

# THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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

### REGISTER'S SALE

The State of Alabama, Baldwin County Circuit Court, In Equity, State of Alabama, ex-rel. Henry S. Long, State Land Commissioner for the State of Alabama, Complainant, vs. R. E. Mitchell, C. E. Mitchell and J. L. Tucker, doing business as Mitchell Naval Stores Company, Defendants.

By virtue of a decree in the above stated cause rendered on the 5th day of February, 1940, of the Circuit Court, in Equity, to satisfy said decree, I will sell to the highest and best bidder for cash, at public sale, at the Court House door of said County, between the hours of 11 o'clock a.m. and 4 o'clock p.m., on Monday, the first day of April, 1940, for cash, the following real estate in Baldwin County, Alabama:

S $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 35, Township 5 South, Range 5 East; NW $\frac{1}{4}$  of Section 2; NW $\frac{1}{4}$ , the SE $\frac{1}{4}$ , and the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 11; N $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Section 13; NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 14; W $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 11; E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Section 23; all in Township 5 South, Range 5 East.

R. S. DUCK, Register, 6-3t

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

*Henry S Long vs Mitchell*  
*Naval Stores*

Was published in said Newspaper for 3 consecutive weeks in the following issues:

Date of first publication	<u>March 7, 1940</u>	Vol. <u>51</u>	No. <u>6</u>
Date of second publication	<u>" 14, "</u>	Vol. <u>51</u>	No. <u>7</u>
Date of third publication	<u>" 21, "</u>	Vol. <u>51</u>	No. <u>8</u>
Date of fourth publication		Vol. _____	No. _____

Subscribed and sworn before the undersigned this 23 day of

March 1940  
G. Moe Neundt  
notary public

*J. H. Faulkner*  
Publisher

TO R. S. DUCK, REGISTER IN CHANCERY, BALDWIN COUNTY, ALABAMA:

It being made to appear to the undersigned M. H. Wilkins, as Tax Collector of Baldwin County, Alabama, that you are indebted to Mitchell Naval Stores Company, a Co-Partnership composed of R. F. Mitchell, Jr., C. B. Mitchell and J. L. Tucker, a delinquent tax payer in Baldwin County, Alabama, or that you have in your possession or under your control money, property or choses in action belonging to the said delinquent tax payer.

You are hereby commanded to be and appear before the Circuit Court of Baldwin County, Alabama, at the Court House thereof within thirty days as required by law, then and there to answer on oath whether you were indebted to the above named delinquent tax payer at the time of the service of this notice, or at the time of making your answer hereto and in what sum or sums, and whether you will not be indebted in the future to the said delinquent tax payer by a contract then existing or at the time of the service of this notice, and whether you have in your possession or under your control real or personal property, or things in action, belonging to the said delinquent tax payer. This notice is given you as provided by Section 173 of the 1935 Revenue Code of Alabama, and the amount of taxes, fees and costs due from such tax payer is ~~71.67~~ <sup>71.67</sup> which includes interest to this date only.

Issued this <sup>27</sup> ~~27~~th day of April, 1940.

*M. H. Wilkins*

As Tax Collector of Baldwin County,  
Alabama.

TO MITCHELL NAVAL STORES COMPANY, A CO-PARTNERSHIP COMPOSED OF R. F. MITCHELL, JR., C. B. MITCHELL AND J. L. TUCKER:

You are hereby notified of the garnishment as shown by the above and foregoing notice.

Dated this <sup>27</sup> ~~27~~th day of April, 1940.

*M. H. Wilkins*

As Tax Collector of Baldwin County,  
Alabama.

*This Garnishment is hereby  
released as the above  
Jays are paid*

*5/2/40*

*M. H. Wilkins  
Tax Collector*

TO R. S. DUCK, REGISTER IN CHANCERY, BALDWIN COUNTY, ALABAMA:

It being made to appear to the undersigned M. H. Wilkins, as Tax Collector of Baldwin County, Alabama, that you are indebted to Mitchell Naval Stores Company, a Co-Partnership composed of R. F. Mitchell, Jr., C. B. Mitchell and J. L. Tucker, a delinquent tax payer in Baldwin County, Alabama, or that you have in your possession or under your control money, property or choses in action belonging to the said delinquent tax payer.

You are hereby commanded to be and appear before the Circuit Court of Baldwin County, Alabama, at the Court House thereof within thirty days as required by law, then and there to answer on oath whether you were indebted to the above named delinquent tax payer at the time of the service of this notice, or at the time of making your answer hereto and in what sum or sums, and whether you will not be indebted in the future to the said delinquent tax payer by a contract then existing or at the time of the service of this notice, and whether you have in your possession or under your control real or personal property, or things in action, belonging to the said delinquent tax payer. This notice is given you as provided by Section 173 of the 1935 Revenue Code of Alabama, and the amount of taxes, fees and costs due from such tax payer is \$83.56 which includes interest to this date only.

Issued this 12th day of April, 1940.

M. H. Wilkins  
As Tax Collector of Baldwin County,  
Alabama.

TO MITCHELL NAVAL STORES COMPANY, A CO-PARTNERSHIP COMPOSED OF R. F. MITCHELL, JR., C. B. MITCHELL AND J. L. TUCKER:

You are hereby notified of the garnishment as shown by the above and foregoing notice.

Dated this 12th day of April, 1940.

*This garnishment is hereby released as the above taxes have been paid.*  
M. H. Wilkins  
As Tax Collector of Baldwin County,  
Alabama.  
5/2/40 Tax Collector.

506

STATE OF ALABAMA EX REL  
HENRY S. LONG, AS STATE  
LAND COMMISSIONER FOR THE  
STATE OF ALABAMA,

Complainant,

VS.

P. F. MITCHELL, JR., C. F.  
MITCHELL AND J. L. TUCKER,  
Doing business as MITCHELL  
NAVAL STORES COMPANY,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 506.

REGISTER'S REPORT OF SALE.

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

1. Under and by virtue of the authority conferred upon me by a Decree of the Circuit Court of Baldwin County, Alabama, in Equity, in the above entitled cause rendered on the 5th day of February, 1940, I did, on the 1st day of April, 1940, sell at public outcry, to the highest bidder for cash, at twelve o'clock noon at the front door of the Court House in Bay Minette, Baldwin County, Alabama, the following described real property situated in Baldwin County, Alabama, to-wit:

South Half of the Southeast Quarter of Section 35, Township 5 South, Range 5 East;  
Northwest Quarter of Section 2; Northwest Quarter, the Southeast Quarter, and the Northeast Quarter of the Southwest Quarter of Section 11; North Half of the Northwest Quarter of Section 13; Northeast Quarter of the Northeast Quarter of Section 14; West Half of the Northeast Quarter of Section 11; East Half of the Northwest Quarter of Section 23; all in Township 6 South Range 5 East.

That at the said sale the property was offered for sale subject to the unpaid taxes for the year 1939 and subsequent years and at the said sale so held S. A. Presley became the purchaser of the said property at and for the sum of Twenty-four Hundred Dollars (\$2400.00), that being the highest, best and last bid for the said property.

2. I further report that in obedience to the said Decree I gave notice of the said sale so held by publication once a week for three successive weeks in the Baldwin Times, a newspaper of general circulation published at Bay Minette, in Baldwin County, Alabama, the said notice appearing in the issues of said paper of March 7, 1940, March 14, 1940 and March 21, 1940.

3. The said sale was made in strict accordance with the terms of the said Decree and was in all respects fairly conducted, the said property sold for an amount not greatly less than its real value and the purchaser has fully complied with the terms of the said sale and has paid to me the full amount of the purchase money in cash, to-wit: Twenty-four Hundred Dollars (\$2400.00), all of which is reported to this Court as required by the said Decree.

Dated this \_\_\_\_\_ day of April, 1940.

---

As Register.



STATE OF ALABAMA

STATE DEPARTMENT OF REVENUE

MONTGOMERY

JOHN C. CURRY  
COMMISSIONER OF REVENUE

JULIA KLINGE  
SECRETARY

May 27, 1940

Mr. R. S. Duck, Register  
Circuit Court, Baldwin County  
Bay Minette, Alabama

Dear Sir:

Re: State of Alabama, ex rel, Henry S. Long,  
as State Land Commissioner, vs.  
R. F. Mitchell et al, Equity No. 506

I am today in receipt of your check for the sum  
of \$1,581.73, the amount of judgment in the above cap-  
tioned case.

Yours very truly,

JOHN C. CURRY  
STATE LAND COMMISSIONER

By

*J. T. Carlton*  
J. T. Carlton

JTC:jg  
Copy to  
Mr. John W. Lapsley,  
Legal Division  
State Dept. of Revenue  
Capitol

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.  
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

R. F. MITCHELL, JR., C. B. MITCHELL, and J. L. TUCKER,

doing business as MITCHELL NAVAL STORES COMPANY,

of Baldwin 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

STATE OF ALABAMA, EX REL., HENRY S. LONG, as State Land Commissioner, for the State of Alabama,

against said R. F. MITCHELL, JR., C. B. MITCHELL, and J. L. TUCKER, doing business as MITCHELL NAVAL STORES COMPANY,

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, R. S. Duck, Register of said Circuit Court, this 28th day of November, 1938.

R. S. DUCK  
clerk - register

Register

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





STATE OF ALABAMA, ex rel  
HENRY S. LONG, as State Land  
Commissioner for the State  
of Alabama,

Complainant,

VS.

R. F. MITCHELL, JR., C. B.  
MITCHELL and J. L. TUCKER  
doing business as MITCHELL  
NAVAL STORES COMPANY,

Respondents.


IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

And now come the Respondents, separately and severally, and demur to the original Bill of Complaint in this cause, and to each count thereof, separately and severally, and for ground of such demurrer say:

1. That there is no equity in the bill.
2. For that the Complainant has a full, complete and adequate remedy at law.

  
Solicitors for Respondents.

12-27-35  
copy to  
Hon. Mitchell  
M. Smith

STATE OF ALABAMA, ex rel	::	
HENRY S. LONG, as State Land	::	
Commissioner for the State	::	
of Alabama,	::	IN THE CIRCUIT COURT OF
	::	
Complainant,	::	
	::	BALDWIN COUNTY, ALABAMA
-versus-	::	
	::	
R. F. MITCHELL JR., C. B.	::	
MITCHELL and J. L. TUCKER,	::	
doing business as MITCHELL	::	IN EQUITY NO.
NAVAL STORES COMPANY.,	::	
	::	
Respondents.	::	

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

Comes the State of Alabama, by and through its State Land Commissioner, Henry S. Long, and gives this Honorable Court to understand, and brings this bill of complaint in the name of the State of Alabama, as provided by Section 292 of Article 8, Chapter 5 of the Revenue Laws of the State of Alabama, approved July 10, 1935:

FIRST: The respondents, R. F. Mitchell Jr., C. B. Mitchell and J. L. Tucker are all over the age of twenty-one years and all are residents of Baldwin County, Alabama.

SECOND: Your orator shows that heretofore on to-wit, June 13th, 1932, the respondents' real property hereinafter described, which said property was assessed in the name of Mitchell Naval Stores Company, was sold by Jesse M. Smith, Tax Collector for Baldwin County, Alabama, to the State of Alabama, in substantial conformity with all of the requirements of the statutes relating to the sale of real property for delinquent State and County taxes for the year 1931, together with the penalties and interest thereon:

$S\frac{1}{2}$  of  $SE\frac{1}{4}$  of SEC 35, T5S, R5E;  $NW\frac{1}{4}$  SEC 2;  
 $NW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ,  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of SEC 11;  $N\frac{1}{2}$  of  $NW\frac{1}{4}$   
SEC13 ;  $NE\frac{1}{4}$  of  $NE\frac{1}{4}$  of SEC 14;  $N\frac{1}{2}$  of  $NE\frac{1}{4}$   
SEC 11;  $E\frac{1}{2}$  of  $NE\frac{1}{4}$  of SEC 23; T6S, R5E.

Baldwin County.

That on to-wit, the 27th day of April, 1936,  
C. B. Mitchell, one of the co-partners of the firm of  
Mitchell Naval Stores Company, did make application in the

The State of Alabama, }  
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

April

Term, 1940

*State of Alabama, et al., Complainants*  
No. *506* vs.  
*Nitahell Naval Stores, et al.*  
*Respondents.*

BILL OF COSTS

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court—		Summoning on Bill, Each Defendant.....	1.50
Docketing Cause, One fee only of.....	1.00	Executing Writ of Injunction, or Ne Exeat, each..	1.50
Issuing Summons on Bill, each.....	.50*	Executing Subpoenas for Witnesses, each.....	.65
Issuing Copies Thereof, each.....	.40	Executing Writs of Possession, each.....	5.00
Entering Return of Same, each.....	.15	Executing Scire Facias or Notice, each.....	1.50
Orders of Publication to Non-Residents, each....	1.00*	Taking and Approving Bonds, each.....	1.00
Filing Bill or Other Paper, each.....	.10	Impanelling Jury.....	.75
Copies of Same, Per 100 Words.....	.15	Collecting Execution for Costs Only, each.....	1.50
Entering Appearances, each.....	.25*	Sheriff's Commissions.....	
Issuing Writs of Injunction, Ne Exeat, each....	1.50		
Issuing Copies Thereof, each.....	.50		
Entering Return of Same, each.....	.15		
Decrees Pro Confesso, each.....	1.00*		
Order Appointing Guardian Ad Litem, each.....	1.00*		
Issuing Commissions to Take Testimony, each....	.50		
Taking Testimony, Per Day.....	1.50		
Taking Testimony, Per 100 words.....	.20		
Receiving and Filing Depositions, each pkg., .....	.10		
Indorsing Depositions Published, each pkg.....	.10		
All Entries on Commission Docket, Each Cause....	.50		
Entering Order Submitting Cases for Decree, each..	.50		
Other Orders of Court, each.....	.25		
Noting Testimony on Hearing of Cause, each.....	.50		
Entering Decrees, of 500 Words or Less, each.....	.75		
Per 100 words over 500.....	.15		
Taking Accounts, etc., on Ref., per Day.....	3.00*		
Taking Testimony on Reference Relating to Trustee, etc., per 100 words.....	.15		
Reference and Reports, each.....	2.00*		
Reports of 500 Words or Less.....	2.50		
Per 100 Words over 500.....	.15		
Issuing Subpoenas for Witnesses, each.....	.25		
Issuing Witness Certificates, each.....	.25		
All Entries on Subpoena Docket, each Cause.....	.50		
Taking and Approving Bonds, each.....	1.00		
Making Complete Record, per 100 Words.....	.15		
Hearing, etc., Regarding Appointment of Receiver or Trustee.....	3.00		
Settlements with Receiver or Trustee, each.....	3.00		
Examining Vouchers in Settlements, each.....	.10		
Examining Answers on Exceptions, each Answer ..	3.00		
Removal Disabilities on Non-Age.....			
Commissions on Sales.....	29.50		
Making Deeds to Property Sold, each.....	2.00		
Receiving and Paying Out Money Other Than That Arising from Sales.....			
Certificates or Affidavits, with Seal, each.....	.50		
Certificates or Affidavits without Seal, each.....	.25		
Issuing Scire Facias or other Notice, each.....	.50		
Other Orders of Register, except Cont., each.....	.50		
Entering Certificates of Supreme Court, each.....	.50		
Transcript for Supreme Court, per 100 words, each..	.15		
Additional Copies, per 100 words.....	.95		
Appeal Bond, each.....	1.00		
Certificate of Appeal, each.....	.50		
Notice of Appeal, each.....	.50		
Report to State Board of Health, each case.....	.50		
Certificate of Judgment, each.....	.25		
Issuing Executions, each.....	.75		
Entering Returns Thereof, each.....	.15		
<b>Total Register's Fees</b>	<b>51.35</b>		
		<b>Total Sheriff's Fees</b>	<b>3.00</b>
		<b>SUMMARY OF FEES, COSTS, AND JUDGMENT</b>	
		<b>Fees in Circuit Court—</b>	
		Register's Fees	51.35
		Ex-Register's Fees	49.35
		Sheriff's Fees	3.00
		Ex-Sheriff's Fees	
		Witness Fees	500
		Commissioner's Fees	500
		Guardian Ad Litem	746
		Publisher's Fees	746
		Solicitor's Fees	
		Court Reporter's Fees, Per Day or fraction thereof	5.00
		Trial Tax	3.00
		<b>Fees and Costs in Inferior Court:</b>	
		Clerk of Inferior Court Fees	
		Sheriff's Fees	69.81
		Witness Fees	100
		<b>Total Fees and Costs in Inferior Court</b>	<b>169.81</b>
		<b>Total Fees and Costs</b>	<b>681.69</b>
		Judgment	
		<b>Total Fees, Costs, and Judgment</b>	<b>1581.73</b>

581.69  
~~448.46~~  
~~69.81~~  
~~818.27~~  
 1581.73

1581.73  
 400.00

**R. S. DUCK**  
Register and Clerk Of The  
Circuit Court, Baldwin County  
**Bay Minette, Alabama**

April 16th, 1940.

Honorable F. W. Hare,  
Judge, Circuit Court,  
Monroeville, Alabama.

IN RE: State of Alabama, ex rel., vs.  
Mitchell Naval Stores Co.

Dear Judge:

I am enclosing herewith decree and Report of Register in the above styled cause.

With personal regards, I am,

Very truly yours,  
*R.S. Duck*  
R. S. DUCK, Register.

t/

I have been unable to locate the file of the State of Alabama against Peoples Fertilizer Company-Civil No.422, and wonder if you have same, as the last entry on the docket before the order of dismissal entered at this past term, is "Submitted on demurrer-brief and file to be mailed-8/16/38". The plaintiff has asked for a cost bill on this case, and I would appreciate your sending file to me if you have it at your office.

Thanking you again, I am,

Your friend,  
RSD.

LIS PENDENS NOTICE.

STATE OF ALABAMA, ex rel  
HENRY S. LONG, as State Land  
Commissioner for the State of  
Alabama,

Complainant,

VS.

R. F. MITCHELL, JR., C. B.  
MITCHELL and J. L. TUCKER,  
doing business as MITCHELL  
NAVAL STORES COMPANY,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 1000.

Notice is hereby given that the above styled cause was filed in the Circuit Court of Baldwin County, Alabama, in Equity, on November 28, 1938, against the above named respondents, in which the Complainant alleged in substance that the Respondents are indebted to him in the sum of \$851.69 with certain interest thereon, together with the further sum of \$462.93 with certain interest thereon, for which the Complainant claims a lien against the following described property in Baldwin County, Alabama, to-wit:

$S\frac{1}{2}$  of  $SE\frac{1}{4}$  of Sec. 35, T 5 S, R 5E;  $NW\frac{1}{4}$  Sec. 2,  $NW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ,  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of Sec. 11;  $N\frac{1}{2}$  of  $NW\frac{1}{4}$  Sec. 13;  $NE\frac{1}{4}$  of  $NE\frac{1}{4}$  of Sec. 14;  $N\frac{1}{2}$  of  $NE\frac{1}{4}$  Sec. 11;  $E\frac{1}{2}$  of  $NE\frac{1}{4}$  of Sec. 23, T6S, R5E.

and prays that the said land be sold for the purpose of paying the said charges.

All persons are cautioned against purchasing the said lands or attempting to acquire any right, title or interest therein subject to the rights of the Complainant under this notice of Lis Pendens as the same shall be ascertained and declared by said Chancery Court as aforesaid.

STATE OF ALABAMA, ex rel  
HENRY S. LONG, as State Land Commissioner for the State of Alabama,

By Geo. Berman  
As his Solicitor of Record.

State

vs

Mitchell Naval Stores

Filed March 23, 1940  
R.S. Dinch, Register

Frid April 13, 1940  
R.S. Duet, Register

(original)

RECORDED

Serve On \_\_\_\_\_

**Circuit Court of Baldwin County  
IN EQUITY**

No. 506

**Summons**

STATE OF ALABAMA, EX REL.,  
HENRY S. LONG, as State LAND  
COMMISSIONER, for the State of  
Alabama,

Complainant,

**VS.**

R. F. MITCHELL, JR., C. B. MITCHELL,  
and J. L. TUCKER, doing business  
as MITCHELL NAVAL STORES COMPANY,  
Respondents.

LEO BURMAN,  
Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE OF ALABAMA,  
Baldwin County**

Received in office this \_\_\_\_\_

day of \_\_\_\_\_, 1938

Sheriff.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 1938

by leaving a copy of the Summons with

*C. B. Mitchell - 12-7-38 and*

*R. F. Mitchell & Mitchell Naval Stores Co*  
Defendant

*M. W. Vick*  
Sheriff

By *R. Burman*  
Deputy Sheriff



RECORDED

DEMURRER

STATE OF ALABAMA, ex rel  
HENRY S. LONG, as State Land  
Commissioner for the State  
of Alabama,

Complainant,

VS.

R. F. MITCHELL, JR., C. B.  
MITCHELL and J. L. TUCKER,  
doing business as MITCHELL  
NAVAL STORES COMPANY.

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

*Filed January 6, 1939*  
R. S. DUCK  
clerk - registrar

BY *Richard H. Long*  
Deputy

RECORDED

Bill of Complaint

506

Filed November 28, 1935  
R. S. Duet, Plaintiff  
By: Nellie Thompson,  
Deputy - Plaintiff

LIS PENDENS NOTICE.

STATE OF ALABAMA, ex rel  
HENRY S. LONG, as State Land  
Commissioner for the State  
of Alabama,

Complainant,

VS.

R. F. MITCHELL JR., C. B.  
MITCHELL and J. L. TUCKER,  
doing business as MITCHELL,  
NAVAL STORES COMPANY,

Respondents.

$\frac{43}{21}$

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 506.

State of Alabama, }  
Baldwin County, }

Filed in office this 28th day NOV 28 1938

at 310 and duly recorded

in 310 at page 177

and I certify that the

tax and fees herein required by law  
have been paid.

*[Signature]*  
Judge of Probate

*R S Clark*

(50)

# THE BALDWIN TIMES

BAY MINETTE, ALABAMA

3-23

1930

Mr. R. S. Duck

City

Advertising:

Henry S. Long vs Mitchell  
Naval Stores

213 Words @ 3 1/2

\$7.46

Job Printing:

Debit	547.82
6% from main... to Apr 1, 1940 (1 yr 11 da)	33.87
Debit	851.70
6% from main... 1937 to Apr 1, 1940 (2 yr 10 mo 25 da)	148.34
Debit State	1581.73
Costs	69.81
Am't of Sale	
2400.00	
Profit	1651.54
True net base	748.46
To balance	2400.00
2400.00	

6% gross margin, 1939 to April 1, 1940 (1 year 11 days)	Balance	547.82
Useless		33.87
6% from May 6, 1939 to April 1, 1940 (2 years 10 months 25 days)	Balance	851.70
		148.34
Bill X of Sale	Debit	1581.73
2400.00	Debit	69.81
	Debit	1651.54
	Debit	748.46
	Debit	2400.00
2400.00	Debit	

STATE OF ALABAMA, ex rel  
HENRY S. LONG, as State Land  
Commissioner for the State  
of Alabama,

Complainant,

Vs.

R. F. MITCHELL, JR., C. E.  
MITCHELL and J. L. TUCKER,  
doing business as MITCHELL  
NAVAL STORES COMPANY,

Respondent.

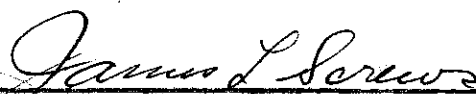
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY,  
ALABAMA,  
IN EQUITY.

Comes complainant in the above-styled cause and makes known to the Court that R. G. Langdon is a material witness for the complainant in said cause and resides over two hundred miles from the place where said cause is tried, and if present will testify substantially as follows:

My name is R. G. Langdon and I was during the year 1938 a tax agent for the State of Alabama. In such capacity as tax agent I contacted the owners and agents of the Mitchell Naval Stores Company, the respondent in the above-styled cause, and made known to them that under the laws of the State of Alabama they would have to pay delinquent installments which were due on the land which they redeemed, said land being described as follows:

$S\frac{1}{2}$  of  $SE\frac{1}{4}$  of SEC 35, T5S, R5E;  $NW\frac{1}{4}$  SEC 2;  
 $NW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ,  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of SEC 11;  $N\frac{1}{2}$  of  $NW\frac{1}{4}$   
SEC 13;  $NE\frac{1}{4}$  of  $NE\frac{1}{4}$  of SEC 14,  $W\frac{1}{2}$  of  $NE\frac{1}{4}$   
SEC 11;  $E\frac{1}{2}$  of  $NW\frac{1}{4}$  of SEC 23, T6S. R5E.

That after several efforts to collect these installments, payment was refused and I in effect gave notice that all ~~installments~~ installments were declared due by the State Land Commission.

  
JAMES L. SCREWS, Assistant Attorney  
General.

Attorney for Complainant.

Subscribed and sworn to before me  
this 18th day of March, 1939.

  
Florence Ferrell, Notary Public, Montgomery County, Alabama.

The State of Alabama, {  
Baldwin County

CIRCUIT COURT

RECORDED

To O'BYRNE JONES

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 J. L. Kessler and examine ~~#####~~ E. S. Tunstall, and Jesse M. Smith;

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

STATE OF ALABAMA, EX REL., Henry S. Long, State Tax Commissioner,

Complainant

and MITCHELL NAVAL STORES, INC.,

Defendant,

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

Witness 20th day of March 19 39

R. S. DUCK

REGISTER

COMMISSIONER'S FEE, \$

By *Pauline Thompson* Deputy

WITNESS' FEES, \$

STATE OF ALABAMA, ex rel  
HENRY S. LONG, as State Land  
Commissioner for the State  
of Alabama,

Complainant,

VS.

R. F. MITCHELL, JR., C. E.  
MITCHELL and J. L. TUCKER,  
doing business as MITCHELL  
NAVAL STORES COMPANY,

Respondent.

IN THE CIRCUIT COURT OF  
  
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

APPEARANCES: JAMES L. SCREWS, ASSISTANT ATTORNEY GENERAL, ATTORNEY FOR COMPLAINANT;  
HUBERT M. HALL, ATTORNEY FOR RESPONDENT;

TESTIMONY OF J. L. KESSLER, A WITNESS FOR THE COMPLAINANT:

My name is J. L. Kessler. I am Chief Clerk in the Probate Office of Baldwin County, Alabama. The records in my office show that Mitchell Naval Stores Company, by C. B. Mitchell, redeemed the following described property on installment payment plan, on to-wit, the 6th day of May, 1936:

The South half of the Southeast quarter of Section 35, Township 5 South of Range 5 East;

The Northwest quarter of Section 2; the Northwest quarter, the Southeast quarter, the Northeast quarter of the Southwest quarter of Section 11; the North half of the Northwest quarter of Section 13; the Northeast quarter of the Northeast quarter of Section 14; the West half of the Northeast quarter of Section 11; the East half of the Northwest quarter of Section 23, Township 6 South of Range 5 East.

The total amount of the redemption price was \$1135.59, and \$295.40 was paid, which was the first installment. The remaining three installments have not as yet been paid, totaling \$851.70, nor have there been any subsequent payments on current taxes.



TESTIMONY OF E. S. TUNSTALL, A WITNESS FOR THE COMPLAINANT:

My name is E. S. Tunstall. I am Tax Assessor of Baldwin County, Alabama. The records in my office show that I assessed as an escape, on the 25th day of November, 1938, the following described property, in the name of Mitchell Naval Stores Company, a partnership composed of R. F. Mitchell, Jr., C. E. Mitchell and J. L. Tucker:



I, O'Byrne Jones, as Commissioner, hereby certify that the foregoing depositions on Oral Examination were taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of myself and James L. Screws and Hubert M. Hall, at the Court House of Baldwin County, Alabama; that I have personal knowledge of personal identity of said witnesses 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 20th day of March, 1939.

  
\_\_\_\_\_  
Commissioner. (SEAL)

STATE OF ALABAMA EX REL  
HENRY S. LONG, AS STATE  
LAND COMMISSIONER FOR THE  
STATE OF ALABAMA,

Complainant,

VS.

R. F. MITCHELL, JR., C. B.  
MITCHELL AND J. L. TUCKER,  
Doing business as MITCHELL  
NAVAL STORES COMPANY,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 506.

REGISTER'S REPORT OF SALE.

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

1. Under and by virtue of the authority conferred upon me by a Decree of the Circuit Court of Baldwin County, Alabama, in Equity, in the above entitled cause rendered on the 5th day of February, 1940, I did, on the 1st day of April, 1940, sell at public outcry, to the highest bidder for cash, at twelve o'clock noon at the front door of the Court House in Bay Minette, Baldwin County, Alabama, the following described real property situated in Baldwin County, Alabama, to-wit:

South Half of the Southeast Quarter of Section 35, Township 5 South, Range 5 East;  
Northwest Quarter of Section 2; Northwest Quarter, the Southeast Quarter, and the Northeast Quarter of the Southwest Quarter of Section 11; North Half of the Northwest Quarter of Section 13; Northeast Quarter of the Northeast Quarter of Section 14; West Half of the Northeast Quarter of Section 11; East Half of the Northwest Quarter of Section 23; all in Township 6 South Range 5 East.

That at the said sale the property was offered for sale subject to the unpaid taxes for the year 1939 and subsequent years and at the said sale so held S. A. Presley became the purchaser of the said property at and for the sum of Twenty-four Hundred Dollars (\$2400.00), that being the highest, best and last bid for the said property.

2. I further report that in obedience to the said Decree I gave notice of the said sale so held by publication once a week for three successive weeks in the Baldwin Times, a newspaper of general circulation published at Bay Minette, in Baldwin County, Alabama, the said notice appearing in the issues of said paper of March 7, 1940, March 14, 1940 and March 21, 1940.

5. The said sale was made in strict accordance with the terms of the said Decree and was in all respects fairly conducted, the said property sold for an amount not greatly less than its real value and the purchaser has fully complied with the terms of the said sale and has paid to me the full amount of the purchase money in cash, to-wit: Twenty-four Hundred Dollars (\$2400.00), all of which is reported to this Court as required by the said Decree.

Dated this \_\_\_\_\_ day of April, 1940.

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As Register.

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STATE OF ALABAMA, ex rel  
HENRY S. LONG, as State Land  
Commissioner for the State  
of Alabama,

Complainant,

VS.

R. F. MITCHELL, JR., C. E.  
MITCHELL and J. L. TUCKER,  
doing business as MITCHELL  
NAVAL STORES COMPANY,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

And now come the Respondents, separately and severally, and for answer to the Complainant's Bill of Complaint, and to each count thereof, separately and severally, say:

1. That they deny each and every allegation therein contained not herein specifically admitted and demand strict proof of the same.
2. That they deny the allegations contained in Paragraphs First and Second, and demand strict proof of the same.

B. B. B. B.  
Solicitors for the Respondents.



STATE OF ALABAMA EX REL  
HENRY S. LONG, AS STATE  
LAND COMMISSIONER FOR THE  
STATE OF ALABAMA,

Complainant,

VS.

R. F. MITCHELL, JR., C. B.  
MITCHELL AND J. L. TUCKER,  
Doing business as MITCHELL  
NAVAL STORES COMPANY,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 506.

REGISTER'S REPORT OF SALE.

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

1. Under and by virtue of the authority conferred upon me by a Decree of the Circuit Court of Baldwin County, Alabama, in Equity, in the above entitled cause rendered on the 5th day of February, 1940, I did, on the 1st day of April, 1940, sell at public outcry, to the highest bidder for cash, at twelve o'clock noon at the front door of the Court House in Bay Minette, Baldwin County, Alabama, the following described real property situated in Baldwin County, Alabama, to-wit:

South Half of the Southeast Quarter of Section 35, Township 5 South, Range 5 East; Northwest Quarter of Section 2; Northwest Quarter, the Southeast Quarter, and the Northeast Quarter of the Southwest Quarter of Section 11; North Half of the Northwest Quarter of Section 13; Northeast Quarter of the Northeast Quarter of Section 14; West Half of the Northeast Quarter of Section 11; East Half of the Northwest Quarter of Section 28; all in Township 5 South Range 5 East.

That at the said sale the property was offered for sale subject to the unpaid taxes for the year 1939 and subsequent years and at the said sale so held S. A. Presley became the purchaser of the said property at and for the sum of Twenty-four Hundred Dollars (\$2400.00), that being the highest, best and last bid for the said property.

2. I further report that in obedience to the said Decree I gave notice of the said sale so held by publication once a week for three successive weeks in the Baldwin Times, a newspaper of general circulation published at Bay Minette, in Baldwin County, Alabama, the said notice appearing in the issues of said paper of March 7, 1940, March 14, 1940 and March 21, 1940.

3. The said sale was made in strict accordance with the terms of the said Decree and was in all respects fairly conducted, the said property sold for an amount not greatly less than its real value and the purchaser has fully complied with the terms of the said sale and has paid to me the full amount of the purchase money in cash, to-wit: Twenty-four Hundred Dollars (\$2400.00), all of which is reported to this Court as required by the said Decree.

Dated this \_\_\_\_\_ day of April, 1940.

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As Register.

STATE OF ALABAMA EX REL  
HENRY S. LONG, AS STATE  
LAND COMMISSIONER FOR THE  
STATE OF ALABAMA,

Complainant,

VS.

R. F. MITCHELL, JR., G. B.  
MITCHELL AND J. L. TUCKER,  
Doing business as MITCHELL  
NAVAL STORES COMPANY,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 506.

This cause coming on for hearing is submitted upon the report of the Register of the Circuit Court of Baldwin County, Alabama, in Equity, reporting that in accordance with the Decree rendered by the Circuit Court of Baldwin County, Alabama, in Equity, on the 5th day of February, 1940, that the Register, after due notice as required in said Decree, did offer for sale on the first day of April, 1940, to the highest bidder, for cash, at 12 o'clock noon, at the front door of the courthouse in Bay Minette, Baldwin County, Alabama, the following described real property situated in Baldwin County, Alabama, to-wit:-

South half of the Southeast Quarter of Section 35,  
Township 5 South, Range 5 East;  
Northwest Quarter of Section 2; Northwest Quarter,  
the Southeast Quarter, and the Northeast Quarter  
of the Southwest Quarter of Section 11; North half  
of the Northwest Quarter of Section 13; Northeast  
Quarter of the Northeast Quarter of Section 14;  
West half of the Northeast Quarter of Section 11;  
East Half of the Northwest Quarter of Section 23;  
all in Township 6 South, Range 5 East.

And that the said sale so held S. A. Presley became the purchaser of the aforesaid property, at and for the sum of Twenty-four Hundred Dollars (\$2400.00), he being the highest, best and last bidder for the same.

And it appearing further that said sale was made in strict accordance to the terms of said Decree, and was, in all respects, fairly conducted, and that the said property sold for an amount not greatly less than its real value and that the purchaser, S. A. Presley, has fully complied with the terms of said sale and has paid to the Register of this Court the full amount of the



(page two)

purchase money, in cash, to-wit: Twenty-four Hundred Dollars (\$2400.00), and all which being understood by the Court is ordered, adjudged and decreed that said Register's report be and is duly confirmed in all things.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register of this Court shall proceed to execute his deed, as such Register, to the said S. A. Presley, conveying to him all the rights, title and interest that the State of Alabama, R. F. Mitchell, Jr., C. B. Mitchell and J. L. Tucker, and the Mitchell Naval Stores Company have in and to the land heretofore described in this Decree, subject to the taxes due October 1st, 1939 to the State of Alabama, Baldwin County and the school district in which said lands are located.

Dated this 25th day of April, 1940.

  
\_\_\_\_\_  
Judge.

STATE OF ALABAMA EX REL  
HENRY S. LONG, AS STATE  
LAND COMMISSIONER FOR THE  
STATE OF ALABAMA,

Complainant,

VS.

R. F. MITCHELL, JR., C. B.  
MITCHELL AND J. L. TUCKER,  
Doing business as MITCHELL  
NAVAL STORES COMPANY,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 506.

REGISTER'S REPORT OF SALE.

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

1. Under and by virtue of the authority conferred upon me by a Decree of the Circuit Court of Baldwin County, Alabama, in Equity, in the above entitled cause rendered on the 5th day of February, 1940, I did, on the 1st day of April, 1940, sell at public outcry, to the highest bidder for cash, at twelve o'clock noon at the front door of the Court House in Bay Minette, Baldwin County, Alabama, the following described real property situated in Baldwin County, Alabama, to-wit:

South Half of the Southeast Quarter of Section 35, Township 5 South, Range 5 East;  
Northwest Quarter of Section 2; Northwest Quarter, the Southeast Quarter, and the Northeast Quarter of the Southwest Quarter of Section 11; North Half of the Northwest Quarter of Section 13; Northeast Quarter of the Northeast Quarter of Section 14; West Half of the Northeast Quarter of Section 11; East Half of the Northwest Quarter of Section 23; all in Township 6 South Range 5 East.

That at the said sale the property was offered for sale subject to the unpaid taxes for the year 1939 and subsequent years and at the said sale so held S. A. Presley became the purchaser of the said property at and for the sum of Twenty-four Hundred Dollars (\$2400.00), that being the highest, best and last bid for the said property.

2. I further report that in obedience to the said Decree I gave notice of the said sale so held by publication once a week for three successive weeks in the Baldwin Times, a newspaper of general circulation published at Bay Minette, in Baldwin County, Alabama, the said notice appearing in the issues of said paper of March 7, 1940, March 14, 1940 and March 21, 1940.

3. The said sale was made in strict accordance with the terms of the said Decree and was in all respects fairly conducted, the said property sold for an amount not greatly less than its real value and the purchaser has fully complied with the terms of the said sale and has paid to me the full amount of the purchase money in cash, to-wit: Twenty-four Hundred Dollars (\$2400.00), all of which is reported to this Court as required by the said Decree.

Dated this 4<sup>th</sup> day of April, 1940.

R S Duck

As Register.

STATE OF ALABAMA, ex rel  
HENRY S. LONG, as State  
Land Commissioner for the  
State of Alabama,

Complainant,

VS.

R. F. MITCHELL, JR., C. E.  
MITCHELL and J. L. TUCKER,  
doing business as Mitchell  
Naval Stores Company,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA,

IN EQUITY.

NO. \_\_\_\_\_

DECREE

This cause coming on to be heard and having been submitted for final decree on the pleadings and proof as shown by the note of testimony on file and upon consideration thereof, the court is of the opinion that the complainant is entitled to the relief prayed for in the bill of complaint filed in this cause.

It is therefore ordered, adjudged and decreed by the court that the complainant do have and recover of and from the respondents the principal sum of \$851.70, together with the legal rate of interest thereon from the 6th day of May, 1937, said sum being the total of all deferred tax installments due complainant under the application to redeem the real estate hereinafter in this decree described, from a tax sale thereof, under the provisions of Section 291 of the Revenue Act of 1935, approved July 10, 1935 (General Acts 1935, at page 377); and

It is further ordered, adjudged and decreed by the court that complainant do have and recover of and from the respondents the principal sum of \$547.82, which represents the amount of accrued taxes on the property in this decree described for the years 1936, 1937, 1938, together with interest, taxes, fees and costs which are figured to March 20, 1939, together with the legal rate of interest on the amount of taxes due from the said 20th day of March, 1939, to date of sale thereof, under the

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provisions of Section 292 of the Revenue Act of 1935, approved July 10, 1935 (General Acts, 1935, at page 278); and

It is further ordered, adjudged and decreed by the court that for the security of the payment of the said sums of \$851.70 and \$547.82, together with the legal rate of interest thereon from the dates above set forth, and the costs incurred herein, the complainant is entitled to a lien and to the foreclosure thereof against the following described lands being situated in Baldwin County, Alabama, to wit:

$S\frac{1}{2}$  of the  $SE\frac{1}{4}$  of Section 35, Township 5 South, Range 5 East;

$NW\frac{1}{4}$  of Section 2;  $NW\frac{1}{4}$ , the  $SE\frac{1}{4}$ , the  $NE\frac{1}{4}$  of the  $SW\frac{1}{4}$  of Section 11;  $N\frac{1}{2}$  of the  $NW\frac{1}{4}$  of Section 13;  $NE\frac{1}{4}$  of the  $NE\frac{1}{4}$  of Section 14;  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$  of Section 11;  $E\frac{1}{2}$  of the  $NW\frac{1}{4}$  of Section 23, Township 6 South, Range 5 East.

and the Register of this court is hereby ordered and directed to forthwith advertise said property for sale and to sell the same to satisfy the said lien indebtedness herein ascertained and decreed in the sums of \$851.70 and \$547.82 with the legal rate of interest thereon from the dates above set forth to the date of sale, together with the costs of this cause, giving notice of such sale once a week for three consecutive weeks in some newspaper of general circulation in Baldwin County, Alabama, said sale to be in all things conducted by said Register in accordance with the laws governing judicial sales, with due report thereof to be promptly made to this court unless the amount due together with interest and costs shall have been paid to the Register before said sale, that upon confirmation of said sale the proceeds of said sale shall be applied first, to all the costs of this cause, second, to the complainant in the amounts hereinabove described, and, third, the balance, if any, to the said respondents.

3.

This decree does not include the State, county and school taxes due on the herein described property which were due and payable October 1, 1939.

This cause is retained on the docket of this court for such other and further orders as shall be meet and proper in the premises.

Ordered, adjudged and decreed in term time this 5<sup>th</sup> day of February, 1940.

J. M. Hare

Judge.

**The State of Alabama**  
**BALDWIN COUNTY**  
**CIRCUIT COURT**

STATE OF ALABAMA, EX REL.,

Henry S. Long, State Tax

Commissioner,

vs. Complainant

MITCHELL NAVAL STORES CO.,

Et Al.,

Defendant

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER:**

**WITNESSES:**