

The State of Alabama, }
Baldwin County.

No. 305. CIRCUIT COURT, IN EQUITY

Abe F. Johnson, Complainant.
vs.
Freddie May Johnson, Defendant.

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and, upon consideration thereof, the Court is of opinion that the Complainant is entitled to the relief prayed for in said bill.

IT IS, THEREFORE, Ordered, adjudged and decreed by the Court, that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby dissolved, and the Complainant is forever divorced from the Defendant.

On the grounds of abandonment for more than two years next preceding the filing of this suit for Divorce.

It is further ordered, that the said Abe F. Johnson and Freddie May Johnson, be, and they are hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Abe F. Johnson, pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said Freddie May Johnson.

It is further ordered, adjudged and decreed that said neither of said parties shall not again marry except to said each other until sixty days after this date, and that if an appeal is taken within sixty days the shall not marry again except to said each other. during the pendency of said appeal.

This 14th day of April 1921.

John D. Leish
Judge of the Circuit Court of Baldwin County.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

I, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the day of 1921, in the cause of Complainant.

vs. Defendant.
as appears of record in said Court.

Witness my hand and the seal of said Court, this the day of 1921.

Register.

No. 305

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.
BALDWIN COUNTY, ALA.

Abe F. Johnson

Vs.

Fredie May Johnson

DECREE OF DIVORCE.

Filed in office this 15th

day of April, 1921

M. Johnson

Register.

E. O. M.

RECORDED

BOND

W. A. H. B. R. I.

144

144

144

144

BOND

State of Alabama, } To any of the State Judges, or to any Ordained Minister
MOBILE COUNTY. } Gospel, or to any Justice of the Peace of said County—GREETING

Know ye, That you are hereby authorized and licensed to join together in the

Bonds of Matrimony

Abe Johnson with Freddie M Vinson

15 years of age Mother's Consent

Given under my hand and seal this 7th day of November 19 06

P Williams Jr (L S.)
Judge.

~~THIS LICENSE MUST BE RETURNED WITHIN THIRTY DAYS AFTER DATE OF CEREMONY XXX~~

The State of Alabama, } TO THE JUDGE OF PROBATE OF SAID COUNTY:
MOBILE COUNTY. }

I Hereby Certify, That I this day solemnized the Rites of Matrimony between

Abe Johnson and Freddie M Vinson

who are within named, at Mobile City in said County.

Witness my hand this 7th day of Nov. 19 06

Fremont Thrower

~~Official Character~~ Justice Peace

THE STATE OF ALABAMA }
MOBILE COUNTY }

PROBATE COURT

I, PRICE WILLIAMS, Judge of the Probate Court in and for said State and County, hereby certify that the within and foregoing one pages contain a full, true and complete copy of the Marriage License, as issued to Abe Johnson with Freddie M Vinson, together with the certificate of the solemnization of matrimony,

as the same appears of record in my office in WHITE Colored Marriage License Book No. 1906

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Given under my hand and seal of office, this 9th day of April 1921



P. Williams
By *Hank M. Lead*
Judge of Probate.
Lead

ABE F. JOHNSON, Complainant.;

VS

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

FREDDIE MAY JOHNSON, Defendant;

TO THE HONORABLE JOHN D. LEIGH, Judge of the Circuit Court of
Baldwin county, Alabama.

Your Orator Abe F. Johnson, respectfully shows unto your Honor that he and the defendant, Freddie May Johnson, his wife, are both over the age of Twenty One years, and that both of them are now and have been for more than three years next preceding the filing of this his Bill for Divorce, continuous residents, both of them, of Baldwin County, Alabama, ~~and that~~

Orator further shows unto your Honor that he and the defendant, Freddie May Johnson, were lawfully married on the 7th, day of November 1906, in Mobile County, Alabama, and that they lived together as man and wife until the 29th day of Feb, 1913, when his said wife Freddie May Johnson without fault on his part, and against his wishes, voluntarily abandoned his bed and board, and since that time they have lived separate and apart, and there has not been any marital intercourse between Orator and his said wife Freddie May Johnson, since said date, nor has there been any intercourse of any nature whatsoever between them since said abandonment occurred.

And that this abandonment occurred for more than two years next preceding the filing of this his Bill for Divorce, in this case.

The premise considered, Orator prays your Honor to take jurisdiction of this his Bill for Divorce, and that his said wife, Freddie May Johnson, be made a party ~~hence~~ Defendant hereto, according to the rules and practice of this Honorable Court.

Ant that upon the hearing of this case, Orator prays your Honor to decree to him an absolute Divorce from his said wife, Freddie May Johnson, with such other further and different relief as in Equity he may be entitled to receive, and he will ever pray, etc.

Complainant.

Abner J. Smith
Solicitor for Complainant.

FOOT NOTE.

The Defendant is required to answer each and every allegation of the forgoing Bill of Complaint, but not under oath, her Oath to same being expressly waived.

Alfred J. Smith,
Solicitor for Complainant.

BOUND
BY
E. B. SMITH

In the Circuit Court of Baldwin County, Alabama.

Abe H. Johnson,
Complainant.

Vs.

Freddie May Johnson,
Defendant.

Now comes the defendant, Freddie May Johnson, who says she is not able to employ an attorney and for answer to petition for Divorce by her husband, Abe H. Johnson against her answers as follows;

She admits the truth of the statements made in Complainant's petition, and that she was married to him at the time stated and also that she left him at the time stated for the reason that she never loved complainant and was married him against her own will, at the instigation of her step-mother when defendant was but 14 years of age and mentally and physically incompetent to assume the marriage relation. That she was but a mere child at the time and in no wise competent to chose a life companion. Defendant says that unbeknown to her her said step-mother procured defendant's wedding dress and carried her to Mobile Ala. where a marriage license was procured and she was compelled to marry the Complainant, who was waiting.

Defendant says that her step-mother took this means of getting defendant off her hands, and that after said marriage she had no place to go or to call her home except to continue to live with Complainant as his wife, although she was a nervous wreck for a long time and she could not in reality be a loving wife to the Complainant, and that she has never loved complainant.

Defendant says that she is still extremely nervous and weighs less than a hundred pounds; that she is not in good health and believes she has strong symptoms of tuberculosis. She believes that if she can be relieved all worry and go to a different climate that she may be cured.

Defendant says she that she does not ever intend to again lived with complainant as his wife, and she prays this Honorable court to set her free from the bonds of matrimony with Complainant and to grant her a divorce, as she is entitled to in all justice and in law, that she may go her way in peace and live in peace and righteousness in the sight of the Lord. And as such she will ever pray.

Witness:

J. W. Pearson

Freddie May Johnson
Defendant.

FOOOE NOTE:

The Defendant waives service by the sheriff's subpoena on the bill filed by complainant, and notice of the filing of interrogatories, or a proceeding to take testimony on oral examination as well as the right to cross examine, and she consents that this cause be submitted for decision on note of testimony made by the register either in term time or vacation.

dated at Bay Minette this 7th day of April 1921.

Witness;

J. W. Recursion

Freddie May Johnson
Defendant.

THE STATE OF ALABAMA,

No. 305.

Baldwin

County.

CIRCUIT COURT IN EQUITY.

Abe F Johnson

Complainant

vs.

Freddie May Johnson,

Defendant

DEPOSITION OF Abe F Johnson and Joel Johnson,

application for oral examination of witnesses for Complainant. By virtue of the Commission hereto annexed, issued by the Register for said Court of said County, in - ant by Attorney of record for complainant the above stated cause pending in said Court of said County,

I, T.W. Richerson, the Commissioner named in said Commission,

have called and caused to come before me Abe F Johnson and Joel Johnson

application

the witness named in the Commission, and having first sworn the said witness to speak the truth, the whole

truth and nothing but the truth, the said witness Abe F Johnson, deposes and says as follows:

I am a bon a fide resident of Baldwin Co, My name is Abe F Johnson, /I am over 21 years of age and have been for more than three years next before the filing of this bill, Myself and Freddie May Johnson were married on the 7th, day of November, 1906, in Mobile County, Alabama, and lived together as man and wife in Baldwin County Alabama from that date until the 29th day of Febuary, 1918, when said Freddie May Johnson without fault on my part and against my wishes voluntarily abandoned my bed and board and has since that date refused to live with me but has lived seperate and apart from me and there has been no marital intercourse between myself and the said Freddie May Johnson since Febuary 29th, 1918. nor has there been any intercourse whatsoever between us since said seperation.

This abandonment occurred for more than 2 years next preceding the filinig of this bill for divorce.

Freddie May Johnson is over 21 years of age 3 years next preceding the filing of this bill.

Henry Johnson
Freddie Johnson

Abe F Johnson

Joel Johnson witness for complainant who being duly sworn testified as follows:-

My name is Joel Johnson I am over the age of 21 years and a resident of Baldwin County, Alabama and have been all my life . I know Abe F Johnson and Freddie May Johnson, they were married in 1906, and lived together as man and wife in my vicinity continuously in Baldwin Co, Ala, until Feb 29th 1918, when Freddie May Johnson voluntarily abandoned Abe F Johnson and has not lived with him since that time , she had no cause for leaving him as he was kind to her and always provided for her in a way as good as she had been used to or better, I have been to their place while they were living together and they had plenty to eat and she was dressed well . Both are over 21 years of age and have been for 3 years next preceding the filing of this bill Freddie May Johnson left Abe F Johnson without his consent and it has been over 2 years next preceding the filing of this bill since they have lived together as man and wife

she being in one part of the County and he in another part of the county since Feb 29th, 1921.

W. W. Johnson
J. W. Johnson
W. W. Johnson

W. W. Johnson
W. W. Johnson

I, J. W. Richardson the said Register, hereby certify that the foregoing testimony was taken down in writing by myself 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 8th day of April, 1927, at Bayouville 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 said Deposition, together with the Commission and Interrogatories, Direct and Cross, and documents which were deposed to, in an envelope properly indorsed and sealed and returned to the Register for said Court of said County.

Given under my hand and seal, this 8 day of April, 1927.
J. W. Richardson (L. S.)
 Commissioner

WITNESS' FEES.

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

Witness.....	Days attendance at \$1.50 per day, \$.....
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,

COMMISSIONER'S FEES.

Commissioner..... Days at \$1.50 per day, \$.....
 Words at 20c per 100,

300 No. 206 Page R
 THE STATE OF ALABAMA,
 County.....
 CIRCUIT COURT, IN EQUITY.
Abe F. Johnson
 vs.
Marcellie May Johnson
 DEPOSITION TAKEN BEFORE
 COMMISSIONER
 DEPOSITION OF
Abe F. Johnson
Joel Johnson
 for Complement
 Filed 8th Apr 1926
 Published by order of Court,
J. W. Richardson Register.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

}

CIRCUIT COURT, IN EQUITY.

No. 305 Term, 191.....

Abe F. Johnson,

Complainant.....

vs.

Freddie May Johnson,

Defendant.....

To Hon. T. W. Richardson, Register:

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the

Complainant, by Abner J. Smith, counsel for Plaintiff.....

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Abner J. Smith
Solicitor for Complainant.

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No. Page

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

vs.

REQUEST FOR DECREE IN
VACATION.

Filed *Apr 12* 19*21*

J. W. [Signature]

Register

Recorded in Record

Vol. Page

Register

Abe F. Johnson

THE STATE OF ALABAMA,
BALDWIN COUNTY

vs.

Fredie May Johnson

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,

*Answers of Defendant and testimony of
Abe F. Johnson, and Fredie May Johnson*

and in behalf of Defendant upon

J. M. [Signature]

Register

5 - R

No.....

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

vs.

NOTE OF TESTIMONY.

Filed in Open Court this 12.....

day of Apr 21 191.....

W. R. ...

Register

----- X
BALDASAR DURSA,)
Complainant,)
-vs-)
FRANK MULLEK,)
Respondent.)
----- X

IN THE CIRCUIT COURT-EQUITY SIDE.
STATE OF ALABAMA.
BALDWIN COUNTY.

TO THE HONORABLE, THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA-EQUITY SIDE, AND TO THE HON. JOHN D. LEIGH, JUDGE
THEREOF, SITTING IN EQUITY:-

Comes your Complainant, Baldasar Durso, and exhibits this,
his Bill of Complaint, against the Respondent, Frank Mullek, and for
grounds thereof, shows unto your Honor and unto this Court, as follows:-

FIRST.

That both your Complainant and the Respondent are "bona
fide" residents of Baldwin County, Alabama, residing near Elberta and
that the subject matter of this suit is a high-way or public road
located in Baldwin County, Alabama.

SECOND.

That your Complainant owns and is in possession of, farm-
ing and occupying as his home-stead, the following described lands
in Baldwin County, Alabama;- the Northwest quarter of the northwest
quarter of Section thirty-one in township seven south of range six
east of St. Stephens Meridian, otherwise known as Lot No. 4 in said
section thirty-one upon the plat of the lands of the Baldwin County
Colonization Company, as was on file in its office on April 1st., 1911,
save and except such part thereof as by said plat, may be shown to be
reserved for roads; that the Respondent is in possession of the North-
west quarter of the northwest quarter and the northeast quarter of the
northwest quarter of Section thirty in township seven south of range
six east in Baldwin County, Alabama, occupying, using and having
under fence all of said land last described.

(page two)

THIRD.

That all of the above described lands were formerly a part of the property of the Baldwin County Colonization Company, a corporation, who owned, developed, sub-divided and sold farms therefrom from time to time; that a plat or map was made thereof and filed in its office; that in and by said plat there were platted, shown and set apart certain portions or strips of land from each section as roadways and the various sections of land, after excepting such roadways were then sub-divided into farms and given numerical designation in each section; that the lands herein described were so platted, designated and there was and is excepted and reserved from the same certain roads or roadways as hereafter set forth; that the deeds or conveyances made by said Company were made with reference to said plat and so stipulated and recited; that the lands above described were so sold and as hereinafter shown.

FOURTH.

That your Complainant acquired title to his above described land by deed from said Baldwin County Colonization Company dated April 1st., 1911, a copy of which is hereto attached and marked exhibit "A" and made a part of this Bill of Complaint; that of the above described property now in possession of the Respondent, the Northeast quarter of the Northwest quarter was acquired by one Peter Kremer from said Company by deed dated Sept. 1st., 1912 and by the said Kremer conveyed to the Respondent by deed dated Sept. 25th., 1923; copies of said two last named deed being hereto attached, marked exhibits "B" and "C" and made a part of this Bill of Complaint; that the Northwest quarter of the Northwest quarter of said lands of Respondent were acquired from said Company by Andres Olay by deed dated January 1st., 1911 and by the said Olay to Respondent and Margret Mullek by deed dated the day of October, 1913, copy of said last named deeds being hereto attached, marked exhibits "D" and "E" and made a part of this Bill of Complaint; that in and by and as a part of each of said deeds from the

(page three)

from the Baldwin County Colonization Company, the then owner of the lands described in this complaint and of the lands conveyed by each deed there was contained the following reservation, viz:- "Save and except such part thereof as by said plat, may be reserved for roads" and referring to the plat of the lands of said Company then on file in its office.

FIFTH.

That there is hereto attached and marked exhibit "F" and made a part hereof, a copy of said plats of the lands of the said Baldwin County Colonization Company on file in its office on the date of the two above named deeds to Andreas Olay and Peter Kremer that in and by said plat there was and is reserved among other, a road or high-way 40 feet wide on the dividing line running north and south between the northwest quarter of the northwest quarter and the northeast quarter of the Northwest quarter of said section thirty above described.

SIXTH.

That the Respondent has constructed and maintained and does now maintain an obstruction or barrier to-wit:- wire fences on, over and across said roadway on such north and south dividing line and by reason of such fence or obstruction your Complainant is at all times prevented from using such roadway; that these obstructions absolutely prevent the egress by your Complainant from his farm and home-stead to the public road known as the Elberta Road unless he goes, either through private lands belonging to others, or, at least a mile and one-half out of the direct way; that the said "Elberta Road" leads to the Village of Elberta in Baldwin County, which Village is Complainant's market town and these obstructions maintained by said Respondent obstruct complainants only way to market; that owing to the peculiar location of Complainant's farm with regard to the

(four)

obstructions he suffers annoyances different in degree and kind from those suffered by the general public in consequence of the obstructions; that your Complainant is forced out of his direct public high-way into a circuitous route in his commerce and intercourse with the outside world, complainant thereby sustaining an individual or specific damage in addition to that suffered by the public.

SEVENTH;

That although repeated demands have been made by Complainant on Respondent for removal of obstructions, Respondent has failed and refused to remove the same but continues to maintain them; that by reason of such unlawful and illegal obstructions of such road or high-way your Complainant has been caused to lose much time and labor in and about his going to and from his farm; has been caused to lose much time from his business, that of farming, and thereby has been damaged to the extent of \$500.00 as the proximate result of such unlawful and illegal obstructions maintained by the Respondent.

PRAYER FOR PROCESS.

THE PREMISES CONSIDERED, your Complainant prays that there issue to the Respondent, Frank Mullek, all notices, subpoenas, orders and decrees necessary to make the said Frank Mullek party defendant, and directing the said Frank Mullek to appear and plead, answer and demur to this Bill of Complaint within the time allowed by law under the pains and penalties of this Court.

PRAYER FOR RELIEF.

Upon a final hearing of this cause that your Honor will render, adjudge and decree that the Respondent, Frank Mullek, be forever enjoined from maintaining the above named and described or any other obstructions of any kind on, over or across said described public road or highway and that there be awarded to your Complainant a reasonable sum for his damage sustained as above alleged; if your Complainant is mistaken in the relief sought, he

(page five)

prays that your Honor will grant unto him such further, other or additional relief to which he is entitled in equity and in good conscience. And as in duty bound he will ever pray, etc.

x Baldasar Dursa
Complainant
Haver, Haver,
Solicitor for Complainant

FOOT NOTE:-

The Respondent is required to answer each and every paragraph of the foregoing complaint from first to seventh both inclusive, but answer by oath is hereby expressly waived.

x Baldasar Dursa
Complainant
Haver, Haver
Solicitor for Complainant

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me the undersigned authority, personally appeared Baldasar Dursa who is known to me, and after being by me first duly sworn, doth depose and sayd under oath:-

That he is the Complainant in the above styled cause; that he has knowledge of and is fully acquainted with the facts as set out in the foregoing Bill of Complainat and that the same is true.

X Baldasar Dursa

Sworn to and subscribed before me this 25th day of May 1925.

Ludwig Lindoerfer
Notary Public Baldwin County, Ala.

A

THIS INDENTURE WITNESSETH, that the Grantor Baldwin County Colonization Company, a corporation organized under the laws of the State of Alabama, for and in consideration of the sum of One thousand two hundred and sixty-five dollars (\$1265.00) in hand paid conveys and warrants to Baldasar Dursa of the Village of Elberta in the county of Baldwin in the State of Alabama, the following described real estate, wo-wit:-

The northwest quarter of the northwest quarter of section thirty-one in township seven south of range six east of St. Stephens Meridian Alabama, otherwise known as Lot No. 4 in said section thirty-one upon the plats of the lands of said grantor now on file in its office, said parcel of land containing forty acres of land, more or less, save and except such part thereof as by said plat, may be shown to be reserved for roads, situated in Baldwin County in the State of Alabama.

TO HAVE AND TO HOLD unto said Baldasar Dursa, his heirs and assigns FOREVER. and the said Grantor does hereby covenant with the said Grantee that it is seized in fee of the above described lands; that it has the right to sell and convey the same; that the said lands are free from all incumbrances; that it will and its successors and assigns will forever warrant and defend the same to the said Grantee, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor Baldwin County Colonization Company, has caused its corporate name to be hereunto signed under the hand of its President, duly authorized thereto and its corporate seal to be affixed this first day of April, A. D., 1911.

ATTEST: (Corporate Seal)
Henry C. Bartling, Sec.

BALDWIN COUNTY COLONIZATION COMPANY,
C. M. Staiger, President

THE STATE OF ILLINOIS.) S S
Cook County.

I, Knut Sundsten, a notary Public in and for said county in said state, hereby certify that C. M. Staiger, whose name as President of the Baldwin County Colonization Company, a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Knut Sundsten, Notary Public,

(SEAL)

My Commission expires October 31st., 1911.

Exhibit "A"

THIS INDENTURE WITNESSETH, that the Grantor, Baldwin County Colonization Company, a corporation, organized under the laws of the state of Alabama for and in consideration of the sum of \$1.00, to it in hand paid, conveys and warrants to Peter Kremer of the Town of New Holstein in the county of Calumet in the State of Wisconsin, the following described real estate, to-wit:-

The Northeast quarter of the Northwest quarter of Section Thirty in township seven south of range six east of St. Stephens Meridian, otherwise known as Lot numbered 3 in said section thirty upon the the plat of the lands of said grantor now on file in its office, said parcel of land containing forty acres, more or less, save and except such part thereof as, by said plat, may be shown to be reserved for roads, situated in Baldwin County, in the State of Alabama.

TO HAVE AND TO HOLD, to the said Paul Kremer, his heirs and assigns, FOREVER. and the said Grantor does hereby covenant with the said Grantee, that it is seized in fee of the above described lands; that it has the right to sell and convey the same; that said lands are free from all incumbrances; that it will and its successors and assigns will forever warrant and defend the same to the said grantee, his heirs and assigns against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor, Baldwin County Colonization Company, has caused its corporate seal to be hereto signed under the hand of its President duly authorized thereto and its corporate seal to be affixed this 1st. day of September 1912.

Henry C. Bartling, Sec.
Attest.

Baldwin County Colonization Company,
C. M. Staiger, President.

STATE OF ILLINOIS.) S S
COOK COUNTY.

I, A. L. Buckanan, a notary public in and for said county in said state, hereby certify that C. M. Staiger, whose name as President of the Baldwin County Colonization Company, a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this 27th. day of September, 1912.

A. L. Buckanan,
Notary Public.

My Commission expires September 9th., 1914.

Exhibit "B"

C.

WARRANTY DEED.

STATE OF ALABAMA.
BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS:-

That for and in consideration of the sum of \$1.00 and other good and valuable considerations to us in hand paid by Frank Mullek and Margaretha Mullek, husband and wife, the receipt whereof is hereby acknowledged, we Peter Kremer and Appolonia Kremer, husband and wife, do hereby Grant, Bargain, Sell and Convey unto the said Frank Mullek and Margaretha Mullek, husband and wife, as joint tenants and not as tenants in common, the following described lands situated in Baldwin County, State of Alabama, to-wit:-

The Northeast quarter of the Northwest quarter of Section thirty in township seven south of range six East, St. Stephens Meridian, otherwise known as Lot numbered 3 of said section thirty, containing forty acres of land, more or less, save and except such part thereof as may be reserved for roads, situated in Baldwin County, State of Alabama.

TO HAVE AND TO HOLD to the said Frank Mullek and Margaretha Mullek, husband and wife, their heirs, executors and administrators, FOREVER. And we do covenant with the said Frank Mullek and Margaretha Mullek, husband and wife, that we are seized in fee of the above described premises; that we have the right to sell and convey the same; that the said premises are free from all incumbrances; that we will and our heirs, executors and administrators shall forever warrant and defend the same to the said Frank Mullek and Margaretha Mullek, husband and wife, their heirs, executors and administrators against the lawful claims of all persons whomsoever.

Witness our hands and seald this 25th. day of September
A. D. 1923.

(\$1 U.S.I.R. attached)
My commission expires
July 18th, 1926

Peter Kremer (Seal)
Apolonia Kremer (Seal)

WITNESSES:-
Charles Schneider
R. F. Bast.

STATE OF WISCONSIN
COUNTY OF MILWAUKEE.

I, Chas. Schneider, a notary public in and for said state and county, do hereby certify that Peter Kremer and Appolonia Kremer, his wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal this 25 day of September, A. D. 1923.

Charles Schneider,
Notary Public

STATE OF WISCONSIN
COUNTY OF MILWAUKEE.

I, Chas. Schneider, a Notary Public in and for said state and county, hereby certify that on the 25 day of September A. D. 1923, came before me the within named Appolonia Kremer, known to me to be the wife of the within named Peter Kremer, who, being examined separate and apart from her husband in reference to her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraint or threats on the part of the husband.

In witness whereof I have hereunto set my hand and affix my notarial seal this 25 day of September, A. D. 1923.

My commission expires July 18, 1926.

Chas. Schneider, Notary Public

19

THIS INDENTURE WITNESSETH, that the Grantor, Baldwin County Colonization Company, a corporation organized under the laws of the State of Alabama, for and in consideration of the sum of one thousand dollars (\$1,000.00), in hand paid, conveys and warrants to Andres Olay of the Village of Elberta in the County of Baldwin, in the State of Alabama, the following described real estate, to-wit:-

The northwest quarter of the northwest quarter of Section thirty in township seven south of Range six East of St. Stephens Meridian, otherwise known as Lot Number Four in said section thirty upon the plat of the lands of said Grantor now on file in its office, said parcel of land containing forty acres, more or less, "save and except such part thereof as by said plat, may be reserved for roads" situated in the county of Baldwin State of Alabama.

TO HAVE AND TO HOLD to the said Andreas Olay, his heirs and assigns forever, and the said Grantor does hereby covenant with the said Grantee, that it is seized in fee of the above described lands; that it has the right to sell and convey the same; that the premises are free from all incumbrances; that it will and its successors and assigns will forever warrant and defend the same to the said Grantee, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor, Baldwin County Colonization Company, has caused its corporate name to be hereunto signed under the hand of its President duly authorized thereto and its corporate seal to be affixed this first day of January, A. D. 1911.

BALDWIN COUNTY COLONIZATION COMPANY,

ATTEST:- (Corporate Seal) C. M. Staiger, President,
Henry C. Bartling, Sec.

THE STATE OF ILLINOIS.) S S
COOK COUNTY.)

I, Knut Sundsten, a notary Public in and for said county in said state, hereby certify that C. M. Staiger, whose name as President of the Baldwin County Colonization Company, a corporation, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this 16th. day of January, 1911.

Knut Sundsten, Notary Public,
My Commission expires October 31st., 1911

(Seal)

Exhibit D

STATE OF ALABAMA.

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS:-that for and in consideration of the sum of \$1625.00 to us in hand paid by Frank Muellek and Margret Muellek, the receipt whereof is hereby acknowledged, Andreas Olay and Elizabeth Olay do grant, bargain, sell and convey unto the said Frank Muellek and Margret Muellek, the following described lands situated in Baldwin County, to-wit:-

The Northwest quarter of the Northwest quarter of Section thirty in township seven south of range six east otherwise known as lot No. 4 in said section thirty said parcel of land containing forty acres, more or less.

TO HAVE AND TO HOLD to the said Frank Muellek and Margret Muellek their heirs and assigns, FOREVER. and we do covenant with the said Frank Muellek and Margret Muellek, their heirs and assigns, that we seized in fee of the above described premises, that we have a right to sell and convey the same; that the said premises are free from all incumbrances; that they will and their heirs, executors and administrators shall forever warrant and defend the same; that the said Frank Muellek and Margret Muellek, their heirs and assigns, against the lawful claims of all persons whomsoever.

Witness our hands and seals this ___ day of October, 1913.
his
Andreas x Olay L.S.
mark
L. S.

WITNESSES:-
L. Lindoerfer
Jos. Beck.

Elizabeth Olay.

STATE OF ALABAMA.
BALDWIN COUNTY.

I, L. Lindoerfer, a Notary Public in and for said state and county, hereby certify that Andreas Olay and Elizabeth Olay, his wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me this day that, being informed of the contents of the said conveyance, they executed the same voluntarily on the day the same bears date.

Witness my hand this 27 day of October, 1913.

(Seal)

L. Lindoerfer.
Notary Public

STATE OF ALABAMA.
BALDWIN COUNTY.

I, L. Lindoerfer, a notary Public in and for said state and county hereby certify that on the 27 day of October 1913, came before me the within named Elizabeth Olay, known to me to be the wife of the within named Andreas Olay, who, being examined separate and apart from her husband, in reference to her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraint or threats on the part of the husband.

In witness whereof, I hereunto set my hand ~~and~~ this 27 day of October, 1913..

(Seal)

L. Lindoerfer,
Notary Public,

Exhibit "E"

The State of Alabama }
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Frank Mullek,

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Baldasar Dursa

against said Frank Mullek,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 25th day of May

1925.

T. W. Richerson
Register.

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

2 Original

Serve on

Circuit Court of Baldwin County
In Equity

No.

SUMMONS

Baldasar Dursa.

vs.

Frank Mulek.

Hear Eberta.

Stone & Stone.

Solicitor for Complainant.

Recorded in Vol. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this 25th
day of May 1925

W.R. Stuart
Sheriff.

Executed this 30th day day of
May 1925

by leaving a copy of the within summons with
Frank Mulek

Defendant.

W.R. Stuart
Sheriff.

By B.O. Wiggins
Deputy Sheriff.

RECORDED

[Faint, mostly illegible text on the reverse side of the document, including a large signature and various printed lines.]

BALDASAR DURSA,
COMPLAINANT,

-VS-

FRANK MULLEK,
RESPONDENT.

: IN THE CIRCUIT COURT OF
: BALDWIN COUNTY, ALABAMA,
: EQUITY SIDE.
: No. 505.
:
:
:
:
:
:

Comes Frank Mullek as respondent in the foregoing stated cause and answering complainant's bill of complaint says:-

FIRST: That there is no equity in the bill.

SECOND: In answering paragraph one, Frank Mullek as respondent admits that he and the complainant are bona fide residents of Baldwin County, Alabama, residing near Elberta, but denies that the subject of this suit is a public highway or public road located in Baldwin County, Alabama.

THIRD: Respondent in answering paragraph two of said bill of complaint says that he does not know whether or not the complainant owns the Northwest quarter of Northwest quarter of Section Thirty one, Township seven South, Range six East of St. Stephen's Meridian in Baldwin County, Alabama, and as to complainants ownership demands strict proof thereof; that respondent admits that he is in possession of the Northwest quarter of ^{of the north west quarter of} the Northeast quarter of ^{the Northwest quarter of said} Section thirty, Township seven South, Range six East in Baldwin County, Alabama, occupying, using and having under fence all of said land last described.

FOURTH: That respondent in answer to the third paragraph of said bill of complaint says, that he does not know of his own knowledge whether or not the Baldwin County Colonization Company owned, developed and subdivided all of the lands shown on the plat or map mentioned in paragraph three of said bill of complaint.

In further answer to said paragraph three of said bill of complaint respondent says that he has been informed and believes that road

ways were designated and dedicated by Baldwin County Colonization Company on all section lines running East and West, and North and South, on all section lines on the lands owned or formally owned by said Baldwin County Colonization Company, but as he does not know of his own knowledge that roads on all section lines running East and West, North and South, were designated and dedicated by said Baldwin County Colonization Company demands strict proof thereof.

In further answer to paragraph three of said bill of complaint, respondent says that he has been informed and believes and from such information and belief say, that said Colonization Company did not designate nor dedicate public highways or public roads on quarter section lines nor half section lines; that said Colonization Company did not designate nor set apart the road involved in this suit as a public highway or public road.

FIFTH: Respondent in answer to the fourth paragraph of said bill of complaint says, that he does not know of his own knowledge whether complainant acquired title to the Northwest quarter of the Northwest quarter of Section thirty-one, in Township seven South, Range six East of St. Stephen's Meridian in Alabama, and for that reason demands strict proof thereof; that respondent admits that he is in possession of Northeast quarter of the Northwest quarter of Section thirty in Township seven South, Range six East, and acquired title to same from Peter Kremer; respondent also admits that he is in possession of the Northwest quarter of the Northwest quarter of said Section thirty, Township seven South, Range six East, and acquired title to same from Andreas Olay by deed dated October - 1913. In further answer to said fourth paragraph of said bill of complaint, complainant says that he has been informed and believes and from such information and belief say, that the reservations for roads expressed in paragraph four of said bill of complaint as follows, viz: " Save and except such part thereof as by said plat may be reserved

for roads", and referred to ⁱⁿ said bill of complaint and deeds mentioned therein, and in the plat of the lands of said Company then on file in its office, and to deeds made by said Colonization Company refers to public roads on section lines and range lines and does not refer to roads on quarter section lines nor half section lines, but that the reservations for roads on said plat or map referred to roads on section lines and range lines and not on quarter section lines nor half section lines.

SIXTH: In answer to the fifth paragraph of said bill of complaint respondent says that the forty feet wide road or highway (mentioned in said paragraph five of said bill of complaint) on the dividing line running North and South between the Northwest quarter of the Northwest quarter and the Northeast quarter of the Northwest quarter of said Section thirty, Township seven South, Range six East of St. Stephen's Meridian in Baldwin County, Alabama, was not designated nor excepted by said Baldwin County Colonization Company as a public highway nor public road, but that this respondent has been informed and believes, and from such information and belief says, that said Baldwin County Colonization Company did save and except and dedicate as a public highway or public road, a strip of land forty feet wide on the ~~range~~ line running North and South between Ranges five and six East, Townships seven South, Ranges five and six East in said County of Baldwin, as a public highway or public road on said line running North and South dividing Ranges five and six East ^{thereby} furnishing an out-let as a road for travel from the Northwest quarter of the Northwest quarter of said Section thirty-one, Township seven South, Range six East, which said complainant claims to own, possess and occupy ~~same~~ as his homestead, and by reason of this road running North and South between ranges five and six East ^{this route or road} furnishes an out-let from the Homestead of said complainant to the so called Pensacola road. Respondent further says in answer to said fifth

paragraph that the road running North and South between Northwest quarter of Northwest quarter and Northeast quarter of Northwest quarter of said Section thirty is not and never was a public road, but is the private road and the property of this respondent, and in order that others may pass up and down this road he placed gates at each end of his land so that himself and others with vehicles can pass through, up and down said private road, said gates are easy to open and close and is not an obstruction to travel.

SEVENTH: In answer to the sixth paragraph of said bill of complaint respondent says, that the complainant in this cause is not prevented from using the road running North and South on the dividing line between the Northwest quarter of the Northwest quarter and Northeast quarter of the Northwest quarter of said Section thirty; that this respondent has erected and maintained gates across and at each end of the road involved in this suit so that the traveling public can travel up and down said road; that said gates are easy to open and close; that complainants homestead described in ~~said~~ bill of complaint is on and abuts the public highway or public road running North and South on the range line between ranges five and six East in Township seven South; that this respondent does not wish to annoy said complainant in any manner; that said complainant is not forced out of his direct public highway into a circuitous route in his commerce and intercourse with the outside world and does not sustain an individual or specific damage in addition to that suffered by the public, because this respondent maintains gates across said road at each end thereof which are easy to open and close.

EIGHTH: In answer to the seventh paragraph of said bill of complaint this respondent says, that he has refused to remove said fence and the so-called obstructions because the road and fence involved in this suit is the private property of this respondent and said road was not intended, donated or dedicated to the public as a

public
/highway or public road, and that said gates or fence across said road which is the private property of this respondent are not unlawful and illegal obstructions across said road; that there is no necessity for the complainant to lose much time and labor from his business in and about his going to and from his farm, and that this respondent denies that said complainant has been damaged to the extent of Five hundred (\$500.00) Dollars as the proximate result of said gates and fence.

Chas. Hall,

Solicitors for Respondent.