Craig B.H.
Register
To
E.D. Randolph
J.L. Cadwalder

To all to whom these presents shall come Greeting, Whereas on and prior to the fifth day of March 1877. a cause pending in the Chancery Court of Dallas County in the State of Alabama wherein James Boorman Johnston and John A. Stewart trustees were complainants and the Selma Rome and Dalton Railroad Company and others were defendants and wherein was sought the enforcement of the mortgage executed by said Company to said Johnston and Stewart trustees bearing date Oct 1st 1867 and of their mortgages mentioned in the pleadings of record in said cause. Whereas afterward an appeal was taken from said final decree to the Supreme Court of Alabama by Louis H. Meyer trustee or by Louis H. Meyer trustee and others and by said appeal said cause was carried to said Supreme Court and was therein known as the cause wherein Louis H Meyer trustee and others were appellants and James Boorman Johnston and John A. Stewart trustees were appellees. Whereas afterwards and whilst said cause was pending on said appeal in said Supreme Court to wit: on the twenty third day of March 1880 the said Supreme Court in said cause reversed and annulled said decree of said Chancery Court and proceeded to render the decree which said Chancery Court ought to have rendered and accordingly did order adjudge decree among other things as follows to wit: That the said mortgage to said Johnston and Stewart is a lien on all lands granted by Congress to the State of Alabama for the use of the said Rail-Road Company and commonly called in the proceedings in this cause the "Public Lands" and the said lien of said Johnston and Stewart on the said "Public Lands" is prior and superior to all other

liens excepting only the lien of the mortgage to William H. Fellows heretofore declared and excepting that part of said public lands which is appurtenant to the railroad of said Company. It is further ordered adjudged and decreed that the Register of the Chancery Court of Dallas County after giving notice for Sixty days of the time place and terms of the sale by publication in the New York Times a newspaper published in the city of New York, or some other paper published in the city of New York and in the Southern Argus a newspaper published in the city of Selma or some other paper published in the city of Selma and in the Courier Journal a newspaper published in the city Louisville in the State of Kentucky or some other newspaper published in the city of Louisville once each week commencing at least Sixty days ~~prior~~ to the ~~day of~~ ~~proceeding~~ of sale and continuing until and including the week next preceding the sale shall proceed to sell at the door of the Court House in the city of Selma all of the property covered by all or any of the mortgage deeds hereinabove mentioned and the rolling stock hereinabove and in the proceeding in the Chancery Court called respectively "Breed Rolling Stock" "the Equipment" "Associates Rolling Stock" and the Welch Locomotives at public out cry to the highest bidder the purchase money to be paid at the times and in the mode hereinafter prescribed. That at said Sale the Register shall also sell in a body all the lands granted by Congress to the State of Alabama for the use of the Railroad Company and afterwards granted by the State of Alabama to the said Company by the name of the Alabama and Tennessee Rivers Railroad Company

and afterwards confirmed to said Company by the name of the Selma Rome and Dalton Rail Road Company by act of Congress and called in the proceedings in this cause the "Public Lands" except such portions of said lands as are included in the Right of Way of said Railroad Company or now used as depots Station houses turn outs switches or otherwise necessarily used in the operation of said Rail Road and appurtenant to said Rail Road and except such portions of said lands which have been heretofore lawfully sold and all other lands owned by said Railroad Company not appurtenant to or used in operating said railroad together with all claims with all claims upon the United State concerning lands and rights and interests in any lands embraced in any Congessional grant and not as yet certified to said Company It is further ordered adjudged and decreed that the sale herein order shall not nor shall either of them vest in the purchaser or purchasers title to the property so sold until such sales are respectively confirmed by the decree of the said Chancery Court and title to the property given under the order of said Court after the payment of all the purchase money. Whereas afterwards to wit: on the eight day of May 1880 the said Supreme Court modified its said decree by ordering adjudging or decreeing that the said mortgage to complainants the said Johnston and Stewart Trustees is a first lien on the Ashly Branch and that the said Ashly Branch is to be sold with the Public lands. Whereas in accordance with the said decree of the said Supreme Court and the said modifications thereof and in accordance with notice given

as therein directed and required the Register of the Chancery Court at the door of the Court House in the City of Selma on the fourteenth day of June 1888 immediately after selling the other property which he was directed by said decree of the said Supreme Court to sell proceeded to sell in a body and did sell in a body at public outcry all the lands granted by Congress to the State of Alabama for the use of said rail road Company and afterwards granted by the State of Alabama to the said Company by the name of the Alabama and Tennessee Rivers Railroad Company and afterwards confirmed to the said Company by the name of the Selma Rome and Dalton Railroad Company by act of Congress and called in the proceedings of said cause the "Public Lands" except such portions of said lands included in the right of way of said railroad Company or used in depots station houses turnouts switches or otherwisely necessarily used in the operation of said railroad and appurtenant to said rail road and except also such portions of said lands which had been heretofore lawfully sold and all other lands owned by the said railroad Company not appurtenant to or use in operating said railroad together with all claims upon the United States concerning lands and all rights and interests in any lands embraced in any congressional grant and not as yet certified to said Company together with what is known as and called in the proceedings in said cause the "Ashly Branch" of said Railroad to Edmond D. Randolph and John L. Cadwalder then and there acting and bidding by their agent James H. Lapsley at and for the sum of

Seventy five Thousand Dollars that being the minimum fixed upon said property as sold to said Randolph and Cadwalader by the said decree of said Supreme Court and being also the highest and best bid offered for the same and the said Randolph and Cadwalader then and there paid to the said Register Seven Thousand five hundred dollars in cash part and parcel of their said bid.
Whereas afterward to wit: on the sixteenth day of June 1880 the said Register made to and filed in said Chancery Court his report of said several sales which report among other things contained the following statements in relation to said sale to said Randolph and Cadwalader to wit: The Register next sold separately and in one body or lot all the lands granted by Congress to the State of Alabama for the use of said Rail Road Company and afterwards granted by the State of Alabama to the said Company by the name of Alabama and Tennessee Rivers Rail Road Company and afterwards confirmed to the said Company to the said Company by the name of the Selma Rome and Dalton Rail Road Company by act of Congress and called in the proceedings of said cause the Public Lands (except such portions of the same as are included in the Right of way of the said Rail Road Company or as now used as depots stations houses turnouts switches or otherwise necessarily used in the operation of said railroad and appurtenant to said Rail Road and except also such portions of said lands as have heretofore been lawfully sold) and also all other lands owned by said railroad Company not appurtenant to or used in operating said railroad

together with all claims upon the United States concerning lands and all rights interests in any lands embraced in any Congressional grant and not yet certified to said Company together with what is known as and called in the proceedings of this cause the "Ashley Branch of said railroad which "Public lands" and said Ashley Branch were purchased by James H. Lapsley as agent and attorney for Edmond D. Randolph and John L. Cadwalader at and for the sum of Seventy five thousand dollars ($75 000) that being the minimum fixed upon said property by the said decree of said Supreme Court being also the highest and best bid offered for the said property. The said purchasers paid the undersigned Register Seven thousand five hundred dollars ($7 500) one half of which amount to wit: the sum of ($3750) he deposited in the city National Bank of Selma and the other half he deposited in the Commercial Bank of Selma Alabama in obedience to said decree certificates of deposit were taken from each of said Banks copies of which are hereto attached as a part of this report. On the payment of said sum of ($7.500) the Register executed to said purchaser a certificate of purchase to said Public lands and to the said Ashley Branch" Whereas afterwards to wit: on the twenty sixth day of June 1880 the said report of said Register including his report of said sale to said Randolph and Cadwalader was in all things duly confirmed by the decree of the said Chancery Court duly filed in that court in said cause. Whereas afterwards to wit: on the Sixteenth day of October 1880 in said cause the said Chancery Court

by its decree filed therein ordered that any of the purchasers of property at said sale under said decree of said Supreme Court be and they were thereby permitted to comply with the terms of said sale and receive conveyance of the property purchased by them by paying to the Register of said Chancery Court the amount of the balance remaining due upon their respective bids. Whereas the entire balance due upon the said bid of said Randolph and Cadwalader his been fully paid to the said Register as ordered and directed by said last mentioned order or decree and a conveyance ~~made~~ of the said property purchased as afore said by said Randolph and Cadwalader is demanded by them:

Now therefore Know ye that J. B. H Craig the Register of the Chancery Court as such Register by virtue of said decree and proceedings and in consideration of the payments aforesaid to me of the entire amount of said bid of said Randolph and Cadwalader the receipt whereof is hereby acknowledged have granted bargained sold and conveyed and do by these presents grant bargain sell and convey unto the said Edmond D. Randolph and John L Cadwalader and to their heirs and assigns forever all the aforesaid property and rights sold to them by me as such Register as aforesaid that is to say all the lands granted by Congress to the State of Alabama for the use of said railroad Company and afterwards granted by the State of Alabama to the said Company by the name of the Alabama and Tennessee River Railroad Company and afterwards confirmed to the said Company by the name of the Selma Rome and Dalton Railroad Company.

by act of Congress and called in the proceedings in said cause the Public Lands. except such portions of such lands as are included in the right of way of said rail road Company or at the time of said sale used as depots Station houses turnouts switches or otherwise necessarily used in the operation of said railroad and appurtenant to to said Rail Road and except also such portions of said lands which have heretofore been lawfully sold and also all other lands owned by the said Rail Road Company not appurtenant to or used in operating said rail road together with all claims upon the United States or on or upon any corporation concerning said lands and all lands and claims to lands released or exchanged and belonging there to and all contracts and all amounts due for any lands sold and all rights and interest in any land embraced in any congressional grant and not as yet certified to said Company and all claims rights and demands appurtenant to or effecting the same together with what is known as and called in the proceedings of this cause the Ashley Branch of said railroad and all rights claims and privileges and easements growing out of the same including all the lands together with all claims Upon the United States or any person or corporation concerning lands and all contract and all amounts due for any lands sold and all interests and rights in any lands embraced in any Congressional grant and not as yet certified to or for said Selma Rome and Dalton Railroad Company which are refered to or embraced in said decree of said Supreme Court and were ordered by that decree to be sold

together with all the estate right title and interest which the said Selma Rome and Dalton Rail Road company under any name are description or any receiver or receivers of said Chancery Court in said cause ever had in or to any of the lands claims property rights or interests hereinabove ~~described~~ referred to as sold under said decree to the said Randolph and Cadwalader To have and to hold the said lands property claims upon the United States or otherwise concerning lands and all rights and interests in any lands embraced in any Congressional grant and not as yet certified to or for the Selma Rome and Dalton Railroad Company and all other lands grants and rights claims and privileges hereinabove referred to and every part thereof unto the said Edmund D. Randolph and John L. Cadwalader their heirs and assigns forever as fully and absolutely as I the said Register in the said Chancery Court under the authority of said decree and proceedings of the said Supreme Court and of said Chancery Court or any of them could or ought to sell and convey the same.

In witness whereof I B. H. Craig Register of said Chancery Court as aforesaid have have hereunto set my hand and seal this the first day of December A. D one thousand eight hundred and eighty

Signed B. H. Craig (Seal)

Register in Chancery for Dallas Co Ala

The State of Alabama } I Pleasant G Wood
Dallas County } Judge of the Probate Court in and for said County and State aforesaid do hereby certify that Benjamin H. Craig who is known to me and whose name is signed to the foregoing conveyance acknowledged before me on this

day that being informed of the contents of this conveyance he as the Register of Chancery Court in and for the county and State aforesaid executed the same voluntarily on the day the same bears date. Given under my hand this Seventh day of March A. D. 1881

Signed P. G. Wood,
Probate Judge,

Filed for record April 12th 1887 and recorded
J. T. Leeper Insp of Probate