

Mrs. Maggie Roberts ,

No. 326

v.

Circuit Court,
Mobile County, In Equity.

Buchmann Abstract and Inv. Co.

Opinion.

This is a bill to quiet title in statutory form. In order to successfully maintain such a bill, the complainant must allege and prove possession at the time suit was filed.

A scrambling possession is insufficient upon which to base an action of this character.

Holland v. Coleman 162 Ala. 468.

Crabtree v. Alabama Land Co. 155 Ala. 514.

The evidence shows respondent to be in actual possession of a part of the land at the time suit was filed. Complainant's witness P. J. Cooney, whom she had employed to look after the land, testified to having seen the wire which McCurdy had stretched around a part of the land while said McCurdy was acting as agent of respondent and even permitted same to remain so stretched until the wire fell down without making any inquiry as to who had placed it there. Is such conduct of agent Cooney consistent with actual possession of the land by complainant? Is such knowledge on Cooney's part consistent with complainant's contention that she was in peaceable possession of the land at the time suit was filed? We think not.

Complainant having failed to establish possession at the time suit was filed is not entitled to relief in this suit.

The only question remaining is whether Cross Complainant is entitled to the relief prayed for by it, under the evidence.

The proof shows the owner failed to pay the taxes for the year 1906; that said land was sold for said taxes and bought in at said sale by Cross Complainant who obtained a tax deed from the Probate Judge of Baldwin County to the said land on the 9th day of July 1909 and went into possession of same thereunder claiming the land openly, notoriously and adversely for a period of time longer than three years before this suit was filed and for more than three years after the purchaser at the tax sale "became entitled to demand a deed therefor".

Actual possession of part of the land by Crosscomplainant under color of this tax deed extends his possession to the whole of the land described in said deed. Complainant contends that she was in possession of all of the hundred sixty acres of land which was not in the actual possession of respondent amounting to about five or six acres under wire but undescribed and that therefore that respondent's color could not give defendant constructive possession of any of the land outside these few acres. We are of opinion that the evidence fails to support this contention.

Whether crosscomplainant has a perfect title to the land under the evidence, we do not decide but as between the parties to this suit its title, we hold to be superior to that of complainant.

Complainant under Sec. 2311 of the Code is prohibited from maintaining an action of this character for the recovery of this land and therefore cannot complain if the Court adjudicates the title to same to be another who appears prima facie to have a superior title.

Claude A. Grayson
Judge

Apr. 10, 1918.

Mrs. Maggie Roberts,
Complainant,

No. 326. vs.

Circuit Court of Mobile County, Ala.

Buchman Abstract and Investment
Company,

In Equity.

Defendant.

This cause coming on to be heard was submitted for final decree upon the pleadings and the proof as noted by the Register, including objections to testimony and motions thereunder, and upon consideration the Court orders, adjudges and decrees that the complainant's objections numbered 1, 3, 4, 6 and 9 be and are hereby sustained and the respective parts of evidence thereby indicated be and are excluded, and that complainant's objection number 5, in so far as it relates to statements as to acts done by the witness Rodgers, be and is sustained and all such statements are excluded but in so far as said objection number 5 relates to statements as to acts done by the witness Buchman said objection be and is overruled and the motion denied; it is further adjudged that the complainant's objections numbered 2, 8, 10 and 11 to testimony of defendant's witnesses be and are ^{hereby} overruled and the motions based on them be and are denied; it is further adjudged and decreed that the complainant's objection and motion as to the respondent's tax deeds be and are hereby overruled, and that the motion to overrule respondent's objections to testimony of complainant's witnesses Cooney and McCurdy be and is granted, and that the objections and motions of defendant and cross complainant to exclude the tax receipt be and are overruled on the ground that the tax receipts is not noted in evidence.

And upon consideration it is ordered, adjudged and decreed that the complainant, Maggie Roberts, is not entitled to relief and that she has no estate or interest in, or encumbrance upon the lands described in the bill of complaint as follows, viz:-

The West Half of the North east Quarter and the East Half of the North West Quarter of Section 21, in Township 6 South of Range 4 East in Baldwin County, Alabama.

It is further ordered, adjudged and decreed that the cross complainant, Buchman Abstract & Investment Company, is, as against the complainant, the owner of said land. It is further ordered and decreed that the complainant, Maggie Roberts, pay the costs of this cause for which let execution issue.

In term time, April 10, 1918.

Claude A. Grayson

Judge.

No. 326.

MAGGIE ROBERTS,

VS.

BUCHMAN ABSTRACT & INVEST-
MENT COMPANY.

D E C R E E .

January Term, 1918.

April 10, 1918.

Ent. Min. No. 2, page 552.

Maggie Roberts, Complainant,

No.

vs.

In Chancery Et Mobile .

Buchmann Abstract Co., Defendant.

Now comes defendant and cross-complainant the Buchmann Abstract Company and amends its answer and cross-bill in this cause, by adding thereto a paragraph as follows :-

Paragraph Z.

The owner of the real estate herein concerned had not paid the taxes for the payment of which said real estate was sold, prior to such sale .

D. B. Bobbs,
S. C. Jenkins,
Sol'rs for Deft. & Cross-Compt.

Foot-Note.

The cross-defendant will answer the bill as amended by the above amendment,

D. B. Bobbs,
S. C. Jenkins,
Sol'rs for Cross-Compt.

Maggie Roberts,

326 No.....326..... VS.

Bushman Abstract & Investment Co.,
a corporation .

This cause coming on to be heard, upon motion of Complainant it is ordered
that the Register publish the testimony without prejudice.

In Term time October 4th., 1917.

No. 326

Maggie Roberts,

vs.

Bushman Abstract & Investment
Co., a corporation.

Order Publishing Testimony

..... Term, 191.....

October 4th., 1917.

Ent. MinNo. 2. Page 19

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

No 251
In The Circuit Court of Baldwin County.
In Equity .

comes now the respondent and cross-complainant and moves to strike the objections of the Complainant filed on Aug 13th, 1921 in this cause to the Tax Deed heretofore introduced in evidence by respondent and cross-complainant upon the followings grounds 1st because legal notice by a copy served upon respondent and cross complainant was not had or given to the respondent and cross complainant of the filing of said objections 2nd because it sets out objections to the tax deed not herto made when said tax deed was offered in evidence in this cause, as a part of the deposition or as attached to the deposition of H Van Cooper, nor since said deed was in evidence up to the filing of said ~~xxx~~ objections 3rd because it comes too late under the rule as fixed by the court in this cause, complainant time for filing evidence and pleadings as to ~~the~~ ^{evidence} having expired, on to wit the 8th of August, 1921 . 4th because respondent and cross-complainant had no notice of said motion or objections as filed by Complainant, Complainant's notice of what evidence it purported to introduce on the hearing having been given in its notice of Aug. 8th and respondent and cross complainant forthwith made up its note of evidence and offered the same on Aug. 8th and at that time said objections were not filed in the cause and respnd ent not reply to, move to strike or plead to an any way, the same, not being filed at that time. 5th because it is not an objection such as could properly be filed, being a joinder in issue of a fact which is one of the disputed matters in this cause, the payment of the taxes by complainant for the year 1906. 6th because the tax deed itself very fully covers all the ~~points~~ points of objection made in said motion and recites fully that all the requirements of the statue were complied with in the matter of the tax sale of the lands involved in this suit and under the statue such recital of facts are taken as prima facie as true and correct and cannot be assailed or overcome by mere recital of objections or mere pleadings in a collateral way as complaintant in his objections would undertake to do 6th because until said tax sale is attacked and ~~shown~~ ^{shown} affirmatively by direct proceeding instituted for that purpose in a legal way provided in the statue, such tax deed is valid and presumptive evidence of what it recites and it is affirmatively shown by said deed itself that said preliminary proceedings and statutory requirements as mentioned in the sections of the code as are quoted in said motion were strictly complied with.

*6th Be e arise the time in which complainant had to make pleadings
were after evidence & objections to evidence were as served by the
Court & expired on Aug 8, 1921
D. G. Hagan
J. F. Hagan
Solicitors for Respondent & Cross Complainant*

Solicitors for respondent. *Jess F. Hagan*
D. G. Hagan

MAGGIE ROBERTS,
Complainant,

NO.

IN EQUITY.

VS.

IN THE CIRCUIT COURT OF MOBILE
COUNTY, ALABAMA.

BUCHMANN ABSTRACT &
INVESTMENT COMPANY,
Respondent.

Please take notice that upon the ^{hearing} ~~submission~~ of this cause the complainant will offer documentary evidence, including that already introduced, as follows:

1. Certified copy of will of Thomas James.
2. Certified copy of patent to Simon Brewton to lands involved in this cause.
3. Certified copy of deed of Simon Brewton and wife to Ray Brewton.
4. Deed of Ellen Morris to Maggie Roberts.
5. Official receipt of taxes for 1909.
6. Official Tax Receipt Book for 1907 for Baldwin County.
7. Letter of H. H. Cooper, Tax Collector, to Complainant dated May 21, 1906.
8. Certified copy of complaint in suit of Baldwin County vs. H. H. Cooper, as principal, and United States Fidelity & Guaranty Company, as sureties, in the Baldwin County Circuit Court.
9. Certified copy of complaint in suit of State of Alabama vs. H. H. Cooper, as principal, and United States Fidelity & Guaranty Company, as surety, in the Circuit Court, Baldwin County.
10. 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 United States Fidelity & Guaranty Company, as surety, upon his official bond as Tax Collector.
11. Certified copy of judgment rendered in the Circuit Court of Baldwin County against H. H. Cooper and United States Fidelity & Guaranty Company, as surety, upon his official bond as Tax Collector.
12. Certified copy of indictment found in the Circuit Court of Baldwin County against H. H. Cooper.

Richard Drazner & Butler

Solicitors for Complainant.

*Service of above notice and
copy thereof accepted this
January 1st 1920.*

H. B. Cobbs, of counsel for deft.

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MAGGIE ROBERTS ,

VS.

BUCHMANN ABSTRACT &
INVESTMENT COMPANY.

No. 326

In Equity

In the Circuit Court of Mobile
County.

Notice to Respondent of
Documentary Evidence.

FILED
Jan 9, 1920
James Albane
Register

Rickarby, Frazer & Beebe,
Attorneys.

- 1. *Abstract*
- 2. *Copy Bill*
- 3. *Answers*
- 4. *Answer Bill*
- 5. *Answers*
Bill & Answer
- 6. *Answers*
Bill
- 7. *Answers to*
Answer Bill

MAGGIE ROBERTS,
Complainant,

NO.

VS.

IN EQUITY.

BUCHMANN ABSTRACT &
INVESTMENT COMPANY,
Respondent.

IN THE CIRCUIT COURT OF MOBILE
COUNTY, ALABAMA.

Please take notice that upon the ^{hearing} ~~submission~~, of this cause the complainant will offer documentary evidence, including that already introduced, as follows:

1. Certified copy of will of Thomas James.
2. Certified copy of patent to Simon Brewton to lands involved in this cause.
3. Certified copy of deed of Simon Brewton and wife to Ray Brewton.
4. Deed of Ellen Morris to Maggie Roberts.
5. Official receipt of taxes for 1909.
6. Official Tax Receipt Book for 1907 for Baldwin County.
7. Letter of H. H. Cooper, Tax Collector, to Complainant dated May 21, 1906.
8. Certified copy of complaint in suit of Baldwin County vs. H. H. Cooper, as principal, and United States Fidelity & Guaranty Company, as sureties, in the Baldwin County Circuit Court.
9. Certified copy of complaint in suit of State of Alabama vs. H. H. Cooper, as principal, and United States Fidelity & Guaranty Company, as surety, in the Circuit Court, Baldwin County.
10. 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 United States Fidelity & Guaranty Company, as surety, upon his official bond as Tax Collector.
11. Certified copy of judgment rendered in the Circuit Court of Baldwin County against H. H. Cooper and United States Fidelity & Guaranty Company, as surety, upon his official bond as Tax Collector.
12. Certified copy of indictment found in the Circuit Court of Baldwin County against H. H. Cooper.

Arthur D. Brown & Co.

Solicitors for Complainant.

*Service of above notice and
copy thereof accepted this
January 1st 1920.*

H. B. Cobbs, of counsel for deft.

1. *to be done*
2. *to give Bill*
3. *to give*
4. *to give Bill*
5. *to give*
Bill + history
6. *to give*
Bill
7. *to give to*
Bill

16

MAGGIE ROBERTS ,

VS.

BUCHMANN ABSTRACT &
INVESTMENT COMPANY.

No. 326

In Equity

In the Circuit Court of Mobile
County.

Notice to Respondent of
Documentary Evidence.

FILED
Jan 9, 1920
James Albane
Register

Rickarby, Frazer & Beebe,
Attorneys.

MAGGIE ROBERTS,
VS.
BUCHMAN 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. Buchman, a witness for Respondent:-

- (1) To statement made to W. F. Rogers, page 1, because same is incompetent as statement made by witness to third party not in the presence of Complainant.
- (2) To all reference to contract 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. F. Rogers:
- (8) To all statements made to him by F. J. Buchman because same are hearsay and not made in the presence of the Complainant.
- (9) To all statements made by witness to Buchman because not made in the presence of Complainant.
- (10) To that part of the statement of Elijah Ard which says that he saw wire on the land as it does not state what part of the land the wire was on.
- (11) To the statement that Malone got some cypress from W. F. Rogers as being hearsay.

W. F. Rogers & Co.

Solicitors for Complainant.

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MAGGIE ROBERTS,

VS.

BUCHMAN ABSTRACT &
INVESTMENT COMPANY

NO. 326
IN EQUITY

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA.

Complainant's Objections to
Testimony of F. J. Buchman

FILED

Jan 9, 1920

James Albane
Register

MAGGIE ROBERTS,

VS.

BUCHMAN ABSTRACT &
INVESTMENT COMPANY.

NO. 326
IN EQUITY

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA.

Complainant objects to the admission of the tax deed offered by Respondent upon the following grounds:

Respondent has failed to show a compliance with all necessary requirements of law leading up to a valid decree of sale by the Probate Court of the lands described in the deed and among others that he has not shown:

- (a) That said Probate Court had jurisdiction to order said sale.
- (b) That Tax Collector had made a search for personal property before praying for a sale of the realty.
- (c) That Tax Collector had reported that he was unable to collect taxes assessed against said land without a sale of such land, under Code Section 2268.
- (d) That notice was issued to the party against whom the land was assessed under Code Section 2271.

Rustaby Dreyer Baker
Solicitors for Complainant.

no. 326

MAGGIE ROBERTS,

VS.

BUCHMAN ABSTRACT &
INVESTMENT COMPANY

NO. 326
IN EQUITY

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA.

Complainant's Objections to
Admission of Tax Deed

FILED

Jan 9, 1920

James Albane
Notary

Rickarby, Frazer & Beebe,
Attorneys.

MRS. MAGGIE ROBERTS,
Complainant,

No. 326
IN EQUITY

VS.

IN THE CIRCUIT COURT OF MOBILE

BUCHMANN ABSTRACT &
INVESTMENT COMPANY,
Defendant..

COUNTY, ALABAMA.

It is agreed that this cause be now submitted to Judge John D. Leigh, now presiding, for final decree to be rendered by him under the following stipulations:

- FIRST: Complainant, after reasonable notice of time and place of taking depositions, to have all her evidence on file within thirty days from the date hereof; and defendant, after like notice to opposing counsel, to have all its evidence on file within fifteen days after complainant's is in.
- SECOND: All unpublished depositions to be published by the Register, and within five days after all evidence of both sides is on file, the parties shall file all exceptions and motions as to evidence.
- THIRD: Notes of testimony are to be exchanged by the parties in time to comply with above making of objections and noting them, and all notes of evidence to be on file within seven days after final publishing of depositions and filing of all evidence to be offered.
- FOURTH: When the papers are ready, and within five days after the notes of evidence are completed, the Register to turn over all papers in the case to Judge Leigh for consideration and decree;- arguments to be made by briefs duly exchanged.

D. B. Cobbs

Solicitor for Defendant.

Oliver Lanby + Beebe

Solicitors for Complainant.

November 13, 1919.

*Under Review
+ c 1420*

Nov 13

No. 326

IN EQUITY

MAGGIE ROBERTS,

vs.

BUCHANAN ABSTRACT & INVESTMENT CO

AGREEMENT AS TO SUBMISSION.

Filed Nov 13, 1919
James D. Greer

It is agreed that this cause be referred to the undersigned arbitrator for the purpose of settling the same and that the arbitrator's award shall be final and binding upon the parties hereto.

Witness my hand and seal this 13th day of November, 1919.

Solicitor for Plaintiff.

Solicitor for Defendant.

Received 11, 1919.

Maggie Roberts,

Complainant

In Circuit Court,

No. 326 VS.

~~In Chancery~~, at Mobile, Ala.

Buchman Abstract & Investment Company, Defendant

The Defendant

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

J. J. Buchman

Said witness resides in the County of Cullman, State of Alabama.

O. F. Metz, who resides at Cullman, Ala.

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

S. C. Jenkins, W. B. Cobbs, Solicitor for Defendant.

No. 326

IN CHANCERY

At Mobile, Alabama

Maggie Roberts
VS.

Buchmann Abstract
& Investment Co.

Demand for Oral Examination

Filed August 1st, 1917

James A. Crane

REGISTER



Comm issid

RECORDED

Crane
REGISTER

Handwritten notes on the left margin:
Maggie Roberts
No. 326
Buchmann Abstract & Investment Co.
Director

Handwritten notes on the left margin:
James A. Crane
at Mobile Ala.

Handwritten notes on the right margin:
C. H. ...
Buchmann Abstract & Investment Co.

Handwritten notes on the right margin:
J. B. ...
J. P. ...
J. H. ...

XXX BOND XXX

MAGGIE ROBERTS, COMPLAINANT,

VS

BUCHMAN ABSTRACT & INVESTMENT COMPANY,
RESPONDENT.

NO. 11,710.

IN CHANCERY AT MOBILE.

Comes Maggie Roberts as Complainant in the above entitled cause, and excepts to Paragraph 4th of the Answer to the Bill of Complaint heretofore filed in this cause in that same purports to set forth respondent's claim but that the allegations, as to the tax deed under which the respondent claims, do not set out that the taxes were not paid for the year 1906 upon the property covered by the Bill but simply alleges that a tax sale was made for the taxes of that year.

Rickaby Austill & Beale

Solicitors for Complainant.

#312

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NO. (11,710)

IN CHANCERY AT MOBILE.

MAGGIE ROBERTS

VS

BUCHMAN ABSTRACT & INVESTMENT CO.

Exceptions to Answer to
Bill of Complaint.

Filed Aug 8, 1916

Carl H. H. [Signature]

Recorded

Rickarby & Austill,
Solicitors for Complainant.

Filed in Circuit Court
Baldwin Co. Ala
July 20/1916
J. W. Reservoir Register

MAGGIE ROBERTS, COMPLAINANT,
VS.
BUCHMAN ABSTRACT & INVESTMENT COMPANY,
DEFENDANT.

NO. 11,710.
IN CHANCERY AT MOBILE,
ALABAMA.

Comes the Complainant and demurs to Paragraph "Z" of the answer and cross-bill filed October 13th, 1916, upon the ground that same does not state a defense to the cause of action in that it does not allege that the taxes were not paid for the year for which the real estate involved in this action was sold under tax sale.

Oliver Luby, Anstee & Beebe
Solicitors for Complainant.

4/4

NO. ³²⁶ (11,710)

IN CHANCERY AT MOBILE.

MAGGIE ROBERTS
VS
BUCHMAN ABSTRACT & INVESTMENT
COMPANY.

DEMURRER TO CROSS-BILL.

~~Nov 17 1916~~
Care Hobson
REGISTER

RECORDED.

Rickarby, Austill & Beebe,
Solicitors for Complainant.

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

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

No 251

In The Circuit Court of Baldwin County.

In Equity .

Additional Note of Evidence

This cause is submitted in behalf of the respondent and cross complainant in additional to the note of testimony hereto filed, on August 8th, 1921, upon the following note of evidence taken for the Respondent Company :-
Respondents' exceptions to and motions to exclude " The Official Tax - Receipt Book for 1907 for Baldwin County " on file.
Respondents' exceptions to and motions hereto made and on file in the - cause to exclude certain portions of the depositions of Maggie Roberts and the respondents motion on file to suppress here entire deposition.
Respondent's objections to and motions hereto made and on file in the cause to exclude certain portions of the depositions of George T Rosson and respondents motion on file to exclude his entire deposition.
Respondents' exceptions to and motions to exclude the certified copy of Patent to Simon Brewton on file.
Respondent's objections to and motions to exclude the certified copy of the Will of Thos. S. James on file .
Respondent's exceptions to and motions to exclude certified copy of deed of Simon Brewton and wife to Ray Brewton on file .
Respondent's objections and motions to exclude certified copy of deed of Ray Brewton and Wife to Thos. S. James on file.
Respondent's objections to and motions to exclude the deed of Ellen Morris to Maggie Roberts on file.
Respondent's objections and motions to exclude official receipt for taxes for 1908 on file
Respondent's objections and motions to exclude copy of deed from Mary Duell and John P Dueall to Maggie Roberts, on file.
Respondent's objections to and motions to exclude official receipt for year 1904 on file .
Respondents objections to and motions to exclude certified copy of assessment of Mary James for year 1905 , on file .
Respondent's objections to and motions to exclude certified copy of tract Book Entry, United States to Simon Brewton, on file .
Respondent's objections and motions to exclude certain portions of and motion on file to exclude the entire deposition of P.J.G. Cooney and I Wolf, on file .

Respondents objections ^{to} and motions to exclude letter from H. H. Cooper
, Tax Collector, attached as Exhibit B to deposition of Maggie Roberts
on file.

Respondent's objections to and motions to exclude Tax receipt 1906, attached
as Exhibit "A" to deposition of Maggie Roberts, on file.

Respondent's objections ~~to~~ and motions to exclude certified copy of com-
plaint in suit of the State of Alabama vs H. H. Cooper as principal and
the United States Fidelity & Guaranty Company, as surety in Cir cuit Court -
of Baldwin County, on file.

Respondent's objections to and motions to exclude certified copy of com-
plaint in suit of Baldwin County vs H. H. Cooper, as principal and United
States Fidelity & Guaranty Company, as surety, in Baldwin Circuit Court, on file

Respondent's objections ^{to} and motions to exclude certified copy of judgment
rendered in the Circuit Court of Baldwin County in favor of the State of -
Alabama vs H. H. Cooper, as principal and the United States Fidelity & Guaranty
Company, as surety, upon his official bond as Tax collector, on file

Respondent's objections to and motions to exclude certified judgment or copy
of same, rendered in the Circuit Court of Baldwin County against H. H. *
Cooper and the United States Fidelity & Guaranty Company, as surety, upon his
official bond as Tax collector, on file.

Respondent's objections to and motions to exclude certified copy of indictments
found in Circuit Court of Baldwin County against H. H. Cooper, on file.

Respondents objections to and motions to exclude affidavit of H. D. Moorer
on file.

Respondent's objections to and motions to exclude affidavit of E. G. Rickarby
on file.

Respondent's objections to and motions to exclude certain portions of the
deposition of James M Voltz, heretofore made and filed in this cause .

Respondent's objections to and motion to strike the affidavits of E. G. M
Rickarby, H. D. Moorer already filed and depositions of Maggie Roberts, already

filed in this cause and now on file. and motion to ~~strike~~ objections
filed by complainant to deposition of J. J. Burkman, and to Pat Seed.
July 9th 1909.

Register of Circuit Court of Baldwin County.

Maggie Roberts

vs

Buchman Abstract and Investment Co.

In the Circuit Court
of Baldwin County, Ala.,
In Equity.

The Defendant requests the oral examination of the following named witnesses: Rogers W Burgett, Walter W Boyles, -----Wildeman, -----Screven, -----Duff, Wilton Cooper, H. Van Cooper, Angus Cooper , Clara B Crossland who resides in Mobile, Alabama, is suggested as Commissioner to take the deposition of said witnesses, on such oral examination.

S. C. Kinist J. F. Hig
Attys for Defendant.

64

Magpie Reports
on
Bancroft's Account
of Mineral A.

Demand for Oral

Premia tion.

Piced July 12/921
D. P. McCumore
Register

from Ketchikan
Baker Street



MAGGIE ROBERTS,)
COMPLAINANT,)
VS)
BUCHMANN ABSTRACT)
& INVESTMENT CO.,)
RESPONDENT.)

NO. 251.

IN THE CIRCUIT COURT OF BALSWIN COUNTY,
IN EQUITY.

TO ELLIOTT G. RICHARBY, ESQ., SOLICITOR FOR COMPLAINANT.

Handwritten notes on the left margin:
The following instruments will be offered in evidence: tax deed of July 9, 1909, from the Probate Judge of Baldwin County, to the Buchmann Abstract & Investment Company for the lots described in the complaint; certified copy of record of tax sale of land assessed to Mrs. Mary James by the Tax Collector of Baldwin County, for the unpaid taxes for 1906; certified copy of that portion of the tax books of Baldwin County, showing the assessment of the West half of the Northeast quarter and the East half of the Northwest quarter of section twenty one, township six South, range four East, Baldwin County, Alabama, to Mrs. Mary James for the year 1906; certified copy of the minutes of the commissioner's court, June Term 1906, showing the tax levy by the commissioner's court of Baldwin County, showing the tax levy by said court for the year 1906; and certified copy of all the docket and decree of sale of the Probate Court of Baldwin County, effecting the West half of the Northeast quarter and the East half of the Northwest quarter of section twenty one, township six South, range four East, Baldwin County, Alabama, assessed to Mrs. Mary James for the state and county taxes for the year 1906.

You are hereby notified that on the trial of said cause the following instruments will be offered in evidence: tax deed of July 9, 1909, from the Probate Judge of Baldwin County, to the Buchmann Abstract & Investment Company for the lots described in the complaint; certified copy of record of tax sale of land assessed to Mrs. Mary James by the Tax Collector of Baldwin County, for the unpaid taxes for 1906; certified copy of that portion of the tax books of Baldwin County, showing the assessment of the West half of the Northeast quarter and the East half of the Northwest quarter of section twenty one, township six South, range four East, Baldwin County, Alabama, to Mrs. Mary James for the year 1906; certified copy of the minutes of the commissioner's court, June Term 1906, showing the tax levy by the commissioner's court of Baldwin County, showing the tax levy by said court for the year 1906; and certified copy of all the docket and decree of sale of the Probate Court of Baldwin County, effecting the West half of the Northeast quarter and the East half of the Northwest quarter of section twenty one, township six South, range four East, Baldwin County, Alabama, assessed to Mrs. Mary James for the state and county taxes for the year 1906.

Jose F. Hogan
Solicitor for Respondent.

Service of the foregoing notice acknowledged on this the 6th day of August 1921.

Elliott G. Richarby
Solicitor for Complainant.

Maggie Roberts,
Complainant

vs

Buckmann Abstract & Invest-
ment Company, Respondent

Circuit Court, Baldwin
County, Alabama.
In Equity

It is agreed if Complainant presents affidavit that original patent to Simon Brewton for lands ascribed in complaint, deed from Simon Brewton to Ray Brewton, deed from Ray Brewton to Thos S. James are lost and cannot be found or are not in her possession or control respondent consents that certified copies of the same as recorded in the Probate office of Baldwin County, Alabama, shall be received in lieu of the original, subject only to such objections as might be made to the originals.

This August 13th, 1921.

S. Jenkins

Solicitor for Respondent.

The State of Alabama, }
Baldwin County—Circuit Court.
Equity -Side.

To the Sheriff of the State of Alabama—Greeting:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the
~~eighteenth Monday after~~ ~~Monday in~~ On August 12th 1924

in a certain cause in said Court wherein Maggie Roberts

was Plaintiff, and Buchmann Abstract and Investment

Company was Defendant, a Final Decree, judgment was rendered against

said Buchmann Abstract and Investment Company,

to reverse which Final decree, the said Buchmann Abstract and

Investment Company,

have on this day applied for and obtained from this office an APPEAL, returnable to the

next Term of our Supreme Court of the State of Alabama, to be held

at Montgomery, on the 5th, day of October, 1924, next,

and the necessary bond having been given by the said Buchmann Abstract and Investment

Company, with

Fred J. Buchmann and Asa B. Fuller, as sureties,

Now, You are Hereby Commanded, without delay, to cite the said

Maggie Roberts,

or Rickarby and Beebe, her attorneys to appear at the

next Term of our said Supreme Court, to defend against the

said Appeal, if they think proper.

WITNESS, T. W. Richerson, Clerk of the Circuit Court of said County,

this 18th day of August, A. D. 1924

Attest:

T. W. Richerson, Clerk.

71

Original
Citation

CIRCUIT COURT
BALDWIN COUNTY, ALA.

Maggie Robert

VS. { CITATION IN APPEAL.

Rachman.
Abraham Co

Issued 18 day of Aug 1928

BALDWIN TIMES PRINT. BAY MINETTE.

new copy on
AC Beebe

V

Executed. Aug-
21. st. 1924 by
sending a copy
of this within
nature on W.C. Beebe

W.A. Stuart
Sheriff

By B.O. Wiggins
Sept 8

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

No 251
In the Circuit Court of Baldwin County
In Equity.

Comes now the respondent and cross-complainant and moves the court to exclude from the evidence the paper alleged to be tax receipt for the taxes for year 1906 to Mary James, on the following grounds 1st the same is not accompanied by affidavit or other evidence of its being a genuine receipt. 2nd because it is illegal, irrelevant and immaterial 3rd. 4th because the receipt itself shows evidences of having been changed or mutilated. 5th because said receipt as appears to have been torn into two parts and pasted together on a sheet of paper and from aught that appears may have been parts of two papers, one a bill for the taxes of 1906 pasted on to a receipt for taxs with the name H H Cooper on it from an old receipt for some previous year 6th because due and legal notice required by law was not given to the respondent and crosscomplainant of the introduction of such as documentary evidence 7th because it is not such documentary evidence as can be introduced in evidence without proper and legal proof, by affidavit, deposition or other legal evidence establishing its genuiness and the fact of which it purports on its face to speak or reveal. 8th because said paper is not established as a tax receipt. 9th because said paper is dated Feb, 1906 and could not be a receipt for said year, taxes not being due at that time.

James H. Cooper & Jesse F. Hogue

Solicitors for respondent and Cross Complainant .

No. 11,710

Maggie Roberts,

vs.

Buchman Abstract & Investment Co.

This cause coming on to be heard, is submitted for
decree on the demurrers to the amended cross-bill.

November 27th., 1916

472
IN CHANCERY

AT MOBILE, ALA.

No. ³²⁶ (11,710)

Roberts,

vs.

Buchman Abstract & Investment
Company.

ORDER
of Submission
on Demurrers to Amended
Cross-Bill

Fall Term, 1916

November 27 1916

Ent. Min. "I-I"., Page 690

Filed in Circuit Court of
Baldwin Co. Ala

July 20/1920

J. M. Robinson

Maggie Roberts,
Complainant
vs
Buchman Abstract & Investment
Company . Respondent

No 251

In The Circuit Court of Baldwin
In Equity.

This cause is submitted in behalf of the respondent and cross-complainant upon the answer and cross bill as amended; motion to exclude deposition of Maggie Roberts; motion to exclude deposition of George T Rosson; motion to exclude deposition of P. J. Cooney and I wolf ^{and exceptions to testimony} tax deed of July 9th, 1909 from the Probate judge of Baldwin County to the Buchman Abstract & Investment Company; depositions of Joe Reding, Elijah Ard, W. F. Rodgers, ^{F. J. Buchman} J. Rogers Burgett and W. Walter Boylea; Depositions of H. Van Cooper, ^A Cooper and Wilton ^A Cooper; certified copy of tax record sale of land assessed to Mrs. Mary James by the Tax Collector of Baldwin County for the unpaid taxes for 1906; certified copy -- of that portion of the Tax Books of Baldwin County, showing the assessment of the West Half of the North East Quarter and the East Half of the North West quarter of section twenty One in Township Six South of Range Four East, Baldwin County, Alabama to Mrs Mary James for the year 1906; certified copy of the minutes of the Commissioners' court of Baldwin County, showing the ^{tax} levy of by said-court for the year 1906, said levy being made at the June term of said-court, 1906; and certified copy of all the dockett and decree of sale of the probate Court of Baldwin County, affecting the west half of the northeast quarter and the east half of the northwest quarter of section twenty one in township six south of range four east, Baldwin County, Alabama, which was assessed to Mrs. Mary James for the state and county taxes for the year 1906; also upon motions to exclude certain copies, being certified copies, of certain deeds introduced without proof having been first made of the loss or absence of the originals, towit the deed from Simon Brewton and Alimeda Brewton to Ray Brewton and of the deed from pay Brewton and Ellen Brewton to Thos James and of the deed from Mrs. Ellen Morris to Maggie Roberts and of the deed from Mary Duell and John P Dveal of date June 27th, 1921 and upon the motion to exclude certified copy of the patent from U. S to Simon Brewton without proof being made for the loss or absence of the original patent; also upon motion to exclude the paper purporting to be the will of Thos S James, without proper proof being first made of the loss or absence of the original also upon motion to exclude the tax assessment of Mrs Mary James for the year 1905 ; also upon motion to exclude the receipt for taxes for years 1906 and 1904 alledged to have been paid by Maggie Roberts or the estate of Thos S James; also upon motion to exclude papers purporting to be certified copies of Indictments vs H. H. Cooper and also upon motion to exclude copies of the complaint and judgment vs H.H. Cooper and his bondmen from Circuit Court of Baldwin County.

T. O. Richardson
Register.

STATE OF ALABAMA

District

SOUTHWESTERN CHANCERY DIVISION

Maggie Roberts,
Complainant,

No. 11,710. VS.

In Chancery at Mobile, Alabama.

Buchman Abstract and
Investment Company,
Defendant.

This cause is submitted on exceptions to answer.
On the argument it was treated as if these ex-
ceptions were demurrers to the cross-bill.

I see no reason why the Court should not so con-
sider them.

Upon consideration I am of opinion that said
demurrers are well taken - Doc ex dem Stanifer vs. Styles,
64 So. Rep. - 345.

It is therefore adjudged and decreed by the Court
that said exceptions or demurrers to the cross-bill be, and
they hereby are sustained to the cross-bill.

Cross-Complainant is allowed to amend within the
next 30 days.

M. A. Smith,
Chancellor

33/3

IN CHANCERY

At Mobile, Alabama.

No. ³²⁶
(11,710.)

Maggie Roberts,
Complainant,

VS.

Buchman Abstract and
Investment Company,
Defendant.

DECREESUSTAINING DEMURRERS...
TO THE CROSS-BILL.

Received and filed August 11, 1916

Carl Holzner
Register.

Term 191.....

Ent. Min....."I-I".....P.....491

*Filed in Circuit Court of
Baldwin Co. Ala
July 24th 1916
W. R. Ransom
Register*

STATE OF ALABAMA District
SOUTHWESTERN CHANCERY DIVISION

Maggie Roberts,
Complainant,

11,710. VS.

In Chancery at Mobile, Ala.

Buchman Abstract &
Investment Co.,
Defendant.

This cause is submitted on demurrers to Cross-bill.

The averments of the Cross-bill are in the words
of the Statute, which is all that is necessary.

If payment of the taxes prior to the sale by
others than the owner is a defense to the Cross-bill it should
be set up by the defendant to Cross-bill by plea or other-
wise.

Upon consideration it is ordered that the demurrers
to amended Cross-bill be and hereby are overruled.

W. A. Smith
Cancellor

11/29/

5

IN CHANCERY

At Mobile, Ala.

No. ³²⁶ (11,710)

Maggie Roberts,
Complainant,

VS.

Buchman Abstract &
Investment Co.,
Defendant.

DECREE

Overruling Decree
to cross-bill
Fall Term, 191*6*
Nov 29, 1916

Ent. Min. *- J - J' P 693*

GILL PRINTING CO., MOBILE

Filed in Circuit Court
of Baldwin Co., Ala
July 20th 1920
J. W. Williams

Maggie Roberts, complainant,

vs.

No. 11710 In Chancery at Mobile .

Buchmann Abstract and Investment Company, Defendant.

Motion.

Now comes the defendant and moves the Court to require the complainant to give security for the costs of this cause, for that it appears from the Bill of Complaint that complainant is a non-resident of Alabama.

Demurrer.

And without waiving said motion, defendant demurs to the Bill of Complaint for that it does not show but that some suit is pending to enforce or test the rights of the parties hereto, and which is of ample jurisdiction so to do .

Answer and Cross-bill.

And without waiving the foregoing motion or demurrer, the respondent Buchmann Abstract and Investment Company answers as follows :-

1st. It admits the averments of paragraph First of the Bill of Complaint to be true ,and alleges the same .

2nd. It denies the averments of paragraph 2nd of the Bill.

Complainant was not at the filing of the Bill the owner of the land described in the Bill. Complainant was not at the filing of the Bill in the actual peaceable possession of said land . This respondent was at the filing of the Bill the owner of said land, and was at that time and now is in the actual possession of said land claiming to own, and does own , the title thereto .

3rd. It admits, and avers, as stated in the Third paragraph of the Bill of Complaint, that respondent claims as therein stated ; but it denies the averment of that paragraph as to the pending of suits to enforce or test the claims respectively averred.

4th. Respondent, answering the fourth paragraph of the Bill of Complaint, alleges and says that it claims to own, and does own the title to the land described in the Bill .

Complaint, by adverse possession under the "short statute" of limitations for actions or suits to recover lands claimed and held under tax deeds.

Respondent shows that the land concerned was assessed for State and County taxes in Baldwin County for the year of 1906 (the tax year), to one Mary James; that respondent claims under a tax sale by the tax collector of said county which was made on to wit, the 8th day of July, 1907, for the taxes for said tax year of 1906; that said collector did on to wit said day sell said land for said taxes, knocked it down to this respondent as purchaser at the sale, and respondent received from the collector a certificate of said purchase dated said day. Thereafter respondent turned in said certificate to the Judge of probate of said county and said Judge of Probate executed to this respondent a tax deed for said land, on the 9th day of July, 1909.

Respondent attaches hereto as exhibit A a copy of said tax deed, ^{and makes the same a part hereof,} and avers that under said tax deed respondent has, prior to filing ^{of} the Bill of Complaint, held said land adversely thereunder for a period of more than three years, having been for at least said period of three years consecutively in the open, notorious, continuous, and actual possession of said land claiming to own the same and claiming it under said tax deed.

Wherefore respondent prays that this answer be taken and treated as a cross-bill against the complainant.

It further prays that on the hearing the complainant be decreed to have no right, title or interest in or lien or incumbrance on said land, and that respondent's title thereto be established as against complainant; that cross-complainant be decreed to be the owner of said land.

And cross-complainant prays for such other and further or different relief in the premises as in equity and good conscience it ought to have.

W.B. Bobbs,
S.C. Jenkins,
A.A. Griffith.

Solrs. for Respondent,

Foot-Note.

The complainant Maggie Roberts is required to answer the foregoing cross-bill from paragraph 1 to 4 thereof inclusive, but not under oath ; her oath to her answer is waived .

N.B. Bobbs, S.C. Jenkins, A.A. Griffiths,

Sol'rs for Respondent, &c.

EXHIBIT "A".

JUDGE OF PROBATE'S DEED TO PURCHASER AT TAX SALE OF LAND ASSESSED BY OWNER.

STATE OF ALABAMA.)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS: That, WHEREAS, the land hereinafter described was subject to taxation for the year 1906 and the Board of Revenue levied thereon taxes for county purposes for said year; and

WHEREAS, Said land was returned for taxation by Mary James for said year 1906, and

WHEREAS, The certificate of assessments was made in accordance with Section 3986 of the Code; and

in
WHEREAS, The Tax Collector entered the Docket of Tax Causes the description of said land, and amount of taxes, fees and charges due thereon for said year and delivered said Docket to the Probate Judge; and reported, in accordance with Section 4046 of the Code, that he was unable to collect said taxes without sale of said land; and

WHEREAS, The Probate Court at the May, 1907 Term, rendered decree ordering sale of said land for the payment of said taxes, fees, charges, costs and expenses of sale; and

WHEREAS, The Tax Collector, in enforcement of said decree, gave thirty days' notice by publication once a week for three successive weeks in THE BALDWIN TIMES, a newspaper regularly published in said County, and also by posting notice at the Court House of said County, and at a public place in the precinct in which the land was situated, that he would sell said land on the 8th day of July, 1907 between 10 o'clock a. m. and 4 o'clock p. m. in front of said Court House, which notice described said land and stated the amount for which the Probate Court's decree had been rendered against same, and that said land and that said taxes had been assessed to Mary James; and

WHEREAS, The Tax Collector at said time, in front of said Court House door, did offer said land at public outcry, so that, as far as practicable, only such portion thereof was sold as was necessary to satisfy said decree, and did sell said land to Buchmann Abstract & Investment Company, who was the highest bidder, for \$9.00 which covered the taxes, fees, charges, costs and expenses of sale, which amount he paid to said Tax Collector; and

WHEREAS, The Tax Collector did then deliver to said purchaser, in accordance with Section 4063 of the Code, a certificate of Purchase, containing description of said land, showing the date the same had been assessed to Mary James for said year; and also showing the taxes due thereon, distinguishing the amounts due the State and County, and for schools purposes, and the fees and costs; and further showing the time for which said land was advertised, the date it was offered for sale, the name of the purchaser, and the price paid; and

WHEREAS, The time for redemption of said land has elapsed, and said Certificate of Purchase has been returned to the Probate Judge by Buchmann Abstract & Investment Company, the purchaser.

NOW, THEREFORE, I, J. H. H. SMITH, as Probate Judge in and for said County, in said State, under and by virtue of the provisions of Section 2296 of the Code of Alabama of 1907, and in consideration of one dollar, to me paid,

have this day granted, bargained and sold, and by these presents do grant, bargain, sell and convey unto Buchmann Abstract & Investment Company all the right, title and interest of said Mary James and all the right, title, interest and claim of the said State and County on account of said taxes, or under said decree, in and to the following described land, to-wit:

W $\frac{1}{2}$ of NE $\frac{1}{4}$ and E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 21, township 6 south of range 4 east.

situated in said County and State; TO HAVE AND TO HOLD the same, the said right, title and interest unto said Buchmann Abstract & Investment Company, heirs, assigns or successors forever; but no right, title or interest of any reversion or remainderman in said land is conveyed hereby.

In testimony whereof, I have hereunto set my hand and seal, this 9th day of July, 1909

(Signed) J. H. H. Smith
Judge of Probate, Baldwin County.

STATE OF ALABAMA, }
BALDWIN COUNTY. }

I, W. Gasque Hall, Clerk of the Circuit Court, in and for said County, in said State, hereby certify that J. H. H. Smith, whose name is signed to the foregoing conveyance as Judge of Probate, and who is known to me, acknowledged before me, on this day, that being informed of the contents of this conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand, this the 9th day of July, 1909.

(Signed) W. Gasque Hall
Clerk of the Circuit Court,
Baldwin County, Alabama.

MAGGIE ROBERTS,

Complainant and Cross Respondent,

-vs-

BUCHMAN ABSTRACT AND INVESTMENT COMPANY,

Respondent and Cross Complainant.

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

F I N A L D E C R E E

This cause coming on to be heard by agreement of counsel on the 23rd day of May, 1923, on exceptions to testimony, on the bill of complaint, as last amended, and on the answer, and cross-bill, as last amended, and answer to cross-bill, and upon the testimony as noted by the Register, and all parties thereto being present in court, or represented by counsel, and the court having heard argument of counsel upon the matters at issue, and the court having understood the matters at issue, and the court having rendered an oral opinion thereon at the time of said hearing, and the solicitors for said parties having undertaken to agree upon the form of the decree, and the court finding that said solicitors have been unable to agree upon the form for said decree; the court does therefore, render a decree in said cause as hereinafter set out, and the court is of the opinion that the complainant failed to show title or possession at the time of filing the bill in and to the following tracts or parcels of land, viz: The East half of the southwest quarter of the northeast quarter of Section 21; and the east half of the northwest quarter of the northeast quarter of Section 21, Township 6 South of Range 4 East, Baldwin County, Alabama. The court is also of the opinion that the tax deed under which the respondent claimed, and which was offered in evidence as a muniment of title, was void as a muniment of title. The court is also of the opinion that said tax deed which was thereafter offered in evidence as color of title, and which was admitted by the court for said

purpose, is admissible in evidence as color of title. The court is further of the opinion that the complainant has shown a legal title to the lands described in the Bill of Complaint, except those tracts or parcels of land as to which the Bill of Complaint is ordered dismissed, and that the complainant's right to relief cannot be defeated in this proceeding by a merely disputed possession, but only by a possession that is sufficient to set in motion the Statute of Limitations.

It is therefore, ordered, adjudged and decreed that respondent's motion to suppress the deposition of Maggie Roberts filed July 4th, 1921, be, and the same is hereby overruled. It is further ordered, adjudged and decreed that respondent's exceptions numbered 1st, 2nd, 5th, 7th, 8th, 10th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 21st, 22nd, 24th, 33rd, 36th, 37th, 38th, 39th, 40th and 42nd, and exceptions marked A, B, C, F, I, J, and R, separately and severally, be, and the same are hereby overruled; that respondent's exceptions as follows: 3rd, 4th, 6th, 9th, 11th, 20th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 34th, and 35th, and exceptions marked D, E, G, H, M, N, O, P, and Q, are separately and severally sustained; that the respective motions to exclude testimony based thereon, are hereby granted. It is further ordered, adjudged and decreed that respondent's exceptions marked "K" is sustained except as to carbon copies of receipts numbered as follows, viz: 4925, 4927, 4928, 4929, 4930, 4931, 4933, 4934, 4935, 4936, 4937, 4939, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4947, 4948, 4949, 4952, 4953, 4954, 4959, 4960, 4961, 4962, 4966, 4967, 4970, 4977, 4979, 4981, 4982, 4983, 4984, 4985, 4987, 4988, 4990, 4991, 4998, 4906, 4909, 4910, 4971, 4973, 4974, and 4976, and that said exception "K" is overruled as to carbon copies of receipts as follows, viz: 4925, 4927, 4928, 4929, 4930, 4931, 4933, 4934, 4935, 4936, 4937, 4939, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4947, 4948, 4949, 4952, 4953, 4954, 4959, 4960, 4961, 4962, 4966, 4967, 4970, 4977, 4979, 4981, 4982, 4983,

4984, 4985, 4987, 4988, 4990, 4991, 4998, 4906, 4909, 4910, 4971, 4973, 4974, and 4976. And that respondent's motion to exclude the following portion of the testimony of George T. Rossen as set out in the 41st exception:

"In my opinion the signature on the duplicate tax receipt book was written by the man when sober, and 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",

be granted.

And the respondent's motion to exclude all the evidence that the witness, George T. Rossen, "has testified to about the mental condition of H. H. Cooper, or other persons who might have signed his name", as set out in the respondent's 41st exception, also be granted. It is also ordered, adjudged and decreed, that the Bill of Complaint be dismissed as to those certain tracts or parcels of land in Baldwin County, Alabama, and more particularly described as follows, viz: The east half of the southwest quarter of the northeast quarter of Section 21; and the east half of the northwest quarter of the northeast quarter of said Section 21, in Township 6 South of Range 4 East. It is further ordered, adjudged and decreed that the Cross Bill of the Respondent, the Buchman Abstract & Investment Company, be, and the same is hereby dismissed. It is further ordered, adjudged and decreed that the respondent, the Buchman Abstract & Investment Company, has no right, title or interest in, or incumbrance upon the east half of the northwest quarter, and the west half of the west half of the northeast quarter of Section 21, Township 6 South of Range 4 East, Baldwin County, Alabama.

It is further ordered, adjudged and decreed that the Register, within thirty days from the rendition of this decree shall file a certified transcript thereof in the Probate Court of Baldwin County, Alabama.

It is further ordered, adjudged and decreed that the respondent shall pay the costs that have accrued in this cause.

Ordered, adjudged and decreed this 12th day
of August, 1924.

John D. Leigh
JUDGE.

11-710

MAGGIE ROBERTS,)
Complainant.)
VS.)
BUCHMANN ABSTRACT AND)
INVESTMENT COMPANY, an)
Alabama corporation,)
Respondent.)

IN CHANCERY AT MOBILE, ALABAMA.

TO THE HONORABLE THOMAS H. SMITH, CHANCELLOR FOR THE
SOUTHWESTERN CHANCERY DIVISION OF ALABAMA:

Your oratrix, MAGGIE ROBERTS, humbly complaining against
BUCHMANN ABSTRACT AND INVESTMENT COMPANY, an Alabama corporation, repre-
sents unto your Honor as follows:

FIRST.

That oratrix is over the age of twenty-one years and re-
sides in the city of Chicago, Cook County, Illinois; that the respondent,
Buchmann Abstract and Investment Company, is a corporation organized un-
der the laws of the State of Alabama and has its principal office at Cull-
man, in Cullman County, Alabama.

SECOND.

That oratrix is the owner of and is in actual peaceable
possession of certain lands in Baldwin County, Alabama, described as
follows: The West half of the Northeast quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$) and the East
half of the Northwest quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of Section Twenty-one (21),
Township Six (6) South of Range Four (4) East.

THIRD.

That respondent claims or is reputed to claim some right,
title or interest in or lien or incumbrance upon the said lands; and
that there are no suits now pending in any court of the State of Alaba-
ma to test the validity of any right, title or interest in or lien or
incumbrance upon the said lands between the parties to this suit.

FOURTH.

Your oratrix calls upon the respondent to answer whether
or not it claims any right, title or interest in or lien or incumbrance
upon the said lands.

Your oratrix further calls upon the respondent to set
forth and specify what right, title or interest in or lien or incumbrance
upon the said lands it claims to have or hold, if any, and to set forth

