

(96)

**STEVENS, MCGORVEY & McLEOD**  
**ATTORNEYS AT LAW**  
503-7 CITY BANK BUILDING  
MOBILE, ALA.

THOMAS M. STEVENS.  
GESSNER T. MCGORVEY.  
WILLIAM McLEOD.  
DAVID B. GOODE.

May 29th, 1918.

Mr. T. W. Richerson,  
Register of the Circuit Court,  
Bay Minette, Alabama.

Dear Mr. Richerson:-

Enclosed herewith we hand you bill of complaint in the case of J. D. Hall, et al., -vs- E. B. Arbuckle. We understand that Mr. Arbuckle resides in Indiana, but he is in Mobile today, and we think it likely that he will be here tomorrow, Thursday. We are very anxious to get service on him while he is in Mobile, and just as soon as this letter reaches you, we will appreciate it if you will file the enclosed bill of complaint and forward to us by return mail a subpoena for Mr. Arbuckle, in the enclosed, self-addressed, stamped, envelope, on which we have placed sufficient stamps for special delivery. If it will be possible for you to get this subpoena to us by the first train tomorrow, Thursday, morning, the same would be highly appreciated, and we will immediately get the Sheriff of this County to serve the same. Be sure to send the subpoena direct to us, instead of sending the same to the Sheriff of this County, as we wish to see that the matter has immediate attention.

We are sending this letter to you by special delivery, also, and presume that you will receive it early in the morning.

Thanking you in advance for giving this matter your usual good attention, we are,

Very truly yours,

*Stevens, McGorvey & McLeod*

GTM-R

Enclosures.

Copy to  
Mr. C. Y. Hall,  
Stockton, Baldwin County, Alabama.

Filed 5/19/919  
J. M. McKeever  
Register

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon E. B. Arbuckle

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

J. D. Hall et als,

against said

E. B. Arbuckle

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

WITNESS, T. W. Richerson, Register of said Circuit Court, this 17th day of February

1919



Register.

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

Original  
H  
Serve on E.B. Arbuckle

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

No. 96

SUMMONS.

J.D. Hall et al

vs

E.B. Arbuckle

vs.

Stevens Mc Corvey

& McLeod.

Solicitor for Complainant.

Recorded in Vol. .... Page .....

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

Received in office this .....

day of ..... 191 .....

Sheriff.

Executed this 21<sup>st</sup> day of

July 1919

by leaving a copy of the within Summons with

E. B. Arbuckle

Defendant

W.H. Holscomb Jr

Sheriff

By

W.H. Holscomb Jr

Deputy Sheriff.

THE STATE OF ALABAMA, }  
County. }

No. ....

CIRCUIT COURT, IN EQUITY.

Complainant.....

vs.

Defendant.....

In this cause it appears to the.....  
that a Summons requiring the Defendant.....

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of  
said Summons upon.....

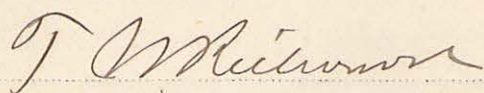
was served upon..... by the Sheriff of..... County, Alabama, on the  
day of..... 19....., and the said Defendant..... having

failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as con-  
fessed against the said.....

Defendant.....aforesaid.

This..... day of..... 19.....



Register.

4th

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

THE STATE OF ALABAMA,

County.

CIRCUIT COURT, IN EQUITY.

vs.

DECREE PRO CONFESSO ON  
PERSONAL SERVICE.

Issued ..... 19 .....

Register.

Recorded in ..... Record,

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

Register.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon E. B. Arbuckle

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

J. D. Hall, Bird Yancy Hall, C. Y. Hall, Matilda J Hall, D. D. Hall, Luvile Hall,  
R. H. Hall, G. M. Hall, D. O. Hall, Corrie B Hall, and E. C. Hall.

against said

E. B. Arbuckle

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

WITNESS, T. W. Richerson, Register of said Circuit Court, this 30th day of May

1918...

T. W. Richerson  
Register.

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

*Copy*

Serve on.....

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

No. 96.

SUMMONS.

~~J.D. Hall et al~~

*[Handwritten signature]*

*[Handwritten signature]*

vs.

E.B. Arbuckle.

Stevens Mc Corvey and  
Mc Leod.

Solicitor for Complainant.

Recorded in Vol.....Page.....

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

Received in office this.....

day of ..... 191.....

Sheriff.

Executed this..... day of

191.....

by leaving a copy of the within Summons with

Defendant

Sheriff

By .....

Deputy Sheriff.



THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon E. B. Arbuckle

of Mobile, County, to be and appear before the Judge of the Circuit Court of

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R. H. Hall, G. M. Hall, D. O. Hall, Corrie B Hall, and E. C. Hall.

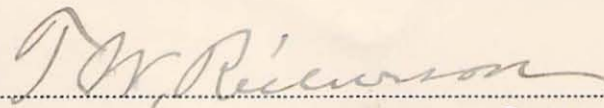
against said

E. B. Arbuckle

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

WITNESS, T. W. Richerson, Register of said Circuit Court, this 30th day of May

1918.

  
Register.

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

*Original*

Serve on.....

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

No. 96.

SUMMONS.

~~J.D. Hall et als~~

*Not*

*Mud*

vs.

~~E.B. Arbuckle.~~

Stevens Mc Corvey and  
Mc Leod.

Solicitor for Complainant.

Recorded in Vol.....Page.....

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

Received in office this.....

day of ..... 191.....

Sheriff.

Executed this.....day of

191.....

by leaving a copy of the within Summons with

Defendant

Sheriff

By .....

Deputy Sheriff.

-----  
J. D. Hall, Bird Yancy Hall, :  
C. Y. Hall, Matilda J. Hall, :  
D. D. Hall, Lucile Hall, R. :  
H. Hall, G. M. Hall, D. O. :  
Hall, Corrie B. Hall and E. :  
C. Hall, :  
Complainants, :  
-vs- :  
E. B. Arbuckle, :  
Defendant. :  
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IN EQUITY.  
IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,  
SITTING IN EQUITY:

J. D. Hall, Bird Yancy Hall, C. Y. Hall, Matilda J. Hall,  
D. D. Hall, Lucile Hall, R. H. Hall, G. M. Hall, D. O. Hall, Corrie B.  
Hall and E. C. Hall, bring this their bill of complaint against E. B.  
Arbuckle, and thereupon your Orators complain and say:

FIRST.

That your Orators are each over the age of twenty-one  
years and all of them reside in Baldwin County, Alabama.

SECOND.

That the defendant, E. B. Arbuckle, is a non-resident of  
the State of Alabama, temporarily residing in Mobile County, Alabama,  
and is over the age of twenty-one years.

THIRD.

That your Orators are in the peaceable possession of the  
following lands, located in Baldwin County, State of Alabama, claiming  
to own the same in their own right, and the timber thereon, viz:-

Eastern 100 acres, Moses Steadham tract, in Section 48,  
Township 2 North, Range 2 East; Fractional Section George Weakley  
Tract, in Section 57, Township 2 North, Range 2 East; Fractional South  
half of northwest quarter; southeast quarter, of Section 36, Township  
3 North, Range 2 East; 231 acres in William Clarke Tract, in Section  
45, Township 3 North, Range 2 East, George Weakley Tract in Section 45,  
Township 3 North, Range 2 East, northwest quarter of Section 1, Township  
2 North, Range 3 East, north half of northeast quarter, north 10 acres  
southwest quarter of northwest quarter, southwest quarter of northeast  
quarter, of Section 3, Township 2 North, Range 3 East; north half of  
northwest quarter of northwest quarter of Section 5, Township 2 North,  
Range 3 East; East subdivision northwest quarter; north half of northeast  
quarter, southwest quarter of northeast quarter, west half of southeast  
quarter, of Section 6, Township 2 North, Range 3 East; East half of  
northwest quarter of Section 7, Township 2 North, Range 3 East; north-  
west quarter of southwest quarter, south half of northwest quarter,  
west half of southeast quarter, of Section 18, Township 2 North, Range  
3 East; George Weakley Tract in Section 40, Township 2 North, Range 3  
East; southeast quarter of southeast quarter, of Section 20, Township  
3 North, Range 3 East; south half of southwest quarter, southwest quarter  
of southeast quarter of Section 21, Township 3 North, Range 3 East; east

half of southwest quarter of Section 27, Township 3 North, Range 3 East; east half, east half of northwest quarter, northwest quarter of northwest quarter of Section 28, Township 3 North, Range 3 East; northeast quarter of northeast quarter, southeast quarter of southwest quarter, southeast quarter, of Section 29, Township 3 North, Range 3 East; south half of northeast quarter, northeast quarter of northeast quarter, south half of northwest quarter, southeast quarter, east half of southwest quarter, of Section 31, Township 3 North, Range 3 East; northwest quarter, north half of southwest quarter, northwest quarter of southeast quarter, of Section 32, Township 3 North, Range 3 East; north half of northeast quarter, of Section 33, Township 3 North, Range 3 East; south half of northeast quarter, east half of southwest quarter, northwest quarter of southwest quarter, southeast quarter, northwest quarter, of Section 34, Township 3 North, Range 3 East; all of Section 35, Township 3 North, Range 3 East; George Weakley Tract in Section 38, Township 3 North, Range 3 East, containing in all 4837 acres, more or less.

FOURTH.

That the said defendant, E. B. Arbuckle, against whom this bill of complaint is exhibited, claims, or is reputed to claim, some right, title or interest in, or encumbrance upon, the said lands, and the timber located thereon; that no suit is pending to enforce or test the validity of such title, claim or encumbrance; and that your Orators call upon the said defendant to set forth and specify his title, claim, interest in, or encumbrance upon, the said lands, and the timber thereon, and how and by what instrument the same was derived and created.

Wherefore, the premises considered, your Orators respectfully pray the Court as follows:-

PRAYER FOR PROCESS.

That the said E. B. Arbuckle be made a party defendant to this bill of complaint, and that the usual process of this Honorable Court do forthwith issue to him, and that all such other steps be taken as may be necessary to properly bring the said defendant into Court in this cause.

PRAYER FOR RELIEF.

That the said defendant be required to set forth and specify his title, claim, or encumbrance upon, the said described lands, and the timber thereon, or any part thereof, and how and by what instrument the same was derived and created; that upon the hearing of this cause it be adjudged and decreed by the Court that the said defendant has no right, title or interest in, or encumbrance upon, the above described lands, and the timber thereon, or any part thereof; and that the title and right of your Orators to the said lands, and the timber thereon, is good and valid as against the said defendant.

Your orators pray for such other, further and general relief as they may be equitably entitled to, the premises considered.

And Orators will ever pray, etc.

Stevens, M. Conway & M. Leed.  
Solicitors for Complainants.

FOOT NOTE:- The above named defendant is required to answer each paragraph of the foregoing bill of complaint, numbered from first to fourth, both inclusive, but not under oath, the benefit whereof is hereby expressly waived.

Stevens, M. Conway & M. Leed.  
Solicitors for Complainants.

THE STATE OF ALABAMA,

Baldwin County.

No. 96. CIRCUIT COURT IN EQUITY.

J. B. Hall, et al., Complainants,

vs.

E. B. Arbuckle, Defendant.

Motion is hereby made for a Decree Pro Confesso against the defendant, E. B. Arbuckle, Defendant.

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant.....; and that said summons was duly served according to law, and that said Defendant.....has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 19th day of May, 1917.

Stevens, W. Conway & Lead Solicitors for Complainants.

THE STATE OF ALABAMA,

Baldwin County,

CIRCUIT COURT, IN EQUITY.

J. H. Hall, et al,  
vs.

E. B. Arbuckle

MOTION FOR DECREE  
PRO CONFESSO ON  
PERSONAL SERVICE.

Filed May 19, 1919.

T. W. Richardson  
Register.

Recorded in Record

Vol. Page

Register.

State of Alabama,

Mobile County.

Before me, Chas. L. Rehm, a Notary Public in and for said State and County, personally appeared Gessner T. McCorvey, who is known to me, and who being first duly sworn deposes and says that he is a member of the law firm of Stevens, McCorvey & McLeod, Solicitors for Complainants in the case of J. D. Hall, et al., -vs- E. B. Arbuckle, now pending on the Equity Side of the Circuit Court of Baldwin County, Alabama; that E. B. Arbuckle, the defendant in the said proceeding, is not in the military service of the United States within the meaning of the Act of Congress of March 8th, 1918, known as the Soldiers' and Sailors' Civil Relief Act.

Gessner T. McCorvey

Subscribed and sworn to before me this 17th day of May, 1919.

Chas. L. Rehm  
Notary Public, Mobile County, Alabama.



5th No. 96,

J. L. Hall, et al.,

vs.

E. B. Arbuckle.

Affidavit as to military  
service.

Filed: May 19, 1919.

T. W. Arbuckle  
Register

NOTE OF EVIDENCE.

J. D. Hall, et al.,	)	No. 96, IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY.
Complainants,	)	
vs.	)	
E. B. Arbuckle,	)	
Defendant .	)	

At the hearing of this cause, the following note of evidence was taken, to-wit:

FOR THE COMPLAINANTS.

1. Original bill of complaint.
2. Decree Pro Confesso against the defendant.

ATTEST:

*T. W. Reardon*

Register.

6-11

Case No. 96.

J. W. Hall, et al,

vs.

E. B. Arbuckle.

Note of Evidence

Dated: May 20, 1919.

Thompson

Register.

sign file on day of sub-  
mission for final decree

-----  
J. D. Hall, et al., :  
Complainants, :  
-vs- :  
E. B. Arbuckle, :  
Defendant. :  
-----

No. 96.  
IN THE CIRCUIT COURT OF BALDWIN COUNTY,  
A L A B A M A.  
IN EQUITY.

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

It is, therefore, ordered, adjudged and decreed by the Court that the defendant, E. B. Arbuckle, has no right, title, or interest in, or encumbrance upon, the following described lands, and the timber thereon, or any part thereof, and that the title and right of complainants to the said lands, and the timber thereon, is good and valid as against the said defendant, E. B. Arbuckle:

Eastern 100 acres, Moses Steadham tract, in Section 48, Township 2 North, Range 2 East; Fractional Section George Weakley Tract, in Section 57, Township 2 North, Range 2 East; Fractional South half of northwest quarter; southeast quarter, of Section 36, Township 3 North, Range 2 East; 231 acres in William Clarke Tract, in Section 45, Township 3 North, Range 2 East, George Weakley Tract in Section 45, Township 3 North, Range 2 East, northwest quarter of Section 1, Township 2 North, Range 3 East, north half of northeast quarter, north 10 acres southwest quarter of northwest quarter, southwest quarter of northeast quarter, of Section 3, Township 2 North, Range 3 East; north half of northwest quarter of northwest quarter of Section 5, Township 2 North, Range 3 East; East subdivision northwest quarter; north half of northeast quarter, southwest quarter of northeast quarter, west half of southeast quarter, of Section 6, Township 2 North, Range 3 East; East half of northwest quarter of Section 7, Township 2 North, Range 3 East; northwest quarter of southwest quarter, south half of northwest quarter, west half of southeast quarter, of Section 18, Township 2 North, Range 3 East; George Weakley Tract in Section 40, Township 2 North, Range 3 East; southeast quarter of southeast quarter, of Section 20, Township 3 North, Range 3 East; south half of southwest quarter, southwest quarter of southeast quarter of Section 21, Township 3 North, Range 3 East; east half of southwest quarter of Section 27, Township 3 North, Range 3 East; east half, east half of northwest quarter, northwest quarter of northwest quarter of Section 28, Township 3 North, Range 3 East; northeast quarter of northeast quarter, southeast quarter of southwest quarter, southeast quarter, of Section 29, Township 3 North, Range 3 East; south half of northeast quarter, northeast quarter of northeast quarter, south half of northwest quarter, southeast quarter, east half of southwest quarter, of Section 31, Township 3 North, Range 3 East; northwest quarter, north half of southwest quarter, northwest quarter of southeast quarter, of Section 32, Township 3 North, Range 3 East; north half of northeast quarter, of Section 33, Township 3 North, Range 3 East; south half of northeast quarter, east half of southwest quarter, northwest quarter of southwest quarter, southeast quarter, northwest quarter, of Section 34, Township 3 North, Range 3 East; all of Section 35, Township 3 North, Range 3 East; George Weakley Tract in Section 38, Town-

ship 3 North, Range 3 East, containing in all 4837 acres, more or less, all of the said lands being located in the County of Baldwin, State of Alabama.

It is further ordered, adjudged and decreed by the Court that the Register of this Court, within 30 days from this date, file a certified copy of this decree in the office of the Judge of the Probate Court of Baldwin County, Alabama, for record therein, and that the costs thereof be taxed in the costs of this cause.

It is further ordered, adjudged and decreed that the complainants pay the costs of this cause, for which execution may issue.

Done in term time, this 20<sup>th</sup> day of May, 1919.

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*Handwritten signature:* W. G. Gamble  
\_\_\_\_\_  
Judge.

*Handwritten notes in the right margin:*  
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Filed & recd 20/9/19  
D. W. Wilson  
Register

*[Handwritten signature]*

Decree Recorded on  
Minutes

Done in term time of the Court, the 20th day of Sept., 1919.

plaintiffs pay the costs of this cause, for which execution may be taken. If it is further ordered, adjudged and decreed that the costs thereof be taxed in the costs of this cause.

filed copy of this decree in the office of the Judge of the Probate and the Register of this Court, within 30 days from this date, like a copy. It is further ordered, adjudged and decreed by the Court that

all of the said lands being located in the County of Baldwin, State of Alabama, more or less, situate in all 6631 acres, more or less, being 2 North, Range 2 East, containing in all 6631 acres, more or less,



STEVENS, M<sup>C</sup>CORVEY & M<sup>C</sup>LEOD

ATTORNEYS AT LAW

503-7 CITY BANK BUILDING

MOBILE, ALA.

May 18th, 1919.

THOMAS M. STEVENS.  
GESSNER T. M<sup>C</sup>CORVEY.  
WILLIAM M<sup>C</sup>LEOD.  
DAVID B. GOODE.

Hon. T. W. Richerson,  
Register Circuit Court,  
Bay Minette, Ala.

Dear Mr. Richerson: -

As per our conversation on yesterday, I have prepared and herewith enclose, two copies of suggested form of final decree in the case of J. D. Hall, et al., vs. E. B. Arbuckle. I am handing you two copies of the proposed decree, so as to save you the trouble of having a copy made for recording in the Probate Court. Of course, you will see that a proper certificate is attached to the copy of the decree which is filed in the Probate Court, and also see that the decree is dated, and that the name of Judge Gamble appears signed on the copy of the decree filed in the Probate Court.

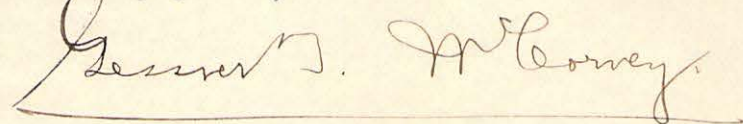
We are also handing you herewith note of evidence for complainants in this case.

We would appreciate it very much if you would endeavor to get a decree pro confesso for us tomorrow, Monday, and a final decree for us Tuesday, May 20th, and promptly record the decree in the Probate Court, as Arbuckle, apparently through stubbornness, has refused to release his alleged claim to the land in question, and our clients have been prevented from disposing of the timber thereon, and are very anxious to get the matter in shape immediately for proper handling.

Just as soon as a final decree is rendered, and you have filed a certified copy thereof with the Judge of Probate, kindly pay the costs of filing this certified copy for record in the Probate Court, and then let us have a cost bill covering all costs in this proceeding, and we will promptly remit you to cover.

Thanking you in advance for giving this matter your usual prompt and efficient attention, and assuring you of our appreciation of your courtesy in taking this matter up with us in person, on yesterday, I am,

Sincerely yours,



GTM-S.