .....	.75
Copies of Same, Per 100 Words.....	.15
Making Copy of Interrogatories, Per 100 Words, .15; Minimum .....	.50
Commission to Take Depositions, each .....	.75
Filing Depositions, Each Pkg., .....	.10
Endorsing Each Package of Depositions Opened ....	.10
Issuing Subpoenas, Each .....	.30
Issuing Witness Certificates, each .....	.25
Entering Continuances, each .....	.10
Filing Papers, each .....	.10
Other Orders of Court, each .....	.30
Trial and Incidents .....	.75
Entering Judgment, each .....	.30
Complete Record, Per 100 Words .....	.15
Taking Bonds, each .....	.75
Certificate of Appeal .....	.25
Transcript to Supreme Court, Per 100 Words .....	.15
Additional Copies of Same, Per 100 Words .....	.05
Issuing Executions or Copy thereof, each .....	.50
Entering Sheriff's Return, Per 100 Words, .15; Minimum .....	.20
Total Clerk's Fees	26.90
SHERIFF'S FEES:	
Serving and Returning Summons or Writ, each	1.50
Levering Attachment, each	3.00
Entering and Returning Same, each .....	.25
Seizing Personal Property Under Writ of Detinue ...	3.00
Taking and Approving Bonds, each.....	1.00
Summoning Garnishee and Return, each	1.50
Serving and Returning Sol. Fa. or Notice, Each	1.50
Serving and Returning Subpoenas, each .....	.65
Serving Contempt Attachment, each	1.50
Impaneling Jury.....	.75
Collecting Execution for Costs Only, each.....	1.50
Coms. for Collecting Money on Executions	
Executing Writs of Possession, each.....	5.00
Making Deed to Real Estate Sold, each.	2.50
Total Sheriff's Fees	30.55

SUMMARY OF FEES, COSTS, AND JUDGMENT		AMOUNT
Fees and Costs in Circuit Court:		
Clerk's Fees		26.90
Ex-Clerk's Fees		
Sheriff's Fees		26.05
Ex-Sheriff's Fees		4.50
Witness Fees		67.90
Commissioner's Fees		
Garnishee's Fees		
Publisher's Fees		
Court Reporter's Fees, Per Day or fraction thereof ..	5.00	
Trial Tax	3.00	
Fees and Costs in Inferior Court:		
Clerk of Inferior Court Fees		
Sheriff's Fees		
Justice of Peace Fees		
Constable's Fees		
Fees and Costs in Inferior Court		
Total Fees and Costs		
Judgment		
10 Per Cent Damages		
Interest		
Total Judgment		
Total Fees, Costs and Judgment		
Total		
\$ 146.10 - Total Costs		
75.00 by paid		
\$ 71.10 now due.		

I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST: _____
Clerk Circuit Court, Baldwin County, Ala.

Received payment this _____ day of _____ 194 _____

ATTEST: _____
Clerk Circuit Court, Baldwin County, Ala.

No. 377 Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT

Richard P. Baine & Co.

vs. Plaintiff

David Hudson

Defendant

CIVIL COST BILL

Term, 19 _____

Fee Book _____, Page _____

Wm. M. White - Esq.
Plaintiff's Attorney.

Robert T. Baine Jr.
Defendant's Attorney.

Moore Printing Co., Bay Minette, Ala.

The State of Alabama,

VS.

No. _____

On this the _____ day of _____, 193____, the Defendant, being in open Court in person, and it being made known to the Court that the Defendant in this case is indicted for a capital offense and that he is unable to employ counsel, it is ordered by the Court that _____, who _____ a regularly licensed attorney practicing in this Court, be, and _____ hereby appointed counsel for the Defendant in this case.

On this the _____ day of _____, 193____, the Defendant being in open Court in person, and attended by his counsel, is duly and legally arraigned upon the indictment, and for his plea thereto says that _____

On this _____ day of _____, 193____, in the cause of the State of Alabama against _____

wherein the Defendant is charged with the offense of _____ the Defendant in person being then and there in open Court and attended by his counsel, the following proceedings were had and orders made in open Court in the presence of the Defendant and his counsel :

It is ordered and adjudged by the Court that the _____ day of _____, 193____, it being _____ of the Second Week of this Term of the Court, be and the same is hereby fixed for the date of the trial of this cause, and that the Sheriff of this Court summons _____ persons in this cause, including those persons drawn on the regular juries for the second week of this term of this Court.

It is ascertained and adjudged by the Court that _____ persons have been drawn on the regular juries for the said Second Week of this Term of this Court. And the Court ordered that the legal jury box of this County be brought into open Court, and the Court ascertained and adjudged that said order had been obeyed, and that said box was, in open Court, well shaken, The Court then and there in open

Court, publicly drew from the said jury box the names of _____ persons, the same being the number of persons required, with the regular juries drawn for the Second Week of this Term of this Court, to make the number of persons the Sheriff was commanded to summons in this cause by order of the Court hereinbefore set forth. The Clerk of the Court, in the presence of the Court, immediately made a list of the names drawn by the Court from the jury box in this cause. And it is ordered and adjudged by the Court that the said Clerk forthwith issue a mandate to the Sheriff of this County, commanding him to summons said persons whose names the Court drew from the jury box in this cause and the regular jurors drawn for the Second Week of this Term of this Court to appear in this Court as jurors in this cause at the Court

House of this county at 9 o'clock on _____ morning of the Second Week of this Term of this Court, the same being the _____ day of _____ 193____

It is ordered and adjudged by the Court that the Sheriff of this County forthwith serve on the Defendant a list of the names drawn in this cause by the Court from the jury box, and a list of the names of all the jurors drawn for the Second Week of this Term of this Court, together with a copy of the indictment in this cause.

RICHARD P. BAER and M.
S. BAER, composing
Richard P. Baer & Com-
pany,

Plaintiff,

-vs-

FRANK NORDEN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

TO RICHARD P. BAER AND M. S. BAER, COMPOSING RICHARD
P. BAER & COMPANY, OR B. F. McMILLAN JR., ATTORNEY OF RECORD FOR
PLAINTIFF:-

This is to notify you that Frank Norden, the Defendant
in the above styled cause, does hereby demand an Abstract, in
writing, of the title or titles on which Richard P. Baer and M. S.
Baer, composing Richard P. Baer & Company, as Plaintiffs, will
rely for recovery of the property sued for in the above styled
cause.

FRANK NORDEN

By *Robert L. Crum*
Asst. Atty. Gen.
As his Attorneys in the afore-
said cause.

286
Summons on 13742
Gave return 13742
RECORDED
NOTICE OF DEMAND FOR ABSTRACT

RICHARD P. BAER and M.
S. BAER, composing
Richard P. Baer & Com-
pany,

Plaintiff,

-VS-

FRANK NORDEN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

377

Filed September 6, 1937

R. L. Holcombe, Sr.
Clerk.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

Received _____ Day of Sept 1937
and on 9 Day of Sept. 1937
I served a Copy of the within
on B. F. McMillan, Jr.

by service on _____
as _____
R. L. HOLCOMBE, Sr., Sheriff
By Mae Bernstein D. S.

Jury List, First Week, Sept. 11th, 1939

- 1 Ulmer E. Bradley, Farmer, Blacksher
- 2 R. Hines Hall, Farmer, Tensaw
- 3 John A. Moseley, Farmer, Stockton
- ④ Julius Lee Bryant, Merchant, Stockton
- ⑤ John W. Pittman, Farmer, Gateswood
- ⑥ Samuel J. Irwin, Farmer, Gateswood
- 7 Thomas Coleman, Turpentine, Perdido
- 8 Charles R. Weekley, Naval Stores, Perdido
- ⑨ Shelby Folmar, Farmer, Bay Minette
- ~~10 Eby E. Heaton, Naval Stores, Bay Minette~~
- 11 Adrian Ray, Mechanic, Bay Minette
- ⑫ E. Velpo Thomas, Farmer, Loxley
- ~~13 Comer Hobbs, Mill Man, Loxley~~
- ⑭ John Canaan, Merchant, Loxley
- 15 Tillman Allen, Farmer, Styx
- ~~16 Robert C. Hentley, Bookkeeper, Foley~~
- 17 Homer G. Russell, Clerk, Foley
- ~~18 George Shoemaker, Lineman, Foley~~
- ~~19 John D. McKenzie, Farmer, Elberta~~
- 20 William Miller, Oysterman, Bon Secour
- ⑫ Herschal Flowers, Farmer, Bon Secour
- ⑫ Sim Parker, Fisherman, Bon Secour
- ~~23 Glen Boykin, Farmer, Daphne~~
- 24 George E. Fuller, Theatre Operator, Fairhope
- ⑫ Roy W. Rockwell, Farmer, Fairhope
- ⑫ W. Devan Stapleton, Sr.
- ~~27. Mr. J. A. Moody~~
- ~~28. Will F. Brown~~
- ~~29. William H. Hall~~
- ~~30. Mr. Charles Hall~~
- ~~31. Lawrence V. Guss~~
- ~~32. Mr. Guss~~
- ~~33. Leonard J. Hooper~~
- ~~34. Ernest D. Hand~~
- ⑫ Wilson M. Hall
- ⑫ Dirvon Hammond
- ~~37. Mr. J. A. Moody~~
38. L. J. Jordan
39. J. Simpson Lowery
- ~~40. Mr. J. A. Moody~~

Duer vs. Morden

Pl 6/1
Sep 6/1

Jury List, First Week, Sept. 11th, 1939

- ~~1 Ulmer E. Bradley, Farmer, Blacksher~~ 57
- ~~2 R. Hines Hall, Farmer, Tensaw~~ P1
- ~~3 John A. Moseley, Farmer, Stockton~~ 26
- 4 Julius Lee Bryant, Merchant, Stockton
- 5 John W. Pittman, Farmer, Gateswood
- 6 Samuel J. Irwin, Farmer, Gateswood
- ~~7 Thomas Coleman, Turpentine, Perdido~~ 54
- ~~8 Charles R. Weekley, Naval Stores, Perdido~~ 21
- 9 Shelby Folmar, Farmer, Bay Minette
- ~~10 Irby E. Heaton, Naval Stores, Bay Minette~~
- ~~11 Adrian Ray, Mechanic, Bay Minette~~ P2
- 12 E. Velpo Thomas, Farmer, Loxley
- ~~13 Comer Hobbs, Mill Man, Loxley~~
- 14 John Canaan, Merchant, Loxley
- ~~15 Pittman Allen, Farmer, Styx~~ 23
- ~~16 Robert C. Healey, Bookkeeper, Foley~~
- ~~17 Homer G. Russell, Clerk, Foley~~ P5
- ~~18 George Shoemaker, Lineman, Foley~~
- ~~19 John D. McKenzie, Farmer, Eiberta~~
- ~~20 William Miller, Oysterman, Bon Secour~~ P4
- 21 Herschal Flowers, Farmer, Bon Secour
- 22 Sim Parker, Fisherman, Bon Secour
- ~~23 Glen Boykin, Farmer, Daphne~~
- ~~24 George E. Fuller, Theatre Operator, Fairhope~~ 25
- 25 Roy W. Rockwell, Farmer, Fairhope
26. W. Devan Stapleton, Sr.
- ~~27. W. J. Ready~~
- ~~28. Will P. Horton~~
- ~~29. Dennis Howell~~
- ~~30. H. J. Jones~~
- ~~31. Lawrence V. Jones~~
- ~~32. Ed Jones~~
- ~~33. Leonard J. Hooper~~
- ~~34. Ernest D. Ward~~
35. Wilson M. Hall
36. Dirvon Hammond
- ~~37. H. Otto Jones~~
- ~~38. L. J. Jordan~~ 103
- ~~39. J. Simpson Lowery~~ P6
- ~~40. H. J. Jones~~

NOVEMBER THIRTEENTH, 1937.

Hon. B. F. McMillan,
Attorney at Law,
Mobile, Alabama.

Dear Sir:

RE: BAER VS. NORDEN.

Received yours of November 11th in above matter stating that you were taking up with your client the matter of deposit for costs, and in this letter you state that you suppose this will be satisfactory. I do not know what amount you have requested that they forward. It is our contention that a small sum, as very often deposited, will not be adequate in this case, as there are a number of witnesses that it will be necessary for us to bring here, and I believe that it will be necessary for us to appear before Judge Hare on this Motion and have him fix the amount of such costs that should be deposited. I suppose that Mr. Duck sent you a copy of this Motion.

Will you please advise whether it will be possible for you to go to Monroeville at some time in the near future, or whether you would simply like to write the Judge a letter setting out your contention as to what you think the deposit for costs should be. I hate to cause you any great inconvenience, but, as I stated above, we will not be satisfied with a small deposit.

Yours very truly,

HYBART & CHASON,

By *J. Chason*.

JC:G.

cc - Mr. Bob Duck, Clerk,
Bay Minette, Alabama.

No 10 Defendant.

verdict of the jury if you believe from the evidence to your reasonable satisfaction that the defendant was in actual adverse possession under a claim of right of the land involved in this suit on October 1st 1918 when J. D. Cameron & Son Company conveyed to Magazine Hardware Saw Mill Company a large tract of land including the land involved in this suit and such possession by the defendant continued uninterrupted until the filing of this suit, then any acts of possession or actual possession of other parts of the land conveyed on October 1, 1918 by the plaintiffs or their grantors subsequent to October 1, 1918 would not extend to the lands involved in this suit.

Given

J. W. Hare

Judge

RICHARD P. BAER and M. S. BAER,
composing RICHARD P. BAER &
COMPANY,

Plaintiffs,

vs.

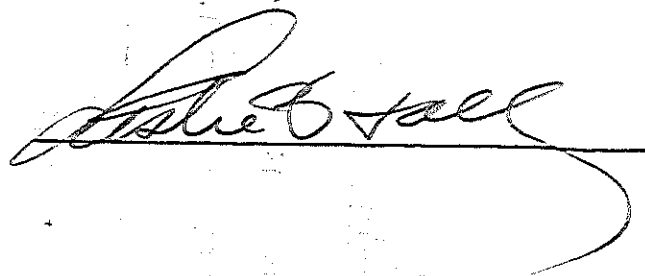
FRANK NORDEN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW, NO. 377

APPEARANCE FOR PLAINTIFF

Comes now LESLIE HALL, an attorney at law, and makes
his appearance as attorney for Richard P. Baer and M. S. Baer,
composing Richard P. Baer and Company, Plaintiffs in the above
styled cause.



Civ. No. 377

RICHARD P. BAER, et al.,
Plaintiffs,
vs.

FRANK NORDEN,
Defendant.

APPEARANCE OF LESLIE HALL

FOR

PLAINTIFFS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

Filed in Office this
27th day of March, 1939.

R. S. Duck
Clerk.
By Audelia Thompson
Deputy

RICHARD P. BAER AND M. S. BAER,
Composing the Firm of Richard
P. Baer & Company,

Plaintiffs.

-vs-

FRANK NORDEN,

Defendant.


IN THE CIRCUIT COURT

LAW SIDE

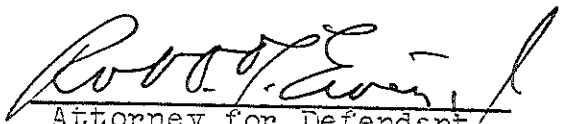
STATE OF ALABAMA

BALDWIN COUNTY

Now comes the plaintiffs in the above styled cause and pursuant to Code Section 7455 of the Code of Alabama herewith demands of the said defendant or his attorney of record, an abstract in writing of the title or titles, on which he will rely for defense, to the said property described as Division A of Section 16, Township 3 South, Range 1 East in Baldwin County, Alabama.


Attorney for Plaintiffs.

Service of process on defendant accepted this 1 day of Feb, 1939.


Attorney for Defendant.

STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, BALDWIN COUNTY.

RICHARD P. BAER & COMPANY, Plaintiffs,)

-VS-)

FRANK WORDEN,)

Defendant.)

TO FRANK WORDEN, DEFENDANT, GREETING:

PLEASE TAKE NOTICE, That in the foregoing stated cause pending in our Circuit Court of Baldwin County, interrogatories have been propounded by plaintiffs to defendant under Article 10, Chapter 290 of the Code of Alabama, a copy of which herewith issues to you; Said interrogatories will remain on file as required by law after service of this notice upon you, during which time you can file answers if you think proper.

WITNESS, Robert S. Duck, Clerk of said Court, this
3rd day of August, 1937.

ATTEST:

Robert S. Duck

Clerk

RICHARD P. BAER and M. S.
BAER, composing RICHARD P.
BAER & COMPANY,

Plaintiffs,

-vs-

FRANK WORDEN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW. NUMBER _____

INTERROGATORIES PROPOUNDED BY PLAINTIFFS TO DEFENDANT UNDER
SECTION 7764 ET SEQUEL OF THE CODE OF ALABAMA.

ONE - What is your age; Where is your residence; Where were you born; Give the date and place of your birth; During what period of your life have you lived in the City of Mobile; Where are you registered; How far is the City of Mobile from the land described in the Bill of Complaint computing by the route usually traveled; How long have you been a registered voter in the City of Mobile continuously; Where is your residence in the city of Mobile; How long has such been your residence?

TWO - State what acts of possession you have ever done on the land described in the bill of complaint; State the dates when such acts were committed; State what improvements you have ever placed on any part of the land described in the bill of complaint and on what part of said land such improvements were placed; What individuals placed such improvements on said lands; What did they cost; How many trees did you ever cut on said land; How many trees did you ever cause or permit others to cut on said land; How many trees did you ever sell from said land; How many trees did you ever remove from said land; How much did you ever receive for the trees or timber cut from said land; From what individuals did you receive such proceeds; On what dates did you receive such proceeds; Are any other persons cutting timber or trees on said land under or through your agency or permission and if any give the names and residences of such persons and the period of their operations on said land.

THREE - State fully and in detail the source of your title to the said land; State fully and in detail where every written instrument purporting to convey said land to you is recorded, giving the record page and number; If you have any deeds or instruments purporting to convey said land to you which are not recorded, attach the originals or copies of same to your answers and mark Exhibits 1, 2, 3, etc., according to their number; If you have cut or removed any timber from the aforesaid lands described in the complaint state the market value of the timber or trees so cut or removed; To whom were they sold?

FOUR - State what acts of possession anyone under whom you claim have ever done or permitted on said land; State what such acts were and on what part of said land they were committed and by what individuals were they committed and give the dates specifically.

FIVE - Have you ever paid taxes on said land, if so state when; Have you ever assessed the land for taxation, if so state when; Did anyone under whom you claim ever pay taxes on said land, if so state when; Did anyone under whom you claim ever assess the land for taxation; If so state when and who so assessed it.

SIX - Attach to your answers and mark Exhibits A, B, C, etc., according to their number every evidence of documentary title or claim you have on said land; State where the same are recorded and if unrecorded attach the originals or copies to your answers and mark them Exhibits A, B, C, etc., according to their number.

SEVEN - What is the rental value of the improvements you have ever placed on said land and how long have you been using same; What is the value of all rights of possession of said land as, and during the entire time you have been using it and how long have you been so using it; State fully and in detail how you have been using the land described in the complaint; State fully and in detail over what period of time you have been so using the said land; State fully and in detail the market value of such use.

W. F. MORCOMBE JR. 30004

B. F. McMillan Jr.

Pl. return of
.....
.....
.....

STATE OF ALABAMA, I
COUNTY OF MOBILE. I

Before me, Julia P. McMillan, 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 on oath that he is attorney for plaintiff in the foregoing cause, that as such attorney he has propounded the foregoing interrogatories to the defendant Frank Norden and that the answers thereto will be material testimony for plaintiffs in said cause.

B. F. McMillan Jr.

Sworn to and subscribed before me this 25 day of August, 1937.

Julia P. McMillan
Notary Public, Mobile County, Alabama.

[Faint, illegible text]

[Faint, illegible text]

[Faint, illegible text]

STATE OF TEXAS

COUNTY OF *[illegible]*

Received Day of 19

and on 9 Day of August 1937

I served a Copy of the within

on Frank Norden

by service on

as

R. L. HOLCOMBE, Sr., Sheriff

By A. Lamm D. S.

Interrogatories

Filed Aug 1937

[Signature]

[Faint, illegible text]

RICHARD P. BAER and M. S. BAER,
Composing RICHARD P. BAER &
COMPANY,

Plaintiff,

vs.

FRANK NORDEN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 377.

STIPULATION

It is hereby Stipulated and Agreed by and between Robert T. Ervin, Jr. and J. E. Meredith, Attorneys of Record for the Defendant in the above styled cause, and Henry M. Aldridge, Attorney of Record for the Plaintiff herein, that, as to all interrogatories filed by either the Plaintiff or the Defendant to the Witnesses Richard P. Baer and A. O. Thayer, neither side is required to file written objections to any questions asked and answers given at the time of the taking of the said depositions, and that all of the said interrogatories, cross-interrogatories and answers shall be subject to all rights of objection by either party hereto, as if said witnesses were testifying in open court and as if the objections were made at the time of the taking of the depositions.

Signed at Mobile, Alabama, this 14th day of June,
1939.

Robert T. Ervin, Jr.
J. E. Meredith
Attorneys for Defendant.

Henry M. Aldridge
Attorney for Plaintiff.

RICHARD P. BAER & COMPANY,

Plaintiff,

VS.

FRANK NORDEN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

NO. 377

IT IS ORDERED by F. W. Hare, Presiding Judge of said Court, that the following documents introduced in evidence by the plaintiff in said cause by delivered to the plaintiff by the Clerk of this Court, taking his receipt therefor:

1. Deed from Magazine Lumber Co. to Baer Co.
2. Deed from Cameron Co. to Magazine Lumber Company.
3. Lease from Magazine Lumber Co. to Frank Norden.
4. Deed from Magazine Hardwood Co. to Magazine Lbr. Co.
5. Photostatic copy of Map of T 3 S, R 1 E, Baldwin County, Alabama.

This 9th day of August, 1941.


Judge

RICHARD P. BAER and M.
S. BAER, composing
RICHARD P. BAER & COM-
PANY,

Plaintiffs,

-vs-

FRANK NORDEN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Comes the Defendant in the above styled cause, and files this, his Demurrer to the Complaint filed in said cause, and as grounds therefor, says:-

- 1st. Said Complaint does not state a cause of action.
- 2nd. That said Complaint is vague and indefinite.
- 3rd. That the Defendant cannot ascertain from said Complaint what lands are involved therein.
- 4th. That said lands are not accurately and fully described.
- 5th. That said Complaint does not show what part of the section therein described is being sued for.
- 6th. That the description contained in said Complaint is indefinite and uncertain, and would not reasonably inform the Sheriff in executing a writ of possession thereto.

Robert G. Ewing Jr.
Hyatt & Hanson
Attorneys for Defendant.

377 RECORDED

Duch

8-121

DENURRER.

RICHARD P. BAER and M. S.
BAER, composing RICHARD P.
BAER & COMPANY,

Plaintiffs,

-VS-

FRANK NORDEN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Filed September 8th, 1937

N. S. Darch
Clerk.

LAW OFFICES

HYBART & CHASON
BAY MINETTE, ALABAMA

RICHARD P. BAER AND M. S.
BAER, Composing RICHARD P.
BAER & COMPANY,
PLAINTIFFS,

--VS--

FRANK NORDEN,
DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW, No. 377.

DEFENDANT'S ANSWERS TO INTERROGATORIES PROPOUNDED
BY PLAINTIFFS.

1. Answer to Interrogatory ONE:

I am 59 years old; my residence is in my house on Chuckfey Bay, Baldwin County, Alabama; however, when in Mobile, I stay at my wife's home at 356 South Scott Street. I was born on June 11, 1878 in Mobile, Alabama, and have lived between Mobile and my house on Chuckfey Bay all my life. I am not registered as a voter in Mobile. My house is approximately 12 miles from Mobile by water. I have not been a registered voter in the City of Mobile since 30 years ago.

2. Answer to Interrogatory TWO:

I first went into possession of Division "A" of Section 16, Township 3 South, Range 1 East, in Baldwin County, Alabama in 1896, 41 years ago; at which time, I built my first house on the spot where my house now stands, and, since that time, I have continuously without interruption been in possession of Division "A". About three weeks after I built my first house it was destroyed by fire and I at once rebuilt it. In the 1906 storm my house was torn or washed away and I rebuilt it again; in the 1916 storm, it was again torn down or washed away, and I again rebuilt.

This house remained for approximately twenty (20) years, when it needed repairs so I tore it down and rebuilt it with new material. This house is still standing, extensive improvements and repairs having been made on the same in 1936. In addition to building the house noted, I placed a log boom across Totes Creek, which is immediately in front of my house, to keep the driftwood, trash and water hyacinths from drifting up the creek. I have filled in extensively around where my house is located, by bulkheading and filling in behind the bulkhead, thereby raising the level of the ground above ordinary high tide mark; built a wharf and boat-house, and another house which I use as a tool-shed and warehouse and also sometimes use to sleep in when I have a good many people staying with me, as I do on occasions. At present, my house consists of a combination kitchen and dining room, three bedrooms, a gallery under roof around two sides of the house, a wharf, a boathouse and another house standing off from the dwelling which I use as a tool and ware-house. In addition, I have had Division "A" surveyed, at a cost to me of approximately \$225.00; and the entire Division fenced in by a two-strand wire fence, at a cost to me of approximately \$50.00. The survey was made in January, 1936, and the fence was erected immediately thereafter. In addition, the surveyor, Durant Engineering Company, made a plat of the survey, which is on record in the Probate Court of Baldwin County, Alabama.

Continuously since the time I went into possession of Division "A", I have had the same posted by painted signs over my name as owner, and the entire premises are now so posted, the last signs I had made costing me \$5.00 and they are now posted on the premises.

A short time after the survey was made, I made extensive permanent improvements on my house, by building and adding two rooms to the house which then stood, at a cost to me of approximately \$500.00. The house prior to the improvements in 1936 cost me about \$500.00, including the old boathouse but not including the tool house. The tool-house cost me about \$50.00 and it is still in good repair. As part of the improvements which I made in 1936, I tore down the old boathouse and rebuilt it, improving and enlarging it with new material.

Since 1896, I have never permitted anyone to trespass, hunt, trap, fish, or cut any timber on the premises, and neither have I ever sold any timber from my property, although I have had many people seek to purchase my timber.

During all of this time, since 1896, I have been continuously residing on this land, claiming it as my own openly, trapping, hunting and fishing the same, and have made part of my living therefrom, in addition to renting skiffs, taking duck-hunting parties out, and renting rooms and beds to them in my house. Although I have not stayed on the premises in my house all of the time, however, whenever I left my house, I had a caretaker living on the place and taking care of it for me. At various times, I have kept a garden and goats, cows and pigs on the place.

3. Answer to Interrogatory Three:

I have no written evidence of the title to said land, except certain deeds from relatives of mine, which are hereinbelow set out. I have always heard and it is common knowledge in my family that my grandfather, Michael Steele, owned the said lands and that my uncle, John Steele, the son of Michael Steele, had deeds to said lands in his possession, but lost them in a fire in Birmingham, Alabama, many years ago. Both Michael Steele and John Steele are now dead. The following deeds to me have been filed for record in the Probate Court of Baldwin County, Alabama:

James H. Steele and wife, grantors, deed dated March 19, 1936, recorded in Deed Book 59, N. S., pages 88-9;

Claude W. Norden and wife, Clarence L. Norden and wife, Fred W. Norden and wife, Cecile Norden Scarborough, Estelle Norden Larson, grantors, deed dated April 1, 1936, recorded in Deed Book 59, N. S., pages 87-8.

Harry Wilmer Steele and wife, grantors, deed dated March 30, 1936, recorded Mortgage Book 67, page 88.

Julia Norden Grotz, widow, Margaret F. Godard, widow, Mary Langan and husband, grantors, deed dated February 12, 1936, recorded in Deed Book 58, N. S., page 525.

There is also a Map of said lands recorded in Mortgage Book 1, page 143, on February 20, 1936.

I have no deeds to said land nor any other instruments of title in my possession that have not been recorded.

I have cut and removed no timber from said land, except such timber as I used around my house, in making booms in front of my house, and for firewood. The market value of such small amounts of timber that I did cut, I do not know.

4. Answer to Interrogatory FOUR:

No one, save myself, has had possession of said land since 1896, and I have always heard it alleged on information and belief that my grandfather, Michael Steele, owned and had possession of said lands before I was born.

5. Answer to Interrogatory FIVE:

I paid taxes on the land on the 2nd day of October, 1936 and on October 1, 1937. I have not paid taxes prior to that time for the reason that I did not have the money with which to pay them. I do not know whether or not my grandfather or his widow ever paid taxes on said lands, nor whether they assessed them for taxation. I assessed the land for taxation for the years 1936, 1937 and 1938. I did not assess the land before for the reason that I did not have the money to pay the taxes.

6. Answer to Interrogatory SIX:

Interrogatory Number Six has been fully answered by the answer to Interrogatory Three above.

7. Answer to Interrogatory SEVEN:

I do not know the rental value of the improvements I have placed on the land, but the value of such improvements probably will exceed \$800.00. Such improvements are fully described in the answers to Interrogatory Two above.

Neither do I know the value of all rights of possession of said land during the entire time I have been using it. I have been in possession of said land since 1896. The manner in which I have been using said land is fully described in my answer to Interrogatory Two above. I do not know the market value of said use.

Frank Norden.
Frank Norden,
Defendant.

STATE OF ALABAMA,)
MOBILE COUNTY.)

Before me the undersigned authority this day personally appeared Frank Norden, who is known to me and who being sworn deposes and says on oath: that he is the defendant in the above styled cause; that the answers to the interrogatories propounded to him by Plaintiff in this cause, as set out hereinabove, are true, except as to those matters and things alleged on information and belief, and these he believes to be true.

Frank Norden.

Subscribed and sworn to before me this the 11 day of March, 1938.

Blanche Testal
Notary Public, Mobile County,
Alabama.

J. E. Meredith & Robert T. Ervin, Jr.
J. E. Meredith and Robert T. Ervin, Jr.,
Attorneys for Defendant.

Received accepted 3/11/38
Blanche Testal

