

incompetent and immaterial.

A In my opinion, the signatures on 4909 and 4910 were the same as that on 4906 and 7.

Q Now, will you turn further back to 4971 and 4973, 74 and 76?

A That is six and seven you are comparing with?

Q Yes, sir.

A In my opinion, those were written by the same party.


BY MR. JENKINS:

Respondent interposes the same objections to the introduction of these particular receipts as heretofore made to the introduction of the book of receipts; and on the further ground that the testimony of the witness shows that it was written by more than one person, and is not for that reason the same hand.

Q Now, will you please compare 4979 and 4903 and 4 and state whether, or not, they are written by the same hand?

A In describing these, I think it well to say the duplicate of receipt. The duplicate of the receipt numbered 4979 was signed by the same party who signed the duplicate of receipts numbers 4903 and 4904.

Q Mr. Rosson, will you look at that paper that I hand you, which bears the signs of having been wet, and is on a printed blank, which has printed at the top "Assessor's Book for 1906, Taxes for 1906, State of Alabama, Baldwin County", and which appears to be a tax bill addressed to Mrs. Mary James, - please note the signature "H. H. Cooper" at the bottom of this, and state whether, or not, in your opinion, it was written by one or the other of the two men whose signatures you have just discussed, and if so by which?





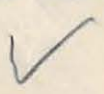
BY MR. JENKINS:

The same objections as heretofore made to the introduction of the book of receipts, the Respondent makes to the introduction of this purported tax bill for the year 1906; and on the further grounds, first, that it has not been introduced in evidence; second, on the ground that it is offered merely for the purpose of comparison with extraneous matters not in evidence heretofore in the case; and on the further ground that it has markings of having been torn and pasted together, and for ought it appears from the bill, it may be parts of two bills, one for some year prior to the tax year 1906, with the name H. H. Cooper written on it as Tax Collector of Baldwin County torn off and appended or pasted on tax bill for the year 1906; and on the further ground that the same appears to be mutilated and bears on its face all the ear marks of incompetent evidence.

A In my opinion, the signature on the paper just described was written by one of the two whose signatures appear on the duplicate/<sup>tax</sup>receipts record heretofore referred to; and it is further my opinion that the signature on the paper submitted was written by the same party who signed the duplicate receipt on Number 4979 contained in the book referred to.

Q Mr. Rosson, have you made a careful comparison of this signature, the disputed one on the receipt, and the acknowledged one in the book, before rendering your opinion?

A Yes, I have made a careful comparison of this signature on the paper, the tax bill, with the signatures contained in the book.





Q Now, will you state upon what features of the two signatures you particularly base your conclusion?

BY MR. JENKINS:

Respondent objects to the question, and also to the prior one, speaking of comparison of the signatures, on the ground that the evidence is incompetent and irrelevant, and is contrary to the law of evidence of submitting different writings having no connection with the matter at issue, being submitted purely for the purpose of comparison; also, upon the further ground that none of the papers testified to by the witness, either the disputed receipt, or the receipts in the memorandum or stub book are ~~not~~ in evidence in the case; and on the further ground that the witness has not shown to have any knowledge of the handwritings of the parties who signed the receipts testified to.

A Upon a close comparison of the signature shown on the bill, with that shown on the duplicate receipt book, following out the outlines of the two signatures, and based upon my knowledge of penmanship and handwriting, I find that in the main the same characteristics exist in the signature on the tax bill with that shown on 4979. There is this difference, however, the signature on the duplicate tax receipt was written with pencil, the carbon showing the impression, and, therefore, being heavy, - while the signature on the tax bill was written with a pen. In my opinion, the signature on the duplicate tax receipt book was written by the man when sober, - the signature on the tax bill was written by the same man when in a condition of inebriety or some other mental condition that disturbed his sight



and the faculty of controlling his fingers with a pen.) The beginning stroke on the first "H" in the tax bill differs somewhat from the first stroke on the duplicate tax receipt. The "C's" have the same general characteristics. The double "o" are somewhat similar. The "p" is similar, except that in the tax bill it has more of a slant, and the "e" and "r" look very much alike. It will be noted that on duplicate receipt No. 4925, the signature on the tax bill, with the exception of the two "H's" is very similar to that on the duplicate of the tax receipt. My scrutiny reveals the further fact that the tax bill was written out by one of the two parties, the one whose writing is shown on receipt 4905 and receipt 4906, while, in my opinion, the signature is that of the party who wrote No. 4979.

BY MR. JENKIN

Respondent makes the same objections to the testimony, as testified to by the witness as to the signatures, that he made on the introduction of the stub book; and on the further ground that the signatures offered as standard in said stub book out of which he has testified are not shown to be the genuine signatures of any one person or persons, nor prove a sufficient exactness as to be offered as standard by which to compare the disputed tax bill for the year 1906 referred to by him in his testimony; and Respondent moves that all the evidence that the witness has testified to about the mental condition of H. H. Cooper, or other person who might have signed his name, be excluded, on the ground that it is improper to introduce

2



evidence that may prejudice the Court or Jury on any matters, when other means are obtainable or available, and that said statement is a mere conclusion of the witness, and has no relation or bearing upon the question of expert testimony of the signature therein involved.

Q Have you any personal experience of a variation in signatures as wide as between the two just discussed by you due to difference in conditions under which written?

A Yes, sir. Sometime ago I sustained a severe accident, consisting of a fractured ankle, and several days later attempted to write my signature on a check while in a state of pain, and the signature, while showing in some particulars the same characteristics, was so decidedly different from my usual signature that I cancelled the check, and a few days later was able to write my signature so correctly as to obviate any possibility of it being disallowed by the Bank. I was in such a nervous condition, due to the pain, that I was unable to write my signature in the usual manner.

CROSS EXAMINATION  
By Mr. Jenkins.

Q You do not know, as a matter of fact, of your personal knowledge, who signed that purported receipt there?

A No, sir, I have no personal knowledge of the identity of either or any of the purported signors.

Q Either of the carbons of receipts testified to or of the tax bill purported to be signed "H. H. Cooper"?

A No, sir.



Q You did not know Mr. H. H. Cooper during his life time?

A No, sir, I do not recall ever having known him.

Q You were not ever in his office?

A No,-- he was Tax Assessor at Bay Minette?

Q Yes?

A No, I have never been in his office.

Q And had no correspondence with him that you can recall?

A No.

Q And in your testimony, what you testified as to his signature was on comparison with the bill as shown by the Attorney for the tax year 1906, and these carbon duplicates made in this tax book?

A Yes, my opinion was based upon comparison, aided by my expert knowledge of handwritings, and from my experience as an expert.

Q Now, you said, though, in your testimony that it is possible for a man's signature to change with his mental or physical condition, is that right?

A It is not only possible, but from my own experience I know it to be an actual fact. What I mean by changing, is that this change will make the signature appear entirely different, but a close expert scrutiny will disclose certain fixed peculiarities to them that will not be disturbed, while, as a whole, they look entirely different. There are certain features about them that cannot be changed as long as they can handle a pen.

Q It is also possible that a signature can be feigned or copied?

A It is not only possible, but it is frequently the case that signatures are forged; but I will say this, that in all of my

✓



experience in the examination of what were charged to be forged signatures, there was a more perfect attempt made to imitate than there appears to have been made in this signature. I would state it as my opinion that that signature on the tax bill, in my opinion, was not an attempt made by someone to forge the signature on the carbon.

Q It is also possible that a man's signature changes on account of mental or physical condition?

A Yes, sir, a mental or physical condition<sup>x</sup> different from that condition in which he was at the time he signed the signature.

Q And it is also possible that the signature of H. H. Cooper in the year 1906 might have been different from his signature in 1907, if he was laboring under one of those conditions?

A Yes, indeed. There is this difference, however, Mr. Jenkins. If a man's hand writing varies by reason of sickness or ill health, or nervousness, it becomes worse instead of becoming better as it goes on, while in this case these signatures that I have examined, dated in 1907 and 1908, are clearer and firmer than that contained in this bill.

Q The signatures in 1907 and 1908 are clearer and firmer than the one contained in this tax bill for 1906, and you have already explained the great difference in the two signatures, by giving as your opinion that the man who signed H. H. Cooper to the tax bill was either drunk or suffering from some physical or mental affliction at the time he wrote the signature?

A I would like to state a little more clearly that he was

✓



suffering from some mental nervous dis-order at that time, that is, some temporary dis-order.

Q That is the only explanation you have for the remarkable difference between the signatures in this purported tax book, and the signature of H. H. Cooper on the tax bill?

A It was due to some temporary nervous dis-order.

Q As a matter of fact, the signature on the carbon testified to, on one of the carbons testified to, is in an up-right, free, easy and legible hand,- that is right, isn't it?

A Yes.

Q And the signature on this tax receipt shows a nervous, broken down, fallen, and illegible hand, does it not?

A Yes.

Q A very inferior writing to the one in the duplicate,- that is patent on its face?

A Oh, yes.

Q You explained that?

A Yes, and, of course, if you like---

Q I am just taking your own statement about it?

A I was going to say--

Q I think you brought all that out in your first statement, but I want to get it clearly in the record, the way I understand it?

A Yes, sir.

Q I believe you stated you do not know whether those writings are genuine, or not, and that all you stated was by comparison?

A Yes, sir, by comparison.

✓



Q You spoke of working in a bank once, and that you had the occasion to examine signatures,- how long has it been since you worked for the Bank of T. P. Miller & Company?

A It has been forty-five years since I left the bank. I will state further, that for the last twenty-two years I have been a Bank Examiner, and have examined, scrutinized and passed on signatures of customers on the papers and checks of the bank, and notes of the bank, so that I am thoroughly familiar with the question.

Q But, isn't your special duties as accountant more with studying account, and correcting and scrutinizing accounts, than that of scrutinizing signatures,- isn't it a fact that you are paid for that, and that is what you are hired for?

A Yes, but my duties do not end there. My duties are not simply to add up the figures and ascertain the correctness of the accounts, but to detect and ferret out irregularities, and in that capacity I have had on a number of occasions had to compare signatures and ascertain their genuineness, the same as we are now doing.

RE DIRECT EXAMINATION  
By Mr. Rickarby.

Q In the course of your experience as Bank Examiner, have you had occasion to investigate any considerable number of forgeries?

BY MR. JENKINS:

Respondent objects to the question whether the party whose signature appears on this tax receipt looked like a forgery, or not, or having the appearance of a forgery, on the ground that it calls for irrelevant, immaterial and incompetent evidence;



and on the further ground that it calls for the opinion and conclusion of the witness, not as expert testimony, but as mere his/belief about what someother person would or would not do.

And on the further ground that none of the specimen of forgeries testified to by the witness have been offered in evidence, and is merely his statement as to his experience in some matters past remote, irrelevant and immaterial of the matters in issue in this case.

A No, comparatively few, but I would say that those I have pronounced forgeries have been proven to be such.

Q Well, is it, or not, your experience that a person attempting to forge a signature endeavors to follow the correct signature with particularity and special care?

A Yes, on all of the signatures that I have compared, and which have proven to be forgeries, great care appears to have been exercised in following the signatures. In some instances it was so close that nothing but a magnifying glass or the camera would show the difference in it.

Q In your opinion, would anyone attempting to forge Mr. Cooper's signature make as clumsy an effort at the genuine signature as that appears to be?

A I should say not.

NOTE: Objection to first-redirect question is understood as interposed to each subsequent one.

Grant Ross



C E R T I F I C A T E.

a Notary Public, and  
I, C. A. Strain, the Commissioner named in the  
attached agreement between Counsel, do hereby certify that in  
a certain cause pending in said Court, wherein Maggie Roberts  
is the Complainant, and Buchmann Abstract & Investment Company  
is the Respondent, under and by virtue of the power conferred  
upon me by said agreement between Counsel, I caused the said  
George T. Rosson, who is known to me and who is known to me  
to be the identical witness named in the attached agreement  
between Counsel, to come before me at the time and place  
hereinafter named, that is to say, I caused the said George  
T. Rosson to come before me at his residence, at No. 1003  
Palmetto Street, in the City of Mobile, Alabama, at three  
o'clock in the afternoon of June 14, 1921; that said witness  
was first duly sworn by me as stated; that he was then examined  
by E. G. Rickarby, Esq., Attorney for the Complainant, and  
cross-examined by S. C. Jenkins, Esq., Attorney for the Res-  
pondent, and testified in response thereto as it is herein  
above written; that his testimony was by me reduced to writing  
as given by him and as near as might be in the identical  
language of the said witness.

I further certify that I am not of Counsel or of kin  
to any of the parties to the cause and am not in anywise  
interested in the result thereof.

Witness my hand this the 15th day of June, A.D., 1921.



*C. A. Strain*  
Commissioner and Notary Public.



IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

MAGGIE ROBERTS,  
Complainant,

-VS-

BUCHANAN ABSTRACT &  
INVESTMENT COMPANY,  
Defendants,

Comes the complaint in the above styled cause  
and files this application for oral examination of the  
following named persons as witnesses for the complaint:  
E. J. Cooney, Reuben McGurdy, Isadore Wolf, James M. Voltz  
and C. W. Humphries.  
Complaint suggest Henry D. Hoover, Esq. of Bay  
Minette as a suitable person for appointment as commissioner.  
This the 16th day of June, 1921.

Richard, Strick

Solicitors for complaint.

Received copy of program  
from 16th day of June, 1921  
8 a.m. in city for  
reporter



MAGGIE ROBERTS,  
Complainant,

-vs-

BUCKMANN ABSTRACT &  
INVESTMENT COMPANY,  
Defendants,

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

TO S. C. JENKINS, ESQ.

Notice is hereby given you that Complainant has  
this day filed an application for oral examination of the  
following named persona as witnesses for her in the above  
styled cause: P. J. Cooney, Reuben McCurdy, Isadore Wolf,  
James M. Voltz and G. W. Humphries.

And Complainant has suggested Henry D. Moorer,  
Esq. as a suitable person as commissioner.

*Richard Beebe*  
Solicitors for Complainant.

*Received copy of foregoing notice  
this June 16, 1921,*

*S. C. Jenkins  
Jolly Respondent*



THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

To Hon. Henry D Moorer,

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commission-  
and by these presents do authorize you, or any one or more of you, at such time and place as you may appoint,  
to call before you and

James M. Voltz and G.W. Humphries,

vs. Gurdy, Isidore Wolf,

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

Maggie Roberts,

Complainant

and Buchmann, Abstract and Investment Co.

Respondent,

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

Witness 20th, day of June, 19 21

*[Handwritten Signature]*

Register.



**DIRECTIONS FOR EXAMINATION OF WITNESSES UPON INTERROGATORIES.**

1. If the time and place of executing the Commission are named therein, or in a notice appended thereto, the testimony must be taken at the time and place designated; if no time and place are designated, the Commissioners will call the witness before them at such time and place as they may appoint, and administer to him an oath to speak the truth, the whole truth, and nothing but the truth, in answer to the interrogatories to be propounded to him. The time and place of examining witnesses should be stated in the caption of the deposition.

2. The caption and deposition should be as follows:

THE STATE OF ALABAMA, }  
 .....County. }

Deposition of Richard Howe, a witness sworn (or affirmed, as the case may be) on the ..... day of ..... 19....., at ..... in said State and County, under and by virtue of a commission issued out of the.....

Court of..... in a certain cause therein pending between James Jones, the plaintiff (or complainant), and Samuel Young, defendant (or respondent). The said Richard Howe, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, doth depose and say as follows:

To the first interrogatory he saith: (Here write the answer of the witness as nearly as may be in the language of the witness, using the first person where he uses it).

To the second direct interrogatory he saith: (Write the answer to this interrogatory, and all others, as directed above).

If there are cross or rebutting interrogatories, go through with them in the same manner, thus:

To the first cross interrogatory he saith, etc.

To the second cross interrogatory he saith, etc.

To the first rebutting interrogatory he saith, etc.

Neither party should be permitted to put to the witness, during his examination, any verbal question or suggestion; and if anything of the kind is done by either party, the Commissioner should write it down in the deposition just as it occurred.

The testimony may be written down by any one or more of the Commissioners, by the witness himself, or by any disinterested third party in the presence of the Commissioners, and be read over to the witness if he desire it, and must be subscribed by him.

3. The Commissioners must then add their certificate, as follows:

We, (or I, if only one acts), the undersigned, Commissioners in said commission named, hereby certify that we are not of counsel or of kin to any of the parties to this cause, nor in any manner interested in the result thereof; that we are personally acquainted with said witness, J—K—, and know him to be the identical person named in said commission (or have had proof made before us of the personal identity of the witness, and that he is the identical person named in said commission); that he was sworn and examined as above stated; and that his evidence was taken down, as near as might be, in his own language, and was subscribed by him in our presence on the..... day of..... 19....., at the place above stated.

[L. S.]

[L. S.]

E. F.

G. H.

Commissioners.

If the Commissioners are not personally acquainted with the witness, they must have proof made before them that he is the identical person named in the commission, and so certify.

If the witness claims for his attendance, the Commissioners should state in their certificate the number of miles traveled, the number of days the witness attended, ferriage paid, if any, etc.

4. If any exhibits, writings, or papers are produced and used as evidence by the witness, they shall be annexed to the deposition to which they relate, and shall be identified by suitable letters or marks.

If the testimony cannot be taken in one day, the Commissioners, noting the same, may continue from day to day until completed.

5. The Commissioners will fold the depositions, commission, interrogatories, and exhibits, in a packet sealed with three seals. They will write their name or names across each seal, and direct thus:

Mailed the..... day of..... 19.....

A B

vs.

C D

Depositions of J K and L M

E. F.

G. H.

To (give name and style of Clerk, Register, or Judge of Probate, as the case may be),

.....County, Alabama.

If sent by private conveyance, should be endorsed: "Forwarded by R A, the..... day of..... 19..... The package must be delivered to the officer to whom it is directed. The person bringing the deposition will be required to take an oath that it has not been opened or altered since he received it.

The Commissioner must return the commission.

16

No. ....

THE STATE OF ALABAMA, County. Baldwin

CIRCUIT COURT, IN EQUITY.

Maggie Roberts,

Complainant

vs.

Buckmann Abstract & Investment. Co.

Defendant

COMMISSION TO TAKE DEPOSITION ON INTERROGATORIES.

COMMISSIONERS:

Hon. Henry D Moore.

WITNESSES:

P. J. Cooney, Reuben RedCurdy, Issadore Wolf, James M. Voltz and G. W. Humphries.



MAGGIE ROBERTS,  
Complainant

VS.

BUCHMANN ABSTRACT &  
INVESTMENT COMPANY

No. 251 IN EQUITY  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

The depositions of F. J. COONEY, I. WOLF, and J. M. VOLTZ, witnesses for Complainant. The said witnesses having been by me first duly sworn, upon examination by E. G. Rickarby, Esq., one of the solicitors for Complainant, and S. C. Jenkins, Esq., of counsel for Respondent, testified as follows:

P. J. COONEY

Q. Mr. Cooney, do you know the land formerly known as the James Tract, being the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  and the W $\frac{1}{2}$  of the NE $\frac{1}{4}$ , Section 21, Township 6S, Range 4 East in Baldwin County, Alabama? Ans. Yes, Sir.

Q. Mr. Cooney, do you know the general lines of this land?

A. Yes, sir.

Q. How long have you known it?

A. I have known it about sixteen years.

Q. Did you know Mrs. Mary James, now deceased?

A. Yes, sir.

Q. Was she, or not, living on this land when you knew her?

A. She was.

Q. Is she living now?

A. No, Sir.

Q. About when did she die?

A. I do not know exactly. I suppose it has been at least fifteen years ago.

Q. Did you know her daughter, Mrs. Maggie Roberts?

A. Yes, Sir.

Q. Do you remember when she left Baldwin?

A. Yes, Sir. I cannot be sure of the exact date, however.

Q. Did she live on that land up to the time she



✓

went away?

A. Yes, Sir.

Q. When she left, who did she leave in charge?

Mr. Jenkins: I object to that question as to whom she left in charge because, First, it calls for the opinion of the witness and Second, it is a conclusion of the witness.

A. She told me to look after the property for her.

She did not tell me to take any particular charge.

Q. Did you, or not, ~~usually~~ keep a supervising eye on that property?

A. Yes, SIR. I visited the place occasionally.

Q. In your visits between 1905, when she left, and 1912-1913, was anybody occupying the place?

Mr. Jenkins: I object to the question. First, it is leading as witness states he don't know when Mrs. Roberts left. Second, it is a conclusion of the witness.

A. There was nobody occupying the place during my visits.

Q. Did you see at any time any signs of any one occupying or being in possession of the place?

A. All I saw was a strand of barbed wire stretched around the place. It did not keep out anything because it was open at one end.

Q. What was this wire fastened to?

A. It was fastened to posts in some places and trees in others.

Q. How far apart were the trees?

A. I should judge about forty or fifty feet. Some perhaps more, some perhaps less, just where it caught.

Q. About how high was this strand of wire from the ground?

A. I do not know. Some of it was on the ~~ground~~ ground and some was on posts two or three feet.

✓



Q. Would this wire have restrained cattle?

A. No, Sir.

Q. Did it form an enclosure or was it strung around without enclosing anything?

A. It did not enclose anything because there where the old house was it was open and you could go right on in.

Q. From the time Mrs. Roberts left up to the time this suit was brought, did any one, to your knowledge, question Mrs. Robert's possession of the property or yourself as her agent?

✓ Mr. Jenkins: I object to the question because it is immaterial, irrelevant and incompetent and calls for a conclusion of the witness and does not state sufficient facts as ~~is~~ a predicate to base such conclusion upon by the witness.

A. No, Sir.

Q. Did you ever see a trespass sign upon the property, Mr. Cooney?

A. Yes, Sir;

Q. What happened to that trespass sign?

A. I took it down.

Q. What became of that wire?

A. I do not know what became of the wire.

Q. Was that fence kept up from 1912 to 1916?

A. No, Sir.

Q. Was that trespass sign signed by any one?

A. Buchmann Abstract Company was on it.

Q. Up to the time that suit was brought, did you ever know that Mr. Rogers was claiming to look after the land?

A. No, Sir.

✓



Q. Did you see Mr. Rogers frequently?

A. No, Sir, I never saw him on that place.

Q. Do you know whether or not he was making any claim for that place?

A. I never knew he had a claim.

Q. Was Mrs. Roberts living on this place after her mother's death?

A. I am not positive, but I think she was. I cannot positively say, but she stayed most of the time on the place when her mother was living.

CROSS EXAMINATION -- Mr. Jenkins to  
Mr. Cooney.

Q. Now, at this time that you speak of when her mother was living there, Mrs. James, she had a place of her own, did she not?

A. She lived on twenty acres of land about one half mile from where her mother lived.

Q. Now, at the time these parties were living there in Baldwin County that you speak of, where were you living then, Mr. Cooney? AT Marlow, or Foley?

A. When they were living at that place, I lived at Marlow, Alabama.

Q. Is it not a fact that Marlow is about six or seven miles Southwest of Summerdale and this place is about three or four miles East of Summerdale?

A. Yes, Sir. Two miles East of Summerdale and about nine miles, you said, from where I lived at that time.

Q. Now, at the time you were at Marlow, were you not running or managing a store?

A. Yes, Sir.

Q. Now, about what time did you move to Foley?

A. I moved to Foley in 1909.

T Q. You have lived there ever since?

A. I have lived there ever since.

L



- Q. You have a business there, have you not?
- A. I am in the real estate business at Foley.
- Q. You do not remember the particular times that you visited this land, Mr. Cooney? You remember that you just went up there occasionally?
- A. During the time I was at Marlow, I visited there at least twice a month.
- Q. After you moved to Foley?
- A. I visited there once a month.
- Q. How long was that? You say you moved there in 1909.
- A. I visited there about once a month up to 1912.
- Q. Well, since 1912 you have not as a matter of fact visited there?
- A. I have visited there, but not as often.
- Q. Well, what year was it? Was it 1910 or 1911 that you saw this trespass sign?
- A. I cannot remember the exact time.
- Q. Is it a fact that Mr. Rogers lived right adjoining this land?
- A. No, I don't think he lived there. When I knew Mr. Rogers he lived about a quarter of a mile from this land.
- Q. After you saw this trespass sign, did you ask Mr. Rogers or any one else there about Mr. Buchmann? Who Buchmann was, or anything else about this notice?
- A. No, Sir.
- Q. Since Mrs. James left there, there was no cultivation or farming on the lands, was there?
- A. Mrs. Roberts cultivated it for the year she was there.
- Q. Did you notice any fruit trees there?
- A. There were some pear trees there.
- Q. Did you notice any other kind?
- A. I am not sure about the cultivation but I am sure there were only pear trees there.
- Q. Well, did you know of any telegraph or telephone poles
- ✓



cut off any of that land by Mr. Malone or any one else in the times that you were visiting there?

A. No, Sir.

Q. You do not know, then, what was done after 1912 as to cutting of timber by Mr. Malone or any one else?

A. I did not see any timber cut off of the place. I was was there again in 1917 and did not see any timber cut.

Q. In your testimony, Mr. Cooney, you have testified only to what you saw and know yourself?

A. Yes, Sir.

Q. You do not know what some one else may or might not have done on the land when you were not there?

A. No, Sir.

Q. You do know, though, that these lands were sold for taxes, Mr. Cooney, in 1909? I mean 1907.

A. Yes, Sir.

Q. Well, now, do you know who bought them?

A. Yes, Sir.

Q. And who bought them?

A. The records show Buchmann Abstract & Investment Company.

Q. You do not know Mr. Buchmann himself or have never met him, have you?

A. No, Sir.

Q. You have never asserted any acts of ownership over the land?

A. I looked over the land to see that nobody was on the place. That was all, to see that no one was trespassing on it.

Q. I believe you stated you were there in 1912?

A. Yes, Sir.

Q. Was Mr. Rogers living there during these years that you visited there, - from 1909 to 1912?

A. I do not know, Sir.

Q. I mean, was he living in that neighborhood?

A. I do not know whether he lived there or not all of that



time. I was at his house one time. I do not remember the date.

Q. You knew that he was claiming to act as agent of Buchmann?

A. No, Sir, I did not.

Q. Do you know who put the wire there that you spoke of?

A. No, Sir.

Q. How large a place did the wire encircle?

A. Two or three acres.

Q. And you say that it has been some fifteen years since Mrs. James lived there?

A. I judge that.

Q. She has not been back there since?

A. She died there. I hope she hasn't been back.

Q. I mean this woman -- what's her name?

A. Mrs. Maggie Roberts.

Q. When did Mrs. James die?

A. I don't exactly know. It was some time between 1900 and 1905.

Q. When did her daughter, Mrs. Roberts, leave?

A. WELL, she left there about the year after Mrs. James died. I judge 1905 or 1906.

Q. Mrs. Maggie Roberts has not been back since she left in 1905 or 1906?

A. Not that I know of.

Q. Do you know where she lives now?

A. Yes, Sir.

Q. Where?

A. Chicago, Illinois.

x signed *J. Hoover*

✓

✓



Mr. I. Wolf,

Q. Mr. Wolf, where do you live?

A. About two miles Northeast of Summerdale.

Q. Do you know the 160 acres formerly occupied by Mrs. Mary James during her life time?

A. Yes sir.

Q. Between the years 1910 and 1917, how far were you living from this land.

A. Right across the road, from the Southwest quarter of that section comprising the James lands.

Q. How far was that from the house on this land?

A. About 36 rods from where the house was then. I live 26 rods South of the road and the James house was possibly 10 rods North on the other side of the road.

Q. When you first knew that land who was living on it?

A. Mrs. James. We called her "Old Lady James."

Q. Was she the mother of Mrs. Maggie Roberts?

X  
A. She was.

Q. Did Mrs. Roberts ever live on this land after her mother's death?

A. I am not positive whether she ever lived there or not but she farmed it after her mother's death.

Q. Do you remember when she moved to Chicago?

A. I do not know what date it was. I remember when she left but could not say what date.

Q. Has any one ever occupied that land or been in physical possession of it since Mrs. Roberts left?

A. It seems to me that a man by the name of Apel farmed a part of it for a year. I remember of helping him fix a fence because I ate some canteloupes in there that made me sick.

Q. Was Apel a tenant to Mrs. Roberts?

A. Mrs. Roberts gave him permission.

✓



Q. After Apel left the land has any one else been on it to your knowledge?

A. There has been no one on it except hunting, it is considered open country down there and you run where you want to.

Q. Did you ever see a trespass sign on that land?

A. I saw some cards stuck up, about 4 X 6, when I was up there.

Q. Any time prior to 1917 did you see any cards on the land?

A. I do not remember seeing any cards on the land prior to 1917. I saw some last year.

Q. Did you ever see any wire on that land?

A. Yes sir.

Q. Did you see someone put it there?

A. No sir.

Q. Describe that wire. How it ran.

A. It was one barbed wire fastened on to trees and posts, inclosing an irregular circle.

Q. Did it make a complete inclosure?

A. No sir.

Q. Was it such a wire as would turn stock?

A. No sir.

Q. Was it nailed on posts or trees?

A. Both.

Q. About how far apart were the posts or trees?

A. Some were 10 and 15, some 40 and 50 and some further, and on the East the wire was down on the ground. And a place on the West where there use to be a gate the wire stopped and they intended to put in a gate but it was never put in.

Q. Did you ever see any cattle pastured there?

A. No sir.

✓



Q. Do you know who put this wire up?

A. No.

Q. About when was it put up?

A. I do not know. I took no notice of it because it seemed like a piece of wire hung here and there.

Q. How long did it stay there?

A. I do not know. It seems to me it was there up until three years ago.

Q. Do you know Mr. W. T. Rogers?

A. Yes sir.

Q. How far did he live from that land in 1912?

A. About one-half mile.

Q. Did you ever see him on the land other than just going through orn hunting.

A. I have seen him hauling wood across there and go to work around the road that everybody drives. It might be one or one hundred times. I have seen him working on a fence that divides this land from his land.

Q. From where you live, if any one had taken possession of the land would you have seen it.

Mr. Jenkins. I object to the question because it calls for opinion of the witness and calls for conclusion of the witness and is irrelevant, incompetent and immaterial.

A. Yes.

Q. Did you know of any one keeping trespasses off the land?

A. I did not.

Q. Did you ever cut any poles or saplings off the land yourself?

A. I cut some saplings.

Cross-examination---Mr. Jenkins to Mr. Wolf.

Q. All that you know about the land is open and wild land or wooded lands?

A. Yes and a good place to hunt quail.

✓



Q. Did you ever see any one else on the land besides Mr. W. F. Rogers?

A. Yes.

Q. Did you ever see Mr. Elijah Ard passing through there from time to time.

A. Mr Ard has been to my house and he has been pretty close to that land.

Q. Did you ever see Mr. Charlie Malone come there at any time?

A. Yes.

Q. Did you ever see him cut any cypress off of there for telegraph or telephone poles?

A. No.

Q. Did you say this land joins Mr. Rogers place?

A. Mr. Rogers owns 80 acres West of the 160 acres known as the James tract and lives on the West of the South quarter.

Q. Do you remember where the old house stood on the James tract.

A. Yes.

Q. Was it where the fence ceased to make a circle?

A. It took in part of that. It started where there was an old garden and came back where the front of the house was.

Q. Did the road run where the house use to be?

A. Yes, the road ran South of where the house use to be.

Q. You were not there in July storm, 1916?

A. No.

Q. How long did the old house stand on the land that Mrs. James lived in.

A. After the storm of 1906 the old house fell down and rotted away.

Q. Where were you living then?

A. Same place I live now.



Q. Was Mr. Rogers living at his place then?

A. No. He came later.

Q. How long was Mr. Ard living there.

A. He lived about two and one-half miles West of Summerdale. He was living West of Summerdale when I came down here from Wisconsin in 1905.

Q. About how far is James place from Summerdale?

A. About two miles.

Q. About how much was inclosed by this wire?

A. It was only a little patch. If the fence had gone all around it would have inclosed about four acres.

Q. Were any fruit trees on the place?

A. Some pear trees.

Q. You testified of seeing some cards. Do you remember whose name was on these cards?

Mr. Rickarby. I object to the question because it is shown that the cards were put up after this suit was started and that any evidence as to them is irrelevant and immaterial.

A. There were some cards but they were so blurred and old I could not read the writing.

Q. Do you know when the place was said to have been sold for taxes.

A. No.

Q. What do you know about the matter of the land being sold for taxes?

Mr. Rickarby. I object to any evidence not based upon the witnesses own knowledge.

A. All I know is idle talk or gossip. I did hear that the place was sold for taxes but paid no attention to it.

X sign here

J. Wolf



I, Henry Thomas, Commissioner, the said Register, hereby certify that the foregoing testimony was taken down in writing by me in the words of the witness, and were read over to them, that they assented, swore to and subscribed the same in my presence, the 20 day of June, 1921, at Ray Munelle, Alabama; that I have personal knowledge of, or had proof made before me of the identity of the witness, and that I am not of counsel or of kin to any of the parties to said cause, or in any manner interested in the result thereof.

And I enclose the deposition, together with the Interrogatories, Direct and Cross, and the documents which were deposed to, in an envelope properly endorsed and sealed and placed the same on file in my office.

Given under my hand and seal this the 20<sup>th</sup> day of June, 1921  
H. Thomas, Register.

WITNESS FEES.

I hereby certify that the following named witnesses are entitled to the amounts stated below:

<u>P J</u>	days' attendance at \$1.50 per day	\$ <u>1.50</u>
<u>Q W</u>	days' attendance at \$1.50 per day	\$ <u>1.50</u>
	days' attendance at \$1.50 per day	\$
<u>That they both are</u>	days' attendance at \$1.50 per day	\$
<u>entitled to mileage</u>	days' attendance at \$1.50 per day	\$
<u>from July, Ala. a dis-</u>	days' attendance at \$1.50 per day	\$
<u>tance of 38 miles</u>	days' attendance at \$1.50 per day	\$
	days' attendance at \$1.50 per day	\$
	days' attendance at \$1.50 per day	\$
	days' attendance at \$1.50 per day	\$
	days' attendance at \$1.50 per day	\$
	days' attendance at \$1.50 per day	\$

REGISTER'S FEES.

..... days at \$1.50 per day	\$
..... words at 20 cents per hundred	\$



The State of Alabama,

*Baldwin* COUNTY.

IN CIRCUIT COURT, IN EQUITY.

*Maggie Roberts*

vs. Complainant,

*Buchanan Abstract*

*& Investment Co.*

Defendant.

Deposition Taken Before Register on Interrogatories.

Deposition of

*Mrs. Mary Coney, wife of J. W. Coney*

for

*Complainant*

Filed

*21* day of *August*, 19*21*

Published by order of the Court

*By Order*

, 19*21*

*J. W. Keenan*

Register.

*Depositions  
of J. Coney,  
J. W. Coney  
J. R. Coney*



MAGGIE ROBERTS,  
Complainant,

No. 251.

VS

BUCHMANN ABSTRACT & IN-  
VESTMENT COMPANY,  
Respondent.

I N E Q U I T Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALA.

THE DEPOSITION OF MRS. MAGGIE ROBERTS, A WITNESS FOR THE COM-  
PLAINANT IN THE ABOVE STYLED CASE.

The said witness, having been first sworn to tell the truth, the whole truth and nothing but the truth, upon examination by me upon the attached interrogatories and cross-interrogatories, testifies as follows:

TO THE FIRST INTERROGATORY SHE SAYS: My name is Maggie Roberts, my age fifty-one years and I reside at #8920 Exchange Avenue, South Chicago, Ill. I am complainant in this suit.

2nd Inty: I am the daughter of the late Mrs Mary James (who formerly owned the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$  and the  $E\frac{1}{2}$  of the  $NW\frac{1}{4}$  of Section 21, Tp.6 S.R.4 E. in Baldwin County, Alabama.) I lived on this land (and am the present owner.)

3rd Inty: My mother lived on this land for a number of years and until her death in 1905. Her husband died before she did.

4th Inty: I was living on this land in 1905 but after my mother's death I did not remain much longer but went to Chicago where I have since resided. I left the land in Mr. Cooney's charge to look after in a general way. I let one of my neighbors farm a part of it a year after I left.

5th Inty: In 1906 this land was still assessed to my mother, Mrs. Mary James, but the bill was sent to me in Chicago and I paid it in February of 1907.

6th Inty: After my mother's death I paid the taxes on this land for several years, through 1909, perhaps longer.

7th Inty: My mother, and I after her death, paid taxes on this land from 1904 and before through 1909, possibly 1910. This included the taxes for 1906 which fell due on October first of that year. In 1908 there were no other lands assessed to Mrs. James other than these described above and which was our home. Later on this land was assessed to me and taxes on it paid with a small piece that I owned already. This was included in my tax bill for 1909 for which I have receipt now in my lawyers' hands

8th Inty: As I have already stated I paid all taxes on the land inquired about for 1905, 1906 in the name of My mother who owned no other land in Baldwin County. (I also paid on other land that was assessed to me.) I had previously bought a small tract not far from my mother's but that stood in my name. I do not now remember whether the 160 of my mothers was assessed in my name in 1907 or not or in 1908 as I have not the tax bills before me, but it was assessed to me and paid by me for 1909 with my other land.



9th Inty: When I paid the 1906 taxes on this land I was living in Chicago. I received the tax bill through the mail in either January or February 1907 and returned the bill with the cash to pay it in a letter addressed to Mr. Cooper, Tax Collector, Bay Minette, Ala. This payment was made in the latter part of January or first part of February and shortly after I received the bill.

10th Inty: As I stated before, I enclosed the tax bill I received in the latter with the money, and in a short time received the bill back by mail signed "H.H.Cooper" (which was the same name that had been signed to several previous receipts.)

11th Inty: I kept this receipt with my other papers for several years but in 1918 when Mr. Cooney wrote me that my land had been sold for failure to pay 1906 taxes I sent it to him to use in straightening out the matter. (He turned it over to the lawyers (he had engaged for me) and they sent it to me in 1919 to be attached to the deposition that I made then. When it came back to me it was in the same condition that it was when I got it back from the tax office and is in the same condition now except that it has been folded so much it is creased. The stain in it is due to it having been in a box in my attic which leaked and got my papers wet. It has been in the possession of either myself, Mr. Cooney and my lawyers ever since I received it.

12th Inty: I have handed the receipt I am speaking of to Mr. Burke, the Commissioner, to be marked "Exhibit B" and attached to this deposition.



CROSS-INTERROGATORIES.

CROSS-INTY 1: I was examined in this case before in 1919 and gave my evidence before Mr. Burke as Commissioner. I remember what I testified to him.

CROSS-INTY: 2: I stated then that I left Alabama in 1905 and have not been back there since.

CROSS-INTY: 3: I do not remember having seen Mr. Cooper, former Tax Collector, much less having seen him sign his name.

CROSS-INTY: 4: I do not remember having been in Mr. Cooper's office or having talked with his sons; nor do I know the names of any of his clerks or men in his office. I do not know who signed the receipt for the 1906 taxes- only that I received this bill in the early part of 1907 and sent it back to Bay Minette with the money and in return received the paper receipted as it is now. I have no information about the situation in the tax office that would effect my testimony in this case.

X  
CROSS-INTY: 5: The husband of Mrs. Mary James was my father and Ellen Morris and Mary Buell are my sisters. My mother died in Aug 6<sup>th</sup> of 1905.

CROSS-INTY: 6: I did not either fail or refuse to pay taxes on the property for several years after 1906- just how long I do not remember. I stopped paying after the property was in litigation. The tax receipts for subsequent years are in the hands of my lawyers in Mobile, who can and will produce them if necessary. I sent them to Mr. Cooney, my agent, and I understand he turned them over to the lawyers. I do not know anything, of my own knowledge, about "being allowed" any refund of taxes paid by me".

CROSS-INTY: 7: As I previously stated, I have been away from Alabama since 1905.

CROSS-INTY: 8: I do not know anything more about tax receipt marked "Exhibit B" now then I did at the first. I did not receive paper in question until the early part of 1907, and soon after its receipt sent it back with the money to the Tax

✓



Collector at Bay Minette, as I have testified before. When it came back it was in condition it is now as far as writing is concerned, only then it was fresh and clean and not torn and stained. The stain happened while it was in Mr. Cooney's possession. It was dated 1906 at that time, and if I noticed it at all it was only to think that whoever signed it put the wrong year as people frequently do in the early part of the year until they have become accustomed to the change in date. Nobody has suggested to me the date when I received that paper or made any other suggestion, as this is a simple question of facts of which I know more than anybody else. I know as much about it now as I ever did. My answers are the same now as before and there is nor one in Chicago or any where else telling me what to testify. I know very little about the details of this matter except that I paid the taxes on my place in Baldwin County regularly for a number of years both before and after my mother's death. The Tax Collector would send me a bill in the early part of the year and I would promptly send him money and get receipt back in due course of mail. I paid 1906 taxes just as I did before and since and did not know that anything was wrong for a number of years thereafter. After I found someone else was trying to claim my land. Mr. Cooney, my agent, wrote me for my tax receipts and I mailed them to him. I have no paper suggesting anything to me except one letter from the tax office relative to the 1905 taxes, which I marked "Exhibit C" and attached as showing that I was careful to get receipts. The other receipts are in Baldwin County.

CROSS-INTY: 9: When I left Baldwin County it was to go to Chicago, and I left my property in Baldwin in the hands of Mr. P. J. Cooney to look after and he has reported to me regularly about the matter ever since and has been in possession of same in my name.

CROSS-INTY: 10: I do not know positively when the tax year begins and when it ends but presume that it runs with the calendar. I know that taxes for any year fall due about Oct. 1st. of that year and I generally get bill from Tax Collector soon after



the first of year following, as is shown by my receipts. I have not been written to and posted as to what to testify to by anyone, and what I have here stated is of my own knowledge. My Attorneys have not said or written to me anything to make me think different answers are expected from what I testified to before. My recollection is clear on all matters I have testified to in this and I do not need anyone to tell me anything else. For instance - I know that I received the receipt marked "Exhibit B" in the early part of 1907 because I kept my receipts together and this was in proper order between those of 1905 and 1907.

CROSS-INTV: 11: I do not now remember whether or not I paid taxes for 1910 and subsequent years. I know that after awhile the bills stopped coming and then I learned that the property was in litigation. As I said before, all receipts I have are in the hands of my lawyers.

Maggie Roberts

CERTIFICATE.

I, Squire S. Burke, Commissioner named in the foregoing commission, issued out of the Circuit Court of Baldwin County, Ala., in a case therein pending wherein Maggie Roberts is Complainant and the Buchmann Abstract & Investment Company is Defendant, do hereby certify that under and by virtue of power conferred upon me by said commission. I caused the said Maggie Roberts to come before at my office #9233 Commercial Avenue, Chicago, Ill., on June 21, 1921, she being the witness named in the said commission and who, being first duly sworn, testified in response thereto as it is hereinabove written; that her testimony was by me reduced to writing as given by her and as near as might be the identical language of said witness, and that after her testimony had been reduced to writing, it was by me read over to the said witness who assented to and signed the same in my presence.

I further certify that I am not of counsel or of kin to any of the parties to the cause and am not in anywise interested in the result thereof.

WITNESS my hand and seal as Commissioner this 23<sup>rd</sup> day of June 1921.

Squire S. Burke (SEAL)  
Commissioner.



Maggie Roberts )  
Complainant. )  
vs )  
Buchman Abstract & )  
Investment Company . )

no 251

In the Circuit Court of Baldwin County  
In Equity .

Comes now the respondent and cross-complainant and now objects and moves in evidence against the following documentary evidence proposed to be offered by the complainant in her note of evidence .

- A, It objects to and moves to exclude the certified copy of patent to Simon - Brewton to lands involved in this cause 1st Because said certified copy was not filed in the time limited by the court for the taking of evidence by the complainant in this cause 2nd Because the respondent and cross complainant did not have legal notice from the complainant of the offering of said certified patent in evidence .
- B, It objects to and moves to exclude the certified copy of deed of Simon - Brewton and wife to Ray Brewton 1st because said copy was not filed in the time limited by the court for the taking of evidence by the complainant in this cause 2nd because the copy fails to show that the deed was executed sufficiently or proved sufficiently in order to be admissible 3rd - Because the copy does not show the deed to have passed title to the lands here concerned to Ray Brewton 4th Because it is irrelevant; 5th because it is immaterial 6th because the respondent and cross complainant did not have legal notice from the complainant of the offering of said certified copy.
- C, It objects to and moves to exclude the certified copy of deed of Ray - Brewton and wife to Thomas S James:- 1st because said copy was not filed in the time limited by the court for the taking of evidence by the complainant; 2nd because it fails to show that Ray Brewton owned the land concerned 3rd because there is no evidence that Ray Brewton was in the possession of the land or any of it 4th because the copy is irrelevant 5th because said copy is immaterial 6th because legal notice of its introduction was not given It objects to and moves to exclude the deed on file of Ellen Morris to Complainant Maggie Roberts :- 1st because said deed was made after complainant had filed her bill in this cause and while the suit was pending 2nd - because it does not appear that Ellen Morris owned the land or any part of it concerned in this cause 3rd, because it does not appear that Ellen Morris was in possession of this land attempted to be conveyed by said deed 4th because it is irrelevant 5th because it is immaterial 6th because legal notice was not given by the complainant to the respondent and cross complainant of the introduction or offering in evidence of said deed.



E.

It objects to and moves to exclude the deed on file of Mary Duell and John P. Duell to Maggie Roberts ;- 1st because said deed was made after complainant had filed her bill in this cause and while the suit was - pending 2nd because it does not appear that Mary Duell and John P Duell- owned the land or any part of it concerned in this cause 3rd because it does not appear that John P Duell and Mary Duell were in possession of this land attempted to be conveyed by said deed 4th because it is irrel- evant 5th because it is immaterial 6th because legal notice was not given by the complainant to the respondent and cross complainant of the introduc- tion or offering in evidence of said deed. 7th because said deed was not filed in the time limits fixed by the court for the evidence to be offered by the complainant in this cause.

H.

It objects to and moves to exclude the certified copy of the will of Thomas S. James :- 1st because it does not appear to have been jurisdictionally/ probated 2nd, because said copy was not on file and filed within the time- limits fixed by the court for the offering of evidence by the complainant in this cause 3rd it is irrelevant 4th its is immaterial 5th because it does not appear by competent evidence that Thos. S. James owned the land concernd herein covered by said instrument purporting to be his will. 6th because- legal notice was not given to the respondent and cross complainant by the

overruled

G.

complainant of the introduction or offering in evidence of said copy . it objects to and moves to exclude the certified copy of Tract Book Entry United States to Simon Brewton; 1st because said copy was not filed in the time limits fixed by the court for the offering of evidence by the complain- ant in this cause 2nd because legal notice was not given to the respondent and cross complainant of the introduction of said copy in evidence by the complainant 3rd. it is not evidence of title in Simon Brewton or in any one 4th because it is irrelevant 5th because it is immaterial .

overruled

H.

It objects to and moves to exclude the "official receipt for taxes for year 1904; -1st because it was not filed in the time limits fixed by the court to the complainant in which to offer her evidence in this cause 2nd because - legal notice was not given the respondent and cross complainant by the com- plainant of the introduction of said receipt in evidence 3rd because it is irrelevant 4th because it is immaterial, not being a receipt for the year

overruled

L.

1906  
It objects to and moves to exclude the official tax receipt for taxes for the year 1908:- 1st because it was not filed in evidence within the time limits fixed by the court in this cause for the taking of evidence 2nd. because legal notice was not given to the respondent and cross com- plainant of the introduction or offering in evidence of said receipt 3rd because it is irrelevant 4th because for 1908 or any other years than 1906 is immaterial .

✓



*Q. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*

it objects to and moves to exclude certified copy of assessments of Mary James for year 1905 and 1906, - 1st because it was not filed in the time limits fixed by the court for the introduction of evidence to the complainant 2nd because legal notice was not given to the respondent and cross complainant of the introduction of said assessments for said years 3rd because they are irrelevant 4th because they are immaterial except as to the year 1906.

it objects to and moves to exclude, the Official Tax receipt Book for Baldwin County: 1st because it was not on file in the time limited by the court in this cause for the introduction of evidence 2nd because legal notice was not given to the respondent and cross complainant of the introduction or filing of said book in evidence 3rd because the offer or offering in evidence of said book does not designate what if any pages of this book containing something like (100) one hundred pages or what part of the book is offered and very much of it is immaterial and irrelevant to the issues in this cause 4th because this book is ~~shown~~<sup>not</sup> shown by the evidence, so far as the evidence identifies it <sup>at</sup> all, to be a part of the records of Baldwin County, which cannot be offered or received in evidence 4th because it is irrelevant 5th because it is immaterial 6th because, if offered to compare handwritings, the proper predicate has not been laid for that purpose; 7th because there is nothing in it by which to shed any light upon the question raised as to whether the receipt for the year 1906 attempted to be offered in evidence is such a receipt. 8th because the receipts in said book show on their face to have been written by more than one person and for that reason are not in the same handwritings 9th because said receipts in said book appear not to be originals but carbons and the absence of the original receipt is not accounted for as the best evidence of the handwritings thereon 10th because said book is not such a record as is kept by any officer or is shown to be officially kept. 11th because said book contains extraneous writings which have not heretofore been offered in evidence. 12th because it is incompetent in order to institute comparison of signatures to introduce extraneous writings not heretofore introduced as evidence in the case. 13th because if said book is offered as a standard for comparison the standard itself has not been sufficiently identified

as such by any predicate laid heretofore for its introduction as evidence or by any evidence offered with it.

It objects to and moves to exclude the letter of H. H. Cooper, Tax Collector to complainant, dated May 21 1906 and attached to Mrs Roberts deposition 1st because it was not filed in the time limited by the court to the complainant for the introduction of evidence 2nd because legal notice was not given by the complainant to the respondent and cross complainant of the introduction of the same in evidence 3rd because it has not been proved 4th because it does not purport to be signed in the same or a similar handwriting as that on the so called tax receipt for the year 1906 4th because it does not purport to show that the taxes for the year (tax year) 1906 were paid or a receipt given for them, prior to the sale of the land for non-payment of taxes for 1906; 5th because this letter if written by one of the sons of and agents of the former tax collector has not been identified as such and no opportunity to cross examine as to this has been had.

*Q. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*



6th because being dated May 21st, 1906 it shows on its face to have been inference to taxes for the previous year or a receipt for 1905, as the taxes for the year 1906 would not be due until October 1906 ; it is merely a statement acknowledging a money order for some money not stating how much, without showing what it was for, and showing he had mailed her a receipt for it and is entirely irrelevant and immaterial to any issues in this cause. 7th because this letter does not show or purport to show that it referred to the taxes for the year 1906 8th because it is irrelevant 9th because it is immaterial.

*M. J. [unclear]*  
It objects to and moves to exclude the "certified copy of complaint in suit of Baldwin County vs H. H. Cooper as principal and the United States Fidelity & Guaranty Company, as sureties, in Baldwin Circuit Court " : 1st because this was not filed in the time limited by the court for the introduction of evidence by the <sup>com</sup>plaintant in this cause, 2nd because legal notice was not given by the complainant to the respondent and cross complainant of the introduction in evidence of the same 3rd because it has no probative force sufficient to show that the taxes for 1906 were paid or that the tax collector violated his duty as such concerning those taxes and the sale for the nonpayment thereof 4th because it is immaterial

*Q. [unclear]*  
It objects to and moves to exclude the "certified copy of judgment rendered in the Circuit Court of Baldwin County in favor of the State of Alabama and against H. H. Cooper and the United States Fidelity & Guaranty Company as surety, upon his official bond as tax collector";- 1st because this was not filed in the time limited by the court in this cause for the taking of testimony by the complainant 2nd because legal notice was not given to respondent and cross complainant of the offering of the same in evidence 3rd because this has no probative force sufficient to show that the taxes for 1906 were paid for that year or that the collector violated his duty as such concerning the taxes and the sale for the nonpayment thereof 4th because it is irrelevant 5th because it is immaterial.

*O.*  
It objects to and moves to exclude " the certified copy of Indictment found in the Circuit court of Baldwin County against H. H. Cooper: 1st because this was not filed in the time limits fixed by the court in this cause for the introduction of evidence 2nd because legal notice was not given by the complainant of the offering in evidence of the same to the respondent and the cross complainant 3rd because it is not probative evidence sufficient to show that the taxes for the year 1906 were paid for that year or that the collector violated his duty as such concerning those taxes or the sale for the nonpayment thereof 4th because it is mer[ex]parte proceeding and there is no evidence that said Cooper was convicted of the charges against him made in said indictment or indictments preferred .



P  
It objects to and moves to exclude " the certified copy of judgment rendered in the Circuit Court of Baldwin County against H. H. Cooper and the United States Fidelity and Guaranty Company as surety upon his official bond as tax collector" 1st because it was not filed as evidence in ~~the~~ <sup>cause</sup> the time limited by the court in this ~~case~~ for the introduction of evidence 2nd because legal notice was not given to the respondent and crosscomplainant by the complainant of the introduction of the same in evidence 3rd. because it has no probative force sufficient to show that the taxes for 1906 were paid for that year or that the collector violated his duty as such concerning those taxes or as to the nonpayment thereof 4th because it is irrelevant 5th because it is immaterial .

Q  
It objects to and moves to exclude " certified copy of complaint in the suit of State of Alabama vs H. H. Cooper as principal and the United States Fidelity & Guaranty Company as surety, upon his official bond ": - 1st because it was not filed in the time limited by the court in this cause for the taking of testimony 2nd because legal notice was given by the complainant to the respondent and cross complainant of the introduction of the same in evidence 3rd because it has no probative force sufficient to show that the taxes for year 1906 were paid or that the tax collector violated his duty as such concerning those taxes and that he did so as to the same for the nonpayment thereof 4th because it is immaterial 5th because it is irrelevant

P  
It objects to and moves to exclude exactly as the same has been offered each document for evidence purposes by complainant after the time limited by the court for the submission of evidence in this cause fixed by the Court in its order of May 25th, 1921:-A. because these documents cannot now be gotten in evidence under rule 64 of chancery practice which concerns - proof at the hearing of exhibits and documentary evidence : B there can be no occasion for submitting proofs at the hearing, as by the rule as fixed by the court, the whole cause with all the papers in the case was to be sent to the judge to be decided by him in vacation, the evidence to be taken within certain limits named by the court in its said order of May 25th 1921. These proposed filings of documentary evidence come too late, being after the time so limited by the court for the taking of testimony in the cause .

*Jesse F. Hogan*  
*J. C. Jenkins*  
-----  
Solicitors for the Respondent and Cross

We this <sup>15<sup>th</sup></sup> day of August, Complainant  
1921 acknowledge service of a copy of  
the above stated motion and motions

*Rickard, W. W.*  
-----



Maggie Roberts,  
Complainant.

vs.

Buchmann Abstract & Investment Co.,  
Respondents.

IN THE CIRCUIT COURT OF  
MOBILE, ALABAMA.

IN EQUITY.

Personally appeared before me, O. F. Metz,  
Commissioner appointed to take the deposition of F. J. Buchmann,  
witness for the respondents in the above entitled cause, F. J.  
Buchmann, who being by me first duly sworn to speak the truth,  
the whole truth, and nothing but the truth, deposes and says:-

My name is F. J. Buchmann. I am forty (40) years  
old. I live in Cullman, Alabama, and I am President and Manager  
of the Buchmann Abstract & Investment Company and have been ever  
since the year 1904. The respondents, Buchmann Abstract & Investment  
Company, purchased the land in question, described as follows:-  
The West half of the Northeast Fourth and the East half of the  
Northwest fourth of Section Twenty-One (21), Township Six (6),  
South of range Four (4), East, being 160 acre tract, known as the  
James tract, in Baldwin County, Alabama, at a tax sale [and have paid  
the taxes on said land since that time.] In June 1910 I looked over  
this land and there was no one in actual possession, it being partly  
cleared and an old house on it but no one living on it, and none of  
it was in cultivation. [I saw one W. F. Rogers, a neighbor, and  
informed him that this land, which joined him, was owned by the  
Buchmann Abstract & Investment Company] and asked him to look after  
this land for them as agent, which he agreed to do; and again two  
years later, 1912, I made another trip to Robertsedale, Baldwin County,  
Alabama and went to see this land and there was still no one in  
possession, and none of it was in cultivation; and [I made a contract  
with the said W. F. Rogers in June, 1912, which contract is hereto  
attached marked "Exhibit A", the same having been afterwards reduced  
to writing and dated July 16th, 1912.] [This man Rogers put up the  
posts and one wire around the fence as shown by a letter attached  
hereto marked "Exhibit B". He pastured it some as shown by letter  
attached marked "Exhibit C".]

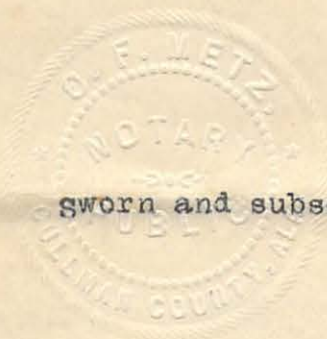


[This letter shows that he had cut the cypress posts off this land, and that others were trespassing upon it and he stopped them.] The said company was the owner of said land at the time of the filing of this bill in the Chancery Court and has been since its purchase at a tax sale in July, 1907, [and has paid the taxes thereon and no one has ever disturbed its ownership or possession.] Respondents did purchase under a tax sale made by the Tax Collector of Baldwin County, Alabama on the 8th day of July, 1907 for the year 1906, the said real estate in question, and received a certificate of purchase from the Tax Collector dated said day, and thereafter turned in said certificate to the probate Judge of Baldwin County, Alabama and the said Judge of Probate executed a deed to respondent for said land, [and under said deed respondents have held said land up to the time of the filing of this suit] without anyone interfering or claiming to own said land. Respondent claims and owns said land, [put up a notice with the numbers of the same printed thereon, directed to trespassers,] [and appointed an agent, who lived adjoining the land, to exercise such acts of ownership as shown by the letters of said Rogers as the character of the land admitted of, the house being old and dilapidated and could not be rented to anyone.] On my visit in June, 1912, I examined the tax records of Baldwin County, Alabama and found that no one was assessing or claiming this land except the respondent.

*J. W. Buchman*

sworn and subscribed to before me this the 15th day of August, 1917.

*O. F. Metz*  
Commissioner.





Ex. 111

Wm. B. Brewster

Dear Sir

July 27. 18

Wm. Brewster

Dear Sir

Your letter we receive few days ago and we have been

thinking but have been

very busy and we are sorry in

reply to the case of

them. it will be from

twenty to thirty dollars

for the year, I am sorry

to hear that you are

very busy and we are sorry

to hear that you are

very busy and we are sorry

to hear that you are

very busy and we are sorry

to hear that you are

very busy and we are sorry

to hear that you are



The one true news.  
The are also.  
Evidence you are finding  
contact.

Yours Sincerely  
W H Rogers

[



[Exhibit B]

Sumerdale Ala  
June 5-

Mr Buchman

Dear Sir

Your letter to hand in regard to  
the place I run one wire  
around about six acres. But  
that would not do to ~~cuttle~~  
under. I started it some last  
summer but haven't so far. This  
several of the post burnt  
out and haven't had time  
to replace them yet but will  
just as soon as I get time  
have been thinking about  
writing to you to see if  
you would furnish the  
wire and me put up the  
wire. for they if the post  
I mean to have in the



of it and I regard to  
the cypress post <sup>poles</sup> have cut  
a few and are not through  
yet. will see the party and  
see how many more they  
will get. there was some paper  
went in there and we cutting  
fence post and I stopped the  
one or two. the sign is  
still up it got knocked down  
or tore down and I put it  
back up. and if there  
is any thing else you  
want done will do it  
for you if I can  
yours Hasley

W H Rogers



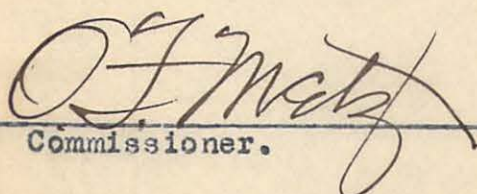
STATE OF ALABAMA. )  
CULLMAN COUNTY. )

I, O. F. Metz, the commissioner appointed by the Register of the Chancery Court of Mobile, Alabama, to take the depositions of one F. J. Buchmann in the case of Maggie Roberts vs. Buchmann Abstract & Investment Company in said commission named, hereby certify that I am personally acquainted with the said witness, F. J. Buchmann, and know him to be the identical person named in said commission; that he was duly sworn by me to speak the truth, the whole truth, and nothing but the truth, and examined as above stated, and that his evidence was taken down by me, as near as might be, in his own language, and was subscribed by him in my presence, on the 15th day of August, 1917, at my office in Cullman, Cullman County, Alabama.

And I further certify that I am neither of counsel nor of kin to any of the parties to this cause, nor in any way interested in the result thereof.

Witness my hand and seal this the 15th day of August, 1917.



  
Commissioner.