

CIRCUIT COURT

of Mobile County

Mobile, Alabama

IN EQUITY

No. 326

Mrs. Maggie Roberts

Vs. } Extra
Note of Evidence
for Refund

Buchman Abstract
& Investment Company

Read and Filed 191

June 21
July 21
Aug 6
Sept 31
Register

Entered Minutes Page

Jan 10

Maggie Roberts
vs
Buchmann Dist
Int Co.

Nov. 25/1
In County

It is hereby agreed by the parties through their solicitors that this cause be submitted for argument and final decree upon the pleadings and proof as noted in the respective notes of evidence now on file, without prejudice to rights of either party to except to introduction of evidence.

Respectfully
Solicitor for Comps

J. G. [Signature]

J. A. Hay

Seher
[Signature]

To be filed of.

May 23/12

MAGGIE ROBERTS,
Complainant and
Cross Respondent,

NO. 324

IN EQUITY.

VS.

IN THE CIRCUIT COURT OF MOBILE

BUCHMANN ABSTRACT &
INVESTMENT COMPANY,
Respondent and
Cross Complainant.

COUNTY, ALABAMA.

This cause coming on to be heard upon submission for final decree, and upon the examination of the bill, it appearing that this is an action involving lands situated in Baldwin County, Alabama, and it further appearing that while said cause was originally properly filed in the Chancery Court of Mobile, County at a time when said Court had jurisdiction over the suits in equity arising in Baldwin County, and it further appearing that according to an act of the Legislature of Alabama of the session of 1915, and found on page 279 of the printed Acts of 1915, the Chancery Courts of the several counties of the state were consolidated into the Circuit Courts of said counties, and that under the terms of said consolidation all files and records of every kind relating to cases then pending in the Chancery Court should be transferred to and become a part of the files and records of the Circuit Court of such County, and that, therefore, upon the date on which said act went into effect, viz: midnight of January 14, 1917, it became the duty of the Register of the Chancery Court of Mobile County to transfer the files in this case, together with complete and perfect exemplification of all orders, judgments and decrees theretofore rendered to the Circuit Court of Baldwin County, and whereas the record shows that such transfer has not been made, but that said case has been continued upon the docket of the equity side of the Circuit Court of Mobile County;

NOW THEREFORE, It is hereby ordered and adjudged that the Circuit Court of Mobile County is without jurisdiction to hear and determine this ~~case~~ cause. It is further ordered that the Register of the equity side of the Circuit Court of Mobile County do forthwith forward all papers in this cause filed prior to January 15, 1917, to the Register of the Circuit Court of Baldwin County, together with

proper exemplifications of all orders, decrees and records made in the Chancery Court of Mobile County prior to that date.

It is further ordered, adjudged and decreed that all actions taken and orders made in this cause by the Circuit Court of Mobile County since January 15, 1917, other than the present order of removal, are void and of no effect.

Done in Chambers at Brewton, Alabama, this the 18th day of February, 1920.

John D. Leigh
JUDGE.

Maggie Roberts,

No. 326

VS.

Buchman Abstract & Investment Co.
a corp. et al.,

Order -Case taken out of
Call.

This cause coming on to be heard this day on defendants motion to take the same out of Call for March 17th, 1919 and being submitted on said motion and considered by the Court, it is ordered that said motion be and hereby is granted.

In term time March 15th., 1919.

DEPARTMENT OF THE
CIRCUIT COURT OF MOBILE COUNTY
MOBILE, ALA.
IN EQUITY

No. 326

Maggie Roberts,

VS.

Buchman Abstract & Investment
Co. a corporation, et al.,

ORDER - Case
taken out of Call.

January Term, 1919.

March 15th 1919.

Ent. Min. 3 Page 361

The State of Alabama,
BALDWIN COUNTY.

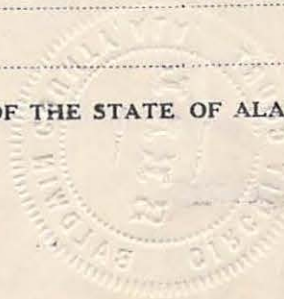
CIRCUIT COURT, Fall TERM, 191-1908.

1. THE GRAND JURY OF SAID COUNTY CHARGE THAT BEFORE THE FINDING OF THIS INDICTMENT THAT

Henry H Cooper being at said time the Tax collector for Baldwin County, Alabama, did collect sums of money for the County taxes due said County of Baldwin about Three Thousand (\$3000.00) Dollars, and did fail to make return of the said tax money as collected and which was at the time in his hands being for the fiscal year of 1907, and did fail to forward the said tax money to Charles E Wilkins, the County Treasurer of Baldwin County, Alabama, as provided by law,

2. And said Grand jury further charge that before the finding of this indictment Henry H Cooper being at the time the Tax Collector for Baldwin County, Alabama, and having collected certain taxes due said county for the fiscal year 1907, about Three Thousand (3000.00) Dollars, he did fail to make and file with Charles E Wilkins County Treasurer of Baldwin County, Alabama, an itemized report in writing the first three business days of December 1907, setting forth separately the taxes collected by him for the State of Alabama, and for Baldwin County, during the month of November 1907, and did fail to pay over to the aforesaid County Treasurer not later than the eighth day of December 1907, all County taxes due from him to Baldwin County, Alabama, which had come into his hands and collected for said county, for the month of November, 1907,

AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.



James N. Grande
Solicitor of the Second Judicial Circuit.

33

No. 326

THE STATE OF ALABAMA
BALDWIN COUNTY.

CIRCUIT COURT

Fall Term 1911 1908.

THE STATE
vs.

Henry H. Cooper

INDICTMENT.

No. _____
Prosecutor.

WITNESSES:

- John Purifoy, Montgomery.
- Charles E. Wilkins
- Oscar Hall,
- J. M. Voltz.
- W. D. Stapleton
- R. W. Padgett, Mobile, Ala.

Re - *Quinn* 6/11/1921
T. M. Richerson
Register

FILED

Jan 9, 1920
James H. Brown

Grand Jury No. 22

A TRUE BILL.

J. T. Bradley
Foreman Grand Jury.

Filed in open Court and in the
presence of the Grand Jury on the
30th day of October
1911 & 1907.

J. M. Voltz.
Clerk.

Presented in open Court to the
Presiding Judge by the Foreman of
the Grand Jury, in the presence of
other Grand Jurors.

W. D. Stapleton
Clerk.

Bail fixed in open Court
at Three Hundred Dollars
this 30th day of October 1908

Sam'l B Browne.
Judge.

I. T. W. Richerson, Clerk Circuit Court
Baldwin County, Alabama, do hereby
certify the foregoing to be a true
and correct copy of the indictment
in cause of State vs Henry H Cooper.

I. T. W. Richerson

Clerk Circuit Court Baldwin County,
Alabama.



No. 11,710

Maggie Roberts,

vs.

Buchman Abstract & Investment Co.

On motion of defendant, it is ordered that it be,
and hereby is, allowed 20 days' additional time in which
to answer.

May 17th., 1916

IN CHANCERY

AT MOBILE, ALA.

No. ³²⁶ (11,710)

Roberts,

vs.

~~Buchman Abstract~~
and Investment Co.

ORDER

Allowing 20 Days
for Answer.

Spring Term, 1916,

May 17th, 1916.

Ent. Min. "I-I" Page 260

Filed in Circuit Court of
Baldwin Co. Ala.
July 20th 1920
M.P. [Signature]

Maggie Roberts,)
Complainant)

No 251

vs

In the Circuit Court of Baldwin County

Buachman Abstract &)

In Equity .

Investment Company)
Respondent)

Now comes the respondent and cross complainant and moves the court to exclude the certified copy of patent from United States to Simon Brewton dated dated January 12th, 1900 upon the following grounds : 1st because no evidence or showing is made accounting for the loss or absence of the original patent or which it purport to be a certified copy ; 2nd because it is illegal, irrelevant and immaterial

of the introduction of the same without notice to respondent + cross-complainant and due notice of the filing of the same in evidence.

3rd Because legal notice

Jesse F. Hogan

Solicitors for respondent & Cross-complainant
- art

STATE OF ALABAMA
MOBILE COUNTY

Thirteenth District, Southwestern Chancery Division.

To any Sheriff of the State—Greeting:

You are hereby commanded to summon

Buchanan Abstract & Investment Company
a Corporation

to appear, and plead, answer or demur, within thirty days from the service hereof, to a Bill of Complaint filed in the Chancery Court, for the Thirteenth District, Southwestern Chancery Division, State of Alabama, at Mobile, against

it
defendant, by

Maggie Roberts

Complainant

Witness my hand, this *17th* day of *April* A. D., 191*6*

Casey H. Johnson
Register

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

SHERIFF'S RETURN

Received this the 19th day of April A. D. 1916

and on the 19 day of April 1916 I served copy of the
within subpoena in Chancery on John. Buchanan of the
Buchanan abstract & investment co

A. A. Rollo Sheriff Callman County

By B. M. Travis Dep't -

No. 326
1110326

Maguire Roberts

Vs. } Sub. in Chancery

Buchanan Abstract & Investment Co

Issued 19th day of April 1916

Filed in Circuit Court of
Buchanan Co. Ala.
July 20th 1920
W. M. Buchanan
Register

Recorded

MAGGIE ROBERTS, COMPLAINANT

VS

BUCHMANN ABSTRACT & INVEST-
MENT COMPANY, DEFENDANT.

NO. 326.
IN EQUITY.

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA.

FIRST: Complainant objects to and moves to suppress and strike out Defendant's objection to re-direct interrogatories filed October 14th, 1918, on the ground that no provisions of law exists for such objections to said re-direct interrogatories.

SECOND: That said objections were filed on October 14th, thirty-nine days after the filing of the re-direct interrogatories objected to, and, hence, are barred by the lapse of time.

Ruby Austin Beebe
Solicitors for Complainant.

210.000

James B. Green
Refused

326
\$ No. 326.

MAGGIE ROBERTS, COMPLAINANT

VS

BUCHMANN ABSTRACT & INVEST-
MENT COMPANY, DEFENDANT.

Motion to
strike Deft's objections to re-
direct interrogatories.

Filed Nov. 9, 1918,
James A. Crane,
Register.

Rickarby, Austill & Beebe
Attorneys

MAGGIE ROBERTS, COMPLAINANT

VS

BUCHMANN ABSTRACT & INVESTMENT
COMPANY, DEFENDANT.

NO. 326.
IN EQUITY.

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA.

Comes the Complainant and objects to the re-cross
interrogatories filed by Respondent on October 14th, 1918,
upon the following grounds:

FIRST: No provision is made by law for re-cross
interrogatories.

SECOND: Said re-cross interrogatories were filed
thirty-nine days after the re-direct interrogatories were
filed and hence, even if proper, were unseasonably delayed.

THIRD: Each of said re-cross interrogatories calls
for testimony irrelevant and immaterial and not in rebuttal
to any question in the re-direct interrogatories.

For each of the reasons above stated, Complainant
moves that said re-cross interrogatories and the answers
thereof be suppressed.

Winstanley Austin & Beebe
Solicitors for Complainant.

No. 326

RETURN IN 5 DAYS TO
PAGE & MOORER
BAY MINETTE, ALA.

No 326

W. F. Rodgers
A. B. Steadham
Joe Reding
Elijah Ard

MARIE ROBERTS
VS
Brothman Abstract & Trust
Witnesses
For Defendant

Filed Oct 2, 1917

James A. Crane,
Register

Hon. James A. Crane, Register in Chancery,
Mobile, Alabama

~~Underlying matters~~
franchises by order
of Court Oct 24 1917
James A. Crane
Register



X L. B. Tennant
Commissioner

X L. B. Tennant
Commissioner

X L. B. Tennant
Commissioner

ELLIOTT G. RICKARBY
LAWYER
1008-1010 VAN ANTWERP BUILDING
MOBILE, ALA.

June 18, 1921.

Mr. Thos. W. Richerson,
Bay Minette, Ala.

Dear Sir:-

ROBERTS vs BUCHMAN ABSTRACT CO. With this Miss
Coley will hand you interrogatories and cross interrogatories
to Mrs. Roberts, which I will ask you to do me the favor to
get off by tonight's mail, with a commission to Mr. Squire
S. Burke, 9233 Commercial Ave., Chicago, Ill., to whom I am
also writing today.

It is important that this should leave at once, as
I would like for this to be in his hands Monday so as to be
returned at once.

Sincerely yours,

Elliott G. Rickarby

EGR/P
3707

Maggie Roberts,

No. 326.

vs.

Buchman Abstract & Investment Co.

In this cause complainant, by leave of the court, withdraws her first motion to modify decree of April 10, 1918.

In term time, April 25th., 1918.

Circuit Court of Mobile County
MOBILE, ALA.
IN EQUITY

No. 326.

Maggie Roberts,

vs.

Buchman Abstract & Ingestment
Co.

ORDER - Complainant

withdraws first motion to modify
decree.

January Term, 1918.

April 25th., 1918.

Ent. Min. No. 2 Page 288

No. 326.

Maggie Roberts.

vs.

Buchman Abstract & Investment Co.

This cause coming on to be heard on this day is submitted for decree on complainant's second motion to modify decree rendered April 10, 1918.

In term time, April 25th., 1918.

Circuit Court of Mobile County
MOBILE, ALA.
IN EQUITY

No. 326.

Maggie Roberts,

vs.

Buchman Abstract & Investment
Co.

ORDER of sub-
mission on motion to modify
decree.

January Term, 1918

April 25th., 1918. 191

Ent. Min. No. 2 Page 588

Mrs. Maggie Roberts, Complainant,

vs. No. 326 in Mobile Circuit Court in Equity .

Buchmann Abstract & Investment Company, defendant.

Now comes the defendant and cross-complainant the Buchmann Abstract and Investment Company, and moves the court to suppress and exclude the deposition of complainant Maggie Roberts upon each ground separately interposed as objections to her being examined as a witness at all upon the direct interrogatories filed to her and on any cross or other interrogatories, which objections were filed August 20th, 1918, and the grounds of this motion to suppress her deposition are as follows :- 1st, she did not comply with the rule of law prerequisite to examining her; 2nd, she did not comply with requirements of law by filing the requisite affidavit for taking her deposition ;; 3rd, she did not comply with the rules for examining a party by deposition; 4th, because she did not make, either herself or her attorney or solicitor or any other agent for her, any affidavit for procuring her testimony by deposition.

Said objections having been so filed as not to waive such defects by crossing the interrogatories addressed to her, the crosses being filed under express saving of right to insist on the objections .

N. B. Leobbs, J. C. Jenkins,
Solicitor for Defendant and cross-complainant.

4

No. 326.

Maggie Roberts,

vs.

Buchman Abstract & Inv. Co.

Defendant's motion to suppress
and exclude deposition of
complainant.

Filed June 14, 1919.

James A. Crane,
Register.

Maggie Roberts

IN RE:
Maggie Roberts
Vs.
Buchmann Abstract
& Investment Co.

CIRCUIT COURT IN EQUITY, BALDWIN COUNTY.

COST BILL.

Commissioners fee, Paul Mozley, Commissioner	\$5.00
Typewriting report answers and interrogatories	1.50
Registering and postage	<u>.16</u>
	\$6.66
Witness fee, John Purifoy, witness.	<u>\$1.50</u>
TOTAL	\$8.16

Paid by C. B. Purifoy

MAGGIE ROBERTS, COMPLAINANT,

VS

BUCHMAN ABSTRACT & INVESTMENT
COMPANY, RESPONDENTS AND CROSS-
COMPLAINANTS.

NO. 326.
IN EQUITY.

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA.

Comes the Complainant and moves the Court to set aside the submission for final decree and the final decree of April 10th heretofore rendered in this cause, for the purpose of permitting Complainant to offer evidence showing that taxes were paid for the year for which the land was sold; Complainant having been prevented from offering such evidence at the time of the hearing because of statements made by the Chancellor during the trial of the cause.

Richie Kirby Austill + Beebe
Solicitors for Complainant.

#326 Ⓢ

MAGGIE ROBERTS,
COMPLAINANT,

VS

BUCHMAN ABSTRACT & INVEST-
MENT COMPANY, RESPONDENTS
AND CROSS-COMPLAINANTS.

MOTION
TO
SET ASIDE SUBMISSION AND
FINAL DECREE.

*Filed May 1, 1918,
James A. Crane,
Registra*

Rickarby & Austill,
Attorneys.

RECORDED
INDEXED

*notice
5/2/18 notice + copy
copy of motion*

MAGGIE ROBERTS, COMPLAINANT

VS

BUCHMAN ABSTRACT & INV. CO.
RESPONDENT.

NO. 326.
IN EQUITY.

IN THE CIRCUIT COURT OF
MOBILE COUNTY.

This cause is submitted on behalf of complainant upon the following:

FIRST. Bill of complaint.

SECOND. Answer ~~to~~ cross-bill.

THIRD. Deposition of P. J. Cooney,

" " *Reuben McCurdy*

FOURTH. Certified copy of the will of Thomas James.

~~FIFTH. Certified copy of tax assessment on land here involved for year 1905.~~

~~SIXTH. Certified copy of tax assessment on land here involved for year 1906.~~

~~SEVENTH. Receipt for taxes of 1908.~~

~~EIGHTH. Receipt for taxes of 1909.~~

~~NINTH. Oral examination of W. O. Beebe, Esq.~~

*Deed from Allen Morris to Maggie Roberts
Objects to admissibility of tax deed
(admissibility)*

*Objections to testimony of Respondents
witnesses taken by deposition
solicitors for complainant.*

Motion to ~~strike~~ overrule respondents

objections to testimony of Cooney

+ McCurdy

NOTE OF EVIDENCE.

No. 326

Maggie Roberts

vs.

Buckmann Abstract & Investment Co.

At the hearing of this cause the following note of evi-

dence was taken, to-wit:

FOR COMPLAINANT.

FOR RESPONDENT.

Agreed facts filed Dec. 13, 1917.

Tax. Dec. of July 9, 1909, from Baldwin County probate Judge to Buckmann Abstract & Investment Co.

Depositions of Joe Reding, A. B. Steadham, Elijah Ard, W. F. Rogers, F. J. Buckmann,

objections to testimony of complainant's witnesses, & motions to exclude same.

Objections to tax receipts & motions to exclude them & affidavit to one of them filed Feb. 5/18.

Objections and motions of Defendant, to exclude following documents, viz - certified copies of tax assessments, probate of will of Thos. James - original Bill and answer to crossbill - deed from Mrs. Morris to complainant -

Attest: James Abame

Register.

Circuit Court of Mobile County

Mobile, Alabama

In Equity

No. 326

Maggie Roberts

Vs. } Note of Evidence

Buchman Abstract
& Investment Co

Read and Filed

Feb 8 1918

James Alane
Register.

Entered Minutes No 2 Page 56

White-Eckert Co., Mobile, Ala.

CIRCUIT COURT OF MOBILE COUNTY
MOBILE, ALA.
Maggie Roberts,

No. 326

VS.

Order - Notice of Motion.

Buchmann Abstract & Investment
Company, a corp. et al.

In this cause, the defendant gives notice of motion to take this case out of the call for March 17, 1919, it is ordered that said motion be set for hearing on March 15th, 1919.

In term time March 14th., 1919.

CIRCUIT COURT OF MOBILE COUNTY
MOBILE, ALA.
IN EQUITY

No. 326

Maggie Roberts,

VS.

Buchmann Abstract & Invest-
ment Company, a corp. et al.,

ORDER - Notice of
Motion.

January Term, 191 9.

March 14th., 191 9.

Ent. Min. 3 Page 356

MAGGIE ROBERTS, COMPLAINANT,)

VS.)

BUCHMANN ABSTRACT COMPANY,)
DEFENDANT.)

NO. 324.

IN THE CIRCUIT COURT OF
MOBILE COUNTY.

It is agreed that the Register publish without
prejudice the deposition of the witness Buchmann of Cullman,
Alabama taken for respondent.

Dated September 13, 1917.

Riskaby Austin Butler
Of Counsel for Complainant

S. C. Jenkins, D. A. Cobb,
Solicitor for Respondent.

No. 326.

MAGGIE ROBERTS,

VS.

BUCHMANN ABSTRACT CO., ET AL.

AGREEMENT TO PUBLISH
DEPOSITION OF BUCHMANN.

FILED SEPTEMBER 12th., 1917.

James A. Crane,
Register.

RECORDED

Crane
REGISTER

EXHIBIT FOR DEPOSITION

326

DEPOSITION OF BUCHMANN

BUCHMANN ABSTRACT CO., ET AL.
MAGGIE ROBERTS
IN THE CIRCUIT COURT OF
NO. 326

RETURN IN 5 DAYS TO
PAGE & MOORER
BAY MINETTE, ALA.

Published without
prejudice by order
of Court Dec 4 1917
James A. Crane
Register

Hon. James A. Crane,

Register in Chancery,

Mobile, Alabama.

James A. Crane
REGISTER

JUL 25 1917

FILED



No. 326

The State of Alabama, Mobile County

Mrs. Maggie Roberts,

Complainant

Circuit Court of Mobile County

No.

vs.

Buehmann Abstract & Invt. Co.,

Defendant

IN EQUITY

The

~~complainant~~

Defendant

requests the oral examination of the following named witness es
on her behalf, viz:

Angus Cooper, H. Van Cooper, Wilton Cooper, Arthur
Cooper, and Walter Cooper,

said witnesses reside in the County of Mobile,
State of Alabama.

G.H. Kruempel, B.A. Carlin, Stephen Carlin

who reside at Mobile, Ala.,

are is suggested as suitable person s to be appointed Commissioner to take the deposition of
said witness es on such oral examination

DTB Cobbs, S.C. Jenkins,

Solicitor for Defendant .

No. 326

Circuit Court of Mobile County

Mobile, Alabama

IN EQUITY

Maggie Roberts,

vs.

*Buchanan Abstract
& Land Co.*

Demand For Oral Examination

Filed *March 12,* 191*9*

James A. Crane,
Register

Com. isid Ⓢ

State of California

} ss.

On this 27 day of June, in the year nineteen hundred and 21, A. D.,

before me, Maurice H. Grensted, a Notary Public in and for

the said County of Los Angeles, State of California, residing therein, duly commissioned and sworn, personally appeared

..... personally

known to me to be the persons described in and whose names are subscribed to the

within instrument, ~~as the attorney in fact of~~

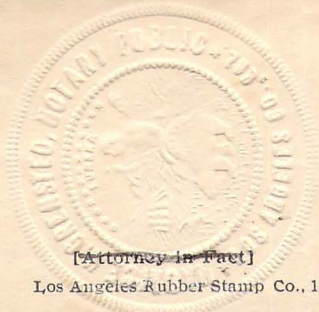
and acknowledged to me that they subscribed the names of

thereto as principal ~~and~~ own name ~~as attorney~~ in fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Maurice H. Grensted

Notary Public in and for Los Angeles County, State of California.



[Attorney in Fact]

Los Angeles Rubber Stamp Co., 131 South Spring St.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that we, MARY DUELL and JOHN P. DUELL, her husband, of Los Angeles, in the State of California, for and in consideration of the sum of One Dollar and other valuable considerations to us in hand paid by MAGGIE ROBERTS of Chicago, in the State of Illinois, the receipt whereof we hereby acknowledge, have granted, bargained and sold, and by these presents do grant, bargain, sell and convey unto the said MAGGIE ROBERTS, her heirs and assigns, the following described real estate, all situated in BALDWIN COUNTY, STATE OF ALABAMA, to-wit:

The East Half of the North West quarter of the North East quarter of Section Twenty-one (21), in Township Six (6) South, Range Four (4) East, containing Twenty (20) Acres, more or less,

together with all the rights and appurtenances to the said premises in anywise belonging: To have and to hold the aforegranted premises to the said MAGGIE ROBERTS, her heirs and assigns forever.

And we, for ourselves and our heirs and assigns, do hereby covenant with the said MAGGIE ROBERTS, her heirs and assigns, that we are lawfully seized in fee of the aforegranted premises; that they are free from all encumbrance; that we have good right to sell and convey the same to the said MAGGIE ROBERTS, her heirs and assigns, and that we will warrant and defend the said premises to the said MAGGIE ROBERTS; her heirs and assigns, forever against the lawful claims and demands of all persons whatsoever.

IN WITNESS WHEREOF, we, the said MARY DUELL and JOHN P. DUELL, her husband, have hereunto set our hands and seals this 27 day of

June, 1921.



X Mary Duell (SEAL)

X John P. Duell (SEAL)

STATE OF CALIFORNIA)
) SS.
LOS ANGELES COUNTY)

I, Maurice K. Grensted, a notary public in and for said County and State, do hereby certify that MARY DUELL and JOHN P. DUELL, her husband, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day, that, being informed of the contents of the said conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 27 day of June 1921.

Maurice K. Grensted
Notary Public.

My commission expires
My Commission Expires November 8th, 1924

STATE OF CALIFORNIA)
LOS ANGELES COUNTY) SS.



I, Maurice H. Grensted, a notary public in and for said County and State, do hereby certify that on the 27 day of June, 1921, came before me the within named MARY DUELL known to me to be the wife of the within named JOHN P. DUELL, who, being examined separate and apart from the husband touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord, without fear, constraint, or threats on the part of the husband.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, this 27 day of June, 1921.

Maurice H. Grensted
Notary Public.

22

Frankery 9/12/21
Prothonotary
Register
Mary Duell
Magnie Roberts

8/9/21
8:00 AM
W.C. Baker
City
Call Sign

THE STATE OF ALABAMA
Circuit Court
JAMES M. VOLNEY
County of Shelby
Shelby County
August 21, 1921
3:30 PM
Magnie Roberts
City

STATE OF ALABAMA,

BALDWIN COUNTY.

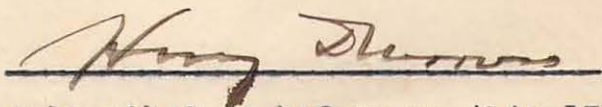
Before me, T. W. Richerson, Clerk of the Circuit Court, Baldwin County, personally appeared Henry D. Moorer, who, being by me first duly and legally sworn doth depose and say:

That he is the commissioner named in that certain commission issued out of the Circuit Court, Equity side of Baldwin County, Alabama, dated June 20th, 1921 in the case of Maggie Roberts vs Buchmann Abstract and Investment Co., That the said testimony was taken as directed in the said commission on the 20th day of June, 1921, except the testimony of Reuben McCurdy, James M. Voltz and G. W. Humphries and that the testimony of P. J. Cooney and Isadore Wolf was held by me, Henry D. Moorer, as Commissioner under an understanding that the testimony of the other witnesses not taken at this time could be taken later.

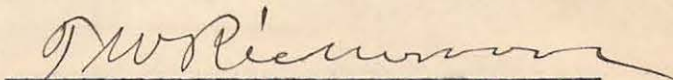
That I knew nothing about the order of the Judge of the Court limiting the time within which to file the testimony or would have filed same in due time for the testimony has been in my possession the entire time and had it not been for the understanding the testimony would have been filed at once; That it is not the fault of any attorney connected with this case that the testimony was not filed and was held by me as has often been done in the same manner before. That no attorney told me not to file the testimony but the impression was created that there was no special reason nor was there any desire to have the testimony filed by a certain time.

The commissioner, Henry D. Moorer, not knowing about the time limit placed by the court is entirely and solely at fault for not filing the testimony as order by the court.

Dated at Bay Minette, Alabama, this 13th day of August, 1921.



Sworn and subscribed to before me this 13th day of August, 1921.


Clerk Circuit Court, Baldwin
County, Alabama.

STATE OF ALABAMA, }
MOBILE COUNTY. }

Before me, Leila C. Harris, a Notary Public in and for said State and County, personally appeared this day Elliott G. Rickarby, who, being sworn, says that he is of Counsel for Complainant in the case of Maggie Roberts vs Buchmann Abstract & Investment Company now pending in the Circuit Court of Baldwin County; that on June 25th., there was delivered to his residence, in his absence, a special delivery letter from Squire S. Burke, the Commissioner named to take Mrs. Roberts' deposition, and on opening this that night on his return he found it to contain the testimony of that lady, taken before him as Commissioner, and which said Commissioner, through misunderstanding, sent to Affiant; that Affiant, on the morning of June 26th., returned this deposition at once to Mr. Burke in Chicago, with explicit directions to send it to the Register of the Circuit Court at Bay Minette, under proper cover; that this was done, so that it was through the mistake of the Commissioner that the papers were not in Court within the thirty days in which Complainant was supposed to take her testimony in chief, and was not due to lack of diligence on part of Complainant's Counsel.

Elliott G. Rickarby

Suscribed and sworn to before me on this the thirteenth day of August, 1921.

Leila C. Harris,
Notary Public Mobile County, Alabama.

Maggie Roberts

Complainant

No. 526. VS.

⁴⁰
In the Circuit Court
of Mobile County
In Chancery, at Mobile, Ala.

Buchmann Abstract
& Insurance Co.

Defendant

In Equity.

The complainant

request the oral examination of the following named witness
on her behalf, viz:

O. J. Cooney
Robert M. Curay
Abraham H. Curay
G. W. Humphries

said witness reside in the County of Baldwin
State of Alabama.

Henry D. Moore Esq.

who reside at Bay Minette Ala.

is suggested as a suitable person to be appointed Commissioner to take the deposition of
said witness on such oral examination

Rickaby Austill Beebe

Solicitor for Complainants

No. 326

IN CHANCERY

At Mobile, Alabama

Maggie Roberts

VS.

Buchmann Abstracts and

Investments, Inc.

Demand for Oral Examination

Filed *June 13* 191*7*

James A. Crane,

REGISTER



commenced

RECORDED

Crane
REGISTER

[Faint handwritten notes and signatures on the left margin]

[Faint handwritten notes and signatures in the center margin]

[Faint handwritten notes and signatures on the right margin]

RECORDED

Maggie Roberts
vs
Buchanan Abstract &
Investment Co.

NO 326
In Equity
In the Circuit Court of
Mobile County.

The complainant notes the following objections to the testimony of F. J. Buchanan, a witness for Respondent:

1. To statements made to W. S. Rogers, page 1, because same is incompetent as statements made by witness to third party not in the presence of complainant.
2. To all references to contents made with Rogers as incompetent, irrelevant and immaterial.
3. To all statements made as to actions of Rogers on the land in question as being hearsay and not based on the personal knowledge of the witness.
4. To all statements made in letter of Rogers as being hearsay.
5. To all statements made by witness as to what was done as to acts of possession, as same show on their face to be hearsay and not made from the personal knowledge of the witness.
6. To each and every exhibit attached to witness's testimony, because incompetent, irrelevant, inadmissible and hearsay.
7. To the following parts of the testimony of the witness W. S. Rogers:
 8. To all statements made to him by F. J. Buchanan because same are hearsay and not made in the presence of complainant.
 9. To all statements made by witness to Buchanan because not made in the presence of complainant.
 10. To that part of the statement of Elijah Aard which says that he saw wire on the land as it does not state what part of the land the wire was on.

The the statements that Melon got some cypress
to F. Rogers as being hearsay. Particularly attached Buchanan's

The State of Alabama==Mobile County

Maggie Roberts,

vs.

Buchanan Abstract & Investment Co.

CIRCUIT COURT
IN EQUITY

TO Squire J. Burke
923 1/2 Commercial Ave.,
Chicago, Ill.

Esqrs. Greeting:

KNOWN YE, That we in confidence of your prudence and fidelity, have appointed you, and by these presents do give you ~~or any one of you~~, full power and authority to take, the deposition of

Maggie Roberts

witness on the part of

Compt.

in the above entitled cause, and therefore we command you ~~or any one of you~~, that at such time and place, or times and places, as you may appoint, you do cause the said witness to come before you, ~~or either of you~~, and then and there examine *her* on oath, on the interrogatives and cross-interrogatives annexed. And that you, ~~or either of you~~, do take such examination, and reduce the same into writing, and return the same annexed to this Writ, closed up under your seals, ~~or the seals of any of you~~, into our said Circuit Court, with all convenient speed, that the same may be read in evidence on the trial of the cause aforesaid.

WITNESS, JAMES A. CRANE, Register of our said Court, at office,

this

7th

day of

January

A. D. 1919,

Attest:

James A. Crane,

Register.

TO THE COMMISSIONER

In executing the within commission, you will please be particular in observing the following rules: Your certificate must show that you caused the witnesses to come before you at some specified time and place, or times and places, that said witnesses are known or have been made known to you, and that they were duly sworn by you; that they testified as it is set down; that the testimony was by you reduced to writing, and that it was subscribed by the witnesses in your presence after having been first read over to them. And further, that you are not of kin nor of counsel to either party to the suit and that you are not in any manner interested in the result thereof. All the papers returned by you should be attached together, all enclosed in an envelope; the envelope should be sealed up by you, and across the seals of the same you should write your name or names. The title of the case must be endorsed on the outside of the envelope; also the names of the witnesses examined, and whether for the complainant or defendant. On the commission itself must be marked the amount of your fees, and if paid, by whom. The package should then be directed to the Register Circuit Court, Mobile County, Mobile, Ala.

No. 326.

CIRCUIT COURT, Mobile County
IN EQUITY

Maggie Roberts,

VS. } Commission to take Testimony
on Interrogatives
Buchanan Abstract
& Investment Co.

Witness for Compt.

Commissioner's Fees.....
Paid by.....

James A. Stone
Register

Feb 20 1910

Published by Order of Court

Filed Jan 23, 19
James A. Stone,
Register.

MAGGIE ROBERTS,
Complainant,

vs.

BUCHMANN ABSTRACT AND
INVESTMENT COMPANY,
Respondent.

NO. 326
IN EQUITY

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA.

Complainant objects to the admission, as evidence,
of the affidavit of H. Van Cooper presented in support of
motion to exclude receipt for taxes of 1906 upon the
grounds:

- (1) That said affidavit is ex parte testimony.
- (2) That the court upon prior hearing of the
cause has ruled that said affidavit was in-
admissible.
- (3) Because said affidavit is not the proper mode
of presenting the proof to be made.

Wm. Lacey, Drazin & Beuler

Solicitors for Complainant.

70326

MAGGIE ROBERTS,
Complainant,

vs.

BUCHMANN ABSTRACT &
INVESTMENT COMPANY,
Respondent.

NO. 326
IN EQUITY

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA.

Complainant's Objections to
Affidavit of H. Van Cooper.

FILED

Jan 9, 1920

James Albane
Notary

Rickarby, Frazer & Beebe,
Attorneys.

Maggie Roberts,

vs

Fuchmann Abstract & Investment Co

Comes now the respondent and moves to exclude the depositions of P. J. Cooney and I Wolf, seperately and severally upon the ground that it each of them was not filed in the time fixed by order of court. *2nd De Cooney legal notice of the taking of same in evidence was not given*

Handwritten notes in left margin, including names like 'P. J. Cooney' and 'I. Wolf'.

Handwritten notes in center margin, including names like 'Jesse F. Hogan' and 'J. C. Jenkins'.

Jesse F Hogan
J C Jenkins

Solicitors for Respondent

MAGGIE ROBERTS, COMPLAINANT)
VS)
BUCHANAN ABSTRACT & INVESTMENT)
COMPANY, DEFENDANTS.)

NO. 326.
IN EQUITY.

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA.

RE-DIRECT INTERROGATORIES.

If you state in your answer to cross-interrogatories that you recently received the paper attached as an exhibit from your solicitors in Alabama, state whether or not it was ever in your possession before, when you parted with it, to whom you sent it and for what purpose did you part with it? What were your directions with reference to it? Was such paper not in your custody from the time received from tax collector of Baldwin County, Alabama, until you sent it to your agent or attorney for the purpose of this suit?

Oliver L. Austin & Buss
Solicitors for Complainant.

No. 326.

Maggie Roberts,

vs.

Buchman Abstract & Investment
Company, et al.

RE-DIRECT INTERROGATORIES.

Filed September 5th., 1918.

James A. Crone

Register.

James A. Crone

CERTIFICATE OF JUDGMENT.

THE STATE OF ALABAMA. }
BALDWIN COUNTY. }

Baldwin county a political
subdivision of the state of
Alabama.

PLAINTIFF

VS.

Henry H Cooper and the United
States Fidelity and Guaranty Company a
Corporation

DEFENDANT S

IN THE
CIRCUIT COURT
OF
BALDWIN COUNTY.

I, T.W. Richerson, Clerk of the Circuit Court, in and for said
County and State, do hereby certify that on the 25th day of March 1919
a judgment was rendered by said Court in the above stated cause, wherein
Baldwin county a Plitical subdivision of the state of Alabama,

was Plaintiff

and

Henry H Cooper and the United States Fidelity and Guaranty
Company, a Corporation.

was Defendant

in favor of the said Plaintiff and against the said Defendant for the sum of
Five thousand twenty four and 37/100 (\$5024.37) Dollars,
and also the sum of one hundred fifty two and 60/100 (\$152.60) Dollars,
costs of suit, and that

Ervin and Mc Alger and Oscar Hall were the attorneys of record for Plaintiff
in said Cause.

Witness my hand this 27th day of December 1919

T.W. Richerson Clerk.

#29030

31

No. 170 326

THE STATE OF ALABAMA.
BALDWIN COUNTY.

CIRCUIT COURT

Baldwin county a political
subdivision of the State of
Alabama.

Recd Aug 6th 1921
T. McKeown
Register

vs.

Henry H Cooper, and the United
States Fidelity and Guaranty Company
a Corporation.

FILED

Jan 9, 1920
James Albane
Register

BALDWIN TIMES PRINT.

Copy of judgment against Cooper

5:00 charge ✓

No. 326.

Maggie Roberts,

VS.

Buchman Abstract & Investment Co.

This cause coming on further to be heard upon defendant's motion to strike motion to set aside the order of submission and modify decree rendered April 10, 1918, in this cause, and being submitted and duly considered by the Court it is ordered adjudged and decreed that said motion to strike be and hereby is refused. Of which ruling of the Court defendant excepts.

In term time, May 9th., 1918.

CIRCUIT COURT OF MOBILE COUNTY
MOBILE, ALA.
IN EQUITY

No. 326.

Maggie Roberts,

VS.

Buchman Abstract & Investment
Company.

ORDER refusing

motion to strike.

January

Term, 191 8

May 9th., 1918.

191

Ent. Min. *2*

Page *618*

MAGGIE ROBERTS,
COMPLAINANT,

VS

BUCHMANN ABSTRACT &
INVESTMENT CO.
RESPONDENT.

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

FIRST: Comes now the respondent and cross complainant and objects to the original deed from Simon Brewton and wife to Ray Brewton, dated January 12, 1900, and recorded in Deed Book 2, pages 416-417, Probate Records, Baldwin County, Alabama, upon the following separate and several grounds:

1st. Said deed is irrelevant, illegal, and immaterial.

2nd, Said deed was not offered in evidence within the time prescribed by the order of court governing submission and taking of evidence in this cause.

3rd, Because the acknowledgement does not purport to be under the official seal of the officer taking said acknowledgement.

4th, Because it does not appear that the person purporting to take the acknowledgment of the grantors in said deed was an officer duly authorized to take said acknowledgement.

5th, Because it does not appear that the official seal of the person purporting to take said acknowledgement is affixed thereto.

legal notice of introduction of said instrument was given to respondent.
The respondent and cross complainant moves to exclude said deed upon the separate and several grounds assigned by way of objection thereto.

SECOND: The respondent and cross complainant objected to the introduction in evidence of that deed purporting to be executed by Ray Brewton and Ellen Brewton, his wife in favor of Thomas S. James, dated the 26th day of December, 1900, and recorded in Deed Book, 3 N.S., pages 327, 328, Probate Records, Baldwin County, Alabama, upon the following separate and several grounds:

1st. Said deed is illegal, irrelevant, and immaterial.

2nd, It does not appear that the grantors had title to the property described therein, or that they were in possession thereof.

3rd, Said deed was not offered in evidence within the time prescribed by order of court governing the submission of

Admitted overruled

overruled

to be the deed executed by Mary Duell and John P. Duell, her husband, in favor of Maggie Roberts, dated the 27th day of June 1921, and recorded in Deed Book 32 N.S. pages 7 & 8, Probate Records, Baldwin County, Alabama, upon the following separate and several grounds:

1st, Said deed is illegal, irrelevant, and immaterial.

2nd, It does not appear that the grantors named therein did ~~not~~ have the legal title to the lands described therein.

3rd, It does not appear that the grantors named therein had possession of the lands described therein at the time of the execution and delivery of said deed.

4th, Said deed purports to have been executed after the filing of said suit.

5th, It does not appear that the acknowledgement of the grantors was taken by a person duly authorized to take said acknowledgement.

6th, The official seal of the purported officer who took said acknowledgement does not appear to have been affixed to said acknowledgement.

7th, Said deed was not offered in evidence within the time prescribed by the order of court governing the submission of said cause, and the offering of evidence therein.

8th, Due notice of the introduction of said deed was not given to respondent & introduction of said deed.

Respondent and cross-complainant now moves to exclude said deed from evidence upon the same grounds reserved by way of objection to ~~said~~ the introduction of said deed in evidence.

Jesse F. Hogan

J. C. Jenkins

Solicitors for Respondent and
Cross-complainant

The State of Alabama, }
MOBILE COUNTY.

CIRCUIT COURT OF MOBILE COUNTY
IN EQUITY

To ~~Sz~~ ~~J. C. Jenkins and D. B. Cobbs,~~

Greeting :

You will please take notice, that in a certain cause pending in the Circuit Court of Mobile County at Mobile, Alabama, Equity side, wherein

~~Maggie Roberts is~~

Complainant, and

~~Buchman Abstract & Investment Co.~~

Defendant, a motion has been ~~made by the/~~ filed by the complainant to set aside for ~~submission and final decree~~

a copy of ~~said motion~~ will be herewith served upon you ; and that said motion will be heard by the Hon. ~~Claude A. Grayson,~~ a Judge of said Court on the ~~4th.~~ day of ~~May~~ A. D., 19~~18~~, at 9.30 o'clock, A. M.

WITNESS, JAMES A. CRANE, Register of said Circuit Court, at office, this ~~2nd.~~ day of ~~May~~ A. D. 19~~18~~.

James A. Crane

Register

Sheriff's Return

Received this the 3 day of May 1918, and on the 3 day of May 1918, I served a copy of the within notice of hearing motion, and also a copy of the _____ as furnished me by the Register, on D. B. Abbs

W. H. Leake Sheriff of Mobile County,
By W. H. Leake D. S.

111
No. 326

CIRCUIT COURT OF MOBILE COUNTY.
IN EQUITY.

Maggie Roberts

vs. Notice of Hearing Motion

Burchman Abstract & Drm Co

Issued... 2 day of May 1918

RECORDED
County Register