

J. H. GIBESONS, ET AL )  
COMPLAINANTS. )  
VS )  
J. W. CREAMER, DEFENDANT )

CIRCUIT COURT, BALDWIN COUNTY,  
ALABAMA. IN EQUITY.

It is agreed in the above styled cause that either party may introduce at the trial any documentary evidence, certified copy, original or record thereof without one day's notice to the other party and without accounting for the original, subject to such objections as might be urged at the trial.  
Witness our hands this 13th day of December, 1923.

*Samuel Warner*  
*Richard Beebe*  
Attorneys for Complainants

*J. W. Creamer*  
Defendant

THE STATE OF ALABAMA,  
Baldwin County.

J. H. Gideons, et al

No. ....

Complainant.....

CIRCUIT COURT, IN EQUITY.

vs.

Term, 19.....

J. W. Creamer

Defendant.....

To J. W. Creamer, defendant

Solicitors of Record.

Please take notice that in the above stated cause pending in the Circuit Court of Baldwin

County, in Equity, we will proceed at 10 o'clock on the 28th day of Sept 1923

at the office of T. W. Richerson, Register

in Bay Minette, Alabama, before

T. W. Richerson, commissioner to take the oral examination of the witnesses

John Dubrovack, Johanna Mason Iverson. Chester Mattingly, W.R.

Mattingly, Bose Ard, A.W.Lambert, Peter Kubina, Billie Warren,

J.H.Gideons, W.A.Stoddard, Geo. Strong, Ed. Lawrey

Witness, this the 21st day of Sept. 1923

*Richard Bube*

Solicitors for Complainants

To T.W.Richerson Register of the Circuit Court, in Equity:

Please summon the witnesses named in the above notice to appear before you

for an oral examination, in pursuance with the foregoing notice.

*Richard Bube*

Solicitors for Complainants

*Original*

No. ....

THE STATE OF ALABAMA,

County.

CIRCUIT COURT, IN EQUITY.

Complainant.....

vs.

Defendant.....

NOTICE OF TIME AND PLACE OF  
ORAL EXAMINATION.

Issued *Sept 21* 19*23*

*Executed Sept 21/1923  
by serving copy  
of written notice  
on J.W. [unclear]  
C.R. Stuart  
sheriff*

*by B.O. Higgins*

The State of Alabama }  
Baldwin County }

IN THE CIRCUIT COURT, IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

H D Moore R.M. Sheriff

You are hereby commanded to summon

Will Phillips, Jeff. Gullledge, Lila Gullledge, Les Price, Lilly Price, Son Waters, Rufus Blackham, Oscar Burlison, Dave Corral, Burly Creamer, Dave Creamer, Joe Gullledge.

personally to be and appear before

W. H. Creamer Commissioner

at Bay Minette Ala on ~~28~~ the 28th day

of Sept 1923, at 10 o'clock A.M., and from day to day thereafter until

discharged by due course of law, to give evidence and the truth to speak in behalf of the Dept

in a case now pending in said Circuit Court, in Equity, wherein

J. H. Gidours et al, Complainant  
J. W. Creamer, Respondent

and have you then and there this writ with your endorsement thereon.

Witness my hand this the 25th day of Sept 1923

J. W. Creamer

*Original*

Vol. ...., Page .....

**The State of Alabama**

County

**REGISTER'S SUBPOENA**

Issued *Sept 25* 19 *23*

*J. M. Rice*  
Register.

Received in office this the ..... day

of ..... 19 .....

Sheriff.

I have executed the within summons by

-serving a copy on *the within*

*name & Withum*

*M. R. Street*  
Sheriff.

J. H. GIBBONS, ET AL,  
COMPLAINANTS

VS.

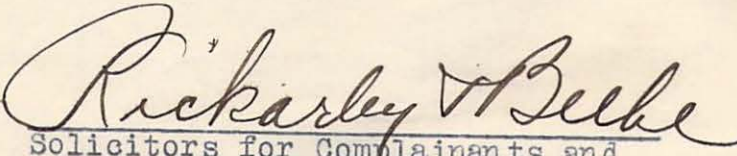
J. W. CREAMER  
Defendant.

CIRCUIT COURT, BALDWIN COUNTY, ALABAMA.

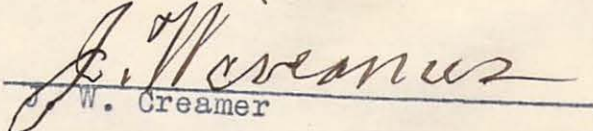
IN EQUITY.

To THE HONORABLE JOHN D. LEIGH, JUDGE OF SAID COURT.

Come the Complainants in the above styled cause and Frank Peck, and by agreement of parties, amend the original bill of complaint in this cause by substituting Frank Peck as a party Complainant as the owner of the Southeast quarter of Southeast quarter of Section Thirty-one, Township Five South of Range Four East, Baldwin County, and striking therefrom Ed. Lowery as a party Complainant, so that the name of Frank Peck shall appear in said complaint wherever the name Ed. Lowery appears, said amendment to be made by interlineation in red ink.

  
Solicitors for Complainants and  
Frank Peck.

I hereby consent to the above amendment and re-file  
my answer to the complaint as amended.

  
W. Creamer

TO THE HONORABLE JOHN D. LEIS, JUDGE OF THE CIRCUIT  
COURT OF BALDWIN COUNTY, ALABAMA: SITTING IN EQUITY:

Come JOHN DUBRAVCAK, MARY DUBRAVCAK, CHESTER MATTING-  
LEY, W. R. MATTINGLEY, PETER KUBINA, J. H. GIBBONS, EDWARD LOVERLY,  
and GEORGE STRONG, all of whom are over the age of twenty-one years  
and reside in Baldwin County, Alabama, and MICHAEL DUBRAVCAK, ANNA  
DUBRAVCAK, and HELEN DUBRAVCAK, minors, who here sue by their guar-  
dian and next friend, JOHN DUBRAVCAK, and by this their bill of  
complaint presented against J. W. CREAMER, also of age and a res-  
ident of Baldwin County, Alabama, respectfully show:

FIRST: That each complainant owns and is in peaceful  
possession of a certain parcel of land in Township Five South,  
Range Four East, of Baldwin County, as follows:

John Dubravcak, the West Half of the Southwest Quarter  
of the Southeast Quarter of Section Thirty-two.

Chester Mattingley, and W. R. Mattingley, jointly, the  
North half of the Southeast Quarter of Section Thirty-two.

Peter Kubina, the West Half of the East Half of the  
Southwest Quarter of the Southwest Quarter of Section Thirty-two.

J. H. Gibbons, the East half of the Southeast Quarter  
of the Southwest Quarter of Section Thirty-two.

George Strong, the West Half of the West Half of the  
Southeast Quarter of the Southwest Quarter of Section Thirty-two.

Edward Lovery, the Southeast Quarter of the Southeast  
Quarter of Section Thirty-one.

John Dubravcak and Mary Dubravcak, of age, and Michael  
Dubravcak, Anna Dubravcak and Helen Dubravcak, minors, an undivided  
one-fifth interest each in the East Half of the Southwest Quarter  
of the Southeast Quarter of Section Thirty-two.

SECOND: That the defendant J. W. Creamer claims or is  
reputed to claim some right, title or interest in and to said lands,  
or encumbrance upon the same, or upon some part thereof, and com-  
plainants now call upon said Creamer to set forth and specify  
his claim, interest or title in the said lands and how and by what  
instrument or means the same is derived or created.

THIRD: That no suit is now pending to enforce or test the validity of the title, claim or encumbrance of the defendant or the title of any of the complainants.

THE FURTHER CONSIDERED: Complainants pray that J. W. Creamer be made party defendant to this bill and by proper process required to answer same within the time required by law and abide by such orders and decrees as may be made in the premises.

Complainants further pray that upon the hearing of this cause this Honorable Court decree that the said J. W. Creamer has no right, title or interest in the claim or encumbrance upon any part of the lands described in this bill and further render a decree quieting the title of each complainant to the lands severally owned by him as hereinabove set out against the said J. W. Creamer and his heirs forever, also that the complainants may for such other, further or different relief as to equity may seem meet.

Solicitors for complainant.

NOTE: The defendant is requested to answer each paragraph of the foregoing bill but not under oath.

Solicitors for complainant.



J. H. GIDEONS, ET AL  
COMPLAINANTS  
VS  
J.W. CREAMER,  
DEFENDANT.

527 sub-32  
CIRCUIT COURT, BALDWIN COUNTY, ALABAMA.  
IN EQUITY.

This cause is submitted on behalf of complainants on the following documentary ~~exhibits~~ and depositions:

1. Original bill of complaint as amended.
2. Agreement of J.W. Creamer consenting to amendment
3. Agreement of parties as notice and introduction of documentary evidence.
4. Depositions of John Doubravcak, Peter Kubina, Chester Mattingly, W.R. Mattingly, J.H. Gideons, Frank Peck, Geo A. Strong, W.H. Wann, A.F. Wesley, W.A. Dalbey, Dan Toller, Lee Toller.
5. Patent U.S. To State of Ala. dated July 11, 1870, recorded 5 NS p.222
- 6 " State of Ala. to Robert F. Queal, et al, dated Feb 20, 1872, recorded Book J. page 200
- 7 Patent State of Ala. to Robert F. Queal, et al, dated Feb 20, 1872, recorded Book J. page-200-1
- 8 Patent State of Ala. to Perdido Lumber Co, dated May 9, 1905, recorded 8 N.S. page 659.60
9. Robert F. Queal et al, to Perdido Lumber Co, Deed, dated May 20, 1874, recorded Book K, page 207-9
10. Perdido Lumber Co, to Helen Courtier, et al, Deed dated April 2, 1880, recorded Book L. page 460-74
11. Deed, Helen Courtier, et al, to Wm. Johnson, et al, dated Nov 25, 1880, recorded Book L. page 661-2t seq.
12. Wm. M. Johnson, et al to Seminole Lumber Co. Ltd, deed dated Dec 8, 1880, recorded Book L, page 667-94
13. Deed, Seminole Lumber Co, Ltd, to Max Nathan, dated May 1st, 1889, recorded Book P, page 381-403
14. Deed, Max Nathan et al to Chas Lloyd Bucki, dated May 5, 1889, recorded Book P, page 417-33
15. Deed Chas Lloyd Bucki to Southern States Land & Timber Company Ltd dated May 6th, 1889, recorded Book P page 412-et seq
16. Southern State Land & Timber Co, Ltd, by Richard Jones, Sales Master, to Max Nathan, Leopold Wallack and Robert Maclay, dated June 23, 1898, recorded Book Y, page 81-4
17. Leopold Wallack to Wm. B. Randall, Power of Attorney, dated July 2nd, 1898, recorded Book Y, page 306-7
18. Will of Robert Maclay to Georgia Maclay, dated Aug 21, 1878, Deed Book 7 NS page 321.
19. Deed Max Nathan, et al, to Southern States Lumber Co. dated July 29, 1898, recorded Book Y, page 301-6
20. Deed, Georgiana Maclay, et al, to Southern States Lumber Co., dated August 8, 1898, recorded Book Y, page 307-12.
21. Robert Maclay, Jr., to Southern States Lumber Co, Deed, dated November 21, 1900, recorded 3 NS page 314-18
22. Leopold Wallack et al, to Southern States Lumber Co., Deed, dated April 2, 1902, recorded Book 5 NS page 277
23. Deed, Southern States Lumber Company to Southern Plantation Development Co. dated January 12, 1905, recorded Book 8 NS, page 237
24. Deed, Southern States Lumber to Southern Plantation Development Co, dated July 10, 1905, recorded 9 NS page 222.
25. Southern States Lumber Company to Southern Plantation Development Co., Deed, dated ~~Jan 14, 1904~~, recorded 9 NS page 12-16
26. Southern States Lumber Company to Southern Plantation Development Company, Deed, dated Dec. 1, 1906, recorded 9 NS page 585.
26. Southern States Plantation Development Co to E.C. Smith, Deed, dated Jan 21, 1905, recorded 9 NS page 498.
27. Deed, EC Smith to Geo. A. Strong, dated Feb 13, 1922, recorded 31 NS page 551.
28. Deed, Geo A. Strong to J.H. Gideons, dated Feb 24, 1922, recorded 31 NS page 600-1

- ✓ 29. Southern Plantation Development Co. to Baldwin County Land Association, Deed, dated Jan 17, 1918, recorded Book 26 NS page 618.
- ✓ 30. Baldwin County Land Assn. to Ed. Lowrey, deed, dated Sept 15, 1920, recorded 30 NS page 311.
- ✓ 31. Ed. Lowrey to Frank Peck, Deed dated Feb 24, 1923, recorded 33 NS page 369.
- ✓ 32. Southern Plantation Development Co. to Wm. H. Wann, Deed, dated Feb 9, 1914, recorded 23 NS page 210.
- ✓ 33. Deed, Wm. H. Wann to Jeff Gullege, dated Dec 12, 1919, recorded Book 22 NS page 10
- ✓ 34. Deed, Jeff Gullege to Peter Kubina, dated Feb 28, 1922, recorded Book 32 NS page 9
- ✓ 35. Deed, Southern Plantation Development Co. to P.C. Ding, dated April 25, 1911, recorded 17 NS page 500.
- ✓ 36. Deed, Peter C. Ding to George B. Haynes & Perry B. Walcott, dated April 26, 1911, recorded 17 NS page 500.
- ✓ 37. Decree ordering lands sold rendered Chancery Court Baldwin County, Alabama, dated October 28, 1921; report of sale by register, made December 15, 1921, confirmation of sale by decree of Court December 31, 1921.
- ✓ 38. Deed, T.W. Richerson, Register, to W.A. Stoddard, dated Jan 10, 1922, recorded 31 NS page 441.
- ✓ 39. Deed, W. A. Stoddard, et al, to Chester J. and W.R. Mattingly dated December 19, 1921, recorded January 20th, 1922.
- ✓ 40. Southern States Lumber Company to S.W. Hamm, deed, dated Feb 23, 1914, recorded 21 NS page 428.
- ✓ 41. Deed, S.W. Hamm, et al, to Frank G. Brunner, dated \_\_\_ day of \_\_\_ 1914, recorded 22 NS page 186.
- ✓ 42. Deed, Frank G. Brunner to South Shore Plantation Co. dated \_\_\_ day of \_\_\_, 1914 recorded 21 NS page 590.
- ✓ 43. Deed, South Shore Plantation Company to John Doubravcak and Mary Doubravcak, dated Feb 3, 1922, recorded 32 NS page 212-3.
- ✓ 44. Deed South Shore Plantation Co. to Anna Doubravcak, dated Feb 3, 1922, recorded 32 NS page 213.
- ✓ 45. Will of Anna Doubravcak to John, Mary, Michael, Anna and Helen Doubravcak, dated \_\_\_ day of \_\_\_, admitted to Probate Mobile County, Alabama, \_\_\_ day of \_\_\_, 192\_\_\_, together with certificate of Probate by Probate Judge of Mobile County, Alabama.
- X 46. Letters guardianship over estate of Michael, Anna and Helen Doubravcak, issued by Probate Court Baldwin County, Alabama, \_\_\_ day of \_\_\_, 192\_\_\_.
- 47. Objections to admission of deed purporting to be from P. K. Yonge and Dick Tyce to J.W. Creamer, dated January 27, 1898, recorded April 1, 1921, 31 NS, page 28.

*deed Irvin Fuel to Southern States Lumber Co. dated Aug 7/1882  
 record P-378-9*

This December 14th, 1923.

*T. W. Richerson*

Register

IN THE CIRCUIT COURT, Baldwin COUNTY, IN EQUITY.

J.H.Gideons et al Complainant.

vs.

J.W.Creamer, Respondent.

I. T.W.Richerson,

as Commissioner,

John Dubovack, Johanna Iverson, Chester Mattingly, W.R.Mattingly, Bose Ard, A.W.Lambert, Peter Kubins, Billie Warren, J.H.Gideons, W.A.Stoddard, George Strong, Ed Lowery,

Witnesses for Complainant.

and, ~~E. Stoddard~~, H.D.Moorer, R.M.Hearin, ~~James S. Waters~~, Jeff Gullledge,

Leila Gullledge, Les Price, ~~James S. Waters~~, Oscar Burling, Buryey Creamer, Dave Creamer, ~~Jim Toler~~ Jim Toler, witnesses for Deft.

Geo Hammack, Lee Toler.

witnesses named in the Requirement for Oral Examination, on the 28th day of September,

1925, at the office of T.W.Richerson, Register of Circuit Court,

in Bay Minette, Alabama, and having first sworn said witness..... to speak the truth, the

whole truth, and nothing but the truth, the said Witnesses

doth depose and say as follows:

[Large area of dotted lines for deposition content]

ORAL EXAMINATION.

I, W. W. Keim, as Complainant

hereby certify that the foregoing deposition.....on Oral Examination was taken down in writing by me in the words of the witness en and read over to them and they signed the same in the presence of myself ~~as with~~ Signature of Jim Pollock was received at the time and place herein mentioned; that I have personal knowledge of the personal identity of said witness en or had proof made before me of the identity of said witness.....; 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.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 14 day of Dec, 1923  
W. W. Keim (L. S.)

No. 596 Page.....

**The State of Alabama**

Belleville County

IN CIRCUIT COURT, IN EQUITY.

J. H. Johnson et al.

vs. Complainant.

J. W. Brewer

Respondent.

**ORAL DEPOSITION.**

Filed Dec 14th, 1923.

W. W. Keim, Register.

Recorded in

Record

Vol. .... Page.....

RECORDED  
Register.

29 Williams 250 = 575.0  
Henry 24 Williams = 720  
Williams (draft) 545 =  
731.5

Henry D. Moorer being duly sworn testified as follows :

My name is Henry D. Moorer. I am a lawyer in Bay Minette. I know Mr. J. W. Creamer After I prosecuted him in the County Court for trespass on some lands? I do not know the exact description of it, but it was about land in dispute between him in Fred Brown and others. He told me he had a deed to the property and some other property also and I advised to put his deed on record. And he afterwards told ~~him~~ me he did

Henry D. Moorer

Mr. R. M. Hearin being duly sworn testifies as follows:-

I remember the time you came to Bay Minette with your head all bloody but I do not know how it came to be that way except that you told me Fred Brown and Price had beat you with an ax.

R. M. Hearin

Oscar Burling, who being duly sworn, testifies as follows:-

I know your lands. Henry Gidons was living there at the time the trouble occurred between Creamer and Brown. Ed Lowrey moved there this summer. I heard about the trouble between you and Brown. I helped to snake a shack out of Robertsdale and put it up on these lands. I never did see a notice on this land

Oscar Burling

Cross Examination by Mr. W. C. Bebee:-

The lands I have been talking about are the Brown and Price lands.

Oscar Burling

Jim Toler being duly sworn testifies as follows:-

My name is Jim Toler and I live in Baldwin County, Alabama and am over the age of twenty one years. I was there when you handed Henry Gidons your deeds and you did not snatch them out of his hands. but Mr. Gidons sat down by the little house and read them. I also am knowing you having a tent stretched up on the land in your clearing before the ~~snatch~~ shack was snaked out of Robertsdale after the report was out that you had been beat down with axes.

It is hereby waived signature of Jim Toler to foregoing deposition

Hamilton & Moore  
Richard Bebe  
for Complainants

Lee Toler being duly sworn testifies as follows:-

My name is Lee Toler and I am a resident of Baldwin County, Alabama, and am over the age of 21 years. <sup>Andy DeLoach</sup> You rode up where ~~you~~ and Henry Gidons and some other men were talking and I saw you hand him some deeds, at least I think they were deeds and he read them and handed them back to you.

Lee Toler

George Hammock who being duly sworn testifies as follows:-

I was at the home of Edwards and you rode up and the question came up about the lands in question and you handed deeds to Henry Gidons and he read them and handed them back to you. <sup>Some papers I thought were,</sup> <sup>I took them to be</sup> I think they were deeds.

George Hammock

William  
D. Whitington  
M. B. Whit



Jeff Gullledge being duly sworn testifies as follows:-

I know the lands in question and know that <sup>160 acres</sup> ~~they~~ have been fenced  
and that buildings have been on <sup>Said 160 acres</sup> ~~them~~. This land has been culti-  
vated, at least some of it, I do not know when it was first cul-  
tivated. <sup>160 acres north of the Buena Vista Road had 3 barbed wire around it</sup> ~~They~~ <sup>160 acres</sup> ~~has~~ been in possession of this land for more than  
<sup>1</sup> ~~10~~ <sup>1</sup> years,

Jeff Gullledge.

Leslie Price who being duly sworn testifies as follows:-

I know the land on which you live. The house where Ed Lowrey now lives had been built for about six (6) weeks. I do not remember seeing a tent on the land described as northeast quarter of the southeast quarter, section 31.

Leslie Price

Dave Creamer who being duly sworn testifies as follows:-

Ed Lowrey has been living where he is now for about two months.

~~This land has been cultivated for some time and I have worked~~

~~it.~~ Jimmy Gidion has been living where he is  
now about a year.

Dave Creamer

Mr. Son Waters being duly sworn testifies as follows:-

Mr. Lowrey has been on this land for about two or three months.

The other parties have been living there for about one year.

I moved Mack Waters to your place. *where Charlie Phillips  
is now living*

S. Waters

Dan Toler being duly sworn testifies as follows:-

My name is Dan Toler. I remember the time when Mr. Creamer, my wife and I and Lyde Sunday were on our porch about the time Brown and Price bought the Wyatt property. I had a conversation with Mr. Creamer about the title to these lands. I told him we were going to have some new neighbors/<sup>Price and Brown</sup> and he replied that they would never get those lands. I ask him why, did he own the lands and did he have the deed to them and he said "No" but I can make a deed as good as these Land Companies and this was prior to April 1st., 1921.

*Witness*  
*D. Williams*

*li*  
*Dan X Toler*  
*mark*

Mrs. Lelia Gullledge who being duly sworn testifies as follows:-

I have seen a tent on ~~your~~ <sup>west of the old house where Charles Phellips ~~was~~ live</sup> land as I passed backward and forwards

between ~~the~~ <sup>the mere</sup> house and where Jeff and I were building. This tent <sup>^</sup>  
was on ~~the~~ <sup>the land between the mere house and where Jeff was building</sup> land. Henry Gidons has been living there for about one

year. <sup>where he is now living</sup> Ed Lowrey had been living there for about six weeks.

Strong <sup>had a patch there & we turned it their last spring</sup> had been living there for about two years. All of these par-

ties moved there after this trouble occurred. <sup>except Jeff myself</sup>

<sup>we were there before this</sup>  
trouble occurred.

Lelia Gullledge

Burley Creamer who being duly sworn testifies as follows:-

Henry Gidons has been living there for about one year.

Ed Lowrey has been living there for about six weeks.

Doubravack has been living there for about two years.

*Murphy* ~~Strong~~ has been living there for about two years.

All of them have moved there since the trouble occurred.

Burley Creamer

Chester Mattingly being duly sworn testifies as follows:-

My name is Chester Mattingly and I am over the age of 21 years and resided in Baldwin County, Alabama. I am joint owner ~~with~~ with W. R. Mattingly of the north half of the southeast quarter of section thirty two, township five south of range four east, Baldwin County, Alabama. W. R. Mattingly is over the age of 21 years and resided in Baldwin County, Alabama. There is no suit pending to enforce or test the validity of the title, claim or encumbrance of the defendant or ~~on~~ of complaints as to this land. I also know the southwest quarter of the southeast quarter section thirty two, owned by the Doubravacks, the west ~~half~~ <sup>fourth of</sup> the east half of the southwest quarter of the southwest quarter of section 32, owned by Peter ~~Cakubina~~ Cakubina, the east half of the southeast quarter of the southwest quarter of section 32, owned by J. H. Gideons, and the west half of the west half of the southeast quarter of the southwest quarter section 32, owned by George Strong and the southeast quarter of the southeast quarter, section 31, ~~won~~ <sup>owned</sup> by Frank Peck, all of these lands being in township five south, range four east, Baldwin County, Alabama. I have known all of these lands for fifteen years or more the lands I own, we bought from W. A. Stoddard who bought from George D. Haynes and the heirs of a man by the name of Walcott, who in turn bought from Peter Ding. When I first knew these lands at least fifteen years ago, Peter Ding owned them <sup>and</sup> in 1910 built a house on the land and kept a tenant on the place until he sold to Walcott and Haynes. I rented the land from Haynes from the time he bought until he sold to Stoddard who a few days later sold to me. I have been in possession of these lands for more than ten years eight as the tenant of Walcott and Haynes or as the owner and have farmed the lands and we are in possession now. When I first knew the Doubravack lands the southern States Lumber Company were in possession and they cut timber on it and this was about fifteen years ago. About 1907 a house was built on the land and a part of it cleared and it has been cultivated since down to date. It was owned by



Hamm, Bruner and the southshore Plantation Company who farmed it.

When I first knew the Peter ~~Cukubina~~ <sup>Wasson</sup> lands ~~was~~ was living on them and he lived there until he sold to Jeff Gullledge, Gullledge went into possession and stayed there until he sold to Peter Cukubina in the early part of 1922 who moved on it and <sup>has</sup> stayed there until now. When I first knew the Gidons lands they were in possession of a man by the name of E. C. Smith, this was about fifteen years and Smith also owned and was in possession of the George Strong land. Smith stayed in possession until he sold to George Strong, all of the south east quarter of the southwest quarter of said section 32, Strong then sold the east half of this quarter of J. H. Gidons, both Gidons and Strong have been in possession of these lands since their purchase in 1922.

The Frank Peck lands I have known for at least fifteen years when I first knew them there was some land cleared and in cultivation by the Alabama Sumatra & Havana Tobacco Company. They stayed in possession until they sold to Lewis Weyburn who stayed in possession until he sold to Alabama Tobacco Company. The Alabama Tobacco Company or the Trustee in Bankruptcy sold the lands to the Southern Plantation Company in 1913 and stayed in possession until they sold to the Baldwin County Land Association in 1918, who went into possession and stayed in possession until they sold to Ed Lowrey in 1920 who went in possession and stayed in possession until he sold to Frank Peck a short while the commencing of this suit who went immediately into possession and has been in possession until now. These lands have been cultivated continuously by the persons named above. I attach my dad to this deposition and mark it Exhibit "A"  
Cross Examination by J. W. Creamer:-

Yes I remember the time you and Fred Brown has that fight. No you never did have any post or notices on our side of the road but you did have some on the other side of the road on different lands but you did try to get me to homestead the lands that I bought and you said that then the land belong to the government and you said you could get it for me for \$200.00. You came over to my house several times and ate a meal with me and while there made this offer to homestead this land for me if I would give you \$200;00.

Mr. Creamer ask the witness to make plat showing the location and

and owner of each piece of land. Witness made such plat and attaches  
as Exhibits "B" *Chester J. Mattingly*

Mr. George Strong who being duly sworn testifies as follows:-

My name is George Strong. Im over the age of 21 years and reside  
in Baldwin County, Alabama. There is no suit pending to enforce or  
test the validity of the title, claim or encumbrance or the defednant  
to my land or to test my title. I am in possession of the west half  
of the west half of the southeast of southwest quarter of section 32,  
township five south of range four east, Baldwin County, Alabama.

J. H. Giddons is in possession of the East half of the southeast quar-  
tter of the southwest quarter of section 32, township 5 South of  
Range 4 East. Baldwin Couty, Alabama. We both were in possession  
of these lands at the commencing of this suit. My deed from A. G.  
Smith is attached to my deposition and marked Exhibit "A". I  
have known these lands for fifteen years. E. C. Smith has been in  
possession continously from the time I first knew the lands until  
he sold to me 1922.

Cross Examination by Mr. j. W. Creamer.

Yes, I received a notice to move. I own the land by a warranty deed  
from E. C. Smith and wife. The lands have not been cultivated but  
there is a house on it

*Geo. G. Strong*

Mr. W. R. Matingly who being duly sworn testifies as follows:-  
My name is W. R. Matingly and I am over the age of 21 years and re-  
side in Baldwin County, Alabama. I own jointly ~~thm~~ with Chester  
Matingly the north half of southeast quarter of section 32, tp.  
5 South of range four east, Baldwin County, and I have been in  
possession of r about three (3) years. We bought the land from  
W. A. Stoddard. The lands are cultivated and we have paid taxes  
on them.

W. R. Matingly

Exhibit A

WARRANTY DEED

State of Alabama }  
Baldwin County }

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of One Dollar and other valuable considerations Dollars to them in hand paid by George Strong the receipt whereof is hereby acknowledged E.C. Smith and Margaret E. Smith, husband and wife, do grant, bargain, sell and convey unto the said George Strong

the following described lands situated in Baldwin County, Alabama, to-wit:

The Southeast quarter of the Southwest quarter (SE 1/4 of SW 1/4) Of Section Thirty-two (32) in Township Five (5) South of Range Four (4) East of St. Stephen's Meridian,- together with all improvements thereon or appertaining thereto.



TO HAVE AND TO HOLD to the said George Strong his heirs and assigns forever.

And we do covenant with the said George Strong 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 encumbrances; and that we will and our heirs, executors and administrators shall forever WARRANT AND DEFEND the same to the said George Strong his heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS our hand and seal this 13 day of February 1922

WITNESS:

E. C. Smith L. S.  
Margaret E. Smith L. S.  
L. S.

IOWA  
HENRY  
State of Alabama }  
Baldwin County }

I, ~~XXXXXX County~~ J.C. COONROD

a Notary Public in and for said State and County, do hereby certify that

E.C. SMITH

whose name IS signed to the foregoing conveyance, and who IS known to me, acknowledged before me, on this day that being informed of the contents of the said conveyance HE executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 13 day of February 1922

*J. C. Coonrod*  
Notary Public

IOWA  
HENRY  
State of Alabama }  
Baldwin County }

I, ~~XXXXXX County~~ J.C. COONROD

a Notary Public in and for said State and County, do hereby certify

that on the 13 day of February 1922, came before me the within named Margaret E. Smith, known to me to be the wife of the within named E.C. Smith, 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 official Seal this 13 day of February 1922

*J. C. Coonrod*  
Notary Public

THE STATE OF ALABAMA, } Office of the Judge of  
BALDWIN COUNTY, } the Probate Court  
I, JAMES M. VOLTZ, Judge of said Court in and for  
said County, do hereby certify that the within infor-  
mation was filed in this office for record on the  
day of Mar 1922 at  
o'clock PM and I further certify that the  
same is duly recorded in Record Book No. 3177  
Page 537 and duly examined.  
Witness my hand this 6th day of Mar 1922.  
*James M. Voltz*  
Judge of Probate Court

*3/14/22*  
*Do nothing*  
*3/15/22*

S.A. 43  
900

Exhibit A


E

37

CGWB Matings

Henry  
 Gordon John  
 Richard

Gordon Thomas  
 Gal Gullage  
 Jeff Gullage

Kuhira

B

ALTA ETIENNE VIV

CLERK AND REGISTER CIRCUIT COURT  
T. W. RICHESON

W

Exhibits

42

66

Spick

8

EXHIBITELLE VLV

BY OWNER ORALLY VLV  
STEV AND NEG STEV CIRCULARS  
T. M. RICHESON

W

WARRANTY DEED.

STATE OF ALABAMA, )  
(  
BALDWIN COUNTY. )

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations Dollars to us in hand paid by Chester J. Mattingly and W. R. Mattingly the receipt whereof is hereby acknowledged W. A. Stoddard do grant, bargain sell and convey unto the said Chester J. Mattingly and W. R. Mattingly the following described lands situated in Baldwin County, Alabama, to-wit:

The north one half (N.  $\frac{1}{2}$ ) of the Southeast quarter (S. E.  $\frac{1}{4}$ ) of Section Thirty two (32) Township Five (5) South Range Four (4) East in Baldwin County, Alabama, and containing Eighty (80) acres more or less.

TO HAVE AND TO HOLD to the said Chester J. Mattingly and W. R. Mattingly their heirs and assigns forever.

And they do covenant with the said W. A. Stoddard that he is seized in fee of the above described premises; that he have the right to sell and convey the same, that the said premises are free from all encumbrances; and that he will and his heirs, executors and administrators shall forever warrant and defend the same to the said Chester J. Mattingly and W. R. Mattingly their heirs and assigns, against the lawful claims of all persons whomsoever.

Witness our hand and seal this 19th day of December 1921.

Witnesses:	W. A. Stoddard	L. S.
L. Glendinning.	L. Mae Stoddard	L. S.

(\$2.00 U S I R Stamp attached.)

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

I, L. Glendinning a Notary Public in and for said State and County, do hereby certify that W. A. Stoddard and his wife L. Mae Stoddard whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me, on this day that being informed of the contents of the said conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 19th day of December 1921.



(SEAL)

L. Glendinning

My commission expires February 12, 1923.

STATE OF ALABAMA, )

BALDWIN COUNTY. )

I, L. Glendinning a Notary Public in and for said State and County, do hereby certify that on the 19th day of December, 1921, came before me the within named L. Mae Stoddard, known to me to be the wife of the within named W. A. Stoddard, 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 seal this 19th day of December 1921.

(SEAL)

Notary Public in and for said County and State.  
L. Glendinning  
My commission expires February 12, 1923.

Filed for record Jan. 20th 1922 at 1 P. M.

Recorded Jan. 24th 1922.

Jas. M. Voltz, Judge of Probate.

THE STATE OF ALABAMA, )

BALDWIN COUNTY. )

I, G. L. Lambert, Judge of Probate for said County, in said State, hereby certify that the foregoing is a true, correct and complete copy of an instrument of writing as the same appears of Record in Deed Record No. 31 N. S., at page 461, now on file in the office of the Judge of Probate of Baldwin County, Alabama.

Witness my hand and seal of the Probate Court this 9th day of October, A. D., 1923.



*G. L. Lambert*  
\_\_\_\_\_  
Judge of Probate, Baldwin County,  
Alabama.  
*By J. H. Kessler, Clerk.*

NOTE:

Blue [redacted] shows lands purchased 24th, December 1896 and lands containing timber, etc., conveyed by J.W.Creamer and wife to J.D.Hand and Hand Lumber Company.

Paid to Southern States Lumber Co., for James W.Creamer, Five hundred and fifty Dollars, on July 8th, 1898, by J.D.Hand by L.C.Day.

The State of Alabama, :  
Baldwin County. P

I, J.W.Creamer, hereby certify that the above note is a true and correct note taken from the land book prepared by L.C.Day, and used by me while working as Agent for J.D.Hand, in Baldwin County, Alabama.

Sworn to and subscribed  
before me this 24th, day of  
August, 1923.

Leonelia Hall  
Notary Public, Baldwin County, Ala.

J. W. Creamer

Sept 3, 1924

Mr. T. W. Richerson,  
Clerk Circuit Court,  
Bay Minette, Alabama.

Dear Sir:-

When recorded please deliver all deeds in case of  
J.H.Giddens, et al versus J.W.Creamer. I refer to deeds  
offered in evidence in this case.

Yours very truly

W.C. Beebe

W.C. Beebe  
Sept 3, 1924

J. H. GIDEONS, CHESTER J. MATTINGLY,  
W. R. MATTINGLY, PETER KUBINA, GEO.  
A. STRONG, FRANK PECK, MARY DUBRAV-  
CAK, JOHN DUBRAVCAK, AND MICHAEL DUB-  
RAVCAK, MINOR, ANNA DUBRAVCAK, MINOR  
AND HELEN DUBRAVCAK, MINOR, WHO SUE  
BY JOHN DUBRAVCAK, AS THEIR GUARDIAN  
AND NEXT FRIEND,

COMPLAINANTS,

VS.

J. W. CREAMER,

DEFENDANT.

CIRCUIT COURT,  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY.

This cause coming on to be heard was submitted on be-  
half of the complainants, J. H. Gideons, Chester Mattingly, W.R.  
Mattingly, Peter Kubina, George A. Strong, Frank Peck, John Du-  
bravcak, Mary Dubravcak, all over the age of twenty-one years,  
and Michael Dubravcak, Helen Dubravcak and Anna Dubravcak, minors  
who sue by John Dubravcak their guardian and next friend, on the  
original bill of complaint as amended and proof as noted by the  
Register, and on behalf of defendant, J. W. Creamer, on answer  
and proof as noted by the Register, and the same being considered  
by the Court, the Court is of the opinion that the complainants  
are entitled to relief as prayed for in their said bill.

It is therefore ORDERED, ADJUDGED AND DECREED by the  
Court that the defendant, J. W. Creamer, has no right, title, or  
interest in or claim or encumbrance upon the following described  
lands or any part thereof, viz:

West-half of Southwest quarter of Southeast quarter of  
Section thirty-two, North half of Southeast quarter of Section  
thirty-two, West  $\frac{3}{4}$  of East half of Southwest quarter of South-  
west quarter of Section thirty-two, East half of Southeast quarter  
of Southwest quarter of Section thirty-two, West half of West half  
of Southeast quarter of Southwest quarter of Section thirty-two,  
Southeast quarter of Southeast quarter of Section thirty-one, East  
half of Southwest quarter of Southeast quarter of Section thirty-  
two, all in Township five south of Range four east, Baldwin County  
Alabama.

It is further O RDERED, ADJUDGED and DECREED THAT the  
title to said lands be quieted in said complainants as to their

respective tracts owned by them against the said defendant, J.W. Creamer.

It is further ORDERED, ADJUDGED and DECREED that the West half of Southwest quarter of Southeast quarter of Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said John Dubravcak, and that the said John Dubravcak is now in peaceable possession of same, and that the said J. W. Creamer has no right, title, interest in or claim or incumbrance thereon, and that the title to same is hereby quieted in the said John Dubravcak as against the said J. W. Creamer.

It is further ORDERED, ADJUDGED and DECREED that the North half of Southeast quarter of Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said Chester J. Mattingly and W. R. Mattingly, and that the said Chester J. Mattingly and W. R. Mattingly are now in peaceable possession of same, and that the said J. W. Creamer has no right, title, interest in or claim or incumbrance thereon, and that the title to same is hereby quieted in the said Chester J. Mattingly and W. R. Mattingly as against the said J. W. Creamer

It is further ORDERED, ADJUDGED and DECREED THAT THE West three-quarters of East half of Southwest quarter of Southwest quarter of said Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said Peter Kubina, and that the said Peter Kubina is now in peaceable possession of same, and that the said J. W. Creamer has no right, title, interest in, or claim, or incumbrance thereon, and that the title to same is hereby quieted in the said Peter Kubina as against the said J. W. Creamer.

It is further ORDERED, ADJUDGED and DECREED THAT THE East half of Southeast quarter of Southwest quarter of said Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said J. H. Gideons, and that the said J. H. Gideons is now in peaceable possession of

same, and that the said J. W. Creamer has no right, title, interest in, or claim, or incumbrance thereon, and that the title to same is hereby quieted in the said J. H. Giceons as against the said J. W. Creamer.

It is further ORDERED, ADJUDGED and DECREED that the West half of the West half of the Southeast quarter of Southwest quarter of said Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said George A. Strong, and that the said George A. Strong is now in peaceable possession of same, and that the said J. W. Creamer has no right title, interest in, or claim, or incumbrance thereon, and that the title to same is hereby quieted in the said George A. Stragg as against J. W. Creamer.

It is further ORDERED, ADJUDGED and DECREED that the East half of Southwest quarter of the Southeast quarter of said Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said John Dubravcak, Mary Dubravcak, Michael Dubravcak, Anna Dubravcak and Helen Dubravcak, and that John Dubravcak, Mary Dubravcak, Michael Dubravcak, Anna Dubravcak and Helen Dubravcak are now in peaceable possession of same, and that the said J. W. Creamer has no right, title, interest in, or claim, or incumbrance thereon, and that the title to same is hereby quieted in the said John Dubravcak, Mary Dubravcak, Michael Dubravcak, Anna Dubravcak and Helen Dubravcak as against J. W. Creamer.

It is further ORDERED, ADJUDGED and DECREED that the Southeast quarter of Southeast quarter of said Section thirty-one Township five south, Range four east, Baldwin County, Alabama, is owned by the said Frank Peck, and that the said Frank Peck is now in peaceable possession of same and that the said J. W. Creamer has no right, title, interest in, or claim, or incumbrance thereon and that the title to same is here quieted in the said Frank Peck as against the said J. W. Creamer.

It is further ORDERED, ADJUDGED and DECREED that the Register of this Court file a certified copy of this decree in the office of the Judge of Probate of Baldwin County, Alabama, within thirty days for record therein and that the costs thereof be taxed as costs in this proceeding.

It is further ORDERED, ADJUDGED and DECREED that the the said defendant, J. W. Creamer, pay the costs in this proceeding, for which let execution issue.

Done at Bay Minette, Alabama, this 14th day of December, 1923.

*John D. Leigh*  
\_\_\_\_\_  
Judge of the 21st Judicial Circuit,  
Sitting in Equity.

State of Alabama,  
Baldwin County.

Circuit Court in Equity.

I. T. W. Richerson, 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 14th, day of December, 1923, in the  
cause of J. H. Gideons, Chester J. Mattingly, W. R. Mattingly,  
Peter Kubuna, Geo. A. Strong, Frank Peck, Mary Dubravcak,  
John Dubravcak, and Micheal Dubravcak, Minor, Anna Dubravcak,  
Minor, and Helen Dubravcak, Minor, who sue by John Dubravcak,  
as their Guradian and next friend, Complainants, vs J. W. Creamer,  
Defendant, as appears of record in said Court.

Witness my hand and the seal of said Court, this the  
23rd, day of August, 1924.

I. T. W. Richerson, Register.





State of Alabama,  
Baldwin County.

Circuit Court in Equity.

I.T.W.Richerson, 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 14th, day of December, 1923, in the  
cause of J.H. Gideons, Chester J. Mattingly, W.R. Mattingly,  
Peter Kubuna, Geo. A. Strong, Frank Peck, Mary Dubravcak,  
John Dubravcak, and Micheal Dubravcak, Minor, Anna Dubravcak,  
Minor, and Helen Dubravcak, Minor, who sue by John Dubravcak,  
as their Guradian and next friend, Complainants, vs J.W. Creamer,  
Defendant, as appears of record in said Court.

Witness my hand and the seal of said Court, this the  
23rd, day of August, 1924.

I.T.W. Richerson, Register.



PM 396

Certified Copy of Decree  
in cause of--

J.H. Gideons et als.

Complainant's.

VS

J.W. Creamer.



THE STATE OF ALABAMA, } Office of the Judge of  
BALDWIN COUNTY. } the Probate Court

I, G. L. LAMBERT, Judge of said Court in and for  
said County, do hereby certify that the within instru-  
ment was filed in this office for record on the 25th  
day of August 1924 at 9  
o'clock A.M., and I further certify that the  
same is duly recorded in Record Book No. 34718  
Page 664-65 and duly examined.

Witness my hand this 25th day of  
August 1924  
G. L. Lambert Judge of Probate Court,  
By \_\_\_\_\_

Filed December 24th, 1924.

T.W. Richerson, Register.

Rec. 200 Paid  
8/25/1924 9 A.M.  
A. H. Hawkins

Bz

THE STATE OF ALABAMA,  
Baldwin County.

J. H. GIDEONS, ET AL

No. ....

CIRCUIT COURT, IN EQUITY.

Complainant(s).

Term, 19...

vs.

J. W. CREAMER

Defendant.....

To J. W. Creamer,

Solicitors of Record.

Please take notice that in the above stated cause pending in the Circuit Court of Baldwin

County, in Equity, we will proceed at 10 o'clock on the 21 day of September 1923,

at the office of T. W. RICHERRSON, Register

in Bay Minette, Baldwin County, Alabama, before

T. W. Richerson, Register in Chancery to take the oral examination of the witnesses

John Dubrovack, Johanna Iverson, Chester Mattingly, W. R. Mattingly, Bose  
Ard, A. W. Lambert, Peter Kubina, Billie Warren, J. H. Gideons, W. A.  
Stoddard, George Strong, Ed Lowrey,

Witness, this the 17th day of September 1923

Reckard & Beebe  
Solicitors for Complainants

To T. W. RICHERRSON Register of the Circuit Court, in Equity:

Please summon the witnesses named in the above notice to appear before You

for an oral examination, in pursuance with the foregoing notice.

Reckard & Beebe  
Solicitors for Complainants

*Original*

No. ....

THE STATE OF ALABAMA,

*Madison* County.

CIRCUIT COURT, IN EQUITY.

Complainant.....

vs.

Defendant.....

NOTICE OF TIME AND PLACE OF  
ORAL EXAMINATION.

Issued *Sept 17* 19*23*

*9/17*

*Received Sept  
19<sup>th</sup> 1923 by  
Account Copy of  
Within with  
W Creamer  
W R Smith  
SM*