

555

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Anna Dean and Noah Dean to appear within thirty (30) days of the service of this writ in the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of C. C. Gantt.

WITNESS MY HAND THIS 16th day of January, 1940.

R S Duck

Clerk. Smith Deputy

C. C. GANTT,

Plaintiff,

vs.

ANNA DEAN and NOAH DEAN,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

COMPLAINT

The Plaintiff sues to recover possession of the following tract of land:

The West 224 feet of the East half ($E\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section Thirty-six (36), Township Four (4) North, Range Three (3) East in Baldwin County, Alabama.

of which he was in possession, and upon which, pending such possession, and before the commencement of this suit, the Defendants entered and unlawfully withhold, together with TWO HUNDRED & 00/100 (\$200.00) DOLLARS for the detention thereof.

Low Magnay

Attorney for Plaintiff.

PLAINTIFF DEMANDS TRIAL BY JURY

Rec'd in Sheriff Office this
16th day of January 1940.

Sheriff.

Forward this the
19th day of Jan
1940 by serving
Copy of the within
Summons Complaint
on Anna Dean and
Noah Dean

W. H. Smith
Smith

W. H. Smith
25

W. H. Smith

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

C. C. GANTT,
Plaintiff,
vs.
ANNA DEAN AND NOAH DEAN,
Defendants.

COMPLAINT

LLOYD A. MAGNEY
Attorney-at-Law
Foley, Alabama.

Filed Jan 16 - 1940
R. S. Smith
Clerk

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.....

Case No. 555

CIRCUIT COURT

Spring, 1940 Term, 193.....

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon.....
Walter Boone, Arthur Boone, Sam Shipp

(Little River)

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

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 9th day of April, 1940 193.....

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.....C. C. GANTT.....Plaintiff

and ANNA DEAN and NOAH DEAN.....Defendant.

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

Given under my hand and seal, this 28 day of March, 1940 193.....

R. S. DUCK,.....Clerk.

Received in office this..... day of

March 28 *th* 19*40*

W.R. Stuart
(*MB 741*) Sheriff.

I have executed this writ

This April

5th 1940 by leaving

copy of Within with

James Shipp

Arthur Brown

Walter Brown

W.R. Stuart
Sherriff

Sheriff.

defendant

ORIGINAL

No. 555

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

C. C. Gantt,

Plaintiff

VS.

Anna Dean & Noah Dean

Defendant

CIVIL SUBPOENA

Issued this..... day of

193.....

Clerk.

C. C. GANTT,

Plaintiff,

VS.

ANNA DEAN and NOAH
DEAN,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

And now comes the Defendants, and for answer to the Plaintiff's complaint and to each allegation therein, separately and severally, say:

1. That they are not guilty.

2. That they and their predecessors in title had been in ^{adverse}possession of the land described in said complaint for more than three years next before the filing of suit in this cause.

3. That they and their predecessors in title had been in ^{adverse}possession of the land described in said complaint for more than ten years next before the filing of suit in this cause.

4. That they and their predecessors in title had been in ^{adverse}possession of the land described in said complaint for more than twenty years next before the filing of suit in this cause.

BEEBE & HALL,

By: [Signature]
Attorneys for Defendants.

ANSWER,

C. C. GANTT,

Plaintiff,

VS.

ARRA DEAN AND NOAH
DEAN,

Defendants.

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

Filed this 5 day February 1940
R. S. Duck
Clerk-Register

WRIT OF POSSESSION AND FI. FA.

CLERK'S FEES			SHERIFF'S FEES <i>Stuart</i>		
Issuing Summons and Complaint.....	\$1 25	1.25	Serving..... Summons or Writ - Stuart @ \$1 30		1.50
..... Cop... of the same 2 ... @	30c	.60	Leaving..... Cop.....		
Entering Sheriff's Return.....	20c	.20	Serving..... Subpoenas - <i>Stuart</i>		5.85
Docketing Cause	25c	.25	Levy..... Attachment		1 50
Entering Appearance	20c	.20	Entering and Returning Attachment		25c
Filing.....	10c	.10	Taking Replevy Bond		75c
..... Affidavit... Certified	30c		Summoning..... Garnishee		1 30
..... Commission for Deposition	75c		Serving..... Sci. Fa. Notice, etc		65c
..... Cop... of Interrogatories			Leaving..... Cop..... <i>Stuart</i>		
..... Notice of Filing Interrogatories.....			Impanneling Jury		75c
Filing..... Deposition	20c		Entering and Returning..... Execution		25c
..... Orders in Court.....	30c		Collecting Cost Execution		1 50
Issuing..... Subpoenas	30c	2.70	Executing Writ of Possession		2 50
Issuing..... Copies of the same.....					
Docketing..... Subpoenas.....	25c				
Entering..... Sheriff's Return.....	20c				14.60
..... Continuance.....	10c				
Trial and Incidents	75c	.75			
Entering up..... Judgment.....	30c	.30			
Fees on former Fi. Fa.					
Issuing..... Execution	50c	.50			
Entering..... Sheriff's Return.....	20c	.20			
Issuing..... Certiorari, Sci. Fa, etc.....	75c				
..... Cop... of the same.....	50c				
Taking..... Bond.....	75c				
Filing same.....	10c				
Issuing..... Attachment.....	1 00				
Filing .. Attachment	10c				
..... Summons of Garnishee	50c				
Swearing and Entering... Answer of Garnishee.....		4.20			
Final Record					
Witness Certificates..... 5		1.25			
Total	\$	12.50			\$49.10

RECAPITULATION		
Clerk's Fees		12.50
Sheriff's Fees		14.60
Witness' Fees		14.00
Magistrate's Fees		
Fees of		
Commissioner's Fees		
Stenographer's Fee	\$3 00	5.00
Trial Tax		3.00

THE STATE OF ALABAMA)
BALDWIN COUNTY)

CIRCUIT COURT

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

You are hereby commanded..... to deliver to
C. C. Gantt..... possession of the lands and
tenements which the said..... C. C. Gantt
recovered of..... Anna Dean and Noah Dean
by the judgment of our Circuit Court, held for the County of Baldwin on
the 10th day of April 19 40, viz.: The West 224 feet of
the East Half (E½) of the Southwest Quarter (SW¼), of Section Thirty-Six
(36), Township Four (4) North, Range Three (3) East, in Baldwin County,
Alabama;

You are further directed, of the goods and chattels, lands and tenements of the said
Anna Dean and Noah Dean..... you cause to be made the sum of
..... Dollars, damages adjudged to the
said..... and also for the further sum of
Forty-Nine and 10/100 (\$49.10)..... Dollars, cost of suit, and make
return of this writ and the execution thereof according to law.

Witness my hand, this 14th day of May 19 40

R. S. Dink, Clerk.

MAY 14 1940

No. 555

The State of Alabama,
Baldwin County.

CIRCUIT COURT

C. C. GAULT, Plaintiff,

vs.

ANNA DEAN & NOAH DEAN, Defendants.

Judgment.....\$.....
for plaintiff

Interest from.....191..\$.....

Cost.....\$.....49.10

Total.....\$.....

WRIT OF POSSESSION AND F.I.F.A.

Received in office this 14th day of

May 1940

J. W. R. Stewart, Sheriff.

Sheriff's Docket.....page.....

Filed in the office of the Clerk of the Circuit Court this

14th day of May 1940

Fee Book.....Com'd., page 555.....Execution Docket

Cons'd.....page 555

R. S. Dwyer, Clerk

Lloyd A. Magney, Plaintiff's Attorney.

Times Print, Bay Minette.

MAY 14 1940

THE STATE OF ALABAMA.
BALDWIN COUNTY.

BY VIRTUE OF THE WITHIN EXECUTION, I HAVE

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Anna Dean and Noah Dean to appear within thirty (30) days of the service of the writ in the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of C. C. Gantt.

WITNESS MY HAND THIS _____ day of January, 1940.

Clerk.

C. C. GANTT,

Plaintiff,

vs.

ANNA DEAN and NOAH DEAN,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

COMPLAINT

The Plaintiff sues to recover possession of the following tract of land:

The West 224 feet of the East half (E $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section Thirty-six (36), Township Four (4) North, Range Three (3) East in Baldwin County, Alabama.

of which he was in possession, and upon which, pending such possession, and before the commencement of this suit, the Defendants entered and unlawfully withhold, together with TWO HUNDRED & 00/100 (\$200.00) DOLLARS for the detention thereof.

Attorney for Plaintiff.

PLAINTIFF DEMANDS TRIAL BY JURY

BY MINUTES DECEMBER TWENTY SIX 1964

RECORDED IN THE OFFICE OF THE CLERK

(\$200.00) PAYABLE FOR THE OPERATION OF THE

SALES AND DISTRIBUTION COMPANY, INCORPORATED WITH THE SUM OF \$200.00
AND TO BE PAID TO THE COMMISSIONERS OF THE STATE OF NEW YORK
OF WHICH HE WAS IN POSSESSION, AND FROM WHICH HE RECEIVED SUCH POSSESSION

(4) MONEY, THREE DOLLARS (3) PAID TO THE COMMISSIONERS OF THE STATE
OF NEW YORK (20) OF THE COMMISSIONERS OF THE STATE OF NEW YORK
THE MORE THE LESS OF THE STATE OF NEW YORK (20) OF THE COMMISSIONERS

FOLLOWING LIST OF THE:

THE BY MINUTES AS TO RECEIVED POSSESSION OF THE

RECEIVED

THAT DEED AND MORE DEED

AS

BY MINUTES

C. C. SWIFT

COMMISSION

IN THE

BY MINUTES COMMISSION, NEW YORK
IN THE CIRCUIT COURT OF

CLERK

MINUTES BY HAND THIS DAY OF JANUARY, 1965

C. C. SWIFT

OF WHICH THE SAME, FROM THE TIME TO THE TIME THE COMMISSIONERS OF

THE STATE OF NEW YORK TO BE PAID TO THE COMMISSIONERS OF THE STATE OF NEW YORK

FROM DEED TO BE PAID TO THE COMMISSIONERS OF THE STATE OF NEW YORK

AND THE RECEIVED COMMISSIONERS TO ALIENOR FROM DEED AND

DO THE RECEIVED OF THE STATE OF NEW YORK

BY MINUTES COMMISSION

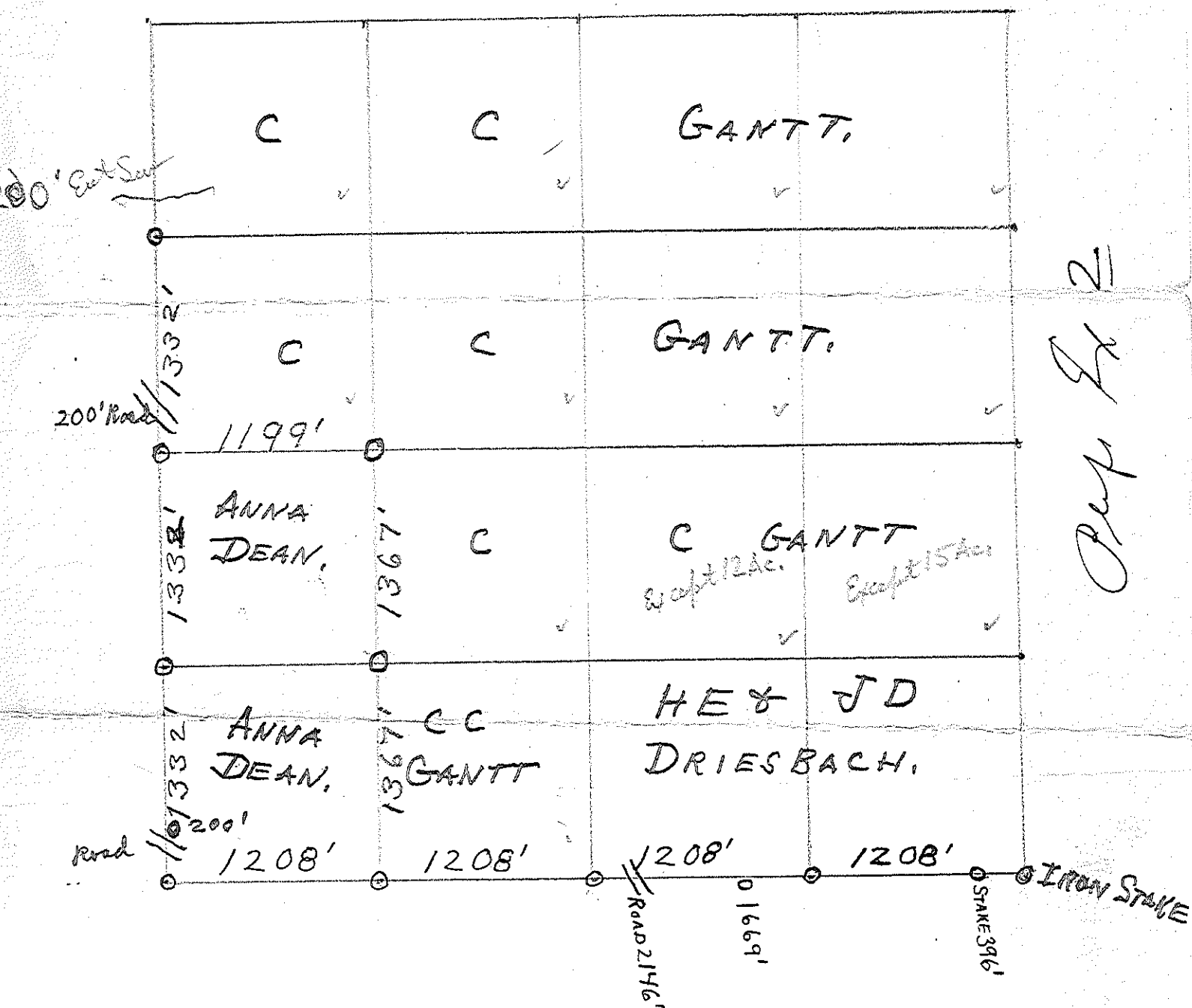
STATE OF NEW YORK

for the Court Clerk for the Plaintiff
for the Court Clerk for the Plaintiff

May 2, 1934, SE corner Sec 36 square from Stake in Field Lee Staples House
North about 300 ft; Thence East on random line 396' passed pine Stake
SW cor of Lee Staples lot; 1181' Passed corner set by R. J. Greenwood & Frank E.
Stated over; at 488' Passed Blaze on E side of Stp 6' North; 965' X road NW 1/4, 1/4
1181' Set Corner; Started over 1089' passed Stake; ~~1181' to~~ 20' South of line;
1181' Set Corner; 1061' Passed Iron Stake 26' South; 1181' + 110' to SW corner
Sec. 36 Departed 26' N of Corner; Lightwood Stake 2' high; New BJ N 65° E 17' P
8" DB 4H; S 30° 45' E 11' Blk gum 7" DB 4H X 111 old mark; N 12° 45' W 10' Pine 6" X
B 4H; May 3, 1934 Remeasured line to run N from 1/2 mile Post 1/4 mile; From
SE cor of W 1/2 of SW 1/4 thence North 1088' X Spencer Lumber Co RR Red NNE; 1367'
Set Temp cor; Started New 1367' Set Temp cor; thence S 85° 30' W 1199' to ~~the~~
line of Sec. dep 32' S of Corner; From 1/2 mile Post on West line Sec, South
1333' Passed Stake; Started New 1332' to Sec cor; Passed Stp 2 on Blazes 7' E
of Sec Corner to 200' N of it; May 8, From 1/2 Post on W line Sec thence North
200' X Road NW 1/4; 400' Bar Waide of Stp; 500' Blaze on ground; 1332' S
Corner old line runs West;

SEC. 36, T. 4, N. R. 3. E.

Gov. AREA 573.68 AC.



The State of Alabama,
Baldwin County

S. D. Page No. _____

Case No. 555

CIRCUIT COURT

Spring, 1941 Term, 193

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Walter Boone, Arthur Boone, Sam Shipp,
Joe Smith, (Little River)

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 15th day of April, 1941 193 , 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 C. C. Gantt, Plaintiff

and Anna Dean and Noah Dean Defendant.

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

Given under my hand and seal, this 27th day of March, 1941 193

R. S. Dush

CLERK.

Received in office this 27 day of

March

1941

W R Stuart

SHERIFF

By M. B. Hamilton

I have executed this writ April 5-1941 by
Arthur Boone

Arthur Boone

Sam Shiff

Joe Smith

W R Stuart

SHERIFF

By M. B. Hamilton

ORIGINAL

No. 555

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

C. C. Gantt,

Plaintiff

VS.

Anna Dean and Noah Dean

Defendant

CIVIL SUBPOENA

Issued this _____ day of

193

Clerk.

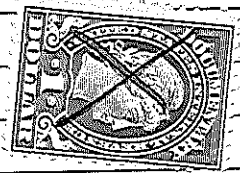
John P. Dean

WARRANTY DEED.

Know All Men by These Presents, That for and in consideration of the sum of Five Hundred Dollars and other considerations DOLLARS, (\$ 500.00) to us in hand paid by Chas. T. Phillips and Mabyn Phillips, the receipt whereof is hereby acknowledged ~~xxxxxxx~~ Bay City Lumber Co., a corporation, does by these presents

grant, bargain, sell and convey unto the said Chas. T. Phillips and Mabyn Phillips

all that real property situate in Baldwin County, Alabama, described as follows, to-wit: The West Half of the Southwest Quarter of Section 36, and the Southwest Quarter of the Southwest Quarter of Section 25, in Township 4 North, Range 3 East, St. Stephens Meridian, Baldwin County, Alabama.



Together with, all and singular, the tenements, hereditaments and improvements thereupon situate, and the rights, members privileges and appurtenances thereunto appertaining or belonging:

TO HAVE AND TO HOLD to the said Chas. T. Phillips and Mabyn Phillips their heirs and assigns forever.

And The Bay City Lumber Co.

do covenant with the said Chas. T. Phillips and Mabyn Phillips ~~xxxxxxx~~ that they are seized in fee of the above described premises, and they in the quiet and peaceable possession of the same; that they have a perfect right to sell and convey the same, that the said premises are free from all encumbrances; and that they will and their heirs, executors and administrators shall forever WARRANT AND DEFEND the title to said premises unto the said Chas. T. Phillips and Mabyn Phillips and their heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS our hands and seals this 12th day of August 194. Bay City Lumber Co., Inc,

WITNESSES:

by

[Signature] (L.S.)
as its Vice-President (L.S.)

[Signature]
As its Secretary (L.S.)

I, _____
a _____ in and for said State and County, do hereby certify that
_____ whose name _____ signed to the fore-
going conveyance and who _____ known to me, acknowledged before me, on this day, that, being
informed of the contents of the conveyance, _____ executed the same voluntarily on the day
the same bears date.

Given under my hand this _____ day of _____ 19 _____.

The State of Alabama, }
County }

I, _____
a _____ in and for said State and County, do hereby certify that on
the _____ day of _____ 19 _____, came before me the within named
_____ known to me to be the wife of
the within named _____ who being
examined separate and apart from the husband touching her signature to the within conveyance,
acknowledged that she signed the same of her own free will and accord, and without fear, constraints or
threats on the part of the husband.

In Witness whereof, I hereto set my hand, this _____ day of _____ 19 _____.

STATE OF ALABAMA. }
MOBILE, COUNTY }

I, Clara M. Stokes, a Notary
Public in and for said County in said State hereby certify that
B. H. Pake, whose name as vice-president of the Bay City Lumber
Company, a corporation, and H. B. Pake, whose name as Secretary
of The Bay City Lumber Co., a corporation, are signed to
the foregoing conveyance and who are known to me as such Vice-
President and Secretary acknowledged before me on this day, that
being informed of the contents of said conveyance, they as such
officers and with full authority executed the same voluntarily for
and as the act of said corporation.

Given under my hand and official seal this the 12th day of
August 1924.

Clara M. Stokes
Notary Public, Mobile County, Alabama.

STATE OF ALABAMA, }
BALDWIN COUNTY, }
I, G. L. LAMBERT, Judge of Probate, for said
county, hereby certify that the follow-
ing privilege tax has been paid on the
within instrument as required by Acts
1902 and 1903, viz.: \$ _____
c/o _____

G. L. Lambert
Judge of Probate,
BALDWIN COUNTY.

THE STATE OF ALABAMA, }
BALDWIN COUNTY, }
I, G. L. LAMBERT, Judge of said Court in and for
said County, do hereby certify that the within in-
strument was filed in this office for record on the _____
day of _____ 1924 at _____
o'clock _____, and I further certify that this
instrument is duly recorded in Record Book No. _____
page _____ and duly executed _____
_____ day of _____ 1924.

G. L. Lambert
Judge of said Court,
BALDWIN COUNTY.

August 12th
1924

11:10 PM

1250

75

21 12 5

11:10 PM

C. C. GANTT,
Plaintiff,

vs.

ANNA DEAN and NOAH DEAN,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

MEMORANDA OF AUTHORITIES

In connection with the requested instructions, plaintiff submits the following authorities:

As to Instruction No. 1:

"Hostility to the title of the true owner is an essential element of adverse possession. Williams v. Higgins, 69 Ala. 517. 'The burden of proving the possession adverse--that it was taken and held under a claim of title hostile to the title of the true owner--rests upon the party asserting it.'.....Mere possession for the statutory period to perfect a bar will not suffice. The possession must be adverse to the true owner." Murphy v. Leatherwood, 127 So. 843.

As to Instruction No. 2:

"The following charges were given for the Plaintiff:.....

'3. The Court charges the jury that if two adjacent landowners claim up to a certain line, believing it to be the true line, and intending to claim only to the true line, wherever the true line may be, and it afterwards developsthat the line to which they claim is not the true line, then the holding is not adverse'.....

"Charge 3 asserts a correct proposition of law; there being no evidence that defendants had any color of title to any part of Section 46." Cooper et al v. Slaughter, 175 Ala., 211, 57 So. 479.

As to Instruction No. 3:

See Cooper et al v. Slaughter, supra.

"If one occupies land up to a certain fence because he believes that to be the line of his land, but not having any intention to claim up to the fence, if it should be beyond the line, the intent to claim title does not exist co-incident with the possession, and the possession up to the fence is not, therefore, adverse." McLester Bldg. Company v. Upchurch, 180 Ala. 23, 60 So. 174.

As to Instruction No. 4.

"When a coterminous owner goes over his line intending only to claim to the true line, he is not an adverse claimant." Mobile M.G.R. Company v. Rutherford, 184 Ala. 204, 63 So., 1004.

As to Instruction No. 5.

"The following charges were given for the plaintiff:

'1. If the jury believe from the evidence that the defendantmade an agreement with the plaintiff to have the line dividing the northern portion of Section 45 and the Southern portion of Section 46, Township 7, Range 1 West, ascertained by a survey, the jury may look to such an agreement, in connection with all the other evidence, in determining whether the possession of the defendants has been adverse or not.'

"Charge 1 asserts a correct proposition of law, and giving it was not erroneous on any theory of the case. Walker v. Wyman, 157 Ala. 478, 47 So. 1001, and cases cited." Cooper et al v. Slaughter, supra.

Dependants
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. 555

Spring Term, 1940

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Joe Smith

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

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 9 day of April - 1940 193

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 C. C. Gantt Plaintiff

and Anno Dean & Nash Dean Defendant.

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

Given under my hand and seal, this 6 day of April - 194 193

R. S. DUCK

R. S. Duck register

Clerk.

Deputy

Received in office this 4 day of

April 1940

W.R. Stuart
Sheriff.

I have executed this writ this

the 6th day of April 1940
by serving copy of writ
on Joe Smith

W.R. Stuart
By M.B. Hamilton
Sheriff.

Dependants

ORIGINAL

No. 555

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

C. C. Gantt

Plaintiff

VS.

Anna Dean & Heab

Dean

Defendant

CIVIL SUBPOENA

Issued this.....day of

193.....

No. 555

clerk

Clerk.

By

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

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.

Case No. 555

CIRCUIT COURT

Spring, 1940 Term, 193.....

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Harry Parker (Fairhope)

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 9th day of April, 1940 193.....

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 C. C. GANTT, Plaintiff

and Anna Dean and Noah Dean Defendant.

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

Given under my hand and seal, this 5th day of April, 1940 193.....

R. S. DUCK

clerk R. S. Duck Clerk.

Deputy

Received in office this 5 day of

April

1940

W R Stuart
Sheriff.

I have executed this writ

4/5/4

Henry Parker

W R Stuart
A P Smith
Sheriff.

Plaintiff

ORIGINAL

No. 555

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

C. C. GANTT,

Plaintiff

VS.

ANNA DEAN & NOAH DEAN

Defendant

CIVIL SUBPOENA

Issued this.....day of

R. E. DUGAN

193

clerk, - register

By

Deputy

Clerk.

THE STATE OF ALABAMA, } No. ... CIRCUIT COURT
Baldwin County. } April 8, Term, 194 6

To Any Sheriff of the State of Alabama, Greetings:

You are hereby commanded, That of the goods and chattels, lands and tenements of
Plaintiff in the suit,
you cause to be made the sum of Fifty Six and 20/100. Dollars,
costs of suit, created by said Plaintiff, for that, whereas, on the 8th day of
April 194, the said Plaintiff Recovered by the Judgment of the said Circuit Court
of said County, against Anna Dean et al.

Defendant
to the suit, the sum of Dollars,
besides 56.20 costs only Dollars, cost of suit;
upon which Judgment an Execution has been issued and returned by the Sheriff. No Property
Found

AND HAVE YOU THAT MONEY ready to render to R. S. Duck,
Clerk of said Court, and make return of this Writ and the Execution thereof, according to law.

Witness my hand this 14th day of May 194 6

Clerk.

CLERK'S FEES	Dollars Cts.		SHERIFF'S FEES	Dollars Cts.	
For every Summons and Complain	\$1 25	1 25	For Levying an Attachment	\$3 00	
Each copy thereof	30	60	Entering and Returning Attachment	25	
Entering a Sheriff's Return	20	20	Summoning Garnishee	1 50	
Docketing	25	25	Serving Summons on Writ	1 50	3 00
Entering Appearance	20	40	Serving Notice Sci. Fa. Notice, etc.	65	
Filing	10	70	Serving 12 Subpoenas	65	10 05
Every Order made in Court	30	60	Empaneling Jury	75	75
Copy thereof	25		Entering and Returning Execution	25	1 50
Every Trial with or without Jury	75	75	Collecting Costs Execution	1 50	
Entering up Judgment or copy thereof	30	60	Executing a Writ of Possession	2 50	
Issuing Execution	50	50	Taking and Approving Bonds	1 00	
Docketing Execution	25		Commissions		
Entering Return on Execution	20	20	Sheriff's Commission for Property Sold		
Issuing Subpoenas	17 30	5 10	Under Attachment		
Administering Oath	25		Seizing Personal Property on Writ of		
Issuing Each Attachment Taking Bond	1 00		Detinue	3 00	
Filing Attachment	10				15 30
Each Summons for Garnishee	50		RECAPITULATION		
Each copy	50		Clerk's Fees		17 90
Notice to Deft. in Garnishee on Sum-			Sheriff's Fees		15 30
mons and Copy, per 100 words	20		Justice's Fees		
Commissions to take Depositions or copy	75		Witness Fees in Justice of Peace Court		
Order to Execute Writ of Inquiry	30		Constable's Fees		
Copy of Interrogators, 15c per hundred			Commissioner's Fees		
words or	50		Printer's Fees		
Filing each Deposition and endorsing			Witness Fees in Circuit Court		14 00
same	20	4 30	Former Clerk's Fee		
Final Record, per hundred words	15		Stenographer's Fees	5 00	5 00
Every Certificate	50		Trial Tax	3 00	3 00
Taking Bond not otherwise provided for	75				
Witness Certificates	5 25	1 25			
Continuance	7 10	70			
Certificate of Judgment	50	50			
Order of Publication	1 00				
		17 90			56 20

THE STATE OF ALABAMA,
Baldwin County.

By virtue of the within execution, I have at.....

o'clock, M., this..... day of..... 194..... levied

Sheriff

COLLECTION COSTS FROM

The State of Alabama,
BALDWIN COUNTY }

I hereby certify that the within.....
and costs in this case are correct, and there
was waiver of exemption as
to personal property under the Constitution
and Laws of Alabama.

This..... day of..... 194.....

..... Clerk.

Received in office.....

..... 194.....

..... Sheriff

Sheriff's Execution Docket, Page.....

Sheriff's Fee Book..... Page.....

No..... Page.....

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

Plaintiff...

vs.

Defendant...

Civil Execution for Costs
Against Plaintiff

Costs - - - - \$.....

Civil Fee Book..... Page.....

Execution Docket..... Page.....

Filed....., 194.....

..... Clerk.

Plaintiff's Attorney

Defendant's Attorney

C. C. Smith
and Frank Dean
Jury List, First Week, April 8, 1940

- ~~1. Dennis L. Thompson, Farmer, Stockton.~~
- ~~2. Ludie N. Scarborough, Farmer, Bay Minette.~~
- ~~3. Julius Hilary Brown, Cobbler, Bay Minette.~~
- ~~4. Ira V. Guess, Carpenter, Bay Minette.~~
- ~~5. Robert L. Godwin, Water Company, Bay Minette.~~
- ~~6. Virgil V. Rhodes, Farmer, Bay Minette.~~
- ~~7. Ort H. Ertzinger, Insurance, Bay Minette.~~
- ~~8. Charles A. Bodden, Mgr. Ala. Power Co., Bay Minette.~~
- ~~9. John E. Quinley, Laborer, Bay Minette.~~
- ~~10. William S. McMillan, Clerk, Bay Minette.~~
- ~~11. Wilton J. Stapleton, Farmer, Bay Minette.~~
- ~~12. John B. Stuart, Contractor, Bay Minette.~~
- ~~13. J. Floyd Bryars, Pressing Club, Bay Minette.~~
- ~~14. Wilbur W. Quinley, Farmer, Bay Minette.~~
- ~~15. James D. Morris, Jr., Farmer, Gateswood.~~
- ~~16. Thomas L. Baggett, Farmer, Gateswood.~~
- ~~17. John W. Pittman, Farmer, Gateswood.~~
- ~~18. Jack R. Downer, Farmer, Gateswood.~~
- ~~19. John H. Shumate, Mechanic, Robertsedale.~~
- ~~20. C. Red Anderson, Farmer, Silverhill.~~
- ~~21. Nathan O. Smith, Farmer, Foley.~~
- ~~22. Alex V. Lazari, Farmer, Daphne.~~
- ~~23. Charles X. Guarisco, Tailor, Daphne.~~
- ~~24. Augustine X. Guarisco, Farmer, Daphne.~~
- ~~25. Connie A. Gaston, Editor, Fairhope.~~
- ~~26. Charles M. Guthrie, Farmer, Fairhope.~~
- ~~27. J. Ernest Duck, Mechanic, Bay Minette.~~
- ~~28. Claude S. Woodson, Furniture, Bay Minette.~~
- ~~29. Paul E. Teter, Abstracts, Bay Minette.~~
- ~~30. Thomas J. Davidson, Butcher, Bay Minette.~~
- ~~31. Virgil O. McMillan, Turpentine Operator, Bay Minette.~~
- ~~32. Hunter H. Mixon, Hardware, Bay Minette.~~
- ~~33. Clyde N. Little, Mechanic, Bay Minette.~~
- ~~34. J. Frank Knowles, Newport, Bay Minette.~~
- ~~35. Clinton L. White, Cashier, Bay Minette.~~
- ~~36. P. Grey Cane, Oil Agent, Bay Minette.~~
- ~~37. Edward I. Lemerise, Tar Plant Operator, Bay Minette.~~
- ~~38. George F. Stevenson, Oil Agent, Bay Minette.~~
- ~~39. Walter D. White, Merchant, Bay Minette.~~
- ~~40. S. S. Baggett, Naval Stores, Bay Minette.~~
- ~~41. Sidney K. Smith, Merchant, Bay Minette.~~

November 9, 1948

I, NOAH DEAN have this day received from Alice J. Duck, one deed
of Anna Dean from George W. Philips et al which was dated 15th
day of January, 1934.

Signed

NOAH DEAN

C. C. GANTT,
Plaintiff,

vs.

ANNA DEAN and NOAH DEAN,
Defendants.

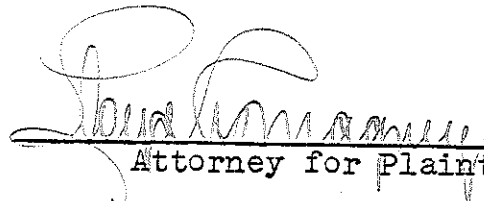
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

DEMURRER

Comes now the plaintiff and demurs to plea two of the defendants and as grounds of such demurrer says: 1. That said plea does not state any defense to the complaint; 2. That said plea does not present any issue in this cause.

Plaintiff further demurs to plea three of the defendants and as grounds of said demurrer says: 1. That said plea does not state any defense to the complaint; 2. That said plea does not present any issue in this cause.

Plaintiff further demurs to plea four of the defendants as grounds for such demurrer says: 1. That said plea does not state any defense to the complaint; 2. That said plea does not present any issue in this cause.


Attorney for Plaintiff.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

C. C. GANTT,

Plaintiff,

vs.

ANNA DEAN and NOAH DEAN,

Defendants.

DEMURRER

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

*Filed Feb 29-1940
R S Duck
Clerk*

KNOW ALL MEN BY THESE PRESENTS, that

Bay City Lumber Company, a corporation, , the grantor , in consideration of
Two hundred and fifty dollars-----
~~me~~ hereby acknowledged to have been paid to said grantor, and twenty four hundred
and twenty seven and 50/100 dollars to be paid by C.C.Gantt , the grantee ,
does hereby grant, bargain, sell and convey unto the grantee all that real property in the County
of ~~Mobile~~ Baldwin State of Alabama, described as follows:

The north half of the southwest quarter, and the southeast quarter
of the southwest quarter of section twenty five, of township four
north of range three east, and the northwest quarter and the east
half of the southwest quarter of section thirty six, of township
four north range three east, containing 315 acres, more or less,

Together with all and singular the rights, members, privileges and appurtenances thereunto
belonging, or in anywise appertaining; to have and to hold the same unto the said grantee C.C.Gantt,
~~his heirs and assigns forever.~~

And said Bay City Lumber Company

hereby covenant with the grantee that it is seized in fee simple
of said property, that said property is free from all encumbrances and that it will warrant
and will forever defend the title to said property unto the grantee its successors and assigns,
against the lawful claims of all persons.

Ray Ex 1

The unpaid balance of said purchase money, to-wit, the sum of twenty four hundred and twenty seven and 50/100 (\$2427.50)

dollars, and to secure the payment of which a lien upon the property above described is hereby reserved, is represented by the following promissory notes:

One note for \$427.50, due on or before June 15, 1924

One note for \$400.00, due on or before December 15, 1924

One note for \$400.00, due on or before June 15, 1925

One note for \$400.00, due on or before December 15, 1925,

One note for \$400.00, due on or before June 15, 1926,

One note for \$400.00, due on or before December 15, 1926

Said notes shall bear interest from date, with interest payable June 1924, and on each six months thereafter, and said notes shall be payable at the banking house of First National Bank of Mobile, Alabama, *and are payable to grantor.*

By accepting this conveyance the grantee hereby agree, for himself and his heirs, personal representatives and assigns, so long as any part of said purchase money, or the interest thereon, remains unpaid, as follows:

1. To pay said notes and the interest thereon promptly upon maturity.
2. If there are any buildings now on said property, or if any buildings are hereafter erected thereon, to keep the same in good repair and insured against fire by policies made payable to and deposited with, and in such amount, not exceeding the indebtedness secured hereby and not exceeding the value of said buildings, as may be required by;
3. To pay promptly all taxes, assessments, liens or other charges which may hereafter become effective against said property, together with all penalties, costs, and other expenses incurred, or which may accrue, in connection therewith.
4. That if the grantor shall, upon the happening of any default hereunder, resort to litigation for the recovery of the sums hereby secured, or employ an attorney to collect said sums, the grantee will pay all reasonable costs, expenses and attorney's fees thus incurred; and said costs, expenses and attorney's fees, and any other sum or sums due the grantor by virtue of any of the special liens herein declared, may be included in any judgment or decree rendered in connection with said litigation.
5. That if the grantee should fail to perform any of the duties herein specified the grantor may perform the same, and for any sums expended by the grantor in this behalf the grantor shall have an additional lien, secured by these presents, on said property.

6. That upon the happening of a default in the payment of ~~any~~ of said principal notes, or of any installment of interest thereon, or upon any default in the performance of any of the obligations herein imposed on the grantee, and the continuance of said default uncorrected for a period of fifteen days, the grantor shall have the right to sell said property at public outcry in the city of Mobile, for cash, to the highest bidder, after giving ten days notice of the time and place of sale by an advertisement published in three different issues of a newspaper published in the city of Mobile; to make proper conveyance to the purchaser; and the proceeds of said sale to apply, first, to the payment of the costs of said sale, including a reasonable attorney's fee; second, to the payment of the amount of said principal note, whether due or not, with the unpaid interest thereon to the date of sale, and any amount that may be due the grantor by virtue of any of the special liens herein declared; and third, the balance, if any, to pay over to the said

7. That at any sale under the powers herein the grantor may bid for and purchase said property like a stranger hereto.

8. That the word grantor, wherever herein used, is intended to include also the successors and assigns of the grantor.

In witness whereof, the Bay City Lumber Company, a corporation, has caused this deed to be executed by A. L. Staples, as its president, and its corporate seal to be hereunto affixed and attested by H.B. Pake, *as C.C. Kents has set his hand & seal in duplicate* as its Secretary, on this the 2nd day of April, 1924.

C.C. Kents (Seal)

BAY CITY LUMBER COMPANY

By

A. L. Staples

President

Attested by

H.B. Pake

Secretary

The State of Alabama,
Mobile County.

I, *J. P. Pugh*, a notary public in and for Mobile County, Alabama, hereby certify that A.L. Staples, whose name as President of the Bay City Lumber Company, a corporation, and H.B. Pake, whose name as Secretary of the said corporation, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they, as such officers, and with full authority, executed the same voluntarily for and as the act of said corporation. Given under my hand this 2nd day of April, 1924.

THE STATE OF ALABAMA,
MOBILE COUNTY.

I,

J. P. Pugh, Notary Public in and for Mobile County, Alabama.

J. P. Pugh, a Notary Public in and for said County in said State, hereby

certify that *C.C. Kents*

whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand,

this 2nd day of April 1924.

J. P. Pugh

NOTARY PUBLIC, MOBILE COUNTY, ALA.



8/17

THE STATE OF ALABAMA,)
PROTESTE COURT

1. BALDWIN COUNTY 8

Typed in office this.....day of.....

and duly recorded in Deed Book No. 48 p. 18

347, and I certify that \$1013.00

paid as required by an Act of

license of privilege may have been granted September 14, 1993; and

the Legislature, approved 6-11-1915, for mail as re-

\$.....ets/a because of physical loss paid me

quired by an Act of the Legislature. Approved August 1891.

22, 1923.

John C. Maynard

PROPERTY OF FBI

18

10

100

Figure 1. The effect of the number of trials on the mean number of correct responses. The number of correct responses was significantly higher for the 10-trial condition than for the 5-trial condition. Error bars represent the standard error of the mean.

[illegible]

100

1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483
 484
 485
 486
 487
 488
 489
 490
 491
 492
 493
 494
 495
 496
 497
 498
 499
 500
 501
 502
 503
 504
 505
 506
 507
 508
 509
 510
 511
 512
 513
 514
 515
 516
 517
 518
 519
 520
 521
 522
 523
 524
 525

100

3

100

100

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. 553

CIRCUIT COURT

Spring Term, 1940

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon

J. D. Driesbach, J. T. Cumbie,
Sam S. Higg, Charles E. Gault

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 10 day of April 1940

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 C. E. Gault Plaintiff

and Anna Dean et al Defendant.

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

Given under my hand and seal, this 10 day of April 1940

R. S. Dorch Clerk.

Received in office this 10 day of

April

1940

WR Stuart

Sheriff.

I have executed this writ

4/10/1940

in full

WR Stuart

Sheriff.

By M. B. Hamlett D.S.

ORIGINAL

No. 505

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this.....day of

193.....

Clerk.