

WARREN W. WORCESTER,            |  
                                  Complainant,            |  
                                  vs                                |  
THOMAS N. McCALEB, et al,       |  
                                  Respondent,                |

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

Now come Veva L. Pickens, Edward Worcester, Joseph T. Worcester, Warren O. Worcester, George H. Worcester, Rosa Worcester and Olive M. Worcester and with leave of the court make themselves parties respondent to the cross bill filed by the original respondent, Thomas N. McCaleb, and answering said cross bill say:

FIRST.

The original complainant in this cause, Warren W. Worcester, *was heir at law and devisee of George W. Hagle, deceased and* at the time of his death, was owner of four-fifths undivided interest in the land described in the original bill of complaint and in the cross-bill, viz: the southwest quarter of section 10, Township 7 South, Range 2 East, and has died since the bill of complaint in this cause was filed, and the respondents herein named except Veva L. Pickens, are his heirs at law and devisees, by will duly probated in the Probate Court of Baldwin County, Alabama, and as such heirs and devisees succeeded to the interest of Warren W. Worcester in said land; the other one-fifth undivided interest in said land is owned by the respondent, Veva L. Pickens.

SECOND.

Respondents admit that their said intestate and Veva L. Pickens did file the bill as alleged in the first paragraph of this cross-bill and that D. P. Bestor, Jr., originally named as a party respondent, has filed disclaimer but these respondents deny that the cross-complainant is in actual peaceable possession of the land or has ever been in actual peaceable possession of the land and paid the taxes thereon as alleged.

THIRD.

These cross-respondents deny that the cross-complainant claims title to the land in good faith and they allege that he has

no title and allege further that neither he nor anyone through whom he claims under deeds from James Grist and following referred to in the Third Paragraph of respondent's cross-bill, has ever been in peaceable possession or in any possession of the land and they further deny that Oscar O. Kimball had any title or possession of the land and these respondents expressly allege that cross-respondents have an absolute, straight and unbroken record title to the land from the United States Government by deeds and other instruments of writing duly recorded in the County of Baldwin where the land is located, as set forth in Sixth Paragraph hereof.

FOURTH.

These cross-respondents further deny that the title to the land stands on the records of Baldwin County in the name of the cross-complainant but they allege that the land stands on said records as stated in Sixth Paragraph hereof and that cross-complainants or those in privity of title with them, have paid taxes on the land within twenty years next preceding the filing of this answer and further allege that they have during all of that time had such possession of the land as its nature permitted and no one else, except cross-respondents and those under whom they claim have had such possession except for a short period of not more than a week, when some trespasser went on the land and was promptly notified to leave, by the representatives of some one or more of the grantors in cross-respondents' chain of title and that he did leave long before the bill in this case was filed.

FIFTH.

Cross-respondents further allege that they claim the land as and that they are absolute owners thereof, and that when this cross bill was filed these cross-respondents or those through whom they claim had filed a bill against the cross-complainant to quiet their title to the said land and the said bill was pending in equity in the Baldwin County Circuit Court when this cross bill was filed.

SIXTH.

These cross-respondents further allege that the record title to the said land and instruments of conveyance as set forth in

the third paragraph of cross-complainant's bill are therein correctly stated down to and including the deed from George E. Sherwin and wife to F. J. McCoy dated April 7th, 1858, and recorded in Deed Book "G" pages 415-416, Probate Records of Baldwin County, Alabama, conveying the southwest quarter of Section 10, Township 7 South, Range 2 East, Baldwin County, Alabama, and these several conveyances form links in cross-respondents' chain of record title, but cross-respondents' allege that the record title following the said deed from Sherwin to McCoy is correctly shown by the following conveyances, viz:

Deed of conveyance from F. J. McCoy to W. J. Lee, dated July 7th, 1873, and recorded in Deed Book "K", Page 41.

W. J. Lea died intestate, leaving as his surviving heirs his children, Florence R. Loxley, Mary Raymond, Lila Hansborough, and John W. Lea and his grandchild, Veva A. Lea, who inherited the land from the said William J. Lea.

All of these heirs of the said William J. Lea, except the grandchild, Veva A. Lea, who is now cross-respondent, Veva L. Pickens, conveyed the land to John W. Lea by deed dated May 15th, 1906, and recorded in Deed Book 10, N. S. page 634.

John W. Lea and his wife, Mrs. John W. Lea, conveyed the land to George H. Hoyle by deed dated August 9th, 1906 and recorded in Deed Book 10 N. S., page 694.

George H. Hoyle died July 18th, 1919, leaving a will devising the land to his brother, Warren W. Worcester and the will of said George H. Hoyle was duly probated in Baldwin County, Alabama.

Warren W. Worcester died in Baldwin County, Alabama, during the year 1925, leaving a will in which he devised his interest in the land to the cross-respondents, except Veva A. Lea, who had not joined in the deed to John W. Lea under whom these cross-respondents claim, so that the record title to the land is vested as follows:

The cross-respondents, Edward Worcester, Joseph T. Worcester, Warren O. Worcester, George H. Worcester, Rosa Worcester and Olive M. Worcester, have title to a four-fifths undivided interest in said land and the cross-respondent, Veva A. Lea, has title to a one-fifth undivided interest in said land.

SEVENTH.

These cross-respondents further allege that the deed under which the cross-complainant claims, viz: From F. J. McCoy to Allen and James Grist, does not purport to convey the land conveyed in this suit but at the time the said deed was made the grantee, F. J. McCoy owned the southeast quarter of Section 10, Township 7 South, Range 2 East and his deed of conveyance covered the southeast quarter of said section and not the southwest quarter which is the part of the section involved in this suit and the said F. J. McCoy never conveyed and never intended to convey to the said Grist the land involved in this suit. These cross-respondents further deny that the other deeds mentioned in the third paragraph of the cross-complainant's bill of

complaint following the said deed from Sherwin to McCoy to convey this land.

EIGHTH.

These cross-respondents therefore show that they have a perfect record title to the land involved in this suit and that the cross-complainant has no record title to said land, they further show that these cross-respondents have such possession of the land as its nature admits and that the cross-complainant has no such possession.

RECORDED  
The said Veva L. Pickens, Edward Worcester, Joseph T. Worcester, Warren O. Worcester, George H. Worcester, Rosa Worcester, and Olive M. Worcester, therefore show to the court that they and the said Thomas N. McCaleb are the only parties interested in this litigation and they respectfully petition that they be named as intervening complainants in the original bill and as cross-respondents in the cross-bill filed by the said Thomas N. McCaleb or that they may be made such parties under the rules of this court or such parties by other proper order of this court and that the cause proceed and be submitted in their names as complainants and cross-respondents against the said Thomas N. McCaleb as respondent and cross-complainant.

They further pray that upon the hearing of this cause made by this bill of complaint the title to all of the said land be decreed to be vested in them as such complainants and cross-respondents and that it be decreed that the said Thomas N. McCaleb as respondent and cross-complainant has no right, title, claim or encumbrance upon said land and that he be forever enjoined from asserting such claim.

They further pray for such other, further and different relief as in equity and good conscience may be due them in the premises.

*Gaillard, Mahorney & Gaillard,*  
SOLICITOR FOR VEVA L. PICKENS.

*B. Truitt, Jr.*  
SOLICITOR FOR ALL COMPLAINANTS AND CROSS-RESPONDENTS EXCEPT VEVA L. PICKENS.



assessed and paid the taxes on said lands for the year 1905; that said lands were conveyed by George C. Black to Joseph Keller by deed dated April 26th, 1904, and that said George C. Black assessed and paid the taxes for the year 1903, and assessed said lands for the year 1904, and that said Joseph Keller paid the taxes thereon for the year 1904. This respondent further shows that said lands were conveyed by Charles Torrey, as Executor of the Estate of John Bowen, to George C. Black, by deed dated January 2nd, 1903, and that the taxes on said lands were assessed and paid by the executor of the estate of John Bowen, deceased, for the year 1900 to 1902, both inclusive. Respondent further shows that he, and those through whom he claims, have had color of title to said lands for more than twenty years next preceding the filing of this answer. Respondent further shows that neither the complainants, nor any one through whom they or either of them claim, ever assessed or paid the taxes on said lands at any time from the year 1900 to 1925, both inclusive; nor did they, or either of them, nor any one through whom they or either of them claim, have possession thereof, or of any part thereof, during the <sup>twenty</sup> ~~xx~~ years next preceding the filing of this answer.

SECOND. The respondent admits that Daniel P. Bestor, Jr., is a resident of the city and county of Mobile, State of Alabama, and is over the age of twenty-one years. This respondent also admits that he is likewise over the age of twenty-one years, and is a non-resident of the State of Alabama, his place of residence being at present, Biloxi, Mississippi.

THIRD. This respondent denies that the said Daniel P. Bestor, Jr., claims or is reputed to claim, any right, title or interest in, or lien or encumbrance upon said lands. This respondent admits that he does claim title to said property, and that he claims under and by virtue of the following conveyances, viz: Certificate of entry No. 15012, dated March 5th, 1858, and recorded in Tract Book No. 1 page 902, Probate Records of Baldwin County, in behalf of George E. Sherwin; and certificate

of entry No.138 dated July 20th, 1858, and recorded in Tract Book No.1 page 209 of the Probate Records of Baldwin County, Alabama, in behalf of George E. Sherwin; Patent from the United States of America to George E. Sherwin dated February 1st, 1860, conveying the east half of the southwest quarter of Section 10, in Township 7 South of Range 2 East, in the district of lands, subject to sale at St. Stevens, Alabama; Patent from the United States of America to George E. Sherwin dated the 15th day of August, 1860, and conveying the west half of the southwest quarter of Section 10, Township 7 South of Range 2 East, of the district of lands, subject to sale at St. Stevens, Alabama; Deed from George E. Sherwin and wife to F. J. McCoy dated April 7th, 1858, and recorded in Deed Book G pages 415-416 of the Probate Records of Baldwin County, Alabama, and conveying the southwest quarter of Section 10, Township 7 South of Range 2 East, Baldwin County, Alabama; Warranty deed made by F. J. McCoy to Allen and James R. Grist, dated June 28th, 1858, recorded in Book H. pages 195-196; Warranty deed made by Grist and Hughes to Isaac W. Hughes dated April 14, 1868, recorded in Book I page 116; Power of Attorney from Isaac W. Hughes to Theo. J. Hughes, dated February 27, 1871, recorded in Book I page 504; Mortgage by Isaac W. Hughes to Marshall J. Smith & Company dated March 11, 1871, recorded in Book I page 506-7; Mortgage by James R. Grist to Zophar Mills, dated February 3, 1868, recorded in Book I page 221; Official deed James Gillette, Register in Chancery, to Isaac W. Hughes dated October 18, 1870, recorded in Book K. pages 45-47; Statutory warranty deed by Isaac W. Hughes to Zophar Mills, dated May 3rd, 1873, recorded in Book J. pages 705-707; Release to Dower by Annie M. Hughes, wife of Isaac W. Hughes to Zophar Mills dated May 3, 1873, recorded in Book J. pages 707-8; Quit claim deed by Zophar Mills and wife to John Bowen, dated December 31, 1881, recorded in Book M. pages 542-3; Will of John Bowen, recorded in Will Book 6 pages 284 Mobile County records; Statutory warranty deed by Executor of John Bowen to George C. Black, dated January 2,

1903, recorded in Deed Book 5 N.S. pages 635-6; Warranty deed dated April 26, 1904, by George C. Black and wife to Joseph Keller, recorded in Deed Book 7 N.S. page 224; Warranty deed by Joseph Keller and wife to Oscar Kimmel dated December 19, 1904, recorded in Deed Book 8 N.S. page 103; Warranty deed by Oscar O. Kimmel and wife to T.S. McCaleb dated April 30, 1912, recorded in Deed Book 19 N. S. page 198; T.S. McCaleb by C. E. Eubanks, Sheriff, to D. P. Bestor, Jr., dated February 12, 1917, recorded in Deed Book 26 N.S. page 103; Statutory warranty deed by D.P. Bestor, Jr., and wife to T. S. McCaleb, dated March 2, 1917, recorded in Deed Book 28 N. S., page 99.

And defendant now having fully answered, prays that he may be hence dismissed with his costs.

*Dogan Mitchell*

SOLICITORS FOR THOMAS S. McCALEB



*W. W. Worcester*

WARREN W. WORCESTER,		
Complainant		IN CIRCUIT COURT OF
vs		
THOMAS N. MCCALED ET AL.,		BALDWIN COUNTY, ALABAMA.
Respondents		IN EQUITY.

Note of evidence for Complainant and Cross Respondents.

Bill of complaint and amendments thereto.

Answers of Cross Respondents.

Depositions of Joseph T. Worcester and all exhibits thereto, including the following instruments:

1. Certified copy of Patent U. S. to George E. Sherwin under Certificate No. 15012.
2. Certified copy Patent U. S. to George E. Sherwin under Certificate No. 17776
3. Certified copy deed G. E. Sherwin and wife to F. J. McCoy.
4. Certified copy of deed from F. J. McCoy to W. J. Lea and release thereon by Mrs. McCoy to W. J. Lea.
5. Affidavit of Mrs. V. O. Lea.
6. Certified copy of deed from Eliza T. Lea et al. to John W. Lea.
7. Certified copy of deed from John W. Lea and wife to George H. Hoyle.
8. Certified copy of last will of George H. Hoyle and of court proceedings for its probate.
9. Certified copy of Letters testamentary to W. W. Worcester
10. Certified copy of deed from W. M. Potts and wife to F. J. McCoy.

Deposition of William Bailey

Depositions of Charles M. Nelson

Depositions of H. H. Parker

Deposition of R. J. Pierce

Agreement of Court to taking of above depositions.

Depositions of Mrs. Veva Lea Pickens

Deposition of Joseph T. <sup>Worcester</sup> Webster taken in rebuttal Aug. 5, 1930, and all exhibits attached, including

1. Certified copy of will of W. W. Worcester and Court proceedings for its probate.
2. Certified copy deed Frank J. McCoy to A. & J. R. Grist.

Agreement of Court to taking of above depositions.

Certified copy of assessments for the County taxes by W. W. Worcester and J. T. Worcester, agent, for years 1925, 1926, 1927, 1928, 1929 and 1930, showing payment of taxes for these years.

Motion before Register by Edward Worcester, Joseph T. Worcester, George H. Worcester, Rosa Worcester and Olive M. Worcester to make them parties complainant in original cause in lieu of the original complaint, Warren W. Worcester, executor of the estate of George H. Hoyle.

Affidavit filed with above motion.

Order of Register making them parties complainant in original cause.

Motion before Judge by same parties last above to be made parties complainant in original cause.

Affidavit above in support thereof.

Order of Judge making them parties complainant to original cause.

Deposition of Samuel C. Jenkins.

Agreement by solicitors that copy of cross-respondent's original answers to respondent's cross-bill may be substituted for the original, due to loss of original.

*J. W. Rice*  
Register

WARREN W. WORCESTER,  
individually, and as Executor of  
the last Will and Testament of  
George H. Hoyle, deceased, and  
V. L. Pickens,

Complainants, )

-vs-

THOMAS S. McCaleb,

Respondent. )

IN THE CIRCUIT COURT OF

*Baldwin*  
JEFFERSON COUNTY, ALABAMA.

IN EQUITY. NO. \_\_\_\_\_

This day came Thomas S. McCaleb, cross complainant, and moved the Register to make Joseph T. Worcester, Edward Worcester, Warren O. Worcester, George H. Worcester, Rosa Worcester and Olive M. Worcester, Parties Respondent to the cross bill in lieu of Warren W. Worcester, deceased. And the parties to said cause having agreed to this revivor, it is now ordered that Edward Worcester, Joseph T. Worcester, Warren O. Worcester, George H. Worcester, Rosa Worcester and Olive M. Worcester be made respondents to the cross bill filed in this cause in lieu of the said Warren W. Worcester.

Dated this 22nd day of September, 1930.

*T. W. Pickens*

Register Circuit Court, Baldwin  
County, Alabama.





WARREN W. WORCESTER,  
Complainant,

vs

THOMAS N. MCGALEB, et al.,  
Respondent

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

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Now comes Edward Worcester, Joseph T. Worcester, Warren O. Worcester, George H. Worcester, Rosa Worcester and Olive M. Worcester and moves the <sup>Court</sup> Register in Vacation to make them parties complainant in the original cause in lieu of the original complainant, Warren W. Worcester, ~~of the~~ Executor of the estate of George H. Hoyle, deceased, and show by affidavit accompanying this motion that they are the sole parties in interest as to the real estate involved in this cause, in so far as the estates of George H. Hoyle and Warren W. Worcester are concerned.

B. J. McMillan  
Solicitors for Complainants.

WARREN W. WORCESTER,  
individually, and as Executor  
of the Last Will and Testament  
of George H. Hoyle, deceased,  
and V. L. Pickens,

Complainants,

-vs-

THOMAS S. McCALEB,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. No. \_\_\_\_\_

At the trial of the foregoing cause the following evidence was introduced in behalf of Thomas S. McCaleb, Respondent and cross-complainant, viz:

Cross Bill; notice of suit; depositions of Clarence O. White, Hugh E. Lowell, Thomas S. McCaleb and Samuel C. Jenkins; and the following documentary evidence: Certificate of W. D. Stapleton, as Judge of Probate, as to the payment of taxes on the Southwest quarter of Section 10, Township 7 South, Range 2 East, Baldwin County, Alabama, dated the 30th day of April, 1925; Agreement of counsel dated the 6th day of August, 1930; *agreement of counsel dated Sept 22, 1930* Certified copy of a patent from the United States to George E. Sherwin dated the 1st day of February, 1860, for the East half of the Southwest quarter of Section 10 in Township 7 South, Range 2 East, Baldwin County, Alabama; Register's certificate of purchase for the same lands dated March 5th, 1858; Receiver's certificate for the same lands dated March 5th, 1858; Certified copy of Tract Book entry in Tract Book No. 1 page 209, for the West half of the Southwest quarter of Section 10, Township 7 South, Range 2 East, Baldwin County, Alabama; Certified copy of patent from the United States for the west half of the Southwest quarter of said Section 10, Township 7 South, Range 2 East, Baldwin County, Alabama; Certified copy of deed from George E. Sherwin and wife to F. J. McCoy for the Southwest quarter of said Section 10, Township 7 South, Range 2 East, dated the 7th day of April, 1858; certified copy of deed from Frank J. McCoy to Allen and James R. Grist dated the 28th day of June, 1858, and recorded in Deed Book "H" pages 195-196, Probate Records of Baldwin County, Alabama; certified copy of Register's deed to Isaac W. Hughes dated the 18th day of October, 1870; Certified copy of deed from T. J. Hughes and James R. Grist to Isaac W. Hughes dated the 14th day of April, 1868, and recorded

in Deed Book "I" page 116; Certified copy of power of attorney from Isaac W. Hughes to Theodore J. Hughes to execute a mortgage to M. J. Smith & Co., dated the 27th day of February, 1871, and recorded in Deed Book "I" at page 504, Probate Records of Baldwin County, Alabama; certified copy of mortgage from James R. Grist and T. J. Hughes in favor of Zophar Mills dated the 3rd day of February, 1868, and recorded in Deed Book "I" page 221; certified copy of deed executed by Isaac W. Hughes in favor of Zophar Mills dated the 3rd day of May, 1873, and recorded in Deed Book "J" pages 705-707, Probate Records of Baldwin County, Alabama; certified copy of mortgage from Isaac W. Hughes to Marshall J. Smith & Co., dated the 11th day of March, 1871, and recorded in Deed Book "I" at pages 506-507, Probate Records of Baldwin County, Alabama; Certified copy of release of dower executed by Annie M. Hughes, wife of Isaac W. Hughes in favor of Zophar Mills, dated tge 3rd day of May, 1873, and recorded in Deed Book "J" pages 707-708, Probate Records of Baldwin County, Alabama; certified copy of deed from Zophar Mills and wife to John Bowen dated the 31st day of December, 1881, and recorded in Deed Book "M" pages 542-543, Probate Records of Baldwin County, Alabama; certified copy of deed from Charles Torrey, as Executor, to George G. Black dated the 2nd day of January, 1903, and recorded in Deed Book 5 N.S. pages 635-636, Probate Records of Baldwin County, Alabama; certified copy of deed from George G. Black and wife to Joseph Keller, Sr., dated the 26th day of April, 1904, and recorded in Deed Book 7 N. S. page 244, Probate Records of Baldwin County, Alabama; Certified copy of deed from Joseph Keller and wife to Oscar O. Kimmell dated the 19th, day of December, 1904, and recorded in Deed Book 8 N.S. page 103, Probate Records of Baldwin County, Alabama; Certified copy of deed from Oscar O. Kimmell and wife to Thomas S. McCaleb dated the 30th day of April, 1912, and recorded in Deed Book 19 N.S. page 198, Probate Records of Baldwin County, Alabama; Mortgage from Thomas S. McCaleb to Oscar O. Kimmell dated the 9th day of May, 1912, and recorded in Book 12 of Mortgages page 375, Probate Records of Baldwin County, Alabama; together with the note secured by said mortgage; Mortgage Release



executed by O. O. Kimmell in favor of Thomas S. McCaleb dated the 14th day of February, 1914, and recorded in Book 14 of Mortgages page 235, Probate Records of Baldwin County, Alabama; Sheriff's deed to D. P. Bestor, Jr., dated the 12th day of February, 1917, and recorded in Deed Book 26 N.S. pages 103-104, Probate Records of Baldwin County, Alabama; Deed from D. P. Bestor and wife to T. S. McCaleb, dated the 2nd day of March, 1917, and recorded in Deed Book 28 N.S. page 99, Probate Records of Baldwin County, Alabama; certified copy of Will of John Bowen, probated January 7th, 1888, and recorded in Will Book 6 page 284, et seq., Probate Records of Mobile County, Alabama; Certified copy of Order of Court admitting said Will to Probate; Certified copy of Letters Testamentary issued to Charles Torrey, as Executor, and certified copy of tax assessment records relating to the Southwest quarter of Section 10, Township 7 South, Range 2 East, Baldwin County, Alabama, for the years 1900 to 1925, inclusive.

We shall also introduce in evidence certified copy of a patent from the United States to John C. Darling for the Southeast quarter of the Southeast quarter of said Section 10; also certified copy of patent from the United States to John Brown for the Northeast quarter of the Southeast quarter of said Section 10; also certified copy of a patent from the United States to Benjamin Grist for the West half of the Southeast quarter of said section 10.

We shall also introduce in evidence transcript of the Bill of Complaint, Service on the Respondents, Final decree, Report of Register, Confirmation of Register's Report in the suit of Isaac W. Hughes vs. Grist, Hughes & Co. No. 2997, of the Docket of the Chancey Court, Mobile County, Alabama; also duplicate tax receipts for the years 1925 to 1929, inclusive. *also notice of documentary evidence to be introduced by Thos & McCaleb.*  
*abstract of title to southwest quarter of Sec 10, Twp 7S, R2E, Baldwin County*

*T. W. Reilman*

Register



WARREN W. WORCESTER  
EXECUTOR  
COMPLAINANT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY ALABAMA.

VS.

THOMAS N. MCGALEB &  
D.P. BESTOR JR.  
RESPONDANTS.

IN EQUITY.

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN  
COUNTY ALABAMA SITTING IN EQUITY.

Comes your complainant Warren W. Worcester, Executor of and under the last will and testament of George H. Hoyle, deceased, and who is over the age of twenty-one years and a resident of the village of Sea Cliff, Baldwin County, Alabama, and as executor brings this bill of complaint against Thomas N. McCaleb and D.P. Bestor Jr., showing unto Your Honors as follows.

FIRST.

Complainant shows unto your Honors that he is in actual peaceable possession claiming to own that real estate, situated lying and being in the County of Baldwin State of Alabama more particularly described as the South-west 1/4 of Section 10, Township 7 S. R. 2 E.

SECOND.

Complainant further alleges that Thos. N. McCaleb is over the age of 21 years a non resident of the state of Alabama and that his residence and address is 715 Redgate Ave., Norfolk, Va.

Complainant alleges that Daniel R. Bestor Jr. is a resident of the city and County of Mobile, State of Alabama, and over the age of twenty-one years.

THIRD.

Complainant further alleges that the persons made parties defendant to this complaint claim, or are reputed to claim some right, title or interest, in or to, or lien or encumbrance upon, the real property described hereinabove, and that no suit is pending to test the validity of such right, title, interest, lien or encumbrance to in or upon said real property.

PRAYER.

Complainant prays that your Honors will order process by publication to issue directed against said Thomas N. McCaleb, and that subpoena be issued directed against Daniel P. Bestor Jr., requiring the said parties to come into this court as parties to this bill of complaint, and plead, answer or demur hereto, within the time permitted by law and the rules and practice of this Honorable Court and that each of said defendants so answering this bill be required to set forth and specify in detail the source of his or her title, claim, interest, lien or encumbrance, in, to or upon the real property described hereinabove, and how and by what instrument in writing or otherwise, said interest is derived or created, and that at a hearing of this cause, your Honors will order, adjudge and decree, that the title of the complainants to the property described in this bill is clear and free of any interest therein claimed by the defendants, and complainant prays for such further, other or different relief as he may be entitled to in equity, and, as in duty bound, will ever pray.

*Justin M. Mohoney Arnold*  
Solicitors for the Complainant.



west Quarter (1/4) of Section Ten (10), Township Seven (7) South, Range Two (2) East, to Zopher Mills by a mortgage deed recorded in book "I", page 221; and denies that Isaac W. Hughes, conveyed any interest in this property to Marshall J. Smith & Company, by mortgage dated March 11, 1871 and recorded in Book "I", page 506 and 507; and further denies that the Register in Chancery conveyed any interest in and to this property to Isaac W. Hughes, by deed recorded in book "K", page 45 to 47 and referred to in the cross bill of the said Thomas S. McCaleb; and denies that Isaac W. Hughes conveyed any interest in and to this property by a deed to Zopher Mills dated May 3, 1873 and recorded in book "J" page 705 to 707, referred to in the cross bill of the said Thomas S. McCaleb; and denies that the release of dower by Annie M. Hughes, wife of Isaac W. Hughes to Zopher Mills, dated May 3, 1873 and recorded in book "J", page 707 and 708, conveyed any interest in and to this property; and denies that the quitclaim deed by Zopher Mills and wife to John Bowen, dated December 31, 1881 and recorded in book "M", page 543 and referred to by the said Thomas S. McCaleb in his cross bill conveyed any interest in and to this property.

Respondent to the cross bill denies that the will of John Bowen, recorded in Wills Book 6, page 284, conveyed any interest in this property, and denies that the executor of John Bowen conveyed any interest in and to this property to George C. Black, by deed recorded in Deed Book, 5, page 635, and 636.

Respondent to the cross bill denies that Thomas S. McCaleb acquired the legal title to the above described property through the following mense conveyances, to-wit: Deed from George C. Black to Joseph Keller, recorded in Deed Book 7, page 244; deed by Joseph Keller and wife to Oscar Kimmel, recorded in Deed Book 8, page 103; Deed by Oscar O. Kimmel and wife to T. S. McCaleb, recorded in Deed Book 19, page 198; Deed T. S. McCaleb, by Sheriff, to D. P. Bestor, recorded in Deed Book 26,

N.S., page 103; Deed by D.P.Bestor, Jr. and wife, to T.S.McCaleb recorded in Deed Book 28, N.S., page 99.

Respondent to the cross bill states that he claims the title to this property under and by virtue of the following conveyances, agreement by F.J.McCoy and wife to W.J. Lea, recorded in Deed Book "K", page 41, 42 and 43. Deed from Florence R.Loxley and husband, and Mary Raymond, and husband, and Lila Hansbrough and husband to John W.Lea, recorded in Deed Book 10, N.S., page 664; Deed from John W.Lea and wife to George H.Hoyle, recorded in Deed Book, 10 N.S., page 694; and will of George H.Hoyle, recorded in the Probate Court of Baldwin County, Alabama.

Respondent to the cross bill alleges that there is an affidavit on file showing the heirs of W.J.Lea.

Respondent to the cross bill is informed and believes and upon such information and belief says that George H.Hoyle paid taxes on this property for three or four years after he purchased same, and that the said George H.Hoyle, at all times claimed the property and personally inspected the property. Respondent to the cross bill is informed and believes, and upon such information and belief so states that George H.Hoyle, had a surveyor go over this property and that this surveyor showed this property to Warren W.Worcester after the death of George H.Hoyle and identified the corners of the section to the said Warren W.Worcester.

George H.Hoyle at all times claimed this property subsequent to the date of his purchase of said property from the heirs of the said W.J.Lea, and that after the death of the said George H.Hoyle, the said Warren W.Worcester has inspected this property three or four times and has posted the property with trespass signs.

Respondent to the cross bill denies that the said Thomas S.McCaleb has paid taxes on said property for all

years since 1912.

The premises considered, respondent to the cross bill submits to the jurisdiction of this court for the purpose of ~~delivering~~ <sup>determining</sup> the title to this property.

*Gilbert Mahoney & Co.*  
Attorneys for Respondent to Cross  
bill.

We accept service of copy of the above answer due  
17<sup>th</sup> day of April 1922 and consent to the same being filed

*Smith, Spring Light Johnson*

*W. L. Anderson,  
Solicitor for T. S. McCall.*



WARREN W. WORCESTER, Executor,  
Complainant,

vs

THOMAS N. McCaleb, et al,  
Respondents,

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IN THE CIRCUIT COURT OF BALDWIN,  
COUNTY, ALABAMA.

IN EQUITY, No. 238 $\frac{1}{2}$

1st. Come the Complainants and ~~Cross-Respondents~~, Rosa Worcester, Olive M. Worcester, Edward Worcester, Warren O. Worcester, George H. Worcester, Joseph T. Worcester and Mrs. Veva Pickens, and answering the cross-bill filed by the respondents Thomas S. McCaleb, say:

These <sup>Cross</sup> respondents jointly and severally admit all of the allegations contained in the original bill of complaint and as amended, and what they admit, they respectfully allege.

2nd. These <sup>Cross</sup> Respondents further allege that they are in peaceable possession of the land involved in this suit and described in the original bill and were in such possession at the time this suit was filed.

3rd. These Complainants and ~~Cross-Respondents~~ deny that the ~~Cross-Complainant~~ is now or ever has been in actual peaceable possession of the said land and they allege that he has never been in such possession, but they allege that <sup>Cross Respondents</sup> they and those through whom they claim title are now and have always been, since the land was patented by the United States Government, in actual peaceable possession of same. They further deny that the said ~~Cross-Complainant~~ has color or title to the said land or has had such title twenty consecutive years preceding the filing of this cross-bill and has paid taxes on the land. ~~Cross-Respondents~~ further deny that the ~~Cross-Complainant~~ claims in good faith to own the land and that any title was derived by him through the several conveyances mentioned in the third paragraph of the cross-bill and they aver that the ~~Cross-Complainant~~ derived no title from the said conveyances and allege that while the conveyances mentioned in said paragraph down to and including the deed from "George E. Sherwin and wife to F. J. McCoy, dated April 7th, 1858 and recorded in Deed Book "G", pages 415-416, Probate Records of Baldwin County, Alabama" are genuine and vested title in the said F. J. McCoy, yet the said F. J. McCoy never did convey the land to the ~~Cross-Complainants~~ or anyone through whom the ~~Cross-Complainants~~ claim and they further allege that

the deed from F. J. McCoy to James R. Grist, dated June 28th, 1858 and recorded in Book "H", pages 195-196, mentioned in Cross-Complainant's said Paragraph, which is an essential link in cross-Complainant's title, described the South East quarter of Section 10, Township 7 South, Range 2 East and not the South West quarter of said section which is the land involved in this suit and these Cross-Respondents further allege that it was not the intention of the said F. J. McCoy to convey to the said Allen and James R. Grist, the land involved in this suit and they further allege that Cross-Respondents have an absolute record title to said land by the deeds mentioned in the third paragraph of the cross-bill down to and including the deed from George E. Sherwin to F. J. McCoy and that Cross-Respondents derived title to said land through the said F. J. McCoy by mesme conveyances as follows, viz:

- (1) Conveyance from F. J. McCoy to William J. Lee, dated July 17th, 1873 and recorded February 26th, 1874, in record of deeds "K", pages 41-42 and 43 of the Baldwin County Records.
- (2) Affidavit of Mrs. V. O. Lee, showing the heirs of W. J. Lee, dated December 4th, 1917 and recorded in Record Book 26, N. S., page 527 of the Baldwin County Records.
- (3) Deed from the heirs of W. J. Lee to John W. Lee, dated May 15th, 1906 and recorded in Deed record Number 10 N. S. pages 664-65 of the Baldwin County Records.
- (4) Deed from J. W. Lee and wife to George H. Hoyle dated August 9th, 1906 and recorded in Deed Book Number 10 N. S. Page 694 of the Baldwin County Records.
- (5) Will of George H. Hoyle to Warren W. Worcester.
- (6) Will of Warren W. Worcester to Cross-Respondents, except Mrs. Veva Pickens, who claims a one-fourth undivided interest as the daughter of William J. Lee, one of the grantors in Cross-Respondent's chain of title. Complainants further claim the land by adverse possession and they allege that all of their deeds under which they claim cover the land involved in this suit.
- (7) Cross Respondents further deny that the title to the land on the records of the Probate Court of Baldwin County, Alabama stand in the name of the Cross-Complainant; they further deny that they have not assessed and paid the taxes on said land as alleged in the cross-bill and further deny that Cross-Complainant has possession of the land or has ever had possession of the land.

And Now having fully answered the Cross-Bill, Complainants and Cross-Respondents pray that this Court will render a decree declaring that the title to this land is vested in them but if they are mistaken as to their rights to this relief, pray that your Honor will enter an order granting them such other, further and different relief as they may be entitled to or if final decree cannot be rendered on account of possession, your Honors will enter an order transferring the cause

to the law side of this court for trial of title by ejectment.

*Brennill*

~~SOLICITOR FOR COMPLAINANTS AND CROSS-  
RESPONDENTS EXCEPT MRS. VEVA PICKENS.~~

~~SOLICITORS FOR COMPLAINANT AND CROSS-  
RESPONDENT, MRS. VEVA PICKENS.~~

~~SOLICITORS FOR RESPONDENTS AND CROSS-  
COMPLAINANT~~

WARREN W. WORCESTER,	)	
Executor,	(	
Complainant.	)	IN THE CIRCUIT COURT OF
	(	BALDWIN COUNTY, ALABAMA.
vs.	)	IN EQUITY. NO. _____
D. P. BESTOR, JR. and	(	
THOMAS S. McCALEB,	)	
Respondents.	(	

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

Comes your complainant ~~and moves this Honorable Court to allow him to~~ amend his bill of complaint by making the same read as follows, to-wit:

1. By making the caption of his complaint read as follows: "WARREN W. WORCESTER, individually and as Executor of and under the last will and testament of George H. Hoyle, deceased, and V. L. PICKENS, Complainants, vs. THOMAS S. McCALEB and D. P. BESTOR, JR., Respondents".

2. Complainant further ~~moves the Court to allow him to~~ amend the body of his bill of complaint to read as follows:

FIRST

Complainants show unto Your Honor that they, Warren W. Worcester, individually and as Executor of and under the last will and testament of George H. Hoyle, deceased, and V. L. Pickens, are in the actual, peaceable possession, claiming to own that real estate situate, lying and being in the County of Baldwin, State of Alabama, more particularly described as the Southwest quarter (SW $\frac{1}{4}$ ) of Section Ten (10), Township Seven (7) South, Range Two (2) East.

SECOND

Complainants further allege that Warren W. Worcester is an adult over twenty-one (21) years of age and a resident of Baldwin County, Alabama, and that V. L. Pickens is an adult over twenty-one (21) years of age and a resident

of New Orleans, Louisiana.

Complainants further allege that Thomas S. McCaleb is an adult over twenty-one (21) years of age and is a non-resident of the State of Alabama, and that D. P. Bestor, Jr., is a resident of the City and County of Mobile, Alabama, and is an adult over twenty-one (21) years of age.

THIRD

Complainants allege that the persons made party defendants to this bill of complaint claim, or are reputed to claim, some right, title or interest in or to, or lien or encumbrance upon, the real property described hereinabove, being the Southwest quarter (SW $\frac{1}{4}$ ) of Section Ten (10), Township Seven (7) South, Range Two (2) East, and that no suit is pending to test the validity of such right, title, interest, lien or encumbrance, to, in or upon, said real property.

PRAYER

The premises considered, complainants pray that Your Honor will order that said respondents be given notice of the filing of this bill and that they be required to come into this Court as parties to this bill of complaint and plead, answer or demur hereto within the time permitted by law and the rules and practice of this Honorable Court, and that each of said defendants or respondents so answering this bill be required to set forth and specify in detail the source of his title, claim, interest, lien or encumbrance, in, to or upon, the real property described hereinabove, and how and by what instrument, in writing, or otherwise, said interest is derived or created, and that at a hearing of this cause Your Honor will ORDER, ADJUDGE AND DECREE that the title of the complainants to the property described in this bill is clear and free of any interest, claim, lien, encumbrance or title claimed by the defendants or respondents; and complainants pray for such further, other and different relief as they may be entitled to in equity and, as in duty bound, will ever pray, etc.

*Paul and Mahoune*  
Solicitors for complainants

FOOT-NOTE

Respondents are required to answer each and every allegation of the foregoing bill of complaint but answer under oath is hereby expressly waived.

*James M. Maloney & Co.*  
Solicitors for Complainants

Comes the firm of Smiths, Young, Leigh & Johnston and hereby accepts service of the foregoing ~~motion and~~ amendment and waives any further notice of same.

*This 2nd day of June, 1923-*

*Smiths Young Leigh & Johnston*  
Solicitors for Respondents.

WARREN W. WORCESTER, as executor  
of the last Will and Testament  
of George H. Hoyle, deceased,

VS.

THOMAS S. McCALEB and D. P. BESTOR, JR.

)  
) In the Circuit  
) Court of Baldwin  
) County, Alabama.

)  
) IN EQUITY.

Comes Thomas S. McCaleb, one of the defendants in the above stated cause and for answer to the bill of complaint filed against him and another, says:

FIRST: This respondent denies that the said complainant is in the actual peaceable possession of the lands in Baldwin County, Alabama, described as the south-west quarter of Section Ten (10) Township Seven (7) South, Range Two (2) East. On the contrary this respondent states that he is in the actual peaceable possession thereof and has been in possession of said above described lands from the 30th day of April, 1912, the date of his purchase, down to the present time, having the said property assessed to himself and paying the taxes thereon.

SECOND: This respondent admits that Daniel P. Bestor, Jr., is a resident of the city and county of Mobile, State of Alabama, and is over the age of twenty one years. This respondent also admits that he is likewise over the age of twenty one years, and is a non-resident of the State of Alabama, his place of residence being at present in Biloxi, in the State of Mississippi.

THIRD: This respondent denies that the said Daniel P. Bestor, Jr., claims, or is reputed to claim any right, title or interest in, or a lien or encumbrance upon the real property above described. Respondent admits that he does claim the title to said described property, and that he claims under and by virtue of the following conveyances, viz: Warranty deed made by F. J. McCoy to Allen and James R. Grist, dated June 28, 1858, recorded in Book H Page 195-196; Warranty deed made by Grist and Hughes to Isaac W. Hughes dated April 14, 1868, recorded in Book

I Page 116; Power of Attorney from Isaac W. Hughes to Theo. J. Hughes, dated February 27, 1871, recorded in Book I Page 504; Mortgage by Isaac W. Hughes to Marshall J. Smith & Company dated March 11, 1871, recorded Book I Page 506-7; Mortgage by James R. Grist to Zophar Mills, dated February 3, 1868, recorded in Book I Page 221; Official deed James Gillette Register in Chancery to Isaac W. Hughes dated October 18, 1870, recorded in Book K. Page 45-47; Statutory warranty deed by Isaac W. Hughes to Zophar Mills, dated May 3rd 1873, recorded in Book J. Pages 705-707; Release to dower by Annie M. Hughes, wife of Isaac W. Hughes to Zophar Mills, dated May 3rd 1873, recorded in Book J. Pages 707-8; Quit claim deed by Zophar Mills and wife to John Bowen, dated December 31, 1881, recorded in Book M. Page 542-3; Will of John Bowen, recorded in Will Book 6 pages 284 Mobile County; records; Statutory warranty deed by Executor of John Bowen to George C. Black, dated January 2, 1903, recorded in Deed Book 5 N. S. 635-6; Warranty deed dated April 26th 1904, by George C. Black and wife to Joseph Keller, recorded in Deed Book 7 N. S. Page 244; Warranty deed by Joseph Keller and wife to Oscar Kimmel, dated December 19th, 1904, recorded in Deed Book 8 N. S. page 103; Warranty deed by Oscar O. Kimmel and wife to T. S. McCaleb, dated April 30, 1912, recorded in Deed Book 19 N. S. page 198; T. S. McCaleb by C. E. Eubanks, sheriff, to D. P. Bestor, Jr., dated February 12, 1917, recorded in Deed Book 26 N. S. Page 103; Statutory Warranty deed by D. P. Bestor, Jr., and wife to T. S. McCaleb, dated March 2, 1917, recorded in Deed Book 28 N. S. Page 99; that he has had said property assessed to him regularly and has paid the taxes thereon;

Respondent admits that there is no suit pending to test the validity of his right and title to, or his interest in, or lien or encumbrance upon said described lands, and now prays that this court may direct that the title to said lands be tried by a jury and that this cause be referred to a jury to determine



the question of the title thereto as provided by Section 5446 of the Code of 1907.

And defendant now having fully answered, prays that this his answer may be taken and treated as a cross bill; and that the said Warren H. Worcester, as executor of the last will of George H. Hoyle, deceased may be made a party defendant thereto, and proper process issue, to be directed to the said Warren H. Worcester, as executor of the last will and testament of George H. Hoyle, deceased, according to the practice of this Honorable Court, commanding him to plead, answer or demur to this cross bill within the time required by law, and in accordance with the practice of this Honorable Court. Your cross complainant prays that upon the hearing of this cause, your Honor will inquire into the true nature of the claim, interest or encumbrance asserted by the cross-respondent and may decree that said cross-respondent has no estate, or interest in, or encumbrance upon any pary of said lands, and that the title of cross complainant may be fully established, and said cross respondent be forever enjoined from asserting any interest in claim to, or upon said lands as against this cross complainant, and that this cross complainant may have such other, further and different relief as he may be entitled to in the premises.

*Smiths, Young & Leigh*  
Solicitors for Cross Complainant.

FOOT NOTE:

The cross defendant is required to answer each and every allegation contained in the foregoing cross bill, but not under oath, oath to said answer being hereby expressly waived.

*Smiths, Young & Leigh*  
Solicitors for Cross Complainant.

WARREN W. WORCESTER,        |  
                                  Complainant,        |  
                                  vs                        |  
THOMAS N. McCALEB, et al,   |  
                                  Respondent.            |

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

No. \_\_\_\_\_

The undersigned, as solicitors of record for complainant and respondents and cross-respondent and cross-complainants in the above entitled cause, do hereby agree that the depositions, including exhibits of the witnesses for the complainant and cross-respondents, said witnesses being Joseph T. Worcester and Veva Lea Pickens, as taken before Ruth Macdonald, acting as Commissioner, as hereinafter set forth, may be introduced in evidence by the complainant and cross-respondent, subject to all legal objections except that the cause was not at issue when said depositions were taken, that commission was not issued for the taking of said depositions and that the depositions were not signed by the respective witnesses and that said depositions were not read by the commissioner to the respective witnesses, the right to make all other legal objections being expressly reserved to respondents and cross-complainants.

Dated this        day of August, 1930.

*Joseph T. Worcester*  
SOLICITOR FOR CROSS-COMPLAINANT

*Veva Lea Pickens*  
SOLICITOR FOR V. L. PICKENS.

*B. J. McCall*  
SOLICITOR FOR WARREN W. WORCESTER,  
ETC.,

WARREN W. WORCESTER,        |  
                                  Complainant,        |  
                                  vs                        |  
THOMAS N. McCALEB, et al,   |  
                                  Respondents.         |

Before me, Ruth Macdonald, Commissioner named in the foregoing agreement personally appeared Joseph T. Worcester, and Veva Lea Pickens, who being by me first duly sworn do depose and say as hereinafter stated:

DEPOSITION OF VEVA LEA PICKENS

I am Mrs. S. W. Pickens. My maiden name was Veva A. Lea. My father's name was W. J. Lea. He is dead. He died in 1899. My grandfather's name was W. J. Lea. He is dead and he died before my father died. I have no personal knowledge that my grandfather, W. J. Lea, was in partnership with Frank McCoy during his life. I am my father's only child. My grandfather, W. J. Lea, had the following children: Florence Loxley, Lila Handsborough; Mary Raymond; John W. Lea, and my father, W. J. Lea. Florence Loxley was the wife of Fred C. Loxley. I don't know the given name of Mary Raymond's husband, Eliza T. Lea was my father's mother. I am one of the complainants in this suit.

DEPOSITION OF JOSEPH T. WORCESTER.

George H. Hoyle died in 1919. He left debts all of which were paid by monies belonging to his estate. He left Warren W. Worcester, his brother, and Evie Hoyle, his wife; these are the persons mentioned in Mr. Hoyle's will. Warren W. Worcester was my father. He died in the year 1925, leaving the following next of kin: Edward Worcester, Rosa Worcester, J. T. Worcester, (myself), W. O. Worcester, Olive M. Worcester and George H. Worcester. These next of kin that I have mentioned were all of his children.

Complainants introduce certified copy of the will of Warren W. Worcester and decree admitting same to Probate as exhibit "1". Copy of instrument is attached to this deposition & marked exhibit "1".

Complainants introduce in evidence a certified copy of the deed from Frank J. McCoy to Allen and James Grist, covering the southeast quarter of Section 10, Township 7 South, Range 2 East and recorded in Deed Book "H", pages 195-6, the purpose of this being to show that the deed under which the respondents and cross-complainants claim as set forth in his answer doesn't cover this land at all.

Mr. Hogan: We object to this deed on the grounds:

1st. That the same is irrelevant, incompetent and immaterial.

2nd. The complainants do not claim under said deed.

3rd. It does not appear that said deed effects the land in question.

Copy of instrument is attached to this deposition and marked exhibit "2".

STATE OF ALABAMA,     !  
                              :  
COUNTY OF BALDWIN.   !

I, Warren W. Worcester being of sound mind and memory, do make, publish and declare this to be my last Will and Testament, that is to say:-

First.--After all my lawful debts are paid or discharged, I give and bequeath to my daughters, Rosa Worcester and Oliver M. Worcester all of my personal property, share and share alike, and direct that it be given into their joint possession that they may make such division thereof as they may be agreed upon.

Second.--I give and bequeath all my real estate to my sons Edward Worcester, Joseph T. worcester, Warren O. Worcester and George H. Worcester and my daughters Rosa Worcester and Olive M. Worcester in equal parts, that is to say; each of my sons and daughters is to have one undivided one-sixth of same. And would suggest that such division be made without partition sale; but that each parcel be appraised and that all be arranged in six equal parcels and that, if agreement as to how the parcels shall be assigned fails, then they shall be drawn by lot, taking precedence in drawing by age. This suggestion however shall not be binding on either my heirs or executors.

Likewise, I make, constitute and appoint my sons, Joseph T Worcester and Warren O. worcester, to be the co-executors of this my Last will and Testament, hereby revoking all former Wills byme made. And I hereby direct that my executors shall not be required to make bonds, nor make an accounting to any court.

In witness whereof, I have hereunto subscribed my name and affixed my seal this seventh day of March, 1924.

WARREN W. WORCESTER,           L.S.

The above written instrument was subscribed by the said Warren W. worcester in our presence, and acknowledged byhim to each of us; and he at the same time declared the above instrument, so sub-

scribed, to be his last Will and Testament; and we, at his request, have signed our names as witnesses hereto, in his presence and in the presence of each other, and written opposite our names our respective places of residence.

Alex J. Melville, Fairhope, Ala.

W.C. Mason, Fairhope, Ala.

STATE OF ALABAMA,    |  
                          :        PROBATE COURT.  
BALDWIN COUNTY .    |

I, W.D. Stapleton, Judge of Probate for Baldwin County, Alabama, do hereby certify that the within instrument of writing has this day in said Court; and before me as the Judge thereof been duly proven by the proper testimony to be the genuine last Will and Testament of Warren W. Worcester, Deceased, and that said Will, together with the proof thereof, has been recorded in my office in Book "C" of Wills, at pages, 274 and 275.

Witness my hand and seal of the Probate Court, this 16th day of October, A.D., 1925.

W.D. STAPLETON, Judge of Probate.  
BY J.L. Kessler, Clerk.

W.W. WORCESTER, Deceased, | In the Probate Court, Baldwin County,  
                              :        Alabama.  
                              |        October 16th, 1925.

In the matter of the Probate of his last Will and Testament.

This day having been regularly appointed for hearing the application of Warren O. Worcester and J.T. Worcester, which was heretofore filed in this Court, for the probate of an instrument of writing purporting to be the last Will and Testament of said deceased. And it appearing to the satisfaction of the Court, that the notice of said application and of the time appointed for hearing the same, has been given in pursuance of law, and in strict accordance with the former order of this Court made and entered in the premises on the 29th day of August, 1925, by citations personally served, as directed in said former order, now on motion

of said petitioners, the Court proceeds to hear said application. And it appearing to the satisfaction of the Court, from the testimony of Alex J. Melville and W.C.Mason, that they respectively signed the said instrument of writing purporting to be the last will and testament of said decedent, and which writing is now shown to them, on the day of the date thereof, in the presence of said testator and at his request, as subscribing witnesses to the same, the said testator then declaring, that said instrument constituted his last will, and it being shown by proof which is satisfactory to the Court, that said testator was of the full age of twenty-one years and upwards, and in the opinion of the deponents fully capable of making his said Will, it seems to the Court that said application should be granted. It is therefore ordered, adjudged and decreed by the Court, that said Will, of said Warren W. Worcester, Deceased, be received and the same is hereby declared to be duly proven as the last will and Testament of said decedent, and as such admitted to probate and ordered to be recorded, together with the proof thereof, and all other papers on file relating to this proceeding. It is further ordered that said applicants pay the costs of this proceeding.

W.D.Stapleton,  
Judge of Probate,  
By J.L.Kessler, Clerk.

*beginning*

STATE OF ALABAMA,    |  
                          :       SS.  
BALDWIN COUNTY.     |

I, G.W.Humphries, Judge of the Probate Court, and Custodian of the Records and Files of the same, in and for said Baldwin County, State of Alabama, do hereby certify that the foregoing is a true, correct and complete copy of Will of Warran W. Worcester, Deceased, Certificate of Probate and Order admitting same to Probate and Record, as the same appears from the Files and Records of said Court.

In Testimony whereof, I have hereunto set my hand and affixed my official seal, at Bay Minette, in said County, this 1st day of August, A.D., 1929.

*G.W. Humphries*  
Judge of Probate Court.



JESSE F. HOGAN  
LAW OFFICES  
427-428 First National Bank Building  
MOBILE, ALA.

April 18, 1932.

Hon. T. W. Richerson,  
Clerk of the Circuit Court,  
Bay Minette, Ala.

Dear Mr. Richerson:

Worcester vs. McCaleb

You will notice that Major McCaleb paid the commissioner's fees for taking his depositions. He is entitled to recover this amount, however, from the complainants. I am calling your attention to it so that you will not overlook including this item in the cost bill.

Very truly yours,

*Jesse F. Hogan*



THIS INDENTURE, Made the 28th day of June in the year of our Lord one thousand eight hundred and fifty-eight, between Frank J McCoy of Baldwin county, Ala., of the first part, and Allen & James R Grist of North Carolina of the second part, WITNESSETH, That the said party of the first part, for and in consideration of the sum of Five hundred and eighty dollars lawful money of the United States of America, to him in hand paid, by the said parties of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged: And the said parties of the second part, their heirs, executors, and administrators, forever released and discharged from the same by these presents. Hath granted, bargained, sold, aliened, remised, released, enfeofed, conveyed and confirmed, and by these presents, doth grant, bargain, sell, alien, remise, release, enfeof, convey and confirm, unto the said parties of the second part, their heirs and assigns forever. All that tract or parcel of land lying and being in the county of Baldwin, State of Alabama, known and described as the South East quarter of Section No. 10, Township No. 7 South, and Range two east containing one hundred and sixty 30/100 acres, more or less.

Together with all and singular the tenements, hereditaments, rights, members, privileges, and appurtenances unto the above mentioned and described premises belonging, or in anywise appertaining. To have and to hold the above granted and described premises with the appurtenances unto the said parties of the second part, their heirs and assigns forever. And the said Frank J McCoy, for himself and his heirs, the above described and hereby granted and released premises and every part and parcel thereof with the hereditaments and appurtenances unto the said parties of the second part, their heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and person whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

In Witness Whereof, the party of the first part to these pres-

ents, hath hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered  
in presence of  
William Brooks

⊥  
:  
:  
:  
⊥

F.J.McCoy (seal)

The State of Alabama, ⊥  
:  
⊥

Mobile County.

I, William Brooks a Justice of the Peace for said county & whose name is signed to the within conveyance, and State, hereby certify that F J McCoy/who is known to me, acknowledged before me, on this day, that being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand this twenty-eighth day of June, A.D., 1858.

William Brooks,  
Justice Peace M.C.

Received for record, November 9th, 1860,  
Recorded November 15th, 1860.

C.W.Wilkins, Judge Probate.

The State of Baldwin ⊥  
County of Baldwin. ⊥

Probate Court.

I, G.W.Humphries, Judge of Probate in and for said State and County, hereby certify that the above and foregoing is a true, correct and complete copy of an instrument of writing as the same appears of record in Deed Record H. at pages 195 and 196, now on file in the office of Judge of Probate of Baldwin County, Alabama.

Witness my hand and the seal of said Court, this 9th day of August, A.D., 1928.

*G.W. Humphries*  
Judge of Probate,



.CERTIFICATE OF COMMISSIONER.

I, Ruth Macdonald, Commissioner agreed upon between the parties of counsel by agreement signed by B.F.McMillan, Jr., and Gaillard, Mahorner & Arnold, solicitors for Complainant and cross-respondent, and Jesse F. Hogan, solicitor for Respondent and Cross-complainant, do hereby certify that I am personally acquainted with the witnesses, Joseph T. Worcester and Veva Lea Pickens, and know them to be the identical persons named in said agreement, that they were duly sworn by me to speak the truth, the whole truth and nothing but the truth, and examined as above stated, that their evidence was taken down by me as nearly as might be in their own language in my presence at room 805 Van Antwerp Building, Mobile, Alabama, on the 5th day of August, 1930. I further certify that I am neither of counsel nor of kin to either of the parties to this cause or in any way interested in the result thereof.

Witness my hand this 6th day of August, 1930.

Ruth Macdonald  
COMMISSIONER.



REPAIR ORDER

G. E. BARNES CO., Inc.  
CHRYSLER AND PLYMOUTH MOTOR CARS

No 7726

200 Government Street

Mobile, Alabama

OWNER *W. Richardson*

DATE *Jan 19-31*

ADDRESS

Phone No.

Mileage

License No.

Model *606*

Body Type *Sedan*

Serial No.

TERMS:—Strictly cash upon completion of work.  
STORAGE—A daily storage charge is made, commencing 48 hours after notification that repairs have been completed.  
FIRE AND THEFT—While every precaution is taken, we assume no responsibility for owners' cars or contents, either in whole or in part.

INVOICE COPY

Mech. No.	Operation Number	INSTRUCTIONS	LABOR CHARGE
		<i>Repair work as necessary.</i>	
		<i>Replace windshield etc. glass</i>	
		<i>3 shells</i>	
		<i>adjust steering gear</i>	
		<i>Repair and Repaint Body as necessary</i>	
		<i>Paint</i>	
		<i>Wash</i>	

ABOVE PRICES ARE FOR LABOR ONLY. PARTS EXTRA.

Service Salesman *[Signature]*

Promised

M.,

193

I authorize above repairs, under conditions printed hereon, and, in addition, any minor repairs found necessary.

Signed *[Signature]*

Owner

For Owner

LABOR

MATERIAL

OIL, GREASE, GAS

OUTSIDE WORK

TOTAL

*19.25*

*60.39*

*150.00*

*229.64*

No 7726

Date \_\_\_\_\_

MATERIAL AND OUTSIDE WORK

MATERIAL

Qty.	Part No.	ARTICLE	AMOUNT
1	307650	Front wheel basey.	15.00
✓	307653	Rear ✓ ✓	26.50
1	306588	R/a drive shaft	6.00
7		Lovejoy straps	1.30
1		W/S gloves	7.50
1	306535	Hub Cap	1.50
1		W/S wiper blade	35
1	302590	Spring leaf	1.75
1	306455	Spring adjust Block	45
2	104098	Chisels	04
			<u>60.39</u>

MATERIAL

Qty.	Part No.	ARTICLE	AMOUNT
AMOUNT FORWARDED			
TOTAL			

OILS, GREASES, GASOLINE

Qty.	ARTICLE	AMOUNT
	QUARTS CYLINDER OIL	
	POUNDS GREASE	
	GAL. GASOLINE	
	KEROSENE	
TOTAL		

OUTSIDE WORK

Purchase Order No.	DESCRIPTION OF WORK	AMOUNT
3091	Straighten + refinish bent metal	15.00
TOTAL		

TOTAL (or forwarded)

TOTAL