Ala State Land Co. to Miller

No. 2648.

Know all men by these presents, that whereas, By virtue of the acts of Congress of the United States and of the General Assembly of Alabama, referred to in the Act of the General Assembly of Alabama, approved February 10th, 1876, entitled "An Act to execute the power of disposal of the lands, granted by an act of Congress, entitled 'An Act granting public lands in alternate sections to the State of Alabama to aid in the construction of certain railroads in said State, approved June 3rd, 1856' which power of disposal is conferred upon the Legislature of Alabama by said act of Congress;" and by virtue of what was done prior to February 10th 1876, by or under or in pursuance of the legislation of Congress and the legislation of the State of Alabama, the said State had become completely vested with the title to the lands embraced by said acts of Congress for the uses and purposes shown in said acts of Congress; And whereas, the said State, prior to February 10th, 1876, and more than six months prior to the duly decreed bankruptcy of the Alabama and Chattanooga Railroad Company, had acquired a valid lien in good faith, upon all

of said land to which the Alabama and Chattanooga Railroad Company ever had any right or title, either legal or equitable, by a conveyance executed by that Company to the State of Alabama, to secure an indebtedness of that Company to said State greater than the value of the interest of that Company in or to said lands, no part of which indebtedness has ever been paid to said State; And whereas, by a deed executed and bearing date the 8th day of February, 1877, the said land was surveyed by the Governor of said State of Alabama, in pursuance of an act of the General Assembly of Alabama, approved February 23rd, 1876, entitled "An Act to ratify and confirm the settlement of the existing indebtedness of this State, as proposed in the report of the Commissioners appointed under the Act approved 17th of December 1874, and which was communicated to the General Assembly by message of the Governor of 24th of January, 1876, and to carry said settlement into effect by the issuance of new bonds of this State, at a reduced rate of interest, in adjustment of a portion of said indebtedness, and the surrender of certain securities held by the State in discharge of another portion of said indebtedness", to John A. Billups and John Swann, as trustees, for the purposes in the said deed specified; And whereas, the said John A. Billups and John Swann have become vested with the power and authority to dispose of, sell and convey said lands in accordance with the provisions of said deed, and of said last mentioned act of February 23rd, 1876. And whereas, the said John A. Billups and John Swann, trustees, as disclosed in said deed and said act of February 23rd, 1876, have been directed, since May 1886, by the holders of such of the bonds described in the fifteenth section of said last mentioned act as had been surrendered to the Governor on or before the first day of May, 1886, in accordance with the provisions of said last mentioned act, to convey and accordingly have conveyed to the Alabama State Land Company, certain parcels of said lands remaining unsold by said

Witnesses, including in said conveyances the parcel or parcels of land hereinafter specifically described, that is to say: The West half of the South West quarter of Section Twenty nine, in Township nine teen South of range two West (W½ of SW¼ Sec. 29, Tp 19S R. 2W) containing Eighty (80) acres, more or less, situated in the County of Shelby in the State of Alabama: And whereas, the Alabama State Land Company above mentioned has this day sold to Frank Miller subject to the reservations hereinafter mentioned, the said parcel or parcels of land last herein above specifically described, at and for the price of One hundred and twenty ($120.00) dollars, upon the terms herein shown, that is to say, the said Frank Miller has this day paid to the Alabama State Land Company, the sum of One hundred and twenty ($120.00 Dollars in cash

And it is distinctly agreed as part and parcel of the terms of this sale of the lands last above described, that the Alabama State Land Company does not convey to the said Frank Miller but reserves to itself, either for its own benefit or for sale to others, all the iron ore, coal, limestone and other minerals contained in or upon said lands, and also the right of way and the right to bored such rail or tramways over the same as may be necessary for the convenient transportation of the coal and other minerals from said lands and from any other lands than the said The Alabama State Land Company its successors or assigns, or any person holding under it or its successors or assigns, may own as mining property in connection with the lands above described, and also the right of way and the right to bored such rail or tramways over said lands as may be convenient in transporting all material and implements that may be of use in mining upon said lands and the other lands herein referred to; and also all the timber and water upon the lands herein conveyed necessary for the development, working and mining the coal, iron and other minerals therein, and also the

right to build for the occupancy of employees all such houses on the lands herein conveyed as may be necessary or convenient in mining said lands, together with all other necessary mining privileges. And it is further understood and agreed that the grantee or grantees in this conveyance will not lease a dwelling, or permit any other person to lease a dwelling to the grantor in this conveyance, or its assigns or successors, any iron, coal or other minerals, or right of way or other thing reserved to the grantor in this conveyance, but will lease every thing herein reserved to the grantor, for the grantor, its assigns or successors, and for no other person or purpose whatever. Now therefore, in consideration of the premises, the Alabama State Land Company doth by these presents, grant, bargain, sell and convey unto the said Frank Miller the said parcel or parcels of land herein above specifically described, subject, however, to the reservations herein set forth. To have and to hold the said parcel or parcels of land last above described unto the said Frank Miller, his heirs and assigns forever, but subject to the said reservations herein disclosed.

In testimony whereof the said The Alabama State Land Company, a corporation organized under the laws of Alabama, the grantor in this conveyance, has caused these presents to be signed by its Vice President and its common seal to be affixed by its Secretary duly authorized for this purpose February 26th 1898. Erasure of clause beginning "and executed" and ending "lawful interest thereon" on the 2nd page made upon signing.

The Alabama State Land Company,
by C. C. Harvey
Vice President

(Seal)

Attest: J. H. Wallace,
Secretary.

State of Louisiana, } I, Pierrell M. Milner a
Parish of Orleans. } Notary Public, duly appointed and acting as such in and for the Parish of Orleans in the State of Louisiana duly certify that

C. C. Harvey Vice President of the Alabama State Land Company, whose name as such Vice President & in behalf of said Company 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, on behalf of said Company, and as Vice President thereof, executed the same voluntarily on the day the same bears date. Given under my hand and seal this 26th day of February A. D. 1898.

(Seal)

Purcell W. Milner.
Notary Public

Entered on Page 125 of the Real Book of the Alabama State Land Company, and in Vol 1. Page 157 of the Record Book.

F. Y. Anderson. General Manager.

Filed for record Mch 10th 1898 & recorded.

A. R. McMillan. Judge of Probate.