

355

FIRST JOINT STOCK LAND BANK OF
MONTGOMERY, ALABAMA, a Corporation,

Complainant,

VS.

DELIA WARNER MESSENGER, et al,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 355.

MOTION TO CORRECT CLERICAL MISTAKE IN DECREE.

Now comes the Complainant in the above entitled cause, by its attorney, and shows unto the Court that when the Final Decree was rendered in this cause which is dated on to-wit, April 14, 1938, there was an error in the said Decree which arose from oversight or omission in that at the end of the first paragraph thereof and before paragraph numbered 1, the following words were omitted: "IT IS THEREUPON, Ordered, Adjudged and Decreed by the Court as follows:"

WHEREFORE, Complainant moves the Court to amend the said Decree by adding the words that were omitted as provided by Chancery Rule Number 63.

J. T. Blackburn
Solicitor for Complainant.

TO T. J. MASHBURN, ESQUIRE, GUARDIAN AD LITEM FOR AUSTIN MESSENGER AND LILLA MESSENGER, MINORS:

You are hereby notified that the above and foregoing Motion will be presented to the Honorable F. W. Hare, Judge of the Circuit Court of Baldwin County, Alabama, Sitting in Equity, at the call of the said Docket on Wednesday, August 21, 1940.

Dated this 13th day of August, 1940.

J. T. Blackburn
Solicitor for Complainant.

I hereby accept service of a copy of the foregoing Motion and waive further notice of same.

Dated this 13th day of August, 1940.

T. J. Mashburn
Guardian Ad Litem for Austin Messenger and Lilla Messenger, Minors.

CHANCERY EXECUTION

BILL OF COSTS

No. _____ Vs. _____ Plaintiff
 Defendant

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

The State of Alabama, { No. _____
 Baldwin County. Circuit Court, In Equity Term, 193
 To Any Sheriff of the State of Alabama—GREETING:
 You are hereby commanded, That of the goods and chattels, lands and tenements of _____
 Defendant
 you cause to be made the sum of _____ Dollars,
 which _____ Plaintiff
 recovered of _____ on the _____ day of _____ 193
 by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____ Dollars,
 costs of suit, and have the same to render to the said _____
 and make return of this Writ and the execution thereof, according to law.
 Interest from _____ 193 to date of collection.
 Witness my hand, this _____ day of _____ 193
 _____, Register.

EXHIBIT "A"

State of Alabama)
Baldwin County)

Know all men by these presents that we, John M Green, and Mary C Green, his wife, parties of the first part, for and in consideration of the sum of One dollar (\$1.00) and other good and valuable considerations to us in hand paid by Ed J Green, party of the second part, the receipt of which is hereby acknowledged, do hereby remise, release, quit claim and convey unto the said Ed J Green, all our right, title, interest claim and demand in and to the following described real property in Baldwin County, Alabama, to-wit:-

Northeast quarter, East half of Northwest quarter, Southwest quarter of Northwest quarter and Northwest quarter of Southwest quarter of Section thirteen, Township Two South of Range three East; east half of Southeast quarter and Northwest quarter of Southeast quarter in Section thirteen, Township two South of Range three East; Southwest quarter of Northwest quarter and fifteen acres adjoining same in the Southeast quarter of the Northwest quarter of Section thirty four, Township four south of Range two East; lots four and five, being the West two thirds of the East half of Section fourteen, Township two South of Range three East; North half of Northwest quarter of Section three, Township eight South of Range four East; east half of Northwest quarter of Section fourteen, Township eight South of Range four East; Northwest quarter of Southwest _____ of Section fifteen, Township eight South of Range four East.

To have and to hold unto the said Ed J Green with the appurtenances thereunto belonging, his heirs and assigns forever.

In Witness whereof, we have hereunto set our hands and seals this the 1st day of September, 1917.

John M Green (SEAL)
Mary C Green (SEAL)

State of Alabama.)
Baldwin County.)

I, W C Beebe, a Notary Public in and for said County and State, hereby certify that John M Green, and Mary C Green, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

And I further certify that on the 1st day of Sept. 1917, came before me the above named Mary C Green, known to me to be the wife of the above named John M Green, who being examined by me separate and apart from her husband touching her signature to the above instrument, acknowledged that she signed the same of her own free will and accord, and without fear, constraint or threats on the part of her husband.

In witness whereof, I have hereunto set my hand and seal this 1st day of Sept. 1917.

(SEAL)

W C Beebe, Notary Public,
Baldwin County, Ala.,

Filed for Record September 4th, 1917 at 4:40 PM.
Recorded September 5th, 1917.

Jas M Voltz, Judge of Probate.

EXHIBIT "B"

State of Alabama
Baldwin County.

KNOW ALL MEN BY THESE PRESENTS: THAT, WHEREAS Ed J Green is indebted to The First Joint Stock Land Bank of Montgomery, of Montgomery, Alabama, hereinafter called the Mortgagee, in the sum of Five Thousand and no/100 (\$5,000.00) DOLLARS which indebtedness with the interest accruing thereon is repayable in Gold or lawful Money of the United States in sixty six fixed semi-annual installments, according to amortization tables adopted by the Federal Farm Loan Board and now in force, the terms of which are agreed to, of which the First and the next succeeding sixty-four installments are for the sum of One hundred Seventy-five and no/100 (\$175.00) Dollars and the last installment is for the sum of One hundred forty-five and 90/100 (\$145.90) Dollars, the first thereof being due on the First day of September, 1927 and the remaining installments being due on the First day of March and September of each year thereafter, until all are paid. Said indebtedness so repayable is evidenced by a note of even date herewith for said principal sum, which, with interest thereon at the rate of six per centum per annum is repayable in the amounts and at the times as aforesaid at the office of the First Joint Stock Land Bank of Montgomery in the city of Montgomery, Alabama.

NOW, in order to secure the prompt payment of the indebtedness hereby secured, and the performance of the covenants and agreements herein named and all obligations herein assumed; we, Ed J Green and Willie B Green, his wife, hereinafter called the Mortgagor, whether one or more, for and in consideration of the premises and the sum of Five (\$5.00) Dollars to me this day in hand paid by the said mortgagee, receipt whereof is hereby acknowledged, does hereby Grant, BARGAIN, SELL and convey unto said Mortgagee, its successors and assigns, the following described real estate lying and being situated in the County of Baldwin and State of Alabama, to-wit:

The Northwest quarter of the Southwest quarter, the Southwest quarter of the Northwest quarter, the east half of the Northwest quarter and the Northwest quarter of the Northeast quarter of Section thirteen (13); Lots four (4) and five (5) in Section fourteen (14) particularly described as follows: Commencing at the Northeast corner of Section fourteen (14) and running thence west thirteen and one-third (13-1/3) chains for the point of beginning, thence west twenty-six two-thirds (26-2/3) chains, thence South eighty (80) chains, thence East twenty-six two-thirds (26-2/3) chains, thence North eighty (80) chains to point of beginning, subject to roadway as shown by deed recorded in book 25, page 165; also, a certain tract of land situated in the Southwest quarter of the Northeast quarter of Section fifteen (15) and described as follows: Beginning at the Northwest corner of said Southwest quarter of Northeast quarter and run east Six hundred and sixty (660) feet, thence South six hundred and sixty (660) feet, thence West six hundred and sixty (660) feet, thence North six hundred and sixty (660) feet to point of beginning; all in Township two (2) South, Range three (3) East of St. Stephens Meridian. The lands hereby conveyed containing in the aggregate four hundred and twenty three (423) acres, more or less, subject to turpentine lease dated December 29, 1924 recorded in Book 35, page 312.

TO HAVE AND TO HOLD the aforegranted premises, together with the improvements and appurtenances thereunto belonging or appertaining, unto the said Mortgagee, its successors and assigns forever.

THE MORTGAGOR covenants with the said Mortgagee, its successors and assigns, that they are lawfully seized in fee simple of the aforegranted premises; that the same are free from all encumbrances; that Mortgagor has a good right and lawful authority to sell and convey the same; that they will warrant and forever defend the said premises to the said mortgagee, its successors and assigns, against the lawful claims and demands of all persons whomsoever.

State of Alabama
County of Baldwin

EXHIBIT "C"

KNOW ALL MEN BY THESE PRESENTS, that: Whereas, Ed J Green and wife, Willie B Green, executed to the First Joint Stock Land Bank of Montgomery, a corporation, a mortgage on the lands hereinafter described, to secure an indebtedness of \$5,000.00, which mortgage is dated March 1st, 1927 and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Book No. 140 of Mortgages on pages 1-3 et sequiter; and

WHEREAS, default occurred in the payment of the indebtedness secured thereby and

WHEREAS, the First Joint Stock Land Bank of Montgomery, mortgagee, under the option contained therein, declared the entire indebtedness secured thereby, together with the interest thereon, due and payable and instructed and empowered J M Williams, Jr., as its attorney to sell the lands therein conveyed, at auction, for cash, under and in performance of the power of sale contained in said mortgage; and,

WHEREAS, notice of said sale was duly made as provided for in said mortgage by advertisement once a week for three successive weeks in The Baldwin Times a newspaper published in Baldwin County, At Bay Minette, Alabama, in the legal editions of February 28th, 1935, March 7th, 1935 and March 14th, 1935, and said lands were sold for cash at auction on the 25th day of March, 1935, at the Baldwin County Court House, at Bay Minette, Alabama, between 11 o'clock A.M. and 4 o'clock P.M. the time and place named in said published notice of sale, to The First Joint Stock Land Bank of Montgomery, Alabama, for \$4,000.00 which was the highest, best and last bid for said lands;

NOW THEREFORE, in consideration of the premises and for the sum of \$4,000.00 to us in hand paid by the First Joint Stock Land Bank of Montgomery, the receipt whereof is hereby acknowledged, we the said Ed J Green and wife Willie B Green acting herein by J M Williams, Jr., our attorney in fact and as auctioneer, who is empowered as such by the mortgage to execute proper conveyance to the purchaser, do hereby grant, bargain, sell and convey unto the First Joint Stock Land Bank of Montgomery, the following described lands situated in Baldwin County, Alabama, to-wit:

The Northwest quarter of the Southwest quarter, the Southwest quarter of the Northwest quarter, the East half of the Northwest quarter and the Northwest quarter of the Northeast quarter of Section thirteen (13); lots four (4) five (5) in Section Fourteen (14) particularly described as follows: Commencing at the Northeast corner of Section fourteen (14) and running thence West thirteen and one-third (13-1/3) chains for the point of beginning, thence West twenty-six and two-thirds (26-2/3) chains, thence South eighty (80) chains, thence East Twenty-six and two-thirds (26-2/3) chains, thence North eighty (80) chains to point of beginning, subject to roadway as shown by deed recorded in book 25, page 165; also a certain tract of land situated in the Southwest quarter of the Northeast quarter of Section fifteen (15) and described as follows: Beginning at the Northwest corner of said Southwest quarter of the Northeast quarter and run East six hundred and sixty (660) feet, thence South six hundred and sixty (660) feet, thence west six hundred and sixty (660) feet, thence North six hundred and sixty (660) feet to the point of beginning; all in Township two (2) South, Range three (3) East of St Stephens Meridian. The lands described containing in the aggregate four hundred and twenty-three (423) acres, more or less, subject to Turpentine Lease dated December 29, 1924, recorded in Book 35, page 312.

TO HAVE AND TO HOLD, the aforegranted premises, together with all the improvements and appurtenances thereunto belonging to the said The First Joint Stock Land Bank of Montgomery forever.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this the 1st day of April, 1935, by and through J M Williams, Jr., as Attorney in fact, and as auctioneer.

STATE OF FLORIDA
ESCAMBIA COUNTY.

Personally appeared before me, Erma Sandiford, a Notary Public, in and for said County in said State, Mrs. H. B. Byrons, who being by me first duly sworn, doth depose and say as follows:

My name is Mrs. H. B. Byrons. I am over the age of twenty-one years and am a resident of Escambia County, Florida. I well knew A. W. Messenger during his lifetime. He was my brother. I know that he died during March, 1929, at Mobile, Alabama, at the age of sixty eight years.

Prior to his death and while he was a resident of the State of Connecticut, he married one Delia, ^{Warner} whose last name I do not remember, about the year 1904, who has not remarried. There was born of this union only one child who was named Eva, who is now thirty one years old and who married a man named Young, and they now reside in Torrington, Connecticut.

Thereafter, and about the year 1924, he divorced his first wife, and moved away, leaving the child with her mother in Connecticut.

About the year 1926, A. W. Messenger, having moved to Alabama, married Ada Cochran and resided in Mobile, Alabama. There was born of this marriage two children, one a son named Austin, now nine years old. The other child born of this marriage was a daughter and was born about three months after the death of A. W. Messenger. She was named Lilla and is now about eight years old. The said last named wife and children moved away from Mobile after the death of A. W. Messenger and I have not heard from them since, and do not know where they are now residing, but when last heard of they were in Crichton, Alabama, ^{at} Owens Lane.

My brother, A. W. Messenger, left no last will and testament so far as I know, nor did he leave any estate to be administered upon.

This 30th day of June, 1937.

Sworn to and subscribed before me
this 30th day of June, 1937.

Erma Sandiford
Notary Public, State of Florida
at Large.

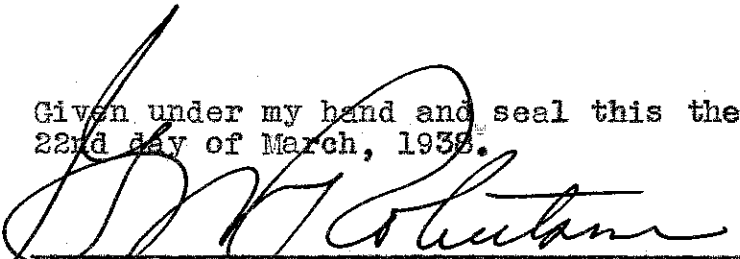
Mrs. H. B. Byrons

CERTIFICATE.

State of Alabama)
Baldwin County.)

I, G W Robertson, Judge of Probate for said County in said State, do hereby certify that the foregoing is a full, true and correct copy of the above instrument as same appears upon the records of my office, duly recorded in Deed Record No 26 N.S. at page 328 thereof.

Given under my hand and seal this the
22nd day of March, 1938.



Judge of Probate, Baldwin County,
Alabama.,

COMPLAINANT'S EXHIBIT "D"

Orin J. Nelson
Commissioner.

OFFICE OF THE COMMISSIONER
STATE OF ALABAMA

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app -

A.W. Messenger, seed hire of

6-30-37

43 / 48

State of Alabama,
Barren County.
Probate Clerk.
MAR 25 1938

288
Dead Stock Note F.W. at page 381

[Signature]
I, *[Signature]*,
Judge of Probate

J. B. Blood Cherry 50

LIS PENDENS NOTICE.

STATE OF ALABAMA

BALDWIN COUNTY

Notice is hereby given that The First Joint Stock Land Bank, of Montgomery, Alabama, a Corporation, has this day commenced suit in the Circuit Court of Baldwin County, Alabama, in Equity, against Delia Warner Messenger, Eva Young, Ada Cochran Messenger, Austin Messenger and Lilla Messenger, to quiet title to the following described real property in Baldwin County, Alabama, to-wit:

Lots 4 and 5 in Section 14, Township 2 South, Range 3 East, of St. Stephens Meridian, according to the plat and survey of said Section 14, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book "I" at Page 176, being more particularly described as follows: Commencing at the Northeast Corner of Section 14, Township 2 South, Range 3 East, running thence West 13 and 1/3 chains for a point of beginning, thence West 26 and 2/3 chains, thence South 80 chains, thence East 26 and 2/3 chains, thence North 80 chains to point of beginning.

A brief statement of Complainant's case is as follows: Said Complainant alleges that it owns and is in peaceable possession of the above described property; that the Respondents claim or are reputed to claim some right, title or interest in or encumbrance upon the said land; that no suit is pending to enforce or test the validity of such title, claim or encumbrance and that this suit is brought for the purpose of clearing up all doubts and disputes concerning the title to the said property.

This instrument is filed in accordance with Section 6878 of the 1923 Code of Alabama.

Dated this the 27th day of July, 1937.

THE FIRST JOINT STOCK LAND BANK, OF
MONTGOMERY, ALABAMA, A CORPORATION,

By

J. B. Blackburn
As its Solicitor of Record.

THE FIRST JOINT STOCK LAND
BANK OF MONTGOMERY, ALABAMA,
a Corporation,

Complainant,

VS.

DELIA WARNER MESSENGER, EVA
YOUNG, ADA COCHRAN MESSENGER,
AUSTIN MESSENGER and LILLA
MESSENGER,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 355.

MOTION FOR DECREE PRO CONFESSO ON PUBLICATION.

Motion is hereby made for a decree pro confesso against Ada Cochran Messenger on the ground that she, one of the Respondents in the above entitled cause, is over twenty-one years of age, whose residence and post office addresses are unknown and cannot be ascertained after diligent inquiry, and that an order of publication was published in said cause once a week for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, the said notice appearing in the issues of said paper of July 29, 1937, August 5, 1937, August 12, 1937 and August 19, 1937, requiring the said Respondent to plead, answer or demur to the Bill of Complaint in said cause before the 1st day of September, 1937, and upon her failure so to do a decree pro confesso would be taken against her at the expiration of thirty days from said date, which said thirty days have expired and she has failed to plead, answer or demur to the Bill of Complaint in said cause to the date hereof.

Dated this 4th day of October, 1937.

J. B. Blackburn

Solicitor for Complainant.

THE FIRST JOINT STOCK LAND
BANK OF MONTGOMERY, ALABAMA,
a Corporation,

Complainant,

VS.

DELIA WARNER MESSENGER, EVA
YOUNG, ADA COCHRAN MESSENGER,
AUSTIN MESSENGER and LILLA
MESSENGER,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 355.

DECREES PRO CONFESSO ON SERVICE BY REGISTERED MAIL.

In this cause it being made to appear to the Register that copies of the Bill of Complaint in the said cause, together with summons to answer said Bill of Complaint within thirty days from the service thereof were mailed to the Respondent Delia Warner Messenger and to the Respondent, Eva Young, by the Register of this Court by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed, with return receipt demanded addressed to the Register of this Court, which said registered articles were delivered to each of the said Respondents on July 30, 1937, and the return cards signed by each of them were received and filed by the Register of this Court on August 2, 1937, and each of the said Respondents having failed to plead, answer or demur to the said Bill to date hereof: It is now, therefore, on motion of the Complainant, ordered and decreed that the said Bill of Complaint in this cause be and it is hereby in all things taken as confessed against the said Delia Warner Messenger and Eva Young, the Respondents aforesaid.

Witness my hand this 4th day of October, 1937.

R. S. Dush

Register.

THE FIRST JOINT STOCK LAND
BANK OF MONTGOMERY, ALABAMA,
a Corporation,

Complainant,

VS.

DELIA WARNER MESSENGER, EVA
YOUNG, ADA COCHRAN MESSENGER,
AUSTIN MESSENGER and LILLA
MESSENGER,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 355.

MOTION FOR DECREE PRO CONFESSO ON SERVICE BY
REGISTERED MAIL.

Motion is hereby made for decree pro confesso against the Respondents, Delia Warner Messenger and Eva Young, on the ground that copies of the original Bill of Complaint together with a summons to answer said Bill of Complaint within thirty days from service thereof, were mailed to each of the said Respondents by registered mail, postage prepaid, marked for delivery only to the person to whom addressed, with return receipt requested, addressed to R. S. Duck, Register in Chancery, Bay Minette, Alabama, which said registered articles were delivered to the respective Respondents and more than thirty days have elapsed since each of the said return cards were received by R. S. Duck, Register, and each of the said Respondents have failed to plead, answer or demur to the Bill of Complaint in this cause to the date hereof.

Dated this 4th day of October, 1937.



Solicitor for Complainant.

THE FIRST JOINT STOCK LAND
BANK OF MONTGOMERY, ALABAMA,
a Corporation,

Complainant,

VS.

DELIA WARNER MESSENGER, EVA
YOUNG, ADA COCHRAN MESSENGER,
AUSTIN MESSENGER and LILLA
MESSENGER,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 355.

DECREE PRO CONFESSO ON PUBLICATION.

In this cause, it being made to appear to the Register that the order of publication heretofore made in this cause was published once a week for four consecutive weeks commencing on July 29, 1937, in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, Alabama, on the 27th day of July, 1937, which order of publication required the said Ada Cochran Messenger to appear and plead, answer or demur to the Bill of Complaint in said cause before the 1st day of September, 1937, and it now further appearing to the Register that said Ada Cochran Messenger has to the date hereof, failed to plead, answer or demur to the Bill of Complaint in this cause:

It is therefore on Motion of the Complainant ordered and decreed that the said Bill of Complaint be and it is hereby in all things taken as confessed against the said Ada Cochran Messenger, one of the said Respondents in said cause.

W. S. Durr

Register.

THE FIRST JOINT STOCK LAND
BANK OF MONTGOMERY, ALABAMA,
a Corporation,

Complainant,

VS.

DELIA WARNER MESSENGER, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 355.

ORDER APPOINTING GUARDIAN AD LITEM.

In this cause it being made to appear to the Register by the verified Bill of Complaint filed in this cause that the Defendant, Austin Messenger, is a minor nine years of age, and that the Defendant, Lilla Messenger, is a minor eight years of age, and that their residences and places of address are unknown and cannot be ascertained after diligent inquiry, and proof having been made before the Register that Ada Cochran Messenger is the mother of the two said minors and that her residence and post office addresses are unknown and cannot be ascertained after diligent inquiry; that no one has been nominated to act as Guardian Ad Litem for either of the said minors and it further appearing that T. J. Mashburn, an attorney at law and solicitor in chancery practicing at Bay Minette, in Baldwin County, Alabama is not of kin or counsel to either of the said minors or in any way interested in this cause and that he is in all respects a suitable person to act as Guardian Ad Litem for the two said infants and said T. J. Mashburn having filed his consent in writing to act as such; it is now thereupon ordered by the Register that the said T. J. Mashburn be and he is hereby appointed Guardian Ad Litem in this cause for the said infant defendants, Austin Messenger and Lilla Messenger.

Witness my hand this 32 day of March, 1938.



Register in Chancery.

ORAL EXAMINATION

I, Ora S. Nelson, as ~~Register and~~ Commissioner hereby certify

that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself J. B. Blackburn, Attorney for Complainant and T. J. Mashburn, Guardian Ad Litem, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witnesses; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

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

Given under my hand and seal, this 25th day of March 1938.

Ora S. Nelson (L. S.)
Commissioner.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

Filed March 25, 1938

R. S. Quack, Register

RECORDED IN

Record

Vol. _____ Page _____

Register

The State of Alabama } Circuit Court of Baldwin County, Alabama,
 Baldwin County } (In Equity)
 THE FIRST JOINT STOCK LAND BANK OF
 MONTGOMERY, ALABAMA, a Corporation, COMPLAINANT

vs.

DELIA WARNER MESSENGER, et al, RESPONDENT

I, Ora S. Nelson

as ~~Register and~~ Commissioner

have called and caused to come before me G. W. Robertson and H. E. Smith

witnesses named in the Requirement for Oral Examination, on the 25th day of March

1938, at the office of J. B. Blackburn

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

truth, the whole truth, and nothing but the truth, the said G. W. Robertson and H. E.

Smith doth depose and say as follows:

TESTIMONY OF G. W. ROBERTSON.

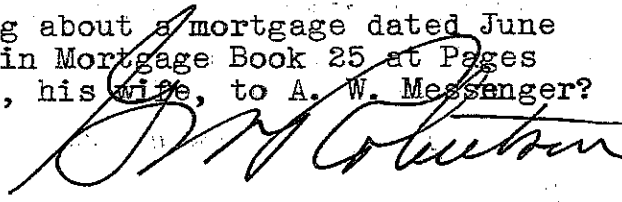
My name is G. W. Robertson. I am a resident of Baldwin County, Alabama, where I have resided for more than twenty-five years. I know the lands involved in this suit which are described as Lots Numbered 4 and 5 in Section 14, Township 2 South Range 3 East, Baldwin County, Alabama. When I came to Baldwin County this property was under fence and had a residence and other improvements on it. The property was occupied by John M. Green and a part of it was cultivated by him until he sold it to Ed J. Green. Ed J. Green remained in continuous possession of the property and either he or his tenants resided on and cultivated the property until The First Joint Stock Land Bank of Montgomery foreclosed a mortgage on it. After The First Joint Stock Land Bank foreclosed their mortgage they took possession of the property and have remained in possession by tenants since that date.

During all of the time that I have known this property I have never heard of anyone making any claim to it except John M. Green, Ed J. Green, and The First Joint Stock Land Bank of Montgomery, Alabama.

CROSS EXAMINATION BY T. J. MASHBURN, ESQ., GUARDIAN AD LITEM FOR AUSTIN MESSENGER AND LILLA MESSENGER, MINORS.

Mr. Robertson, do you know anything about a mortgage dated June 23, 1921, filed July 6, 1921 and recorded in Mortgage Book 25 at Pages 514-15, by Ed J. Green and Willie B. Green, his wife, to A. W. Messenger?

Answer: No sir.



TESTIMONY OF H. E. SMITH.

My name is H. E. Smith. I am over twenty-one years of age and am an attorney at law, practicing at Bay Minette, in Baldwin County, Alabama. I was employed to make a trip to Pensacola, Florida for the

purpose of interviewing Mrs. H. B. Byrons, for the purpose of locating the heirs of A. W. Messenger, Deceased. I went to Pensacola, Florida, interviewed Mrs. Byrons and obtained an affidavit from her which is dated June 30, 1937.

During my conversation with Mrs. Byrons she referred me to Messrs. Caro and Caro, Attorneys, and I went to their office, carried the abstract to one of the attorneys who looked over it with reference to the mortgage from Ed J. Green and wife to A. W. Messenger, dated June 23, 1921 and recorded in Book 25 of Mortgages, pages 514-15, which was given to secure an indebtedness of \$400.00, payable in monthly installments of \$50.00 each, commencing on July 23, 1921, which is not shown cancelled or released of record. After I talked with Mr. Caro, Mrs. Byrons' daughter drafted the affidavit and Mrs. Byrons signed it. Mrs. Byrons told me that, in her opinion, her brother wound up all of his affairs in Baldwin County, Alabama before he moved away. During the conversation her daughter told me that she would write to Eva Young and Delia Warner Messenger and explain the situation to them in order that they would not go to any expense in connection with the matter. I presume that this was done as each of these parties allowed a Decree Pro Confesso to be taken against them.

After Mrs. Byrons signed the affidavit I came back to Bay Minette and a few days later went to Crichton, Alabama for the purpose of trying to locate Ada Cochran Messenger, Austin Messenger and Lilla Messenger, the last two named parties being minors who at one time were supposed to have resided at Crichton, Alabama. While I was in Crichton I talked with Mr. Lamar Brown, who has resided there for a number of years and who has a large acquaintance among the people of that community. Mr. Brown knew nothing of these parties but while I was in his presence he telephoned the party who was post master in Crichton at that time and the party who was the former post master at Crichton, neither of whom knew anything about Ada Cochran Messenger, Austin Messenger or Lilla Messenger. While I was talking to Mr. Brown he told me that he did know A. W. Messenger but had not heard of him for several years and when he did know of him he resided between Crichton and Toulminville. After talking to Mr. Brown I left Crichton and went to Toulminville and made inquiry there about Ada Cochran Messenger, Austin Messenger and Lilla Messenger but was unable to locate them or anyone who knew of their whereabouts.

While I was in Crichton I looked through the City Directory there but could find no trace of Ada Cochran Messenger, Austin Messenger or Lilla Messenger.

CROSS EXAMINATION OF WITNESS BY HON.
T. J. MASBURN, GUARDIAN AD LITEM.

Q. Mr. Smith, do you know anything about a mortgage given by Ed J. Green and Willie B. Green to A. W. Messenger?

A. Nothing except seeing it on record and in the abstract.

Q. Do you know whether this mortgage was ever cancelled or not?

A. It has not been cancelled of record.

Q. Do you know whether the mortgage was ever paid?

A. Except from all the information that we have been able to obtain. I can state on information and belief that it has been paid.

----- H. E. Smith -----

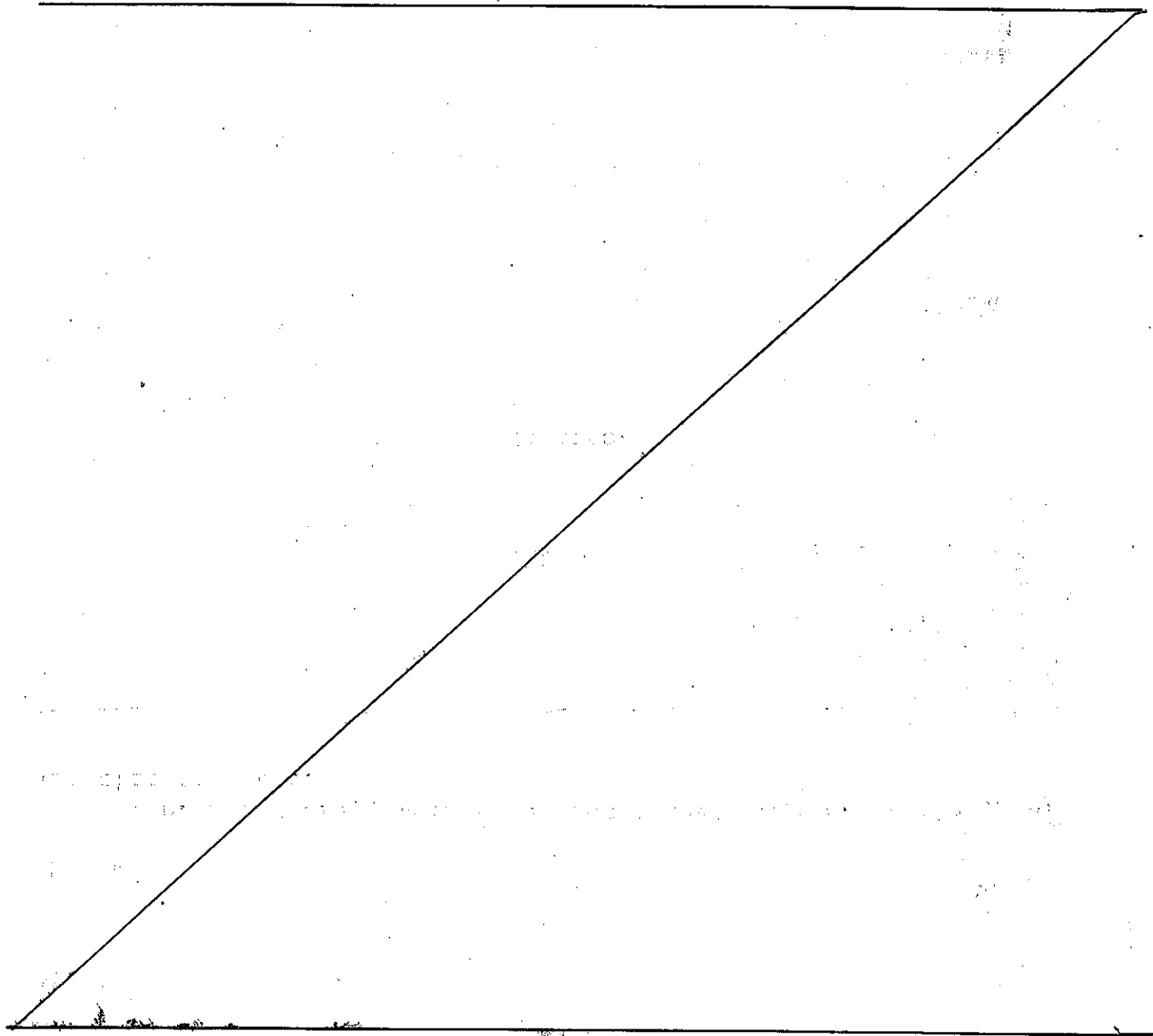
The Complainant admits that its title to the property involved in this suit and any claim which the Respondents may have in the said property are derived from a common source. The Complainant, however, by this admission does not admit that the Respondents have any title to the property involved in this suit.

The Complainant introduces in evidence as its Exhibit "A" a certified copy of the deed from John M. Green and wife to Ed J. Green, dated September 1, 1917 and recorded in Deed Book Number 26 N. S. at page 328, Baldwin County Records, which conveys Lots 4 and 5, being the West Two-thirds of the East Half of Section 14, Township 2 South Range 3 East, Baldwin County, Alabama, with other property.

Complainant introduces in evidence as its Exhibit "B" a certified copy of the mortgage from Ed J. Green and Willie B. Green, his wife to The First Joint Stock Land Bank of Montgomery, a Corporation, dated March 1, 1927, and recorded in Book Number 40 of Mortgages at pages 1 to 3, Baldwin County Records, which conveys Lots 4 and 5 in Section 14, Township 2 South Range 3 East, Baldwin County, Alabama, being more particularly described as follows: Commencing at the Northeast Corner of Section 14, and running thence West 13 and One-third chains for a point of beginning, thence West 26 and Two-thirds chains; thence South 80 chains, thence East 26 and Two-thirds chains, thence North 80 chains to point of beginning, with other property.

Complainant introduces in evidence as its Exhibit "C" the certified copy of the Foreclosure Deed from Ed J. Green and Willie B. Green, his wife, by Attorney in Fact and Auctioneer, to The First Joint Stock Land Bank of Montgomery, a Corporation, dated April 1, 1935, and recorded in Deed Book Number 56 N. S. at page 582, Baldwin County Records.

Complainant introduces in evidence as its Exhibit "D" the original affidavit of Mrs. H. B. Byrons, dated June 30, 1937, and recorded in Deed Book Number 64 N. S. at Page 381, Baldwin County Records.



RECORDS
No.

9-415

The State of Alabama,

_____ COUNTY.

IN CIRCUIT COURT, IN EQUITY.

THE FIRST JOINT STOCK LAND

BANK OF MONTGOMERY,

vs. Complainant

DELLA WARNER MESSENGER, EVA

YOUNG, ET AL.,

Defendant.

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

Granted _____, 191_____

Register.

RECORDED
7-360
Bud

MOTION FOR DECREE PRO CONFESSO
ON PUBLICATION.

THE FIRST JOINT STOCK LAND
BANK OF MONTGOMERY, ALABAMA,
a Corporation,

Complainant,

VS.

DELTA WARNER MESSENGER, EVA
YOUNG, ADA COCHRAN MESSENGER,
AUSTIN MESSENGER and LILLA
MESSENGER,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 355.

Made this 4 day Dec 1937

P. S. Dicks
Clerk-Register

WHEREFORE THE COMPLAINANT REQUESTS THAT THE COURT GRANT THIS MOTION AND DECREE PRO CONFESSO IN FAVOR OF THE COMPLAINANT AND AGAINST THE RESPONDENTS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE AT MONTGOMERY, ALABAMA, THIS 4th DAY OF DECEMBER, 1937.

Registered.

Address of party: This case is of record, and the parties are advised of the proceedings and the date of the hearing. It is now the duty of the respondent to file a return to the complaint. The return should be filed within the time specified in the complaint. If the respondent fails to file a return, the court may enter a default judgment against the respondent. The court may also award costs and attorney's fees to the complainant. The court may also grant a continuance if the respondent shows good cause therefor. The court may also grant a summary judgment if the facts are undisputed and the law is clear. The court may also grant a judgment of acquittal if the evidence is insufficient to support a conviction. The court may also grant a judgment of conviction if the evidence is sufficient to support a conviction. The court may also grant a judgment of acquittal if the evidence is insufficient to support a conviction. The court may also grant a judgment of conviction if the evidence is sufficient to support a conviction.

DELLA WARNER MESSENGER, EVA YOUNG, ADA COCHRAN MESSENGER, AUSTIN MESSENGER, and LILLA MESSENGER, Respondents.

THE FIRST JOINT STOCK LAND BANK OF MONTGOMERY, Complainant,

vs.

Respondents.

Filed this 4 day Oct 19 31

Y. S. O. Clerk-Register

RECORDED 4-360

IN THE CIRCUIT COURT OF THE COUNTY OF MONTGOMERY, ALABAMA. This case is of record, and the parties are advised of the proceedings and the date of the hearing. It is now the duty of the respondent to file a return to the complaint. The return should be filed within the time specified in the complaint. If the respondent fails to file a return, the court may enter a default judgment against the respondent. The court may also award costs and attorney's fees to the complainant. The court may also grant a continuance if the respondent shows good cause therefor. The court may also grant a summary judgment if the facts are undisputed and the law is clear. The court may also grant a judgment of acquittal if the evidence is insufficient to support a conviction. The court may also grant a judgment of conviction if the evidence is sufficient to support a conviction.

RECORDED

Quick
4-4-11

FIRST JOINT STOCK LAND BANK
OF MONTGOMERY, ALABAMA,
a Corporation,

Complainant,

vs.

DELIA WARNER MESSENGER,
ET AL.,

Respondent.

CONSENT TO ACT:

Filed March 22, 1938.

R. S. Quick
Register.

Over
RECORDED 7-409

ORDER APPOINTING GUARDIAN AD
LITEM.

THE FIRST JOINT STOCK LAND BANK
OF MONTGOMERY, ALABAMA, a
Corporation,

Complainant,

VS.

DELIA WARNER MESSENGER, et al,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 355.

Dated this 22 day of March,
1938.

Dual
7-361

RECORDED

DECREE PRO CONFESSIO PUBLI-
CATION.

THE FIRST JOINT STOCK LAND BANK
OF MONTGOMERY, ALABAMA, a Corpor-
ation,

Complainant,

VS.

DELIA WARNER MESSENGER, EVA YOUNG,
ADA COCHRAN MESSENGER, AUSTIN
MESSENGER AND LILLA MESSENGER,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
NO. 355.
IN EQUITY.

Filed this 4 day of July, 1933.

R. S. Daniel
Clerk

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
NO. 355.

THE FIRST JOINT STOCK LAND BANK
OF MONTGOMERY, ALABAMA, a Corporation,
Complainant,
vs.
DELIA WARNER MESSENGER, EVA YOUNG,
ADA COCHRAN MESSENGER, AUSTIN
MESSENGER AND LILLA MESSENGER,
Respondents.

FROM THE COMMISSIONER OF REGISTRATION.

In this case, it being made to appear to the Registrar
that the order of publication heretofore made in this case was
published once a week for four consecutive weeks commencing on July
23, 1933, in the Baldwin Times, a newspaper published in Baldwin
County, Alabama, that a copy of said order was placed in said

RECORDED *Duct*
7-360

MOTION FOR DECREE PRO
CONFESSO AFTER SERVICE
BY REGISTERED MAIL.

THE FIRST JOINT STOCK LAND
BANK OF MONTGOMERY, ALABAMA.

Complainant,

vs.

DELLA WARNER MESSENGER,
EVA YOUNG, ADA COCHRAN,
MESSENGER and LILLA
MESSENGER AND AUSTIN MESSENGER,
Respondents.

Filed this 4 day Oct 1937

R. S. Duct
Clerk-Register

MOTION FOR DECREE PRO CONFESSO AFTER SERVICE BY REGISTERED MAIL.

THE FIRST JOINT STOCK LAND BANK OF MONTGOMERY, ALABAMA.

IN TESTIMONY WHEREOF I have hereunto set my hand and the seal of the Court at Montgomery, Alabama, this 4th day of October, 1937.

THE FIRST JOINT STOCK LAND BANK OF MONTGOMERY, ALABAMA.

THE BALDWIN TIMES

BAY MINETTE, ALABAMA

August 30, 1937

Mr. R. S. Duck, Register

Court House

Advertising:

Delia Warner Messenger vs. Mont. Bank

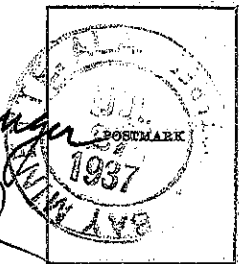
341 words @ 4 1/2¢ -

\$15.34

Job Printing:

RECEIPT FOR REGISTERED ARTICLE NO. 18

15¢ fee paid. 1st class postage paid. 7-27, 1937
 Declared value, \$100.00. Surcharges paid, \$0.00
 From R. S. Duck, Clerk Co.
 Addressed to Delia Warner Messenger
 Jovington, Mississippi
 (Street and number) (Post office and State)
 Accepting employee will place initials in space below, indicating restricted delivery
 Return receipt fee 30 in person or order Special delivery fee
 Delivery restricted to addressee Fee paid 10 Postmaster, per MA



RECEIPT FOR REGISTERED ARTICLE No. 18

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 Return receipt fee 30 in person or order Special delivery fee
 Delivery restricted to addressee Fee paid 10 Postmaster, per MA



Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 48

INSURED PARCEL



No. _____

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

POSTMARK OF DELIVERING OFFICE

HAVE YOUR MAIL ADDRESSED TO STREET AND NUMBER

AND DATE OF DELIVERY

Return to P. S. Duck, Clerk, Circuit Court

(NAME OF SENDER)

Street and Number or Post Office Box

Post Office at

Bay Minette, Ala.

REV. 7-24

U.S. 0110

State _____

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 47

INSURED PARCEL



No. _____

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

POSTMARK OF DELIVERING OFFICE

HAVE YOUR MAIL ADDRESSED TO STREET AND NUMBER

AND DATE OF DELIVERY

Return to P. S. Duck, Clerk, Circuit Court

(NAME OF SENDER)

Street and Number or Post Office Box

Post Office at

Bay Minette, Ala.

Handwritten: J. Edgar Hoover
Director
U.S. Department of Justice

Received from the Postmaster the Registered or Insured Article, the original
number of which appears on the face of this Card.

Handwritten: J. Edgar Hoover

(Signature or name of addressee)

(Signature of addressee's agent)

Date of delivery 7-30, 1937

Form 641

U. S. GOVERNMENT PRINTING OFFICE: 1935

16-5110

RETURN RECEIPT

Handwritten: J. Edgar Hoover
Director
U.S. Department of Justice

Received from the Postmaster the Registered or Insured Article, the original
number of which appears on the face of this Card.

Handwritten: J. Edgar Hoover

(Signature or name of addressee)

(Signature of addressee's agent)

Date of delivery 7-30, 1937

Form 641

U. S. GOVERNMENT PRINTING OFFICE: 1935

16-5110

THE FIRSTJOINT STOCK LAND BANK
OF MONTGOMERY, ALABAMA, a
Corporation,

Complainant,

vs.

DELIA WARNER MESSENGER,
ET AL.,

Respondents.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 355.

ANSWER TO BILL BY GUARDIAN AD LITEM:

Comes; AUSTIN MESSENGER and LILLA MESSENGER, minor
defendants to the said Bill of Complaint, by T. J. MASHBURN, JR.,
~~his~~ ^{their} guardian ad litem, and for answer to said bill denies all the
allegations contained therein, and call for proof thereof.

J. J. Mashburn, Jr.
GUARDIAN AD LITEM.

THE FIRST JOINT STOCK LAND BANK
OF MONTGOMERY, ALABAMA, a Corpor-
ation,

Complainant,

VS.

DELIA WARNER MESSENGER, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 355.

TO T. J. MASHBURN, ESQUIRE, GUARDIAN AD LITEM FOR AUSTIN MESSENGER
AND LILLA MESSENGER, MINORS:

You are hereby notified that the Complainant has
moved for and obtained an Order for the oral examination of G. W.
Robertson and H. E. Smith, witnesses for the Complainant, said
examination to be held before the undersigned Commissioner at
2:30 P. M. on Friday, March 25th, 1938.

Dated this 21st day of March, 1938.

Ora S. Nelson

Commissioner.

I, T. J. Mashburn, Guardian Ad Litem for the above
named minors, do hereby accept service of the notice for oral
examination of the witnesses for Complainant which are named
above.

Dated this 21 day of March, 1938.

T. J. Mashburn

THE FIRST JOINT STOCK LAND BANK
OF MONTGOMERY, ALABAMA, a Corpor-
ation,

Complainant,

VS.

DELIA WARNER MESSENGER, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 355.

In this cause upon motion of J. B. Blackburn,
Solicitor for Complainant, it is ordered that the Commissioner
named in the Commission hereto attached give three days notice of
the time and place of examining the witnesses to T. J. Mashburn,
Esquire, Guardian Ad Litem for Austin Messenger and Lilla Messenger,
minors.

Dated this 21st day of March, 1938.



Register.

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To ORA S. NELSON:

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 G. W. Robertson and H. E. Smith;

as witnesses in behalf of Complainant, in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

THE FIRST JOINT STOCK LAND BANK OF MONTGOMERY, ALABAMA,
a Corporation,

is Complainant

and DELIA WARNER MESSENGER, ADA COCHRAN MESSENGER, EVA YOUNG, AUSTIN MESSENGER and LILIA MESSENGER,

are Defendant,s

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

Witness 21st day of March 19 38

Orlando

REGISTER

COMMISSIONER'S FEE, \$ _____

WITNESS' FEES, \$ _____

NOTE OF TESTIMONY.

THE FIRST JOINT STOCK LAND
BANK OF MONTGOMERY, ALABAMA,
a Corporation,

Complainant,

VS.

DELIA WARNER MESSENGER, et als,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 355.

This cause is submitted in behalf of Complainant upon the Original Bill of Complaint, Decree Pro Confesso on service by registered mail vs. Respondents, Delia Warner Messenger and Eva Young; Decree Pro Confesso on publication against Ada Cochran Messenger; Order Appointing T. J. Mashburn, Guardian Ad Litem for Minor Respondents, Austin Messenger and Lilla Messenger; Consent in Writing by T. J. Mashburn to act as Guardian Ad Litem for minor Respondents, Austin Messenger and Lilla Messenger; Answer of T. J. Mashburn, as Guardian Ad Litem for said minor Respondents, Austin Messenger and Lilla Messenger; Testimony of witnesses, H. E. Smith and G. W. Robertson for Complainant taken on oral examination; Complainant's Exhibit "A"; Complainant's Exhibit "B" and Complainant's Exhibit "C", and Complainant's Exhibit "D".



Register in Chancery.

THE FIRST JOINT STOCK LAND BANK
OF MONTGOMERY, ALABAMA, a Corporation,

Complainant,

VS.

DELIA WARNER MESSENGER, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 355.

MOTION FOR ORAL EXAMINATION OF WITNESSES.

Now comes the Complainant in the above entitled cause and moves for the oral examination of G. W. Robertson and H. E. Smith, witnesses for the Complainant, the said examination to be taken before Ora S. Nelson, Commissioner, after such notice as may be required.

J. T. Blashun
Attorney for Complainant.

THE FIRST JOINT STOCK LAND
BANK, OF MONTGOMERY, ALABAMA,
A CORPORATION,

Complainants,

VS.

DELIA WARNER MESSENGER, EVA
YOUNG, ADA COCHRAN MESSENGER,
AUSTIN MESSENGER AND LILLA
MESSENGER,

Respondents.

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

ORDER OF PUBLICATION.


TO DELIA WARNER MESSENGER, EVA YOUNG, ADA COCHRAN MESSENGER, AUSTIN
MESSENGER AND LILLA MESSENGER:

It being made to appear in the above cause from the affidavit of J. B. Blackburn, that Delia Warner Messenger and Eva Young, two of the Respondents in the said cause, are over twenty-one years of age and are non-residents of the State of Alabama, each of whom are believed by affiant to reside in Torrington, Connecticut; that the Respondent, Ada Cochran Messenger, is over twenty-one years of age; that the Respondent, Austin Messenger, is a minor nine years of age, and Respondent, Lilla Messenger, is a minor eight years of age, whose residences and post office addresses are unknown and cannot be ascertained after diligent inquiry: It is therefore, Ordered, Adjudged and Decreed that the said Respondents, Delia Warner Messenger, Eva Young, Ada Cochran Messenger, Austin Messenger and Lilla Messenger, appear in this Court and answer or demur to the Bill of Complaint in this cause before the 1st day of September, 1937, or upon their failure so to do decrees pro confesso will be taken against them at the expiration of thirty days from the said date.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this order be published with all convenient dispatch once a week for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama; that within twenty days from the making of this Order a copy hereof be posted at the front door of the Court House of this County, and that copies hereof be sent to the Respondent, Delia Warner Messenger, and to

the Respondent, Eva Young, at the aforesaid addresses.

Dated this 27th day of July, 1937.


ROBERT S. DUCK, Register in
Chancery, Baldwin County, Alabama.

CERTIFICATE.

STATE OF ALABAMA

BALDWIN COUNTY

I, Robert S. Duck, Register in Chancery, Baldwin County, Alabama, do hereby certify that I caused the above and foregoing Order of Publication to be published once a week for four consecutive weeks in the Baldwin Times, a Newspaper published at Bay Minette, in Baldwin County, Alabama, the said notice appearing in the issues of said paper of July 29, 1937, August 5, 1937, August 12, 1937 and August 19, 1937.

I further certify that I posted a copy of the said Order at the front door of the Court House of said county on the 27th day of July, 1937, and on the 4th day of October, 1937, mailed a copy, together with a copy of the Bill of Complaint in said cause to Delia Warner Messenger, Torrington, Connecticut, and to Eva Young, Torrington, Connecticut, by mail postage prepaid.

Dated this 31 day of March, 1937.

Robert S. Duck

Register.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Orator, The First Joint Stock Land Bank, of Montgomery, Alabama, a Corporation, presents this Bill of Complaint against Delia Warner Messenger, Eva Young, Ada Cochran Messenger, Austin Messenger and Lilla Messenger, and thereupon your Orator complains and shows unto the Court and your Honor as follows:

1. Your Orator is a corporation organized and existing under the laws of the United States of America, with its principal place of business in Montgomery, Alabama. The Respondent, Delia Warner Messenger, is over twenty-one years of age and resides in Torrington, Connecticut; the Respondent, Eva Young, is over twenty-one years of age and resides in Torrington, Connecticut; the Respondent, Ada Cochran Messenger, is over twenty-one years of age but her residence and post office address are unknown and cannot be ascertained after diligent inquiry; the Respondent, Austin Messenger, is a minor nine years of age, whose residence and post office address are unknown and cannot be ascertained after diligent inquiry; and the Respondent, Lilla Messenger, is a minor eight years of age, whose residence and post office address are unknown and cannot be ascertained after diligent inquiry.

2. Your Orator owns and is in the actual, quiet and peaceable possession of the following described real property situated in Baldwin County, Alabama, to-wit:

Lots 4 and 5 in Section 14, Township 2 South, Range 3 East, of St. Stephens Meridian, according to the plat and survey of said Section 14, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book "I" at Page 176, being more particularly described as follows: Commencing at the Northeast Corner of Section 14, Township 2 South, Range 3 East, running thence West 13 and 1/3 chains for a point of beginning, thence West 26 and 2/3 chains, thence South 80 chains, thence East 26 and 2/3 chains, thence North 80 chains to point of beginning.

3. The Respondents are reputed to claim some right, title to, interest in or encumbrance upon the said land; no suit is pending to enforce or test the validity of the title, claim or encumbrance and your Orator brings this Bill of Complaint against the said

Respondents to settle the title to said land and to clear up all doubts or disputes concerning the same. Your Orator here and now makes call upon the said Respondents and each of them to set forth and specify their title, claim, interest or encumbrance to or upon the said land or any part thereof and how and by what instrument the same is derived and created.


PRAYER FOR PROCESS.

Your Orator prays that the said Delia Warner Messenger, Eva Young, Ada Cochran Messenger, Austin Messenger and Lilla Messenger be made parties Respondent to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to them and each of them.


PRAYER FOR RELIEF.

Your Orator further prays that upon a final hearing of this cause your Honor will grant and enter a decree against the said Respondents, Delia Warner Messenger, Eva Young, Ada Cochran Messenger, Austin Messenger and Lilla Messenger, quieting title to the said land and adjudging and decreeing that your Orator is the owner of the said land in its own right; that title to the said land is in your Orator, forever quieting your Orator's title against the said Respondents, Delia Warner Messenger, Eva Young, Ada Cochran Messenger, Austin Messenger and Lilla Messenger, and adjudging that the said Respondents are without right, title or interest in the said land and have and hold no encumbrance upon the same.

Your Orator further prays for such other, further and general relief as it may be equitably entitled to the premises considered.


Solicitor for Complainant.

FOOT NOTE: The Respondents and each of them are required to answer each and every paragraph of the foregoing Bill of Complaint numbered 1 to 5 both inclusive, but not under oath, the benefit whereof is hereby expressly waived.


Solicitor for Complainant.

AFFIDAVIT.

STATE OF ALABAMA |

BALDWIN COUNTY |

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn deposes and says: That he is Solicitor for the Complainant in the above entitled cause, that he has read over the foregoing Bill of Complaint, is familiar with the allegations of fact contained therein and that the same are true.

J. B. Blackburn

Sworn to and subscribed before me
on this the 27th day of July, 1937.

Ora Sisson

Notary Public, Baldwin County, Alabama.

RECORDED

2-30-7

Decl

December 31 1938

*Robert
Reynolds*

~~RECORDED~~ *Book*
NO. 3551 *9-415*

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

THE FIRST JOINTSTOCK LAND
BANK OF MONTGOMERY, ALABAMA,
a Corporation,

Complainant
vs.

DELIA WARNER MESSENGER,
ET AL.,

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Ora S. Nelson,

WITNESSES:

G. W. Robertson, and

H. E. Smith

RECORDED

Duck
7-411

THE FIRST JOINT STOCK LAND BANK
OF MONTGOMERY, ALABAMA, a
Corporation, Complainant.

vs.

DELIA WARNER MESSENGER,
ET AL., Respondents.

ANSWER OF GUARDIAN
AD LITEM:

Filed this March 22, 1938.

R. S. Duck
Register.

THE FIRST JOINT STOCK LAND BANK
No. 355 Vs. OF MONTGOMERY,
DELIA WARNER MESSENGER, ET AL.,

This cause coming on to be heard, is submitted for decree on the pleadings and on the
Testimony as noted by the Register.

In Term Time

DATED this 14th day of April, 1938.

Richard
Register

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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

LEGAL NOTICE

In the Circuit Court of Baldwin County, Alabama in Equity.

The First Joint Stock Land or Bank, of Montgomery, Alabama, a Corporation, Complainants, Vs.;

Delia Warner Messenger, Eva Young, Ada Cochran Messenger, Austin Messenger and Lilla Messenger, Respondents.

ORDER OF PUBLICATION

To Delia Warner Messenger, Eva Young, Ada Cochran Messenger, Austin Messenger and Lilla Messenger:

It being made to appear in the above cause from the affidavit of J. B. Blackburn, that Delia Warner Messenger and Eva Young, two of the Respondents in the said cause, are over twenty-one years of age and are non-residents of the State of Alabama, each of whom are believed by affiant to reside in Torrington, Connecticut; that the Respondent, Ada Cochran Messenger, is over twenty-one years of age, and Respondent, Lilla Austin Messenger, is a minor nine of age, whose residences and post office addresses are unknown and cannot be ascertained after diligent inquiry: It is therefore

Ordered, Adjudged and Decreed that the said Respondents, Delia Messenger, is a minor eight years years of age, and Respondent, Lilla Warner Messenger, Eva Young, Ada Cochran Messenger, Austin Messenger and Lilla Messenger, appear in this Court and answer or demur to the Bill of Complaint in this cause before the 1st day of September, 1937, or upon their failure so to do decree pro confesso will be taken against them at the expiration of thirty days from the said date.

It is Further Ordered, Adjudged and Decreed that a copy of this order be published with all convenient dispatch once a week for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama; that within twenty days from the making of this Order a copy hereof be posted at the front door of the Court House of this County, and that copies hereof be sent to the Respondent, Delia Warner Messenger, and to the Respondent, Eva Young, at the aforesaid addresses.

Dated this 27th day of July, 1937.
ROBERT S. DUCK, Register
Chancery, Baldwin County, Alabama.

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. Faulkner

being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Delia Warner Messenger
vs. Montgomery Bank

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

<i>July 29, 1937</i>	Vol. <i>48</i> No. <i>26</i>
<i>August 5, 1937</i>	Vol. <i>48</i> No. <i>27</i>
<i>" 12, 1937</i>	Vol. <i>48</i> No. <i>28</i>
<i>" 19, 1937</i>	Vol. <i>48</i> No. <i>29</i>

before the undersigned this 30 day of

..... 1937

u.s.
Dist.

J. H. Faulkner
Publisher

RECORDED *Duch*
7-419

No. 355

**THE FIRST JOINT STOCK
LAND BANK OF MONTGOMERY,**

Complainant,

VS.

**DELIA WARNER MESSENGER,
ET AL.,**

Respondents,

Order of Submission

April Term, 193⁸

Ent. Min. Page

THE FIRST JOINT STOCK LAND
BANK OF MONTGOMERY, ALABAMA,
a Corporation,

Complainant,

VS.

DELIA WARNER MESSENGER, et als,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 355.

DECREE.

This cause coming on to be heard was submitted upon the Original Bill of Complaint, Decree Pro Confesso on service by registered mail against the Respondents, Delia Warner Messenger and Eva Young; Decree Pro Confesso on publication against Ada Cochran Messenger; Order appointing T. J. Mashburn, Guardian Ad Litem for Minor Respondents, Austin Messenger and Lilla Messenger; Consent in Writing by T. J. Mashburn to act as Guardian Ad Litem for the minor respondents, Austin Messenger and Lilla Messenger; Answer of T. J. Mashburn, as Guardian Ad Litem for said Minor Respondents, Austin Messenger and Lilla Messenger, and the Testimony as noted by the Register; and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in the said Original Bill of Complaint filed herein:

1. That the Complainant, The First Joint Stock Land Bank of Montgomery, Alabama, a Corporation, is as against the Respondents, Delia Warner Messenger, Eva Young, Ada Cochran Messenger, Austin Messenger and Lilla Messenger, the true and lawful owner in its own right of the following described lands in Baldwin County, Alabama, to-wit:

Lots 4 and 5 in Section 14, Township 2 South, Range 3 East, of St. Stephens Meridian, according to the plat and survey of said Section 14, recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book "I" at Page 176, being more particularly described as follows: Commencing at the Northeast Corner of Section 14, Township 2 South, Range 3 East, running thence West 13 and 1/3 chains for a point of beginning, thence West 26 and 2/3 chains, thence South 80 chains, thence East 26 and 2/3 chains, thence North 80 chains to point of beginning.

2. Title to the said land is in The First Joint Stock

Land Bank of Montgomery, Alabama, a Corporation, and title thereto is forever quieted against the Respondent, Delia Warner Messenger, Eva Young, Ada Cochran Messenger, Austin Messenger and Lilla Messenger, who are the heirs and all of the heirs of A. W. Messenger, Deceased, and the said respondents and each of them are without right, title or interest in the said land or any part thereof, and have and hold no encumbrance on the said property or any part thereof, or any interest therein, and they and each of them are hereby perpetually enjoined from asserting or attempting to assert any claim to the said property or any part thereof or any interest therein, or from claiming any lien on the said property or any part thereof or any interest therein.

3. It is further ordered that a copy of this decree be filed in the office of the Judge of Probate of Baldwin County, Alabama, within thirty days from the rendition hereof and that the Complainant pay the costs of this proceeding.

Done at Bay Minette, Alabama, on this the 14th day of April, 1938.

F. W. Hare

Judge of the Circuit Court of Baldwin
County, Alabama, Sitting in Equity.

FIRST JOINT STOCK LAND BANK OF
MONTGOMERY, ALABAMA, a Corporation,

Complainant,

VS.

DELIA WARNER MESSENGER, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 355.

AMENDED DECREE.

This matter coming on to be heard on this the 21st day of August, 1940, and being submitted on Complainant's Motion to Amend the Final Decree in said cause as provided by Chancery Rule Number 63, and it appearing to the Court that Decrees Pro Confesso were rendered against each of the Respondents in the above entitled cause except the minor respondents, Austin Messenger and Lilla Messenger, and that T. J. Mashburn, as Guardian Ad Litem for the said minors has accepted service of a copy of the said Motion on the 13th day of August, 1940, and upon consideration thereof IT IS ORDERED, Adjudged and Decreed by the Court as follows:

1. That the Complainant is entitled to the relief prayed for and that no other and further notice of the said proceeding is necessary.

2. That the said Final Decree in the said cause dated April 14, 1938, be and the same is hereby amended nunc pro tunc so that the same will read as follows:

"THE FIRST JOINT STOCK LAND
BANK OF MONTGOMERY, ALABAMA,
a Corporation,

Complainant,

VS.

DELIA WARNER MESSENGER, et als,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 355.

DECREE.

This cause coming on to be heard was submitted upon the Original Bill of Complaint, Decree Pro Confesso on service by registered mail against the Respondents, Delia Warner Messenger and Eva Young; Decree Pro Confesso on publication against Ada Cochran Messenger; Order appointing T. J. Mashburn, Guardian Ad Litem for Minor Respondents, Austin Messenger and Lilla Messenger; Consent in writing by T. J. Mashburn to act as Guardian Ad Litem for the minor respondents, Austin Messenger and Lilla Messenger; Answer of T. J. Mashburn, as Guardian Ad Litem for said Minor Respondents, Austin Messenger and Lilla

Messenger, and the Testimony as noted by the Register; and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in the said Original Bill of Complaint filed herein; IT IS THEREUPON, Ordered, Adjudged and Decreed by the Court as follows:

1. That the Complainant, The First Joint Stock Land Bank of Montgomery, Alabama, a Corporation, is as against the Respondents, Delia Warner Messenger, Eva Young, Ada Cochran Messenger, Austin Messenger and Lilla Messenger, the true and lawful owner in its own right of the following described lands in Baldwin County, Alabama, to-wit:

Lots 4 and 5 in Section 14, Township 2 South, Range 3 East, of St. Stephens Meridian, according to the plat and survey of said Section 14, recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book "I" at Page 176, being more particularly described as follows: Commencing at the Northeast Corner of Section 14, Township 2 South, Range 3 East, running thence West 13 and 1/3 chains for a point of beginning, thence West 26 and 2/3 chains, thence South 80 chains, thence East 26 and 2/3 chains, thence North 80 chains to point of beginning.

2. Title to the said land is in The First Joint Stock Land Bank of Montgomery, Alabama, a Corporation, and title thereto is forever quieted against the Respondent, Delia Warner Messenger, Eva Young, Ada Cochran Messenger, Austin Messenger and Lilla Messenger, who are the heirs and all of the heirs of A. W. Messenger, Deceased, and the said Respondents and each of them are without right, title or interest in the said land or any part thereof, and have and hold no encumbrance on the said property or any part thereof, or any interest therein, and they and each of them are hereby perpetually enjoined from asserting or attempting to assert any claim to the said property or any part thereof or any interest therein, or from claiming any lien on the said property or any part thereof or any interest therein.

3. It is further ordered that a copy of this decree be filed in the office of the Judge of Probate of Baldwin County, Alabama, within thirty days from the rendition hereof and that the Complainant pay the costs of this proceeding.

Done at Bay Minette, Alabama, on this the 14th day of April, 1938.

F. W. Hare

Judge of the Circuit Court of Baldwin County, Alabama, Sitting in Equity."

3. It is further ordered that a copy of this decree be filed in the office of the Judge of Probate of Baldwin County, Alabama, within thirty days from the rendition hereof and that the Complainant pay the costs of this proceeding.

Done in open Court at Bay Minette, Alabama, on this the 21st day of August, 1940.

F. W. Hare

Judge.