

Assessment of taxes on Real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1909, Page 321.

Battles Beat No. 8.

Names of Parties Assessed:-
Oscar Kimmell, by E.M.Keller,

Line #18, Assessment #293.

Lands--Description:

SW $\frac{1}{4}$ of Section 10, township 7 South of Range 2 East,

No of acres improved,-----

No of acres unimproved, 160,

Total No. of acres, 160.

Total assessed value of lands and improvements, 480,

Total value of real and personal property ,480.

State tax on real and personal property, 1.20,

Special state soldier tax, .48,

Special state school tax, 1.44,

County tax on real and personal property, 4144,

Special county bridge tax, .48,

Special county school tax, 14.44,

Building fund, .24,

Special county road tax, .48,

Total State and county tax on real and personal property, 27.20.

Assessment marked "Pd".

Assessment of taxes on Real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1910, Page 240

Battles Beat #8.

Names of Parties Assessed:-
Oscar Nimmell, by E.M.Keller,

Line #28, Assessment #321.

Lands--Description:-
SW $\frac{1}{4}$ of Section 101 Township 7 South of Range 2 East.

No. of acres improved-----

No of Acres unimproved, 160,

Total No. of acres, 160,

Total Assessed value of land and improvements, 480,

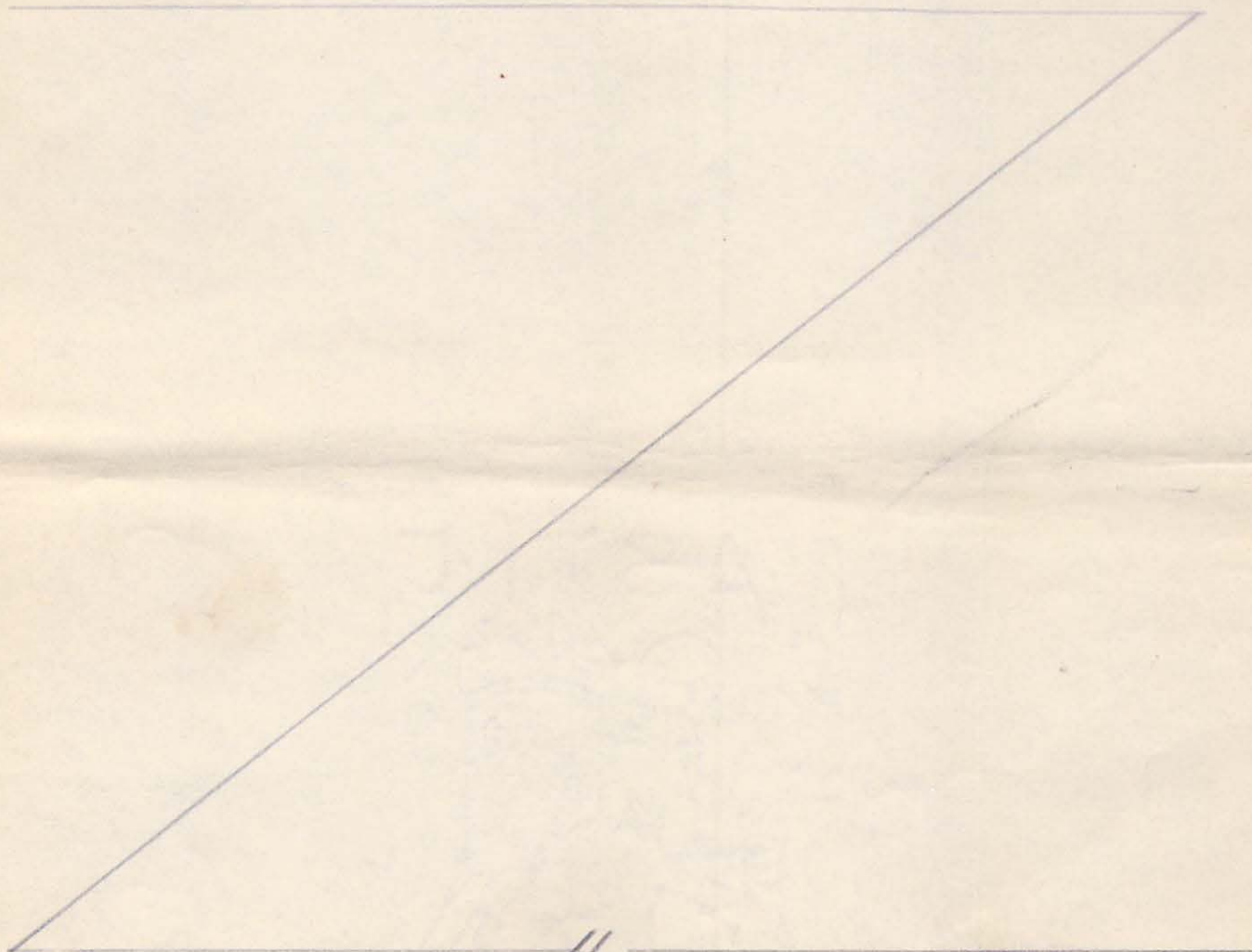
Total value of real and personal property, 480.

State tax on real and personal property 3.12

County tax on real and personal property, 4.08,

Total State and County tax on real and personal property, 7.20,

Assessment marked "Pd".



Assessment of Taxes on Real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1911, page 11

Battles Beat No. 10,

Names of Parties Assessed:-

Oscar Rimmell, by Jos. Keller,

Line #17, Assessment #193,

Lands--Description:-

SW $\frac{1}{4}$ of Section 10, Township 7 South of Range 2 East,

No of acres improved,-----

No of acres unimproved, 160,

Total No. of acres, 160,

Total assessed value of land & improvements, 480,

Total value of real & personal property, 480,

State tax on real and personal property, 3.12,

County tax on real and personal property, 4.08,

Total State and County tax on real & personal property, 7.20,

Assessment marked "Pd".

Assessment of Taxes on real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1912, Vol. 2
Page 16,

Fairhope & Pt. Clear Beat #10,

Names of Parties Assessed:-
Oscar Kimmell, by E.M.Keller,

Line #48, Assessment #264,

Lands--Description:-
SW $\frac{1}{4}$ of Section 10, township 7 south of range 2 east,

No. of acres improved-----

No of acres unimproved, 160,

Total No of acres, 160,

Total assessed value of lands & improvements, 480,

Total value of real and personal property, 480,

State tax on real & personal property, 3.12,

County tax on real & personal property 4.08,

Total State & County tax on real & personal property, 7.20

Assessment marked "Pd".

Assessment of Taxes on Real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1913, Pg49.

Fairhope & Pt. Clear/^{Beat}#10

Names of Parties Assessed:-
Thomas S. McCaleb,

Line #23, assessment #819,

Lands--Description:-
SW $\frac{1}{4}$ of Section 10, township 7 south of range 2 east,

No of acres improved, -----

No of acres unimproved, 160,

Total No. acres, 160,

10% Penalty for non assessment, 80,

Total assessed value of land & improvements, 800,

Total value of real & personal property, 880,

State Tax on real & personal property, 5.72,

County tax on real & personal property, 7.48,

Total State & county tax, on real & personal property, 13.20,

Assessor's fee, 50¢

Assessment marked, "Pd".

Assessment of Taxes on real estate and Personal property in the
County of Baldwin, State of Alabama, for the year 1914, pg. 52.

Fairhope & Pt. Clear Beat #10,

Names of Parties Assessed:-
Thos. S. McCaleb,

Line #42, Assessment #882,

Lands--Description:-
SW $\frac{1}{4}$ of Section 10, township 7 south of range 2 east.

No of acres improved,-----

No of acres unimproved, 160,

Total No. acres, 160,

10% penalty for non-assessment,

Total assessed value of lands & improvements, 800,

Total assessed value of real & personal property, 880,

Total State tax on real estate & personal property, 5.72,

Total County tax on real estate & personal property, 7.48,

Total State & County Tax on real estate & personal property, 13.20,

Assessor's fee, 50¢

Assessment marked "Pd".

Assessment of Taxes on real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1915, Pg.26.

Fairhope & Pt. Clear Beat #10,

Names of Parties Assessed:-
T.S. McCaleb,

Line #10, assessment #422,

Lands--Description:-
SW $\frac{1}{4}$ of Section 10, township 7 south of range 2 east,

No of acres improved,-----

No. of acres unimproved, 160,

Total No. of acres, 160,

Total assessed value of land & improvements, 800,

Total assessed value of real estate & personal property, 800,

Total State Tax on real & personal property, 5.20,

County tax on real & personal property, 6.80,

Total State & county tax on real & personal property, 12.00

Assessor's fee, 50¢

Assessment marked "Pd".

Assessment of Taxes on Real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1916, Pg.39

Fairhope & Pt. Clear Beat #10,

Names of Parties Assessed:-
T.S. McCaleb,

Line #10, Assessment #527,

Lands--Description:-

SW $\frac{1}{4}$ of Section 10, township 7 south of range 2 east,

No of acres improved,-----

No of acres unimproved, 160,

Total No. acres, 160,

Total assessed value of land & Improvements, 800,

Total assessed value of real & personal property, 800,

Total State taxes on real estate & personal property, 5.20,

Total County taxes on real estate & personal property, 6.80,

Total State & County taxes on real & Personal property, 12.00

Assessor's fee, 50¢

Assessment marked "Pd".

Assessment of taxes on Real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1917,

Fairhope & Pt. Clear Beat, #10,

Names of Parties Assessed:-
T.S. McCaleb,

Line #17, Assessment #544,

Lands--Description:

SW $\frac{1}{4}$ of Section 10, Township 7 South, of Range 2 East,

No of acres improved,-----

No of acres unimproved, 160,

Total No. of acres, 160,

Total Assessed value of land & Improvements, 800,

Total Assessed value of Real Estate and Personal Property, 800,

Total State Taxes on real estate and Personal property, 5.20,

Total County Taxes on Real Estate and Personal Property, 9.20,

Total State and County taxes on real estate and Personal property, 14.40,

Assessor's fee, 50¢

Assessment marked "Pd".

Assessment of Taxes on Real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1918.

Fairhope & Pt. Clear Beat, #10.

Names of Parties Assessed:-
T.S. McCaleb.

Line #1, Number of Assessment, 405,

Lands--Description:-

SW $\frac{1}{4}$ of Section 10, Township 7 South, Range 2 East.

No. of acres improved,-----

No. of Acres unimproved, 160,

Total No. of Acres, 160,

10% penalty for non-assessment-----

Total assessed value of lands and improvements, 800,

Total assessed value of Personal Property-----

Total assessed value of real estate & personal property, 800,

Total State Tax on Real Estate & Personal Property, 5.20,

Total County tax on Real Estate and Personal Property, 9.20,

Total State & County Taxes on Real Estate & Personal Property, 14.40,

Assessors fee, 50¢

Assessment marked, "Pd".

Assessment of Taxes on Real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1919,

Fairhope Beat #10,

Names of Parties Assessed:-
T.S. McCaleb,

Line #43, Assessment #538,

Lands--Description:-
SW $\frac{1}{4}$ Section 10, Township 7 South, Range 2 East,

No. of acres improved,-----

No of acres unimproved, 160,

Total No. of Acres, 160,

Total Assessed value of land & Improvements, 800,

Total assessed value of Real Estate and Personal Property, 800,

Total State Taxes on Real Estate & Personal Property, 5.20,

Total County Taxes on Real Estate & Personal Property, 9.20,

Total State & County Taxes on Real Estate & Personal Property 14.40,

Assessor's fee, 50¢

Assessment marked "Pd".

Assessment of Taxes on Real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1920,

Assessors Supplement No. 1, page 178,

Names of Parties Assessed:-

Line #39, Assessment #105,
R. S. McCaleb,

Lands--Description:-

SW $\frac{1}{4}$ of Section 10, Township 7 South, Range 2 East,

No. of acres improved,-----

No of acres unimproved, 160,

Total No. of acres, 160,

Assessed value of lands, 800,

10% Penalty, 80,

Total Assessed value of Real Estate, 800,

Total Assessed value of real estate & Personal Property, 880,

Total State Tax, 5.72,

Total County Tax, 10.12,

Total State & County Tax, 15.84,

Number of District 51,

Special District School Tax, 2.64,

Assessor's fee, 50¢,

Assessment marked "Pd".

Assessment of Taxes on Real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1921,

Fairhope & Pt. Clear Beat, #10,

Names of Parties Assessed:-
T.S. McCaleb,

Line No. 15, Assessment No. 1040,

Lands--Description:-
SW $\frac{1}{4}$, Section 10, Township 7 South, of Range 2 East,

No Acres improved,-----

No Acres unimproved, 160,

Total No. Acres, 160,

Total assessed value of lands, 800,

10% Penalty, 80,

Total Assessed value of Real Estate & Improvements, 800,

Total Assessed value of Real Estate & Personal Property, 880,

Total State Taxes, 5.72,

Total County Taxes, 10.12,

Total State & County Taxes, 15.84,

Number of District, 51,

Special District School Tax, 2.64,

Assessor's fee, 50¢

Assessment marked "Pd".

Assessment of Taxes on Real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1922,

Fairhope & Pt. Clear Beat, #10,

Names of Parties Assessed:-
Thos S. McCaleb,

Line #49, Assessment number, 553,

Lands--Description:-

SW $\frac{1}{4}$ of Section 10, Township 7 South of range 2 East,

No of acres improved, 10,

No. of acres unimproved, 150,

Total No. of acres, 160,

Total assessed value of lands, 1600,

Total assessed value of Real Estate & Improvements, 1600,

Total Assessed value of Real Estate & Personal Property, 1600,

Total State & County Taxes, 28.80,

Number of District, 51,

Special District School Tax, 4.80,

Assessor's fee, 50¢

Citation fee, 25¢

Assessment marked "Pd".

Assessment of Taxes on Real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1923,

Fairhope & Pt. Clear Beat, #10,

Names of Parties Assessed:-
T.S. McCaleb,

Line #14, Number of Assessment, 542,

Lands--Description:-
SW $\frac{1}{4}$ of Section 10, Township 7 South of Range 2 East,

No. of acres improved,-----

No. of acres unimproved, 160,

Total No. of acres, 160,

Total Assessed value of lands, 1600,

Total assessed value of Real Estate & Improvements, 1600,

Total value of Real Estate & Personal Property, 1600,

Total State & County Taxes, 28.80,

No. of School District, 51,

Special District School Tax, 4.80,

Assessor's fee, 50¢

Citation fee, 25¢

Assessment marked "Pd".

Assessment of Taxes on Real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1924.

Fairhope & Pt. Clear Beat, #10,

Names of Parties Assessed:-
T.S. McCaleb,

Line #31, No. of Assessment 585,

Lands--Description:-
SW $\frac{1}{4}$ of Section 10, Township 7 South of Range 2 East,

No of Acres improved,-----

No. of Acres unimproved, 160,

Total No. of acres, 160,

Total assessed value of lands, 1600,

Total Assessed value of Real Estate & Improvements, 1600,

Total Assessed value of Real Estate & Personal Property, 1600,

Total State & County Taxes, 28.80,

No. of District, 51,

Special District School Tax, 4.80,

Assessment marked "Pd".

Assessment of Taxes on Real Estate and Personal Property in the
County of Baldwin, State of Alabama, for the year 1925, Vol. 2,
Page 161.

Fairhope & Pt. Clear Beat, #10,

Names of Parties Assessed:-
W.W. Worcester,

Line #8, Assessment No. 1006,

Lands--Description:-
SW $\frac{1}{4}$ of Section 10, Township 7 south of range 2 east,--(with other
lands).

No of acres improved,-----

No of acres unimproved 1215

Total No. of acres, 1215,

Total assessed value of lands, 5420,

Total assessed value of real estate & Improvements, 5420,

Total assessed value of city or Town property, 280,

Total assessed value of Real Estate & Impts in town, 280,

Total assessed value of real & personal property, 5700,

Total State & County Tax, 102.60,

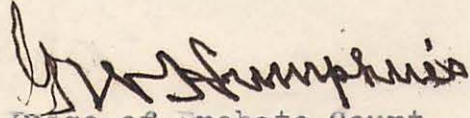
School Dist Nos. 12, 20, 51 & 52---9.51

Assessment marked "Pd".

The State of Alabama, !
 : Court of Probate.
County of Baldwin. !

I, G.W.Humphries, Judge of the Probate Court, in and for said County and State, and Custodian of all of the records and files thereof, hereby certify that the above and foregoing is a true, correct and complete copy of assessments for taxes against the SW $\frac{1}{4}$ of Section 10, Township 7 South of Range 2 East, for the years 1900 to 1925, both inclusive, as appears from the records on file in my office.

In Testimony Whereof, I have hereunto set my hand and the seal of said Court, this 11th day of September, A.D., 1930.


Judge of Probate Court,
Baldwin County, Alabama.



The State of Alabama)

Mobile County)

Know all men by these Presents that I, John Bowen, of the Port of Mobile in said County, being of sound mind and memory, but mindful of my advanced years and the uncertainty of life, do make, publish and declare this instrument in writing as and for my last will and testament, hereby revoking and annulling all other wills and testaments by me heretofore made in words following to wit:-

First- After the payment of all my just debts and funeral expenses and the expenses of Administration, I give and bequeath to my daughter Adelaide J. Torrey, wife of Charles Torrey, of Boston, in the State of Massachusetts the income of Seven hundred shares of stock in the San Rafael Silver Mining Company, (which shares I value at Seven thousand dollars) for the term of fifteen years next succeeding my decease at the expiration of such term of fifteen years, my will is that said Seven hundred shares of said stock shall be vested absolutely in my said daughter, as owner thereof. I further give and bequeath to my said daughter Adelaide, Ten (10) bonds of the County of Dallas, State of Alabama, bearing 8 per cent interest, (valued by me at 10600 dollars) Also one hundred and fifty (150) shares Temperance Hall stock (of Mobile Alabama), valued by me at 1425 dollars) Also: the account of ten thousand dollars I have against her. Also her promissory note of five thousand (5000) dollars which I hold to be discharged and surrendered to her by my executors; Also two (2) shares of the stock of the Gulf Coal and Coke Company of Mobile, Alabama, of par value of 250 dollars each; Also One (1) share of the stock of the Alabama and Texas Cattle Company of par value of 1000 dollars, All of said property to belong to my said daughter free from all control of her husband.

Second - I give and bequeath to Charles Torrey and Charles D. Webb, of Boston in the State of Massachusetts seven hundred shares of Stock in the San Rafael Silver Mining Company (valued by me at 7,000 dollars)

in trust nevertheless for my son John L. Bowen, to pay him the income thereof during his natural life, and after his death to give the same to his children or their descendants, to be divided between them equally, the descendants of any deceased child taking the share their ancestor would have if living. After the expiration of fifteen years from the date this will takes effect, said trustees may dispose of said shares of stock, if they deem it best, for the interests of the estate of the cestinque trust, so to do, and reinvest the proceeds as to them may seem most expedient and for the best interest of the beneficiary of the trust.

Third - I give and bequeath to my daughter in law Fidelia, the wife of my son, John Lorraine Bowen, the use during her life, free from all control of any husband of one share of the stock of the Alabama and Texas Cattle Company (valued by me at 1000 dollars) And also of two (2) shares of the capital stock of the said Gulf Coal and Coke Company of Mobile, Alabama, (valued by me at 500 dollars) at her decease I give the said shares of stock to her children by my said son, John, to be divided between them or their descendants - equally, the descendants of such as may have died, before said Fidelia, taking the share their ancestor would have if living.

Fourth - I give and bequeath to my daughter Lucy Frances Bowen the income of seven hundred shares of the capital stock of the San Rafael Silver Mining Company (valued by me at 7000 dollars) for the term of fifteen years next after this will takes effect, at the expiration of said term it is my will that said shares of stock be the absolute property of my said daughter. I further give and bequeath to my said daughter Lucy, One hundred and fifty (150) shares of the Capital stock of the said Temperance Hall Company (valued by me at 1425 dollars) also One (1) share in the Capital Stock of the Alabama and Texas Cattle Company, (valued by me at 1000 dollars) Also Two (2) shares in the Capital stock in the said Gulf Coal and Coke Company of Mobile, Alabama, (valued by me at 250 dollars per share) Also seven (7) Ala-

bama State Bonds Class B. (valued by me at 7000 dollars)

Fifth - I give and bequeath to my daughter Sallie Wilson, wife of Osceola Wilson, of Mobile Alabama the account which I hold gainst her, of Twelve hundred and forty three & 68/100 dollars, and direct my ex-ecutors to execute to her a full release from all demands for the same. I further give and bequeath to my said daughter, Sallie, the use during her life of Three hundred and twenty six (326) shares of the Capital stock of the said San Rafael Silver Mining Company valued by me at 3260 dollars, Also of One (1) share of the Capital stock of the Alabama and Texas Cattle Company, valued by me at 1000 dollars: Also of One hundred and fifty (150) shares of the Capital stock of the Tem-perance Hall Company of Mobile, Alabama (valued by me at 9 50/100 dol-lars per share. Also, of Two shares of the Capital stock of the said Gulf Coal and Coke Company of Mobile, Alabama (valued by me at Five hundred dollars. I give my said daughter the income of said property absolutely, to her sole and separate use, free of all control of any husband, and without accounting to any remainder man, at the termina-tion of said use I give the said property absolutely to her children or their descendants, (should any die before such termination, leaving descendants surviving them) equally share and share alike, the descen-dants taking only the share their ancestor would have taken if living.

Sixth - I nominate and constitute executors of this my last will and testament my son-in-law Charles Torrey, and Charles D. Webb, both of the city of Boston, State of Massachusetts. I empower them to act without being required to give bond or other security for the faithful discharge of their duties, either as Executors or Trustees, and without being required to account in any Court, And to do all things necessary for the proper discharge of their duties according to their good judg-ments, without any order of any Court previously obtained; And without accountability for each others Acts. I also authorize and empower said executors to compromise all claims either in favor of or against my es-tate, at their discretion, and also empower them to employ such agents

And legal advisers, as they may deem necessary to the proper execution of the duties as Executors or Trustees. In the event either of said executors shall die, resign, or become incapable of acting, during the continuance of the trusts created by this will, the powers herein conferred upon both executors shall vest in the survivor of them.

Witness my hand, at the Port of Mobile, this the Twenty third day of August A.D. one thousand eight hundred and eighty four.

John Bowen (Seal)

The foregoing writing consisting of 5 pages and 12 lines was signed, sealed, published and declared by John Bowen, on the 23rd day of August 1884 as and for his last will and testament, in the presence of us, who at his request in his presence and in the presence of each other, have hereunto set our hands as subscribing witnesses thereto, on the day and year above written.

A. A. Winston

Frederick G. Bromberg

Whereas I, John Bowen did on the 23rd day of August A. D. 1884 make my last will and testament in writing, as appears in the above instrument of five pages and twelve lines. Now therefore, I do, by this my writing, which I hereby declare to be a codicil to my said last will and testament, and to be taken as a part thereof, order and declare: First: That I give and bequeath to my said daughter Adelaide J. Torrey instead of two shares, Twenty (20) shares in the capital stock of the Gulf Coal and Coke Company of Mobile, Alabama, of the par value of One hundred dollars each. Second I give and bequeath to my said daughter in-law Fidelia, wife of John L. Bowen, after the death of her husband, the seven hundred shares of the San Rafael Silver Mining Company's stock devised in trust for my son John L. Bowen, to Charles Torrey and Charles D. Webb, hereby revoking the bequest of the same to said John's children or their descendants. Third Instead of two shares I give and bequeath to my said daughter in law, Fidelia the use of Twenty (20) shares of the Capital stock of the Gulf Coal and Coke Company of Mobile

Alabama, of the par value of one hundred dollars each, during her life ; at her decease I give the same to her children by my said son, or their descendants, to be divided as provided in the last clause of item third of my will. Fourth I give and bequeath to my daughter, Lucy Frances Bowen, in stead of Two, Twenty (20) shares of the Capital stock of said Gulf Coal and Coke Company of Mobile, Alabama, of the par value of one hundred dollars each. Fifth I give and bequeath to my daughter, Sallie Wilson, instead of two, Twenty (20) shares of the Capital stock of said Gulf Coal and Coke Company of the par value of one hundred dollars each. I further give and bequeath to my said daughter Sallie Wilson, in addition to the account against her as stated in Item fifth of my will, whatever other account I may hold against her at my decease whatever may be the amount thereof the same to be considered as an advancement as to the entire account. Lastly it is my desire that this codicil be made a part of my last will and testament aforesaid to all intents and purposes. In witness whereof I have hereunto subscribed my name and affixed my seal the thirtieth day of December, one thousand eight hundred and eighty four.

John Bowen (Seal)

The foregoing instrument in writing of forty six lines, was signed sealed, published and declared as a codicil to his last will and testament dated August 23rd, 1884, by John Bowen, on the thirtieth day of December 1884 in the presence of us, who at his request, and in his presence and in the presence of each other have hereunto set our hands thereto as subscribing witnesses.

Frederick G. Bromberg

A. A. Winston

Whereas I John Bowen of the Port of Mobile, did on the 23rd day of August 1884, make, publish and declare my last will and testament in the presence of A. A. Winston and Frederick G. Bromberg, and did on the 30th day of December 1884, make, publish and declare a codicil thereto in the presence of the same witnesses, and whereas, since then my

daughter, Sallie, wife of Osceola Wilson, has departed this life, leaving surviving her, three sons, who are minors, and whereas I have since sold the lot of land on Conception Street in the Port of Mobile, which I had set aside as a part of the distributive share of my daughter, Adelaide, of my estate, to O. F. Cawthon, Now, therefore, I do by this writing which I hereby declare to be a further codicil to my said last will and testament, and to be taken as a part thereof, order and declare as follows: First, I give and bequeath to my said daughter, Adelaide J. Torrey, three shares of the Capital Stock of the Alabama and Texas Land and Cattel Company of the par value of 1000 dollars each, in addition to that given to her by said will of August 23, 1884 to be her property absolutely, free from all control of her husband. Second I give and bequeath to my said executors, Charles Torrey and Charles D. Webb, or the survivor of them, the personal property described in in the fifth Item of my said last will and in the fifth Item of my said codicil thereto, made December 30th, 1884, in trust for the said minor sons of my said daughter, Sallie, to be held by them as such trustees until the youngest of said sons shall attain his majority when said trustees or the survivor of them, shall distribute the same equally between said children, share and share alike. I empower and authorize said trustees or the survivor of them, in their discretion to anticipate said period of division, and to give to each of the said sons respectively, his share upon attaining his majority, without awaiting the attainment of his majority by the youngest son. For the purpose of making such division I authorize and empower said trustees or the survivor of them to sell all or any part of said personal property at public or private sale upon such terms as they may decide upon for themselves, without first obtaining the order of any Court therefor. It is my will, however, that before making distribution of said personal property or the proceeds thereof, said trustees or the survivor of them shall deduct therefrom and apply so much as may be necessary to cancel the debt to my estate of Osceola Wilson, the father of said sons

of said daughter Sallie, existing at the time of such distribution. Said Wilsons debt consists of the principal and interest of the notes given by him to me, or endorsed by me and paid by me for him, and of other indebtedness, but is to be credited, with the proceeds of the sale of the Millandon and Zaphar Mills tract of land in Baldwin County and the interest in Blakely Island, after deducting therefrom the amounts with interest paid by myself and said Executors for taxes upon said lands, and for all other expenses incurred in connection therewith. I declare that I bought said Millandon and Zaphar Mills tracts of land, and said Blakely Island interest at said Wilson's request in order that said Wilson might purchase the same from me, which he promised but has failed to do. Should there be a surplus in the hands of my executors or the survivor of them, derived from the proceeds of the sale of said Millandon Zaphar Mills and Blakely Island lands or interest after the cancellation of said debt of said Wilson to my estate, then said executors or the survivor of them shall pay said surplus to said Osceola Wilson, against his receipt in full of all demands against my estate. - I further give and devise to said executors or the survivor of them, the store building and land on the south side of Dauphin street, between Royal and Water street, No. 47 conveyed to me by Henry Chamberlain, Special Master in Chancery by deed recorded in the office of the Probate Judge of Mobile County, in Deed Book No. 9 N. S. at pages 513 & 514, and also, the store building at the north west corner of Planters Alley and Commerce street, conveyed to me by Charles G. Richards, by deed recorded in said Probate Judge's office in Deed Book No. 49 N. S. at pages 188 & 189, both in the Port of Mobile, in trust for said children of said Sallie, deceased, to collect the rents thereof; keep the same in repair and insured against loss by fire; pay the taxes and to invest the surplus for the benefit of said children. I empower said trustees, or the survivor of them, to sell said real property for division amongst said children when the youngest shall become of age, also, in their discretion to anticipate the period of di-

vision, and to sell the same for division when any of said sons of said daughter, Sallie, shall attain his majority: Also to sell said lots or either of them at their descretion and to reinvest the proceeds of such sale in other store buildings in said Mobile; Also, at their discretion to exchange the same for other store property in Mobile, I empower said trustees or the survivor of them, to do all the aforesaid things without the order of any court first obtained. Should any of said children die before this will takes effect, or before the distribution of the aforesaid real and personal property, leaving no descendants surviving him, then I give the share such son of Sallie would have taken if living to his surviving brothers to be divided equally between them share and share alike. In the event any of said sons die before this will goes into effect, or before distribution of said real and personal property, leaving descendants surviving him, then I give to such descendants the share the ancestor would have taken if living to be divided equally between them share and share alike, per stirpes . In the event all of said sons of said Sallie should die before this will goes into effect, or before distribution of said real and personal property, leaving no descendants surviving them then I give the said real and personal property to my other three children to be divided equally between them, share and share alike, but if any of said other children be then dead leaving descendants surviving him, or her, then I give to such descendants the share the ancestor would have taken, if living, to be divided equally between them, share and share alike, per stirpes .

In witness whereof I have hereunto set my hand and seal this the twenty seventh day of May, A.D. one thousand eight hundred and eighty six.

John Bowen (Seal)

The foregoing instrument of five pages and ten lines was signed, sealed published and declared as and for a codicil to his last will and testament by John Bowen, on the 27th day of May, A.D. 1886, in the presence of us, who at his request in his presence, and in the presence

of each other have hereunto set our hands hereto as subscribing witnesses on the year and day last written.

Max Demouy

Frederick G. Bromberg

State of Alabama)

Probate Court of said County

Mobile County)

In the matter of the probate of the last will and testament of John Bowen, deceased.

Before me, Price Williams Jr., Judge of the said Court, personally appeared in open Court, A. A. Winston and Frederick G. Bromberg, who having been by me, first respectively duly sworn and examined, did and do depose and say on oath, that they are each subscribing witnesses to the instruments of writing, now shown to them and which purports to be the last will and testament of John Bowen, deceased, late an inhabitant of this County, that, said, Bowen since deceased, signed, and executed said instrument on the day the same bears date, and declared the same to be his last will and testament and that affiants set their signatures thereto, on the day the same bears date, as subscribing witnesses to the same, in the presence of said testator. That said testator was of sound mind and disposing memory and in the opinion of deponents fully capable of making his will, at the time the same was so made as aforesaid. Affiants further state that said testator was on the day of the said date of said will of the full age of twenty one years and upwards.

A. A. Winston

Frederick G. Bromberg

Subscribed & Sworn to before)
me this 7th day of January, 1888.)

Price Williams Jr. Judge

At the same time appears the said A. A. Winston and Frederick G. Bromberg, who after being severally sworn and examined do state to the Court that on or about the 13th day of December 1884 in their presence

the said John Bowen signed his name to the additional writing appearing upon the said instrument purporting to his last will and declared it to be a codicil thereto, and that the said John Bowen was then of sound mind and disposing memory and in their opinion fully capable of making deposition of his estate. Affiants in the presence of each other and at the request and in the presence of the testator signed their names as appears to said writing as witnesses attesting the due execution thereof.

A. A. Winston

Frederick G. Bromberg

Subscribed and sworn to this)
7th day of January, 1888.)
Price Williams Jr Judge)

And also comes Max Demouy and Frederick G. Bromberg, who having been by me first respectively duly sworn and examined, do state to the Court that on or about the 7th day of May 1886 in their presence the said John Bowen signed his name to the additional writing appearing upon the said instrument purporting to be his last will and declared it to be an additional Codicil thereto and that the said John Bowen was then of sound mind and disposing memory and in their opinion fully capable of making deposition of his estate. Affiants in the presence of each other and at the request and in the presence of the testator signed their names as appears to said writing as witnesses attesting the due execution thereof.

Max Demouy

Frederick G. Bromberg

Subscribed and sworn to this)
7th day of January, 1888.)
Price Williams Jr Judge)

State of Alabama)
Mobile County)

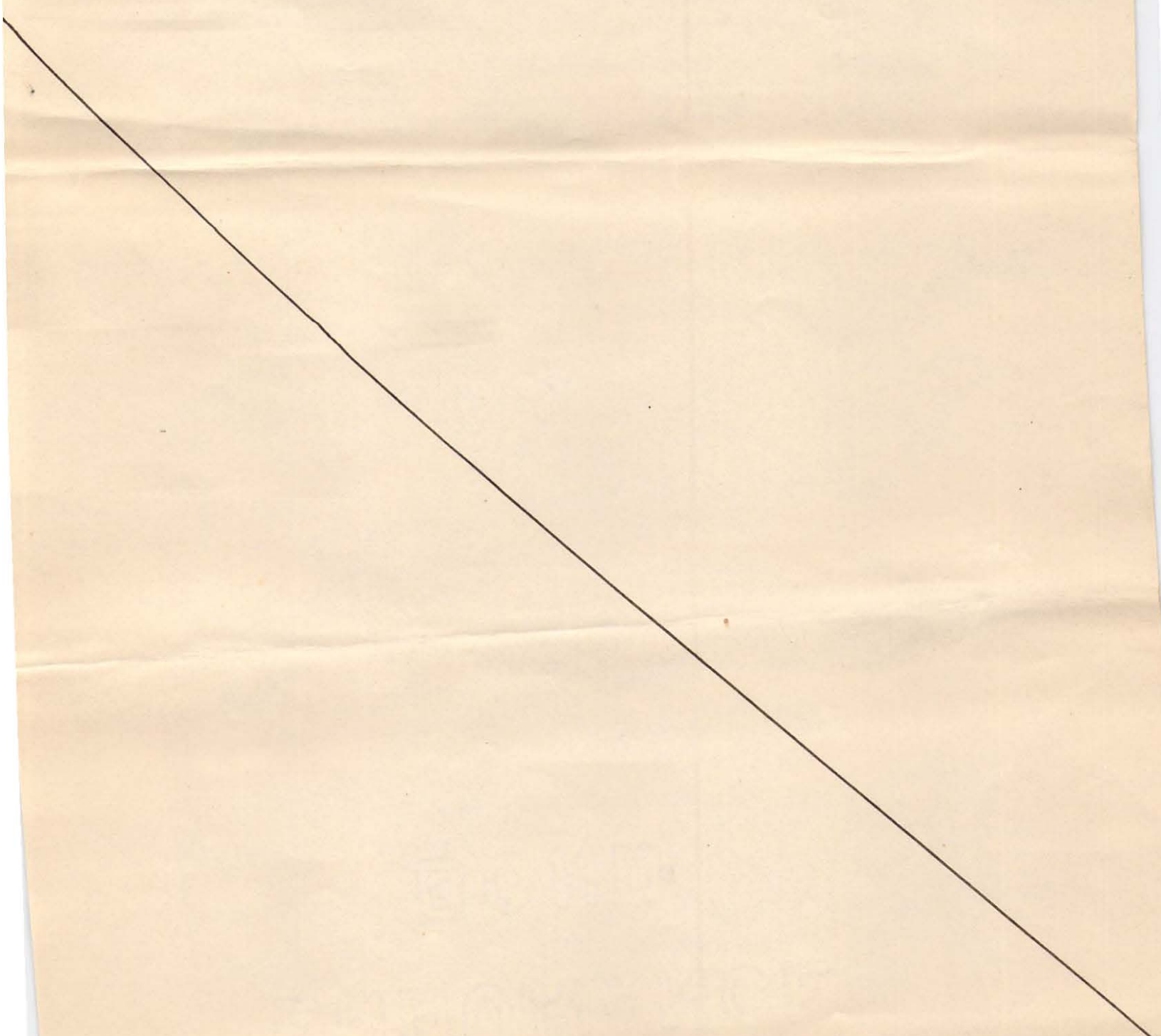
I, Price Williams Jr. Judge of the Court of Probate in and for said County and State, do hereby certify that the within instrument of

writing have 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 and Codicils together with said proof thereof of said John Bowen, deceased, and that said will and said Codicils together with said proof thereof have been recorded in my office in Book of Wills No. 6 pages 284, 285, 286, 287, 288, 289, & 290.

In witness of all which I have hereto set my hand and the seal of the said Court this 7th day of January, 1888.

Price Williams, Jr. Judge

(Seal)



MINUTE BOOK NO. 29

PAGES 468-469.

State of Alabama)
Mobile County)
Probate Court of Said County
January 7th 1888.

John Bowen, deceased)
In the matter of the)
probate of his will)

This being the day set for the hearing of the petition of Charles Torrey, to admit to probate and record, the instruments in writing propounded by him, as the last will and testament of John Bowen, deceased, who at the time of his death was an inhabitant of Mobile County; and it appearing, that said deceased left no widow surviving him; and that John L. Bowen, Adelaid J. Torrey and Lucy Bowen who are all the adults next of kin of said deceased, by writings signed by themselves have waived further notice of said petition, and have consented, that the same might be heard forthwith; and it appearing that the remaining next of kin of said deceased are minors, under the age of fourteen years, each respectively, viz: John Bowen Wilson, Osceola Wilson, and Edmund Gaines Wilson, Children of Osceola Wilson and Sallie B. Wilson, deceased, who was the daughter of said John Bowen, deceased; and it further appearing that said minors are in the care and custody of their father said Osceola Wilson, and reside with said father, and that said Osceola Wilson have waived all further notice of the hearing of said petition and on behalf of said minor children, consents that said petition be heard forthwith, and said petitioner now appearing in person and by his attorney Frederick G. Bromberg Esq, and said minors appearing by their father said Osceola Wilson, now present in Court, and upon hearing the evidence of the witnesses A. A. Winston and Frederick G. Bromberg to said will and the codicil thereto made on the 30th December 1884, and upon the further bearing of the evidence of the witnesses, Max Demouy and Frederick G. Bromberg, to the codicil

thereto made on the 27th day of May 1886 it is considered and adjudged by the Court, that said will and said Codicils have each been duly executed by said John Bowen, and published as and for his last will and testament and codicils thereto, and that said John Bowen was at the time of sound mind, and disposing memory, and voluntarily executed the same of his own free will, and without fear or undue influence of any kind, and it is ordered, adjudged and decreed, that the prayer of the petitioner be granted and that the instrument made by said John Bowen propounded by petitioner and the codicils thereto made on respectively the 30th December 1884 and the 27th May 1886 be and the same are admitted to probate and record as the last will and testament and codicils thereto of said John Bowen, deceased.

THE STATE OF ALABAMA,;
MOBILE COUNTY. :

WHEREAS, Wesley W. McGuire, the Administrator of the Estate of Thomas D. Morton, deceased, duly appointed by and qualified in the Probate Court of said County, heretofore applied for, and on the 19th day of August 1867, obtained an assent and decree of said Court for the sale of the land &c described as follows, to wit:

All that lot of land in the County of Baldwin and State of Alabama, being a part of the tract of land known as the Dolive Village property, and particularly described as follows, viz: "Commencing at a Cedar post one hundred and thirty seven (137) feet west 28 degrees north from the spring known as the Dolive or Village Spring, near the head of Raifords Wharf, thence east 6 degrees north two hundred and eighty (280) feet; thence north six degrees west five hundred and ten (510) feet; thence west six degrees south two hundred and eighty (280) feet, and thence south six degrees east five hundred and ten (510) feet, to the place of beginning;"

which lands and appurtenances were sold by said administrator under and in pursuance of said decree, on the 2nd Monday of August 1869, at public outcry at the Court House of Baldwin County, between the hours of 12 o'clock M, and 5 o'clock P.M. to F. J. McCoy for the sum of one hundred and twenty five dollars, that being the highest and best bid for the same, of the time, place and terms of sale, together with a description of the said property had been advertised for the period of thirty days in the Mobile Dailey Register, a newspaper published in the City of Mobile, there being no newspaper issued in the said County of Baldwin; And whereas said sale was duly repeated by said administrator, and, on the 22nd day of October 1869, the same was confirmed by an order of said Court; And whereas the whole of said purchase money has been paid, and said Court, upon application of said administrator, hath ordered a conveyance of said land to be made by said administrator to said purchaser thereof according to law. Now, therefore, this Instrument witnesseth, that the said Wesley W. McGuire, as such administrator aforesaid, hath in accordance with the order of said Court, last refered to, conveyed and confirmed, and by this instrument doth Convey and Confirm, unto the said F. J. McCoy, his heirs and assigns forever, all claim, right,

title and interest which the said Thomas D. Morton, deceased, had at the time of his death, in and to the land aforesaid.

In witness whereof, the said administrator hath hereto affixed his hand and seal this 31st day of December 1869.

U.S.Int.Rev. : Wesley W. McGuire, (LS)
Stamp. W.W.McG :
Dec.31,1869. : Admr. Est. Thos.D.Morton,decd.
50¢ : 50¢ :

THE STATE OF ALABAMA, :

MOBILE COUNTY. : I, Wm. M. Loomis a Notary Public and Exofficio Justice of the Peace for said County and State, hereby certify that W. W. McGuire, whose name is signed to the foregoing conveyance, and 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 15th day of December A.D. 1871.

Wm. M. Loomis,
Notary Public & Ex officio
Justice Peace Mobile County.

Received for Record Decr.15th 1871
Recorded January 15, 1872.

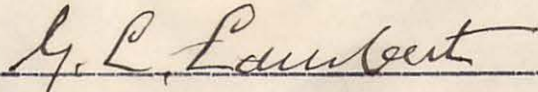
W. H. Gasque, Judge.

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STATE OF ALABAMA,;
BALDWIN COUNTY. :

I, G. L. Lambert, Judge of Probate for said County and State, hereby certify that the foregoing is a true, correct and complete copy of an instrument of writing as the same appears of record in Deed Record "I" at Pages 648-649, now on file in the office of the Judge of Probate of Baldwin County, Alabama.

Witness my hand and seal of the Probate Court this 28th day of May, A.D., 1923.



Judge of Probate, Baldwin County,
Alabama.



"Exhibit J"

DEPOSITION OF WILLIAM BAILEY.

My name is William Bailey. I am 79 years old, Christmas, and live at Daphne, and have been living there sixty years. I knew old man William J. Lea. He died in the eighties or nineties; I know it is many years ago. He was the one who was partner in the turpentine business with F.J. McCoy. I worked for them. He lived below Daphne, they operated on lands East of Daphne.

CROSS EXAMINATION BY MR. HOGAN.

Q. Do you know whether they ever operated on any lands down in Section 10, Township Seven South, Range 2 East? Ans. No, I don't know, I don't know where Section 10 is.

Q. You can't tell about a man turpentineing seven or eight miles from the still? Ans. They operate north, south, east or west, - everywhere they can get a piece of timber. That's the way these men did.

DEPOSITION OF MR. CHARLES M. NELSON.

Direct Examination by Mr. B. F. McMillan, Jr.

My name is Charles M. Nelson, I live at Barnwell, Baldwin County, Alabama; up to about ten years ago, I lived at Point Clear, Alabama. Point Clear is about five miles from the southwest quarter of Section Ten, Township Seven South, Range Two East, and up to the time I moved to Barnwell, I lived at Point Clear, off and on, all my life. The land involved in this suit is wild, piney woods land. Nobody lives on it, and nobody ever has lived on it except about three months a fellow camped there. His name was Pratt. There is no timber on it, no merchantable timber on it, and has not been for twenty or twenty-five years I should judge. I have been going across this land hunting sheep, cattle and one thing and another, for fifty or sixty years, and went across there at intervals, sometimes once a week, sometimes, for several months at a time. Pratt, when he was on the land lived in a kind of camp, some of it of wood, some of it of cloth and battens. It would do as a makeshift for a camp. I would not be positive, but I think he was there about two or three months, off and on, but I paid no attention to it. A man with a helper could put up the structure that I saw on the land in two, three, or four hours.

Q. Mr. Nelson, is it or not customary for anyone and every one to get wood on land in that neighborhood without asking or receiving permission from any one?

Mr. Hogan: I object to the question on the ground that it is irrelevant, incompetent and immaterial.

Ans. That has been the custom there ever since I can remember, a man goes out with a wagon and picks up wood wherever he can get it. It is these pine knots laying over the ground.

Mr. Hogan: I move to exclude the answer on the same grounds.

Q. Did you ever hear of anybody stopping anybody from getting wood on this land?

Mr. Hogan: I object to the question on the ground that it is irrelevant, incompetent and immaterial.

Abs. No sir, I never did.

Mr. Hogan: I move to exclude the answer on the same grounds.

I never saw Emanuel or Joe Keller on the land, or hear of them claiming to look over the land. I may have met them on the land, but if so, I don't know anything about it.

Q. Who did Pratt say it belonged to?

Mr. Hogan: I object to the question on the ground that it is irrelevant, incompetent and immaterial.

Commissioner sustains the objection, and the witness did not answer.

There was a well on the land, it was a bored well, and I think it had tiling in it, but as I remember it, never was any account. It don't look to me like it would take a well borer over a day or a day and a half to put the well there that I saw. I was not on the survey. I don't know of George Hoyle ordering anybody off the land. I know where C.O. White's gallery is. Any one could see across this land when standing on his gallery. I don't know what ever did become of the shack I saw on the land. Shortly after Pratt left there, it disappeared. I don't know whether it burned, or whether the cows ate the cloth up, or what became of it.

Q. Did you ever hear of Mr. McCaleb claiming this land, up to the time of this litigation? State what you heard.

Mr. Hogan: I object to the question on the ground that it is irrelevant, incompetent and immaterial.

Commissioner sustained the objection and witness did not answer.

Cross Examination by Mr. J. F. Hogan.

I am not interested in this litigation; not in any way whatever. I am not related to either Mr. Worcester or Mr. Hoyle. I was a friend of both Mr. Hoyle and Mr. Worcester. I did not say there was no timber standing on this land, I said there was no merchantable timber, there is second growth timber, small saplings that come up after the timber has been cut off. The timber was cut off of this land a good many years ago; it was before the 1906 storm. After the storm of 1906, there was a little logging done in that neighborhood, but I don't think it was on this land. I am positive that there was no logging on the

land after the 1906 storm. I don't know who cut the timber off of that land. It was so long ago, I don't know whether I saw anybody getting the timber off or not. It was all of 30 years ago. Second growth timber can be turpentineed when it is about 15 or 20 years old, but it is not fit for lumber, it is too small, and all sap. The diameter of the trees standing on this land now is pretty small, I could not say what it is, all the way from two inches to six or eight inches perhaps. The storm of 1906 blew down some timber on the land, but there was no amount of timber on that land to blow down. There was no virgin timber on that land in 1906; it had every bit been boxed, the big timber had been cut down. When I say that the timber had been boxed, I mean the timber that was big enough had been boxed.

Q. If any one said that virgin timber was standing on that land at the time of the 1906 storm, they were mistaken about it, were they not?

Ans. I don't see how anyone could say there was virgin timber on there when all the big timber had been boxed years ago.

All the big virgin timber on that land had been boxed just after the old Civil War, ten or fifteen or twenty years maybe after it had been turpentineed, they would cut it down and sell it, bring it to Mobile and sell it. I am speaking in regard to that particular piece of land, and that neighborhood too. I would not say that I do have any definite recollection of what actually took place on this land in litigation in particular. It is a thing that I haven't given a thought to for years. I knew Mr. Keller, the father of Emanuel Keller, I always called him Mr. Keller. I never did hear his given name as I remember. I first knew him when he first came down here, I don't remember when that was. He came to my house the first time I ever saw him. That was a good many years ago, over thirty years ago I reckon. He bought land in Section 15, right near that, that adjoins this land. I don't think he ever bought this land. I don't know whether he had a deed to it or not.

I knew Emanuel Keller. He lived right South of Section 10, I think he was on Section 15. I did not know Oscar Kimmell and his wife. I never heard of Oscar Kimmell or his wife. I knew

one of his daughters, however, she married a man named Johnson, the last time she married; her first husband's name, - I have forgotten what it was. I knew Mr. Joseph Keller, who owned a part of Section 10. I believe it was in the Southeast quarter, he had a pasture on it. I am sure it was in the southeast quarter. It was northeast of Mr. Keller's place in Section 15. I don't know whether Mr. Emanuel Keller claimed any interest in Section 10 or not. I don't know whether Oscar Kimmell and his wife claimed any land in Section 10 or not. You can see the land from Mr. C.O. White's gallery, and then the saplings cut off the view, that is the reason you can't see all the land from Mr. White's gallery. I never have stood on Mr. White's gallery and looked across the land, but I don't have to stand on the gallery to know you can see the land, the saplings are too thick to see across it. You can get into these saplingsthickets sometimes, and you can't see a hundred yards. This is merely my opinion based on what I have seen as I passed along the road. There is a pretty heavy thicket of pine saplings over the land, I think on the west and south side they are thicker than anywhere else. Dr. Pratt tried to clear some of the land while he was there. It looks to me a place about eight or ten acres he tried to clear, but did not really clear it, just messed it up, the stumps burned off to the top of the ground. That is what I would call it, and most anybody in that country would tell you the same thing. I don't suppose he had a hundred or two feet of timber in that shack. Didn't have any heavy timbers at all. A few battens with cloth tacked up around it, as well as I remember.

Re-Direct Examination by Mr. McMillan.

The timber on this land was boxed for turpentine just after the Civil way, and probably 25 years thereafter, or maybe 25 years ago, the merchantable timber was all cut off by somebody. I know this because I have been riding across the land for probably 60 years, and I know that for twenty-five years, there has been no extensive timber operations on the land, somebody might have cut a tree, they do that frequently whenever they find a tree they want.

Re-Cross Examination by Mr. Hogan.

I will be 70 years old my next birthday.

DEPOSITION OF MR. H.H.PARKER.

Direct Examination by Mr. B.F.McMillan, jr.

My name is H.H.Parker, I was born in 1888, and live at Fairhope, Baldwin County, Alabama, and have lived there 25 years. I am in the real estate business. I know the land involved in this suit. I have known it since 1908, but intimately since 1917. I became familiar with this land in 1917. Mr. Clements sent me word that Mr. McCaleb wanted to see me, and I saw Mr. McCaleb at Mr. Clement's house, on another piece of land. At that time, Dr. Pratt was on the particular piece of land involved in this suit. He was clearing the land for Major McCaleb. He had a shack, built out of boards, with a cloth roof, it was simply a temporary structure, and could be put on there in a day, probably. I don't remember whether there was a well on there at that time or not, but there is one on there now, I don't know whether they ever got water. I surveyed the land for Mr. McCaleb- that is, partially surveyed it.

Q. After surveying the land, did you see Mr. George H.Hoyle or not?

Mr. Hogan: I object to the question on the ground that it is irrelevant, incompetent and immaterial.

Ans. I did see Mr. Hoyle, the following Sunday.

Mr. Hogan: I move to exclude the answer on the same grounds.

Q. Did you mention to Mr. Hoyle about have surveyed the land, and what did he say?

Mr. Hogan: I object to the question on the ground that it is illegal, irrelevant and incompetent.

Ans. I did mention it to Mr. Hoyle, and he told me that he thought it was his land, and he looked at his books and stated that it was his land, and sent me back to McCaleb to find out what right he had on there.

Mr. Hogan: I move to exclude the answer on the same grounds.

Q. Did you go back to see Mr. McCaleb, and if so, when?

Mr. Hogan: I object to the question on the ground that it is

illegal, irrelevant and incompetent.

Ans. I did go back to see Mr. McCaleb a few days after that.

Mr. Hogan: I move to exclude the answer on the same grounds.

Q. Did you go to see him at the same place?

Mr. Hogan: I object to the question on the ground that it is illegal, incompetent and immaterial.

Ans. I went to where I had seen Mr. McCaleb previously, at Mr. Clements' house.

Mr. Hogan: I move to exclude the answer on the same grounds.

Q. Did you see him?

Mr. Hogan: I object to the question on the ground that it is illegal, incompetent and immaterial.

Ans. I did not see him.

Q. Why?

Mr. Hogan: I object to the question on the ground that it is illegal, irrelevant and immaterial, and second, it calls for the conclusion of the witness, and third, it calls for the mental operation of the witness.

Ans. Mr. Clements said Mr. McCaleb was gone.

Q. Why did he say Mr. McCaleb left?

Mr. Hogan: I object to the question on the ground that it is irrelevant, incompetent and immaterial, ~~and second, it calls for the conclusion of the witness, and third, it calls for the mental operation of the witness.~~

Ans. He said that they had had an argument, and he did not want McCaleb around there any more.

Mr. Hogan: I move to exclude the answer on the same ground.

Q. Did he say what his objection was? State what you said to me this morning, as nearly as you can.

Mr. Hogan: I object to the question on the ground that it is illegal, irrelevant and immaterial.

Q. State exactly what Mr. Clements said to you about Mr. McCaleb having gone?

Mr. Hogan: I object to the question on the ground that it is illegal, irrelevant and incompetent, and calls for hearsay testimony.

Ans. Mr. Clements said that Mr. McCaleb had drunk too much whiskey and they had had a fuss and he ran Mr. McCaleb off.

Mr. Hogan: I move to exclude the answer upon the same grounds.

Q. Did you ever see Mr. McCaleb on the land after that, or hear of his being on the land after that?

Mr. Hogan: I object to the question on the ground that it is irrelevant, incompetent and immaterial.

Ans. I never saw him on the land after that.

Q. Did the man, Pratt, who was on the land in that hut you have described, leave the land soon after that, and did he ever go back so far as you know?

Ans. Yes sir, he left it soon after that, I could not say just when, he never came back, as far as I know.

Since Pratt left there, no one has lived on that land, or put any improvements on there. The signs of the clearing are there, but the buildings are gone. This land is wild, piney woods land, it is fit for farming, but there has never been any farming on it. People in that locality get wood on land similar to this, when and where they want, without asking permission of any one. I never heard of any one asking permission to get wood on this land, and I never heard of anyone being stopped from getting wood there.

Cross Examination by Mr. Hogan.

There is a good second growth of timber growing on the land, what we call second growth. It is a growth about 20 years old. I did not look at the trees particularly, but it is a good turpentine size, some of the trees will make one box, and some of them two boxes. About a third of the trees would run two boxes. Ordinarily, it takes 11 inches and up to take two boxes. There is a drain running across the southwest corner of this land, running to the southeast and the heaviest growth of timber lies to the north of that. They left the good trees in the clearing, just took out the dead stumps. Pratt left the trees standing. It was not much of a clearing. I would not really call it cleared, I would just call it cleared-at. Aside from that, the timber growth extends over the whole of the land. I have never made an estimate of the timber, but I have made an estimate of the turpentine boxes. At seven cents a box, it would amount to about \$500.00, for the whole tract, not quite a crop. The land could

not be farmed without first clearing it. As a matter of fact, it is wild land, and is not fit for farming in its present condition. I have a dim recollection of Mr. Joe Keller, that was way back there, he left about the time I began noticing people. I don't know whether he claimed to own this particular land or not. I know he did claim to own land in that locality, but I do not know the description of it. I did not know Oscar Kimmell or his wife. I knew Emanuel Keller, I knew him well, he lived on the South of the land in question, he lived on the land just South of the land in question. I do not know whether he exercised any supervision over this land or not. The first time I ever heard of Mr. Hoyle having any claim to this land was at the time I spoke about a while ago. Mr. Hoyle was my wife's stepfather, and we were having dinner there. I knew him intimately and well.

Re-Direct Examination by Mr. McMillan.

Q. Mr. Parker, how long would you say since that timber was cut on that land?

Mr. Hogan: I object to the question because it called for the conclusion of the witness, second, it is irrelevant, illegal and immaterial.

Ans. There doesn't seem to be any signs of recent cutting there at all, within at least 15 years, other than the clearing I have testified about, which appears to be clearing of dead stumps. Since the timber was cut, there have been no timber operations or turpentine operations on the land. There is a slight trespass on the West side, done by Mr. Taylor, I did not see him on the land, but he claimed the boxes.

(Witness consults memorandum in his hands, that he made).

Q. When was it that Mr. Taylor claimed the boxes?

Mr. Hogan: I object to the question on the ground that it is irrelevant, incompetent and immaterial, and second hearsay testimony, and third, not the recollection of the witness, and it does not appear when the memorandum was made.

Ans. It was on February 12th., 1923.

Mr. Hogan: I move to exclude the answer on the same grounds.

Q. How many boxes?

Mr. Hogan: I object to the question on the ground that it is irrelevant, incompetent and immaterial.

Ans. I did not count them, might be a couple of hundred.

Mr. Hogan: I move to exclude the answer on the same ground.

DEPOSITION OF MR. R. J. PIERCE.

Direct Examination by Mr. McMillan.

My name is R.J.Pierce, I am 45 years old. I do not know the land described in the complaint, as described, but I know the land claimed by Mr. Worcester. I never did know of it as claimed by Mr. Hoyle. I paid no attention to who was claiming land in that locality. Parts of the land are high and parts of it are low. There are bull saplings on it. I have known the land for thirty years, and have been over it at least once or twice every month, during all that time. I don't remember of any timber operations on the land, and if there had been any timber operations, during that time, I would have known it, I could have seen it. I was born and raised within 3 miles of this land, and have known it all my life. Nobody has ever lived on it, nobody has ever farmed on it. I knew that some one went on there but he was only there a short time, and I paid no attention to him. He built a shack, it was partly boards and some cloth or something hanging up around it, I was not right at it, but was within 50 yards of it. There are no improvements on the land now. I don't know how long the man stayed there, but it was not very long, it was not over four months anyway, I would say. I can't tell even about how long ago it was. It has been at least 5 or 6 or 8 years ago. The road is right through this piece of land; in the winter time I went across it to go hunting, and in the summer time, I went across it to go fishing, and I know that no one has put any improvements on the land for 5 or 6 or 7 years, and that the improvements that this man put on there are entirely gone, and have been gone for years. I never heard of anybody trying to keep trespassers off of the land, or overlooking the land. I don't know McCaleb, I have heard of him, but I never saw him, and I don't know anything about any claim that he had.

Cross Examination by Mr. J.F.Hogan.

I was born at Point Clear, I don't know what township, section and range it was. It was a quarter of a mile below Zundel's. We moved away from there about two miles in the country, I was only a small child, I don't remember when it was. We moved Southeast. I believe we moved to Section 7, Township 7 South, Range 2 East. From that place to the land I have been talking about, is about 3 miles. When I was about 18 years old, I helped in a survey for Mrs. Broadwood North of these lines, the line which divided Mr. white's and this tract we are speaking of. Mr. White lived to the North of this tract, but I don't know the section number. I know where the line is all right. There is some saplings, we call them, on this land. I don't ever remember any timber having been cut on this land, and I never saw any evidence of any cutting on this land. Some of the saplings that I have been talking about are more than forty-five years old. They are fit for turpentine. I expect a third of them would run 11 or 12 inches in diameter. The timber growth, small and large together, extends over the whole of this quarter section, with the exception of where some one started a slearing. I do not know who this was, or for whom it was made. I don't know who put up the shack. I did not go on the land to see about who it was. I know there is a well on the land; I don't know when it was put there. You can not get water out of the well, there is none in the well now. I never knew Mr. Joseph Keller, I did not know Emanuel Keller; I did not know Oscar Kimmell or his wife, Mrs. Kimmell. I never knew Mrs. Johnson, the daughter of Mr. Keller. Emanuel Keller lived adjoining this land on the south, but I did not know him; I think it was Joe Keller lived on land adjoining on the southeast, but I did not know him. I did know about them, I knew that they lived there. I never had any conversation with them, I don't know what lands they claimed to own in that vicinity. I do not know how long they lived there. I do not know when they moved away from that neighborhood. I do not even know about when they moved away. In going through this land, when I would be going fishing or hunting, I never went by the house or had occasion to stop there. I

stop there. I have hunted all through the pine woods over there. I know that I have hunted on this land many times, I have never fished on that land, there is no fishing there. I road runs from one corner to the other. I never went over the land except when I was hunting or fishing, and when I went fishing I went down the road, not over the land at all. I would hunt on the lands every Sunday in the winter months. I would go out one way and come back the other, I know it was this land, the hunting was better on this land, and the other land in that neighborhood was fenced up I used to hunt over C.O.White's land before he came there. I did not hunt over that land in the summer. I never talked to any one about who owned that land or who claimed to own it. I was just interested in the hunting there.

Re-Direct Examination by Mr. McMillan.

No one ever interfered with my hunting on this land. The Bishops did prohibit me hunting on their lands. I could not say^{whether} there was ever any water in the well on the land that I have heretofore testified about, but I went there three or four times, and I never did see any water there. There was no water in the well. I examined the well by dropping knots in it, and if there was any water in there, I would have heard it.

Re-Cross Examination by Mr. Hogan.

So far as I know, I don't know whether anyone ever saw me hunting on this land, or not. They may have or they may not have seen me. I did not pay any attention to that. I don't know whether they saw me or not. I don't know whether the well had caved in or not, it has a tile. I don't know how deep it is. I don't know who built it, nor for whom.

Duplicate Tax Receipt

RETURN BILL WITH REMITTANCE

Office of
JESSE M. SMITH
 Tax Collector

SEND STAMPS FOR REPLY

ASSESSOR'S BOOK OF 1930. No. 2 Page 137

THE STATE OF ALABAMA,
 Baldwin County.

} Tax for 1930

1925

M. J. S. Mc. Caleb

Receipt 1039

	VALUATION	
	DOLLARS	CENTS
Value Real Estate	1600	
Value Personal Property		
District School Tax	05	80
Collector's Fees \$	4	80
Assessor's Fees \$		
Interest and Decree and Levy		
Printer \$		
Judge \$		
Notice		
Total Amount of Tax	33	60

Your taxes become delinquent Jan. 1st, 1931, and will be subject to interest, levy and cost of advertising and sale.

Please pay your taxes at once and save further expense.

JESSE M. SMITH,
 Tax Collector, Baldwin County