

953

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Singleton McRee, Albert Nelson, Ruth Nelson, John W. McKenzie and Raleigh McKenzie, to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Magnolia Springs Land Company, a Corporation.

Witness my hand this 28 day of February, 1946.

*[Signature]*  
Clerk of the Circuit Court.

.....

COMPLAINT

MAGNOLIA SPRINGS LAND CO.,  
a Corporation,  
Plaintiff

VS

SINGLETON McREE, ALBERT  
NELSON, RUTH NELSON, JOHN  
W. MCKENZIE AND RALEIGH  
MCKENZIE  
Defendants

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

1. The Plaintiff sues to recover possession of the following tract of land in Baldwin County, Alabama:

That part of the Michael McKinsey Grant Section 37, in Township 7 South, Range 2 East and that part of the Michael Mc<sup>A</sup>insey Grant Section 37, in Township 7 South, Range 3 East of the St. Stephens Meridian, described as follows:  
Commencing at a stake on the bank of Fish River 30 links North of where the half section line dividing Sections 19 and 24 from East to West strikes the said river, from this stake run North 84 degrees East 40.00 chains to a stake, thence South to the half Section line of Section 19; thence due East along said half section line to the East boundary line of said Section 19, dividing it from Section 20; thence South along said Section line to the Section line running East and West between Sections 19 and 30; thence due West along said Section line to the East bank of Fish River; thence North following the meanderings of said River to the place of beginning EXCEPT THEREFROM that certain tract of land which would normally be described as the Southeast Quarter of the Southwest Quarter of Section 19, Township 7 South, Range 3 East if said Section were conventional and its area not reduced by the Michael Mc<sup>A</sup>insey Grant Section 37 in said Township and Range.

of which it was in possession, and upon which, pending such possession and before the commencement of this suit, the Defendants entered and unlawfully withhold, together with One Thousand (\$1000.00) Dollars for the detention thereof.

J. B. Blackburn  
Attorney for Plaintiff

Plaintiff demands a trial of said cause by jury.

J. B. Blackburn  
Attorney for Plaintiff.

953

RECORDED

SUMMONS AND COMPLAINT

MAGNOLIA SPRINGS LAND COMPANY  
a Corporation  
Plaintiff

VS

SINGLETON McREE, ALBERT  
NELSON, RUTH NELSON, JOHN  
W. McKENZIE AND RALEIGH  
McKENZIE  
Defendants

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

FILED: Feb. 28, 1946 at  
9:35 o'clock. A. M.

*R. B. Blackburn*  
*Deed*

J. B. BLACKBURN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

Executed Nov. 15 1946  
by serving copy of within Summons and  
Complaint on

Singleton McRee, Albert  
Nelson, Ruth Nelson, John  
W. McKenzie + Raleigh McKenzie

C. E. Garrett Sheriff  
H. F. Hall Deputy Sheriff

*We the jury find  
for the Defendants  
Raleigh McKenzie*

*E. M. Gudmundson  
Foreman*

*We, the jury find  
for the defendant  
John W. McKenzie.*

*E. M. Gudmundson  
Foreman*

Magnolia Springs Land Co.  
a Corp.

Plaintiff

John W. McKenzie et al  
Defendants

In the Circuit  
Court of Predeon  
County, Alabama

at Law

# 953

Now Comes the Defendant John W. McKenzie, and amends his answer heretofore filed in this Cause by adding Count 3, as follows:

3

He pleads the general issue as to the following described lands described in said Suit, to wit:

Begin at Southeast Corner of Section 37 Township 7 South Range 3 East, Michael McKinney Grant, thence Run West 1320 ft by a point the place of beginning thence West 1320 ft, thence North 2640 ft thence East 1320 ft thence South 2640 ft to the place of beginning containing 80 acres, More or less, in Section 37 Township 7 South Range 3 East. Also described as the West half of Section 37 of Regular government Section 37 Township 7 South Range 3 East.

Has Defendant disclaimed title to all other lands involved in this Suit

W. H. Hall, atty. for def. John W. McKenzie

3

Filed: March 27, 1958.

Jeffrey J. Washburne  
Judge

Maguelia Springs Land  
 Co. & Corp. Plaintiff  
 John W. McKenzie et al  
 vs  
 In the Circuit  
 Court of Co  
 Oregon  
 Ala. Appaw  
 # 95-3

Now Comes the Defendant  
 Raleigh McKenzie and  
 answers his answer  
 heretofore filed in  
 this Cause by attaching  
 Count "A" as follows:

A.

The Defendant pleads  
 the general issue as  
 to the following described  
 land, involved in this  
 suit, and demands  
 title to all the balance:

Begin at the Half Section  
 Corner on the Town Line  
 of Regular Section 74 -  
 Township 7 South Range  
 2 East, plus there North  
 158 ft to a point there  
 S 84° W 40 Chains more or  
 less to a point 30 Links  
 North of the East and  
 West Regular Half Section  
 line, then South along

The East branch of First River  
600 feet more or less, to  
the center of Poplar Head  
branch, thence up said  
branch following the  
meanders to the place of  
beginning. Containing 10  
Acres or more or less, and  
being in Section 37, Range  
7 south, Township 7 south, Range  
7 east of Michael McKeeney  
Grant, Bourbon County,  
Alabama.

The above title to all  
other lands involved in  
this case not herein  
discharged.

Wm. H. Hall  
Att. for Release McKeeney

Mag Spr Law a

✓

John A. McKenzie  
et al

Answer

Filed: March 27, 1950.  
Julian J. Marshall, Jr.  
Judge.



MAR 22 1951

THE STATE OF ALABAMA - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1950-51

1 Div. 419

John W. McKenzie et al.,

v.

Magnolia Springs Land Co.,

Appeal from Baldwin Circuit Court,  
Bay Minette.

BROWN, JUSTICE.

This is a statutory action in the nature of ejectment by appellee against appellants and others for the recovery of a large tract of land situated in Baldwin County, Alabama. —Code of 1940, Tit. 7, § 938.

Two of the defendants disclaimed title and possession as to all the lands sued for except ten acres described in their plea, as to which they entered plea of the general issue, not guilty and the cause as to them was continued.

2.

The case thereupon proceeded to trial against the defendants Raleigh and John W. McKenzie, who disclaimed ownership as to all of the land except eighty acres, as to which they entered the plea of "not guilty".

At the conclusion of the evidence adduced in the case by both plaintiff and the defendants the court at the request of the plaintiff in writing instructed the jury as follows:

"1. The Court charges the jury that if you believe the evidence in this case, your verdict should be for the Plaintiff, the Magnolia Springs Land Company, and against the defendant, John W. McKenzie, for the lands described in the amended answer filed by him in this cause on March 27, 1950.

"10. The Court charges the jury that if you believe the evidence in this case, your verdict should be for the Plaintiff, the Magnolia Springs Land Company, and against the Defendant, Raleigh McKenzie, for the lands described in the amended answer filed by him in this cause on March 27, 1950."

The defendants each requested in writing the affirmative charge with hypothesis and these charges were each refused. Notwithstanding these instructions, the jury returned a verdict for the defendants, upon which the judgment of the court was duly entered. The plaintiff made timely motion to set the verdict of the jury aside and grant plaintiff a new trial, which was regularly continued and set for hearing on May 4, 1950, and on such hearing the court set aside the verdict and the judgment entered thereon and granted a new trial. The appeal here is from the order of the court granting a new trial.

3.

The verdict was contrary to the law as given in charges 1 and 10 by the court and the court did not err in granting a new trial.—

Fleming & Hines v. L. & N. R. R. Co., 148 Ala. 527, 41 So. 683;  
Pentecost v. Massey, 202 Ala. 681, 81 So. 637; City of Decatur v. Finley, 221 Ala. 101, 127 So. 518; Fulton v. McQuirter, 222 Ala. 660, 133 So. 703; Franklin Fire Ins. Co. v. Slaton, 240 Ala. 560, 200 So. 564; Piedmont Fire Insurance Co. v. Tierce, 245 Ala. 415, 17 So. 2d 133.

Affirmed.

Livingston, C. J., Simpson and Stakely, JJ., concur.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1 Div., No. 419

John W. McKenzie et al., Appellant, s

vs.

Magnolia Springs Land Company, Appellee,

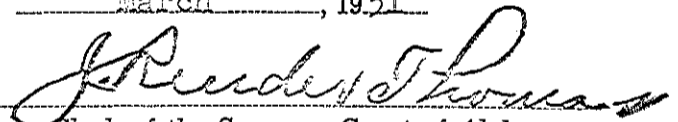
From Baldwin Circuit Court.

The State of Alabama, }  
City and County of Montgomery, }

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages, numbered from one to 3 inclusive, contain a full, true and correct copy of the opinion of said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.

Witness, J. Render Thomas, Clerk of the Supreme  
Court of Alabama, this the 22nd day of

March, 1951

  
Clerk of the Supreme Court of Alabama.

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THE SUPREME COURT OF ALABAMA

October Term, 1950-51

1 Div., No. 419

---

John W. McKenzie et al.,  
Appellants

vs.

---

Magnolia Springs Land Co.  
Appellee.

From Baldwin Circuit Court.

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COPY OF OPINION

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BROWN PRINTING CO., MONTGOMERY 1950

MAGNOLIA SPRINGS LAND COMPANY,  
A Corporation,

Plaintiff,

VS.

WINNIE MAE McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. MCKENZIE,  
RALEIGH MCKENZIE,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. 953.

#### STIPULATION

In this cause it is stipulated by and between the Plaintiff, acting by and through its Attorney, and Winnie Mae McRee, one of the Defendants, acting by and through her Attorney, as follows:

1. The said Defendant, Winnie Mae McRee, consents that Plaintiff's demand for a jury be withdrawn as to her and that the Court render a decree in favor of the Plaintiff and against her for the property sued for, but without damages and costs.
2. The said Defendant, Winnie Mae McRee, admits that James A. Wemyss was in possession of the property involved in this suit at the time he conveyed it to Pollock Barbour by deed from James A. Wemyss and Addie M. Wemyss, his wife, to Pollock Barbour, dated February 10, 1900, filed February 24, 1900 and recorded in Deed Book 2 N. S. at pages 289-90, Baldwin County, Alabama Records, and further admits that the Plaintiff claims title to the property involved in this suit by mesne conveyances from Pollock Barbour, the Grantee named in the said deed.
3. This said Defendant further admits that the Plaintiff was in possession of the property involved in this suit at the time Singleton McRee, her predecessor in title, entered upon the said lands and that the Plaintiff's title to the said lands is superior to the title claimed by her thereto.
4. The Plaintiff may submit this cause to the Circuit Court of Baldwin County, Alabama for a decree at any time on this

Defendant's plea of not guilty and on this stipulation, without further notice to the said Defendant.

Dated on this the 15<sup>th</sup> day of February, 1949.

J. B. Blackman

Attorney for Plaintiff.

[Signature]

Attorney for Defendant, Winnie Mae McRee.

*Handwritten notes:*  
1949-2-15  
Winnipeg

PL. PVA. NO. 000.  
BY THE COURT, VICTORIA.  
IN THE CIRCUIT COURT OF

Victoria.

MURPHY ROBERTS,  
JOHN W. ROBERTS, JOHN A. ROBERTS,  
ARTHUR H. ROBERTS, VICTOR H. ROBERTS,

BY  
[Signature]

OF VICTORIA,  
BY THE COURT, VICTORIA.

ATTORNEY

STIPULATION

MAGNOLIA SPRINGS LAND COMPANY,  
a Corporation,

Plaintiff,

VS.

WINNIE MAE McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. McKENZIE,  
RALEIGH McKENZIE,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. 953.

*Filed 2-18-49  
Alvin J. ...  
clerk*

RECORDED FOR RECORDING, ALABAMA STATE ARCHIVES

RECORDED FOR RECORDING, ALABAMA STATE ARCHIVES

FILED ON THIS DATE AND INDEXED BY THE CLERK OF THE COURT

THIS NOTICE IS GIVEN TO THE DEFENDANTS

DEFENDANTS BY THE SIGNATURE OF THE ATTORNEY AT LAW



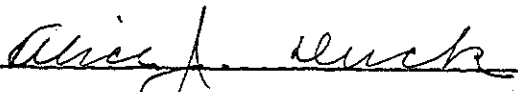
STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Winnie Mae McRee to appear in the Circuit Court of Baldwin County, Alabama at the place of holding same within thirty days after service of this notice and then and there to defend the case of Magnolia Springs Land Company, a Corporation, Plaintiff, vs. Singleton McRee, et als, Defendants.

Witness my hand this 9th day of April, 1948.

  
Clerk of the Circuit Court of Baldwin  
County, Alabama.

The above Winnie Mae McRee resides  
at Eight Mile in Mobile County, Alabama.

Defendant's plea of not guilty and on this stipulation, without further notice to the said Defendant.

Dated on this the 15<sup>th</sup> day of February, 1949.

J. B. Blackman

Attorney for Plaintiff.

[Signature]

Attorney for Defendant, Winnie Mae McRee.

*Handwritten notes:*  
Winn  
2-18-49

VI IVA MO AID  
EYINER COOGLA YVIVICV  
TH LEE CIRCULL COOGLA C6

re: [illegible]

WYTHOY KEGEMNU  
LAINI WYTHOY JOHN A. KEGEMNU  
WYTHOY WYTHOY WYTHOY WYTHOY

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WYTHOY

MAGNOLIA SPRINGS LAND COMPANY,  
A CORPORATION,

Plaintiff,

VS.

SINGLETON McREE, ET ALS,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 953


MOTION TO REVIVE CAUSE.

Now comes the Plaintiff by its Attorney and shows unto the Court that the Defendant, Singleton McRee, died on the 29th day of January, 1948, leaving a Last Will and Testament which has been admitted to probate and record in and by the Probate Court of Mobile County, Alabama, a copy of which is hereby attached and by reference made a part hereof as though fully incorporated herein, in which said Last Will and Testament, all of the property of the said Defendant, Singleton McRee, was devised and bequeathed to his wife, Winnie Mae McRee.

The said Winnie Mae McRee is over twenty-one years of age and resides at Eight Mile in Mobile County, Alabama. She has not voluntarily appeared in this cause and made herself a party Defendant.

It is necessary that this cause be revived against the said Winnie Mae McRee.

WHEREFORE, Plaintiff moves the Court to issue a Citation to Winnie Mae McRee as required by Title 7, Section 154 of the 1940 Code of Alabama requiring her to appear within thirty days from the date on which the Citation is served on her and defend this suit and after that time this cause be revived against her. Plaintiff moves the Court to grant under it such other, further and general relief as it may be entitled to the premises considered.

  
Attorney for Plaintiff.

I, SINGLETON McREE, OF EIGHT MILE, MOBILE COUNTY, ALABAMA, being of sound and disposing mind and memory, do hereby make, publish and declare this to be my LAST WILL AND TESTAMENT, and hereby revoke all WILLS and CODICILS by me at any time heretofore made.

FIRST ---- I direct that all my just debts, funeral and testamentary expenses be paid by my executrix, herein after names as soon as conveniently as may be after my death.

SECOND --- I give, devise and bequeath unto my sons and daughters, ONE DOLLAR EACH.

THIRD----- All the test, residue and remainder of my estate, BOTH REAL, and PERSONAL, of whatever kind and nature and wherever the same may be situated of which I shall be seized or possessed, or to which I may in any way be entitled to at the time of my death. I GIVE, DEVISE and BEQUEATH unto my beloved wife, WINNIE MAY McREE, to be hers absolutely.

FOURTH --- In the event that my wife shall die before me, or that we shall die in the same accident, then in either of such events, I hereby, I hereby give, devise and bequeath my entire residuary estate to

\_\_\_\_\_  
OF \_\_\_\_\_

In the event that my wife shall die before me, or that we shall die by the same accident, and in the event also that

\_\_\_\_\_  
shall not survive me, then I give, devise and bequeath my entire residury estate as aforesaid to

\_\_\_\_\_  
of \_\_\_\_\_

FIFTH--- I hereby nominate and appoint my wife,  
 WINNIE MAY McREE, to be executrix of this, my  
 will, and I direct that she be permitted to  
 qualify with/ <sup>out</sup> giving any bond or security, In  
 the event, my wife, WINNIE MAE McREE, shall  
 fail to qualify, or cease to be or act as such  
 executrix, then I nominate and appoint

\_\_\_\_\_ of \_\_\_\_\_  
 to be executor  
 of this my Will and he also be permitted to act  
 without bond or other security.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AF-  
 FIXED MY SEAL THIS 29 DAY OF October in the year  
 ONE THOUSAND NINE HUNDRED FORTY-FIVE

\_\_\_\_\_ Singleton McRee ( SEAL )

WITNESSES F. E. Vigor  
Mrs. F. E. Vigor  
 \_\_\_\_\_

The foregoing instrument was subscribed by the  
 testator, SINGLETON McREE in the Village of EIGHT MILE, MOBILE  
 COUNTY, ALABAMA, on this the 29 day of Oct. 1945 in our  
 presence and was at the same time and place published and de-  
 clared by him to be his Last Will and Testament, and thereupon  
 we, at his request, and in his presence, and in the presence of  
 each other, did subscribe our names thereto ~~xxxxxx~~ as at-  
 testing witnesses, this attesting clause having first been read  
 aloud to us in the presence of said testator.

<u>F. E. Vigor</u>	Residence <u>Eight Mile, Ala.</u>	P.O.Box <u>271</u>
<u>Mrs. F. E. Vigor</u>	" <u>Eight Mile, Ala.</u>	P.O.Box <u>271</u>
_____	" _____	_____

P. C. 46-500-0-47

STATE OF ALABAMA, )  
 MOBILE COUNTY. )

I, NORVELLE R. LEIGH, JR., Judge of the Probate Court in  
 and for said County and State, do hereby certify that the with-

in instrument of writing, has this day in said Court, and before me as the Judge thereof, been duly proven by property testimony to be the genuine last will and testament of Singleton McRee deceased, and that said will, together with said proof thereof, have been recorded in my office in Book of Wills No. 24 and on pages 113 et seq.

IN WITNESS of all which I have hereunto set my hand and the seal of the said Court, this 14th day of February 1948

Norvelle R. Leigh, Jr.  
Judge of Probate Court for Mobile County,  
Alabama.

(PROBATE COURT SEAL)

STATE OF ALABAMA, )

MOBILE COUNTY )

PROBATE COURT OF SAID COUNTY.

In the matter of the Probate of the last will and testament of Singleton McRee Deceased.

Before me, NORVELLE R. LEIGH, JR., Judge of the Probate Court in and for said County and State, personally appeared F. E. Vigor and Mrs. F. E. Vigor who, being first duly and legally sworn in open Court, doth depose and say on oath that they were subscribing witnesses to the instrument of writing now shown to them and purporting to be the last will and testament of Singleton McRee Deceased, late an inhabitant of this County; that the testator, since deceased, signed and executed said instrument on the day the same bears date, in the presence of said subscribing witnesses and declared the same to be his last will and testament; that each of the subscribing witnesses signed the said instrument on the day the same bears date at the request and in the presence of said testator and in the presence of each other as subscribing witnesses thereto, and that said testator was on the day of the date of said will of the full age of twenty-one years and upward, and in the opinion of deponent s fully capable of making his will at the time same was so made as aforesaid.

F. E. Vigor

Mrs. F. E. Vigor

Subscribed and sworn to before this 14th day of February, 1948

Norvelle R. Leigh, Jr.  
Judge of Probate Court for Mobile County,  
Alabama.

(PROBATE COURT SEAL)

RECORDED 953

MOTION TO REVIVE CAUSE. 25

MAGNOLIA SPRINGS LAND COMPANY, a Corporation,

Plaintiff,

VS.

SINGLETON McREE, ET ALS,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NUMBER 953.

*S. J. Miller*

*Filed 4-9-48  
Alice J. Kuch  
clerk*

J. B. BLACKBURN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

Received in Sheriff's Office  
this 10<sup>th</sup> day of April, 1948  
TAYLOR WILKINS, Sheriff

*12th day of April 1948  
Taylor Wilkins Sheriff*

*J. B. Blackburn*

MAGNOLIA SPRINGS LAND CO.,  
a Corporation,  
Plaintiff

VS

SINGLETON McREE, ALBERT  
NELSON, RUTH NELSON, JOHN  
W. MCKENZIE AND RALEIGH  
MCKENZIE,  
Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 1525  
953.

INTERROGATORIES PROPOUNDED TO THE DEFENDANTS, AS  
PROVIDED BY TITLE 7, SECTION 477 OF THE 1940 CODE  
OF ALABAMA.

1. Are you, or either of you, in possession of all or any part of the property described in the Complaint that has been filed in this cause?

2. If your answer to the foregoing interrogatory is Yes, describe the property that is in your possession.

3. Do you, or either of you, claim title to all or any part of the property described in the Complaint that has been filed in this suit and, if so, how long have you claimed such title?

4. If your answer to the foregoing interrogatory is Yes, describe the property to which you claim title and state whether you claim title in your individual capacity, or with one or more other persons and if you claim title to the said property with one or more other persons, give their name or names and the interest or interests that each of you claim in the property.

5. If you, or either of you, claim title to all or any part of the property described in the Complaint that has been filed in this suit, state whether you acquired title through a deed, deeds or other written instruments and attach a true and correct copy of all deeds or other written instruments through which you claim title to the said property to your answers to these interrogatories.

6. Have you, or either of you, assessed any part of the property described in the Complaint in this suit for taxation? If so, list the tax years when the property was assessed by you and give a correct description of the property so assessed by you for



each tax year.

7. Have you, or either of you, paid taxes on all or any part of the property described in the Complaint in this suit? If so, attach to your answers to these interrogatories true and correct copies of all tax receipts issued to you, evidencing such payments.

8. Do you have any written instrument which authorized you, or either of you, to take possession of all or any part of the property for which this suit is brought? If so, attach a copy of such instrument or instruments to your answers to these interrogatories.

J. B. Blackburn  
Attorney for Plaintiff

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 the Attorney for the Plaintiff in the above named cause, that the answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Plaintiff in the said cause.

J. B. Blackburn

Sworn to and subscribed before me on  
this the 21st day of June, 1946.

Betty R. Buck  
Notary Public, Baldwin County, Alabama

953.

INTERROGATORIES PROPOUNDED TO  
THE DEFENDANTS.

MAGNOLIA SPRINGS LAND CO.,  
a Corporation,  
Plaintiff

VS

SINGLETON McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. MCKENZIE  
AND RALEIGH MCKENZIE,  
Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW. NO. 1525  
953

*Filed June 21st 1946*  
*R. H. Blackburn*  
*Right*

J. B. BLACKBURN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

Executed June 21 1946  
by serving copy of within Summons and  
Complaint on

H. H. Hall

C. E. Garrett Sheriff

By H. H. Hall Deputy Sheriff

MAGNOLIA SPRINGS LAND COMPANY,  
a Corporation,

Plaintiff,

VS.

SINGLETON McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. MCKENZIE  
and RALEIGH MCKENZIE,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 953.

ORDER GRANTING NEW TRIAL

The motion of the plaintiff for a new trial in this case now coming on to be heard and the same having been argued and submitted to the Court, the Court is of the opinion that the said motion is well taken, and It Is, Therefore

CONSIDERED, ORDERED AND ADJUDGED by the Court that the motion of the plaintiff to set aside the verdict of the jury and the judgment rendered thereon and to grant the plaintiff a new trial be, and said motion is hereby granted, the judgment rendered on said verdict and said verdict are hereby set aside and the said plaintiff granted a new trial.

DONE AND ORDERED this 4th day of May, 1950.

J. Fair J. Maddox Jr.  
Judge

THE STATE OF ALABAMA }  
Baldwin County - Circuit Court }

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the .....  
..... 4th day of May ..... ~~Monday in~~ ....., 1945, in a cer-  
tain cause in said Court wherein MAGNOLIA SPRINGS LAND COMPANY.....  
..... Plaintiff, and SINGLETON McREE, et als......  
..... Defendant, a judgment was rendered against said  
SINGLETON McREE, et als, Defendant.....  
to reverse which Judgment....., the said Singleton McRee, et als, Defendant  
.....  
.....  
applied for and obtained from this office an APPEAL, returnable to the .....  
Term of our Supreme..... Court of the State of Alabama, to be held at Montgomery,  
on the ..... day of ....., 194..... next, and the necessary bond  
having been given by the said SINGLETON McREE, et als, Defendant.....  
..... with John W. McKenzie, Baligh McKenzie, and Hubert M. Hall....., sureties,  
.....  
.....

Now, You Are Hereby Commanded, without delay, to cite the said .....  
MAGNOLIA SPRINGS LAND COMPANY..... or J. B. BLACKBURN.....  
....., attorney, to appear at the.....Term of our  
said Supreme Court, to defend against the said Appeal, if ..... he ..... think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this ..... 16th .....  
day of ..... May ....., A. D., 194.50.

Attest:  
*Alice J. Duck*....., Clerk.

I hereby accept service this  
19th day of May 1950.

J. B. Blackline  
By James F. Dean

(13)

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CIRCUIT COURT  
Baldwin County, Alabama

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MAGNOLIA SPRINGS LAND COMPANY

Vs. } Citation in Appeal

SINGLETON MCREE, ET ALS.

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Issued ..... day of ....., 194.....

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Div. No. \_\_\_\_\_ CERTIFICATE OF APPEAL (Civil Cases)

No. 953 Baldwin County, Circuit Court.

MAGNOLIA SPRINGS LAND COMPANY

Plaintiff  
vs.

SINGLETON McREE, ET ALS

Defendant

I, Alice J. Duck, Clerk of Circuit Court,  
of Baldwin County, Alabama, hereby certify that in the cause of  
MAGNOLIA SPRINGS LAND COMPANY Plaintiff...  
vs.  
SINGLETON McREE, ET ALS Defendant...

which was tried and determined in this Court, on the 4th day of May 19...50  
in which there was a judgment for \_\_\_\_\_ Dollars, in favor of the ~~Plaintiff~~  
(or judgment for Defendant), the Plaintiff on the 15th day of May  
19...50 took an appeal to the Supreme Court of Alabama to be holden of and for said State.

I further certify that John W. McKenzie, Raleigh McKenzie and Hubert M. Hall filed  
security for cost of appeal, to the Supreme Court, on the 15th day of May  
19...50, and that John W. McKenzie, Raleigh McKenzie and Hubert M. Hall

are sureties on the appeal bond.

I further certify that notice of the said appeal was, on the 16th day of May  
19...50, served on Hubert M. Hall as attorney of record for said  
appellee, and that the amount sued for was \_\_\_\_\_ Dollars.  
(or certain lands) (~~or personal property~~)

Witness my hand and seal of this Court, this the 16 day of May 19...50

Alice J. Duck  
Clerk of the Circuit Court of

\_\_\_\_\_ County, Alabama

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 shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT  
} Case No. 953 \_\_\_\_\_  
17<sup>th</sup> Dec. Term, 1946

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon G. D. Stewart, Rudolph Erdman, Axel Lindstrom, Rudolph Nelson, Charlie Ebert, Harry Parker  
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 there-

of, by 9 o'clock of the forenoon, on the 4<sup>th</sup> day of Dec., 1946

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 Magnolia Springs Land Co. Plaintiff

and Singleton M<sup>e</sup> Ree et al. Defendant.

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

Given under my hand and seal, this 23<sup>rd</sup> day of Nov., 1946

Alice J. Duck Clerk

Received in office this \_\_\_\_\_ day of

194

SHERIFF

I have executed this writ

*Writ of Habeas Corpus  
for [unclear]*

SHERIFF

ORIGINAL

No. 953

Page \_\_\_\_\_

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

*Magnolia Springs  
Land Company*

Plaintiff

VS.

*Singleton M<sup>rs</sup> Ree et al*

Defendant

CIVIL SUBPOENA

Issued this 23rd day of  
Nov. 1946

*Alicia J. Duck*

Clerk.



THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19 50-51.

To the Clerk of the Circuit Court, Baldwin County—Greeting:

Whereas, the Record and Proceedings of the Circuit Court of said county, in a certain cause lately pending in said Court between John W. McKenzie and Raleigh McKenzie, Appellants, and Magnolia Springs Land Company, a Corporation, Appellee, wherein by said Court it was considered adversely to said appellant S., were brought before our Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant S.:

NOW, IT IS HEREBY CERTIFIED, That it was thereupon considered, ordered, and adjudged by our Supreme Court, on the 22nd day of March, 19 51, that said Judgment of said Circuit Court be in all things affirmed, and that it was further considered, ordered, and adjudged that the appellant S., ~~and~~ John W. McKenzie and Raleigh McKenzie, and Hubert M. Hall, surety on the appeal bond, pay - - - - -

the costs accruing on said appeal in this Court and in the Court below, for which costs let execution issue.

Witness, J. Render Thomas, Clerk of the Supreme Court of Alabama, at the Judicial Department Building, this the 22nd day of March, 19 51. J. Render Thomas Clerk of the Supreme Court of Alabama.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 1950-51.

To the Clerk of the Circuit Court, Baldwin County Greeting:

Whereas, the Record and Proceedings of the Circuit Court of said county, in a certain cause lately pending in said Court between John W. McKenzie and Raleigh McKenzie, Appellants, and Magnolia Springs Land Company, a Corporation, Appellee, wherein by said Court it was considered adversely to said appellant S., were brought before our Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant S.:

NOW, IT IS HEREBY CERTIFIED, That it was thereupon considered, ordered, and adjudged by our Supreme Court, on the 22nd day of March, 1951, that said Judgment of said Circuit Court be in all things affirmed, and that it was further considered, ordered, and adjudged that the appellant S., ~~and~~ John W. McKenzie and Raleigh McKenzie, and Hubert M. Hall, surety on the appeal bond, pay - - - - -

the costs accruing on said appeal in this Court and in the Court below, for which costs let execution issue.

Witness, J. Render Thomas, Clerk of the Supreme Court of Alabama, at the Judicial Department Building, this the 22nd day of March, 1951. J. Render Thomas Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 1950-51

1st Div., No. 419

John W. McKenzie  
and

Raleigh McKenzie

Appellant, S

vs.

Magnolia Springs Land

Company, a Corporation,

Appellee.

From Baldwin Circuit Court.

No. 953

CERTIFICATE OF  
AFFIRMANCE

The State of Alabama,

County.)

} Filed

this 24<sup>th</sup> day of March 19 51

*W. J. Newson*  
clerk

MAGNOLIA SPRINGS LAND COMPANY,  
A Corporation,

Plaintiff,

VS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

SINGLETON McREE, ALBERT NELSON,  
~~RUTH NELSON, JOHN W. MCKENZIE~~  
and RALEIGH MCKENZIE,

AT LAW. NO. 953.

Defendants.

AMENDED COMPLAINT

Now comes the Plaintiff, Magnolia Springs Land Company,  
a Corporation, and amends the Complaint heretofore filed in this  
cause by striking therefrom as a party defendant, Singleton McRee,  
who is now deceased, and adding as a party defendant Winnie Mae  
McRee, who is the sole devisee and legatee named in the Last Will  
and Testament of Singleton McRee, Deceased.

J. B. Blackburn  
Attorney for Plaintiff.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

WAGNER SPRINGS LAND COMPANY,  
A Corporation,

Plaintiff,

vs.

SINGLETON MORSE, ALBERT NELSON,  
JAMES W. MORSE, JOHN W. MORSE,  
and RALPH MORSE,

Defendants.

AMENDED COMPLAINT

Now comes the Plaintiff, Wagner Springs Land Company,  
a Corporation, and amends the complaint heretofore filed  
in this cause by striking therefrom as a party defendant, Singleton  
Morse, who is now deceased, and adding as a party defendant  
Albert Nelson, James W. Morse, John W. Morse, and Ralph Morse,  
and Testament of Singleton Morse, deceased.

ALICE J. DUCK, CLERK

JAN 4 8 1949

FILED

*J. B. Blalock*  
Attorney for Plaintiff

MAGNOLIA SPRINGS LAND COMPANY,  
A Corporation,

Plaintiff,

VS.

SINGLETON McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. McKENZIE  
and RALEIGH McKENZIE,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

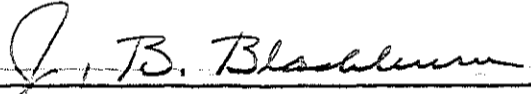
AT LAW. NO. 953.

DEMAND FOR ABSTRACT

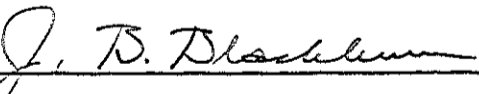
TO ALBERT NELSON, RUTH NELSON, JOHN W. McKENZIE, RALEIGH McKENZIE  
AND H. M. HALL, AS THEIR ATTORNEY:

Demand is hereby made upon you for an abstract in writing of the title or titles on which each of the Defendants, separately and severally, will rely for defense of this suit.

This demand is made as provided by and for the purposes stated in Title 7, Section 940 of the 1940 Code of Alabama.

  
\_\_\_\_\_  
Attorney for Plaintiff.

I hereby certify that I delivered a copy of this instrument to H. M. Hall, Esquire, Attorney for Albert Nelson, Ruth Nelson, John W. McKenzie, and Raleigh McKenzie, Defendants in the above entitled cause, on this the 15th day of March, 1950.

  
\_\_\_\_\_  
Attorney for Plaintiff.

~~170-2~~  
953

DEMAND FOR ABSTRACT

MAGNOLIA SPRINGS LAND COMPANY,  
A Corporation,

Plaintiff,

VS.

SINGLETON McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. MCKENZIE  
and RALEIGH MCKENZIE,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 953.

*Filed 3-15-50*  
*Revised*  
*Clara*

9576  
 Magnolia Springs Land Co.  
 vs. -  
 Singleton McRee et al -

NO.	NAME	OCCUPATION	ADDRESS
1.	FRANK SCHWARTZ	FARMER	ELBERTA
<del>2.</del>	<del>CLARENCE COOPER</del>	<del>FARMER</del>	<del>BOSINTON</del>
3.	EVERETT M. GIDMUNSON	FARMER	SILVERHILL
4.	WILLIAM S. ALEXANDER	NEWPORT EMPLOYEE	BAY MINETTE
<del>5.</del>	<del>JOE B. STILL</del>	<del>AUTO DEALER</del>	<del>BAY MINETTE</del>
6.	CHARLIE GILL	FARMER	RABON
<del>7.</del>	<del>DAVID W. SMAR</del>	<del>INSURANCE</del>	<del>FOLEY</del>
<del>8.</del>	<del>SAM FREEMAN</del>	<del>MERCHANT</del>	<del>ROBERTSDALE</del>
9.	CHARLES HEAD, JR.	FARMER	STAPLETON
10.	CLARENCE W. HANSEN	FISHERMAN	DAPHNE
<del>11.</del>	<del>LAWRENCE DUBES</del>	<del>POOL ROOM</del>	<del>FOLEY</del>
<del>12.</del>	<del>CLIDE STEBLE</del>	<del>MERCHANT</del>	<del>BAY MINETTE</del>
<del>13.</del>	<del>ALVIN</del>	<del>CARPENTER</del>	<del>FOLEY</del>
<del>14.</del>	<del>IRVIN STAMPS</del>	<del>LABORER</del>	<del>BAY MINETTE</del>
<del>15.</del>	<del>JOHN R. ALLEN</del>	<del>MERCHANT</del>	<del>BON SECOUR</del>
<del>16.</del>	<del>BENNIE MCCOMB</del>	<del>FARMER</del>	<del>ELBERTA</del>
17.	HENRY BIGGS	FARMER	LOTTIE
<del>18.</del>	<del>DEWEY DRECH</del>	<del>FARMER</del>	<del>BON SECOUR</del>
<del>19.</del>	<del>JOSEPH FROLICK</del>	<del>FARMER</del>	<del>SILVERHILL</del>
<del>20.</del>	<del>WALTER L. FELL</del>	<del>DEFENSE</del>	<del>FOLEY</del>
<del>21.</del>	<del>EDWARD B. MOGNAH</del>	<del>SUPT. NEWPORT</del>	<del>BAY MINETTE</del>
<del>22.</del>	<del>JOHN W. MURRES</del>	<del>MERCHANT</del>	<del>GARDENWOOD</del>
<del>23.</del>	<del>JOHN</del>	<del>MERCHANT</del>	<del>SUMMERDALE</del>
<del>24.</del>	<del>FRANK WILCOX</del>	<del>DEFENSE</del>	<del>ELBERTA</del>
<del>25.</del>	<del>JAMES D. DEBISACK</del>	<del>FARMER</del>	<del>LITTLE RIVER</del>
<del>26.</del>	<del>JENNINGS THOMAS</del>	<del>FARMER</del>	<del>FOLEY</del>
<del>27.</del>	<del>JOHN D. WILSON</del>	<del>DEALER</del>	<del>BAY MINETTE</del>
<del>28.</del>	<del>FRANK J. WANGI, JR.</del>	<del>FARMER</del>	<del>DAPHNE</del>
29.	JOE MANLEY	PRODUCE CLERK	FOLEY
<del>30.</del>	<del>HOWARD HODGES</del>	<del>FARMER</del>	<del>SUMMERDALE</del>
<del>31.</del>	<del>PAUL L. CLEVERDON</del>	<del>FARMER</del>	<del>SUMMERDALE</del>
32.	BREXTON LONG	FARMER	BON SECOUR
33.	CLAUD LAURENDINE	BUTCHER	FOLEY
<del>34.</del>	<del>WILLIAM C. OSBORNE</del>	<del>LABORER</del>	<del>FOLEY</del>



- ~~35. JOHN BITTO FARMER ELBERTA 102~~
- ~~36. HARVEY I. WEST INSURANCE BAY MINETTE 10~~
- ~~37. JAMES J. PALMER SALESMAN ROBERTSDALE 10~~
- ~~38. ED STEDMAN BUTCHER FOLEY P~~
- ~~39. LEE PARKER SHIPYARD FAIRHOPE 10~~
- ~~40. HERMAN P. KRUEGER FARMER FOLEY P2~~
- ~~41. WILLIAM W. WEAVER FARMER STOCKTON 10~~
- 42. OSCAR SKOAGLAND MERCHANT ROBERTSDALE
- ~~43. HARRY WESSON POSTAL CLERK BAY MINETTE~~
- 44. TOM HOBBS FARMER ROBERTSDALE
- ~~45. HENRY W. WESSON FARMER BAY MINETTE 10~~

46 J. C. Campes  
 P ++++++  
 D ++++++

MAGNOLIA SPRINGS LAND COMPANY, )  
A Corporation, )  
Plaintiff, )  
VS. )  
SINGLETON McREE, ALBERT NELSON, )  
RUTH NELSON, JOHN W. McKENZIE )  
and RALEIGH McKENZIE, )  
Defendants. )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. 953.

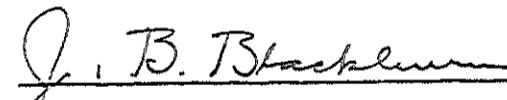
NOTICE TO PRODUCE WRITTEN INSTRUMENT

TO ALBERT NELSON, RUTH NELSON, JOHN W. McKENZIE, RALEIGH McKENZIE  
OR TO H. M. HALL, AS THEIR ATTORNEY:


Notice is hereby given to you to produce and have available when this case is tried on March 27, 1950, or on any date to which the said case may be continued, the written lease from Magnolia Springs Land Company to J. W. McKenzie, dated January 5, 1938, which covers five acres of land in the Northwest corner of the Southeast Quarter of the Southeast Quarter of Spanish Grant, Section 37, Township 7 South, Range 3 East in Baldwin County, Alabama.

Upon your failure to produce the said document referred to above, secondary evidence of its contents will be introduced.

Dated this 15th day of March, 1950.

  
Attorney for Plaintiff.

I hereby certify that I delivered a copy of the foregoing notice to H. M. Hall, Esquire, Attorney for Albert Nelson, Ruth Nelson, John W. McKenzie, who is also known as J. W. McKenzie, and Raleigh McKenzie, Defendants in the above entitled cause, on this the 15th day of March, 1950.

  
Attorney for Plaintiff.

95-3.

Filed 3-15-5-0  
Alice J. Leuck  
Register

MAGNOLIA SPRINGS LAND COMPANY,  
A Corporation,

VS.

Plaintiff,

SINGLETON McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. McKENZIE  
and RALEIGH McKENZIE,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. 953.

MOTION FOR A NEW TRIAL

Now comes the Plaintiff, by its attorney, and moves the Court to set aside the jury's verdict in this cause and grant the Plaintiff a new trial and as grounds for said motion sets down, separately and severally, as follows:

1. The verdict is contrary to the law.
2. The verdict is contrary to the evidence.
3. The verdict is contrary to the law and the evidence.
4. The verdict is contrary to the general affirmative charge which was given by the Court for and at the request of the Plaintiff.
5. The verdict is contrary to the Court's general affirmative charge which was given for the Plaintiff.



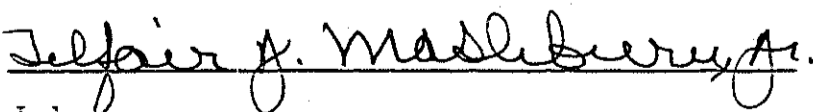
Attorney for Plaintiff.

Filed on this the 24th day of April, 1950.

and is hereby

It is hereby Ordered that this motion be/continued to and set for hearing on May 4, 1950 at 10:00 o'clock A. M.

Done on this the 24th day of April, 1950.



Judge.

RECORDED

8

MOTION FOR A NEW TRIAL.

MAGNOLIA SPRINGS LAND COMPANY,  
A Corporation,

vs. Plaintiff,

SINGLETON McREE ET ALS,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. 953.

*Filed 4-24-32*  
*Alice J. ...*  
*clerk*

MAGNOLIA SPRINGS LAND COMPANY,  
A corporation.

PLAINTIFF

VS.

SINGLETON McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. MCKENZIE  
and RALBIGH MCKENZIE.

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW


NO. 953

DEMAND FOR ABSTRACT

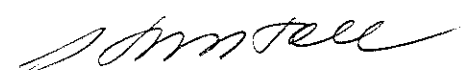
TO MAGNOLIA SPRINGS LAND COMPANY, a corporation, and Honorable J. B.  
BLACKBURN, as its Attorney.

Demand is hereby made upon you for an abstract in writing of the title  
or titles on which the Plaintiff, will rely in this suit.

This demand is made as provided by and for the purpose stated in Title  
7, Section 940, Code of Alabama.

  
\_\_\_\_\_  
Attorney for Defendants.

I hereby certify that I delivered a copy of this instrument to J. B.  
Blackbuen, Esquire, Attorney for Magnolia Springs Land Company, a corporation,  
Plaintiff in the above entitled cause, on this the 16th day of March, 1950.

  
\_\_\_\_\_  
Attorney for Defendants.

MAGNOLIA SPRINGS LAND COMPANY,  
a corporation.

PLAINTIFF

VS.

SINGLETON McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. MCKENZIE  
and RAYBRIGHT MCKENZIE.

DEFENDANTS

NO. 953

FILED  
MAR 16 1950  
Alice L. DUCK, Clerk

MAGNOLIA SPRINGS LAND COMPANY,  
A Corporation,

VS.

Plaintiff,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

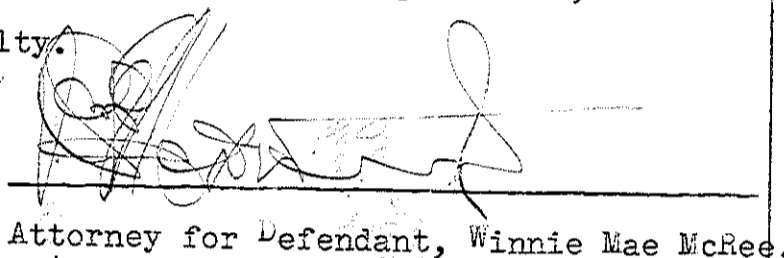
WINNIE MAE McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. MCKENZIE,  
RALEIGH MCKENZIE,

AT LAW. NO. 953.

Defendants.

PLEA

Now comes Winnie Mae McRee, one of the Defendants, by  
her Attorney, and for answer to the amended Complaint filed in  
this cause, says: Not guilty.



Attorney for Defendant, Winnie Mae McRee.

MAGNOLIA SPRINGS LAND COMPANY  
A CORPORATION  
BALDWIN COUNTY, ALABAMA

WINNIE MAE McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. MCKENZIE,  
RALEIGH MCKENZIE,

TO THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA



PLEA **RECORDED**

MAGNOLIA SPRINGS LAND COMPANY,  
A Corporation,

Plaintiff,

VS.

WINNIE MAE McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. McKENZIE,  
RALEIGH McKENZIE,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 953.

*Filed 2-18-49  
Alice J. Duck  
Clerk.*

MAGNOLIA SPRINGS LAND COMPANY,  
A Corporation,  
Plaintiff,  
VS.  
WINNIE MAE McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. McKENZIE,  
RALEIGH McKENZIE,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
NO. 953.

MAGNOLIA SPRINGS LAND COMPANY

PLAINTIFF

VS

SINGLETON McREE ET AL

DEFENDANTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

AT LAW

# 953.

And now comes the Defendants separately and severally and demurs to the Plaintiffs Bill of Complaint in this cause, and for grounds thereof says:

1. That said complaint does not state a cause of action.
2. There is a misjoinder of parties Defendant.
3. There is a nonjoinder of parties Defendant.

BEED & HALL

By: *Hubert*

Attorneys for Defendant.

The Defendants separately and severally demands a trial by Jury.

BEED & HALL

By: *Hubert*

Attorneys for Defendant.

953

RECORDED

MAGNOLIA SPRINGS LAND COMPANY

PLAINTIFF

VS

SINGLETON McREE ET AL

DEFENDANTS.

-----  
DEMURRER

Filed April 5 1946  
R. H. [unclear]  
[unclear]

MAGNOLIA SPRINGS LAND COMPANY  
Plaintiff

Vs

ALBERT NELSON, RUTH NELSON et al  
Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

Come the defendants, Albert Nelson and Ruth Nelson, in the above styled cause, separately and severally, and for answer to plaintiff's complaint say:

FIRST

They disclaim as to all lands sued for and described in the complaint save and except the following described lands, to-wit: Beginning at the Southeast corner of the Michael McKenzie Grant, Sec. 37, Township 7 South, Range 3 East, thence North on the East line of said section 2640 feet, more or less to the half section post on the West line of Section 20, Township 7 South, Range 3 East; thence West 1320 feet; thence South 2640 feet, more or less to the South line of said Section 37, Township 7 South, Range 3 East; thence East 1320 feet to the point of beginning. Land lies in Section 37, Township 7 South, Range 3 East, and comprises 80 acres, more or less.

SECOND

They are not guilty of the matters alleged in the complaint with respect to the following lands sued for to-wit: Beginning at the Southeast corner of the Michael McKenzie Grant, Section 37, Township 7 South, Range 3 East, thence North on the East line of said section 2640 feet, more or less to the half section post on the West line of Section 20, Township 7 South, Range 3 East; thence West 1320 feet; thence South 2640 feet, more or less to the South line of said Section 37, Township 7 South, Range 3 East; thence East 1320 feet to the point of beginning. Land lies in Section 37, Township 7 South, Range 3 East, and comprises 80 acres, more or less.

  
Attorney for Defendants

Magnolia Spring Road  
Company

No 2

Albert Nelson  
Ruth Nelson

Please

Filed March 27, 1950

refair J. Madison  
Judge. (Lead)

*[Handwritten signature]*

MAGNOLIA SPRINGS LAND  
COMPANY, A CORPORATION,

PLAINTIFF

VS

JOHN W. MCKENZIE AND  
RALEIGH MCKENZIE

DEFENDANTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

AT LAW

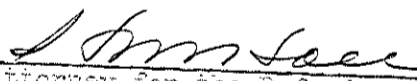
NO. 953

NOTICE OF APPEAL

To Magnolia Springs Land Company, a corporation, Plaintiff, and  
Honorable J. E. Blackburn, Attorney for Magnolia Springs Land Company,  
a corporation:

Notice is hereby given that the Defendants, John W. McKenzie  
and Raleigh McKenzie, have given notice of their taking an appeal  
to the Supreme Court of the State of Alabama, from the judgment of  
the Circuit Court of Baldwin County, Alabama, at law, rendered on  
May 4, 1950, setting aside the judgment of the jury rendered in  
the above styled cause, on March 28, 1950.

Dated this the 13 day of May, 1950.

  
Attorney for the Defendants,  
John W. McKenzie and Raleigh  
McKenzie.

11

FILED

MAY 15 1950

ALICE J. DUCK, Clerk

MAGNOLIA SPRINGS LAND COMPANY,  
A Corporation,

Plaintiff,

VS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

SINGLETON McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. MCKENZIE  
and RALEIGH MCKENZIE,

AT LAW. NO. 953.

Defendants.

AMENDED COMPLAINT

Now comes the Plaintiff, Magnolia Springs Land Company, a Corporation, and amends the Complaint heretofore filed in this cause by striking therefrom as a party defendant, Singleton McRee, who is now deceased, and adding as a party defendant Winnie Mae McRee, who is the sole devisee and legatee named in the Last Will and Testament of Singleton McRee, Deceased.

*J. B. Blackburn*

Attorney for Plaintiff.

RECORDED  
INDEXED  
MAGNOLIA SPRINGS LAND COMPANY



RECORDED  
AMENDED COMPLAINT  
MAGNOLIA SPRINGS LAND COMPANY,  
A Corporation,

Plaintiff,

vs.

SINGLETON MCREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. MCKENZIE and  
RALEIGH MCKENZIE,

Defendants.

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

NO. 953.

FILED

JAN 28 1949

ALICE A. DUCK, CLERK

MAGNOLIA SPRINGS LAND COMPANY,  
A Corporation,  
Plaintiff,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

vs.  
SINGLETON MCREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. MCKENZIE and  
RALEIGH MCKENZIE,

Defendants.

Defendants.

Handwritten signature or initials

MAGNOLIA SPRINGS LAND COMPANY,  
a Corporation,

Plaintiff,

VS.

SINGLETON McREE, ALBERT NELSON,  
RUTH NELSON, JOHN W. McKENZIE  
and RALEIGH McKENZIE,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. 953.

ORDER GRANTING NEW TRIAL

The motion of the plaintiff for a new trial in this case now coming on to be heard and the same having been argued and submitted to the Court, the Court is of the opinion that the said motion is well taken, and It Is, Therefore

CONSIDERED, ORDERED AND ADJUDGED by the Court that the motion of the plaintiff to set aside the verdict of the jury and the judgment rendered thereon and to grant the plaintiff a new trial be, and said motion is hereby granted, the judgment rendered on said verdict and said verdict are hereby set aside and the said plaintiff granted a new trial.

DONE AND ORDERED this 4th day of May, 1950.

*Jelfair A. Maduberry Jr.*  
Judge

(9)

RECORDED

File  
5-5-6-0  
Alice & Ruth  
clubs

MAGNOLIA SPRINGS LAND  
COMPANY, A CORPORATION,

PLAINTIFF

VS

JOHN W. MCKENZIE AND  
RALEIGH MCKENZIE

DEFENDANTS


IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 953

NOTICE OF APPEAL

Now come the Defendants, John W. McKenzie and Raleigh McKenzie and give notice of appeal from the Judgment of the Circuit Court of Baldwin County, Alabama, at law, rendered May 4, 1950, setting aside the verdict of the jury rendered in the above styled cause, on March 28, 1950, to the Supreme Court of the State of Alabama.

  
Attorney for the Defendants  
John W. McKenzie and Raleigh  
McKenzie.

10

FILED  
MAY 15 1950  
ALICE J. DICK, Clerk

[The text in this section is extremely faint and illegible, appearing as a series of light gray lines and shapes.]

MAGNOLIA SPRING LAND  
COMPANY, A CORPORATION,

PLAINTIFF

VS

RALEIGH MCKENZIE, ET AL

DEFENDANTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

AT LAW.

NO. 953

Now comes the Defendant, Raleigh McKenzie, and for answer to the Plaintiff's complaint says:

1.

He pleads the general issue as to all of the Michael McKinsey Grant in Section 37, Township 7 South, Range 2 East and Section 37, Township 7 South, Range 3 East, except the following, to which he disclaims title:

> From the Northwest corner of Fractional Section 19, Township 7 South, Range 3 East, thence South 1320 feet, thence East one-half mile, more or less, to the North and South half Section line of Fl. Section 19, Township 7 South, Range 3 East, for a point of beginning; thence East one-half mile, more or less to the Northeast corner of Section 37, Michael McKenzie Grant; thence South 1320 feet; thence West one-half mile, more or less, to a point 1320 feet South of the point of beginning; thence North 1320 feet, to the point of beginning. Being 80 acres, more or less. Land lying in the Section 37, Michael McKenzie Grant, Township 7 South, Range 3 East.

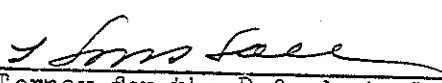
Beginning at the Northeast corner of the Michael McKenzie Grant, Section 37, Township 7 South, Range 3 East, thence South 3960 feet, more or less to the Southeast corner of above described section; thence West along the South line of above Grant 660 feet, more or less, to the intersection of the South line of the Grant with the East margin of Fish River; thence up the East margin of Fish River 2000. feet, more or less, to the mouth of Poplar Head Branch; thence Northeasterly up the run of Poplar Head Branch 1360 feet, more or less to an iron stake on the Range line between Township 7 South, Ranges 2 East and 3 East, thence East 2640 feet; thence North 1320 feet to the North line of Section 37, Township 7 South, Range 3 East, thence East 2640 feet, more or less to the point of beginning, being 480 acres, more or less, land lying in Section 37, Township 7 South, Range 2 East and Section 37, Township 7 South, Range 3 East, and being in Baldwin County, Alabama.

> Beginning at the Southeast corner of the Michael McKenzie Grant, Section 37, Township 7 South, Range 3 East, thence North on the East line of said Section 2640 feet, more or less, to the one-half section post on the West line of Section 20, Township 7 South, Range 3 East, thence West 1320 feet; thence South 2640 feet, more or less, to the South line of said Section 37, Township 7 South, Range 3 East, thence East 1320 feet to the point of beginning. Land lies in Section 37, Township 7 South, Range 3 East, and comprises 80 acres, more or less.

From the Southeast corner of Section 37, Michael McKenzie Grant, in Township 7 South, Range 3 East, run West  $149\frac{1}{2}$  feet for a point of beginning; thence West 1320 feet, thence North 2640 feet; thence East 1320 feet, thence South 2640 feet to the point of beginning. Containing 80 acres and lying in the Michael McKenzie Grant, Section 37, Township 7 South, Range 3 East.

Beginning at the Southeast corner of Section 37, Township 7 South, Range 3 East, thence run North 2640 feet; thence run West 1320 feet; thence run South 2640 feet to the South line of Section 37, thence run East 1320 feet to the point of beginning.

Beginning at the Southwest corner of Section 37, Township 7 South, Range 3 East, thence run East 2640 feet; thence North 2640 feet; thence West 2640 feet to the West line of Section 37, Township 7 South, Range 3 East, thence South 660 feet, thence West to the East margin of Fish River 1800 feet, more or less, thence Southerly along the East margin of Fish River to the South line of Section 37, Township 7 South, Range 2 East, thence East to the point of beginning, containing 320 acres, more or less and lying in Section 37, and 37, Michael McKenzie Grant, Township 7 South of Ranges 2 and 3 East.

  
ATTORNEY for the Defendant, Raleigh  
McKenzie.

④

Filed: March 27, 1950.  
Julian J. Madlburge, Jr.  
Judge.



MAGNOLIA SPRING LAND  
COMPANY, A CORPORATION,

PLAINTIFF

VS

JOHN W. MCKENZIE ET AL

DEFENDANTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

AT LAW.

NO. 953

Now comes the Defendant, John W. McKenzie, and for answer to the Plaintiff's complaint says:

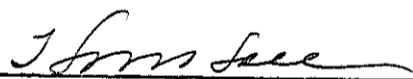
1.

He Pleads the general issue to the following described land, being a part of the land described in the original bill of complaint, to-wit:

From the Southeast corner of Section 37, Michael McKenzie Grant, in Township 7 South, Range 3 East, run West 149 $\frac{1}{2}$  feet for a point of beginning; thence West 1320 feet, thence North 2640 feet, thence East 1320 feet, thence South 2640 feet to the point of beginning. Containing 80 acres and lying in the Michael McKenzie Grant, Section 37, Township 7 South, Range 3 East.

2.

He disclaims title to all land described in the original bill of complaint, not included in Count One hereof.

  
Attorney for Defendant, John W. McKenzie

Answer

Filed: March 27, 1950.

Jessie J. Madhubury,  
Judge.

MAGNOLIA SPRINGS LAND  
COMPANY, A CORPORATION,

PLAINTIFF

VS

JOHN W. MCKENZIE AND  
RALEIGH MCKENZIE

DEFENDANTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 953

SECURITY FOR COST

We, John W. McKenzie, Raleigh McKenzie and Hubert M. Hall,  
acknowledge ourselves security for all the costs of the appeal taken  
to the Supreme Court of the State of Alabama by the said John W.  
McKenzie and Raleigh McKenzie from the judgment of the Circuit  
Court of Baldwin County, Alabama, at law, rendered on May 4, 1950,  
setting aside the verdict of the jury, in the above styled cause,  
rendered on March 24, 1950.

John W. McKenzie  
Raleigh McKenzie  
Hubert M. Hall

approved  
5-15-50  
Alice J. [unclear]  
clerk

(12)

Q153

FILED

MAY 15 1950

ALICE J. DUCK, Clerk

THE STATE OF ALABAMA, Baldwin County. S. D. Page No. \_\_\_\_\_ CIRCUIT COURT  
TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS: Case No. 953 Dec Term, 1946  
YOU ARE HEREBY COMMANDED TO SUMMON H. I. Stewart

Magnolia Spgs.

if to be found in your County, at the instance of the deft.  
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House  
thereof, by 9:00 o'clock of the forenoon, on the 4th day of Dec, 1946, 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 Magnolia Springs Land Co. Plaintiff and Singleton McRae Defendant.  
Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 23rd day of November, 1946

Alice J. Duck CLERK.

THE STATE OF ALABAMA, Baldwin County. S. D. Page No. \_\_\_\_\_ CIRCUIT COURT  
TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS: Case No. \_\_\_\_\_ Dec Term, 1946  
YOU ARE HEREBY COMMANDED TO SUMMON Rudolph Erdman

Magnolia Spgs.

if to be found in your County, at the instance of the deft.  
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House  
thereof, by 9:00 o'clock of the forenoon, on the 4th day of Dec, 1946, 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 Magnolia Springs Land Co. Plaintiff and Singleton McRae Defendant.  
Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 23rd day of Nov, 1946

Alice J. Duck CLERK.

THE STATE OF ALABAMA, Baldwin County. S. D. Page No. \_\_\_\_\_ CIRCUIT COURT  
TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS: Case No. 903 Dec Term, 1946  
YOU ARE HEREBY COMMANDED TO SUMMON Charlie Ebert

Soley

if to be found in your County, at the instance of the deft.  
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House  
thereof, by 9:00 o'clock of the forenoon, on the 4th day of Dec, 1946, 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 Magnolia Springs Land Co. Plaintiff and Singleton McRae Defendant.  
Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 23rd day of November, 1946

Alice J. Duck CLERK.

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. B. T. 10-46-500

THE STATE OF ALABAMA, Baldwin County.

S. D. Page No. \_\_\_\_\_ CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS: Case No. 95-3 Dec Term, 1946

YOU ARE HEREBY COMMANDED TO SUMMON Adel Lindstrom

Magnolia Spgs

if to be found in your County, at the instance of the deft to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House

thereof, by 9:00 o'clock of the forenoon, on the 4th day of Dec, 1946, 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 Magnolia Springs Land Plaintiff and Singleton McRee Defendant.

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

Given under my hand and seal, this 23rd day of Nov, 1946

Alice J. Hurst CLERK.

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. B. T. 10-46-500

THE STATE OF ALABAMA, Baldwin County.

S. D. Page No. \_\_\_\_\_ CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS: Case No. 95-3 Dec Term, 1946

YOU ARE HEREBY COMMANDED TO SUMMON Rudolph Nelson

Magnolia Spgs

if to be found in your County, at the instance of the deft to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House

thereof, by 9:00 o'clock of the forenoon, on the 4th day of Dec, 1946, 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 Magnolia Springs Land Plaintiff and Singleton McRee Defendant.

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

Given under my hand and seal, this 23rd day of Nov, 1946

Alice J. Hurst CLERK.

PCO

6 Judgment

7 Just follow  
justice