

[Handwritten signature]

Term, 194 2

No. 7138 vs.

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court—		Summoning on Bill, Each Defendant.....	1.50
Docketing Cause, One fee only of.....	1.00	Executing Writ of Injunction, or Ne Exeat, each..	1.50
Issuing Summons on Bill, each.....	.50*	Executing Subpoenas for Witnesses, each.....	.65
Issuing Copies Thereof, each.....	.40	Executing Writs of Possession, each.....	5.00
Entering Return of Same, each.....	.15	Executing Scire Facias or Notice, each	1.50
Orders of Publication to Non-Residents, each....	1.00*	Taking and Approving Bonds, each.....	1.00
Filing Bill or Other Paper, each.....	.10	Impanelling Jury.....	.75
Copies of Same, Per 100 Words.....	.15	Collecting Execution for Costs Only, each.....	1.50
Entering Appearances, each25*	Sheriff's Commissions	
Issuing Writs of Injunction, Ne Exeat, each....	1.50		
Issuing Copies Thereof, each50		
Entering Return of Same, each.....	.15		
Decrees Pro Confesso, each.....	1.00*		
Order Appointing Guardian Ad Litem, each.....	1.00*		
Issuing Commissions to Take Testimony, each....	.50		
Taking Testimony, Per Day.....	1.50		
Taking Testimony, Per 100 words.....	.20		
Receiving and Filing Depositions, each pkg.,10		
Indorsing Depositions Published, each pkg.,.....	.10		
All Entries on Commission Docket, Each Cause....	.50		
Entering Order Submitting Cases for Decree, each..	.50		
Other Orders of Court, each.....	.25		
Noting Testimony on Hearing of Cause, each.....	.50		
Entering Decrees, of 500 Words or Less, each.....	.75		
Per 100 words over 500.....	.15		
Taking Accounts, etc., on Ref., per Day.....	3.00*		
Taking Testimony on Reference Relating to Trustee, etc., per 100 words.....	.15		
Reference and Reports, each.....	2.00*		
Reports of 500 Words or Less.....	2.50		
Per 100 Words over 500.....	.15		
Issuing Subpoenas for Witnesses, each.....	.25		
Issuing Witness Certificates, each.....	.25		
All Entries on Subpoena Docket, each Cause.....	.50		
Taking and Approving Bonds, each.....	1.00		
Making Complete Record, per 100 Words.....	.15		
Hearing, etc., Regarding Appointment of Re- ceiver or Trustee	3.00		
Settlements with Receiver or Trustee, each.....	3.00		
Examining Vouchers in Settlements, each.....	.10		
Examining Answers on Exceptions, each Answer ..	3.00		
Removal Disabilities on Non-Age.....			
Commissions on Sales.....			
Making Deeds to Property Sold, each.....	2.00		
Receiving and Paying Out Money Other Than That Arising from Sales			
Certificates or Affidavits, with Seal, each.....	.50		
Certificates or Affidavits without Seal, each.....	.25		
Issuing Scire Facias or other Notice, each.....	.50		
Other Orders of Register, except Cont., each.....	.50		
Entering Certificates of Supreme Court, each.....	.50		
Transcript for Supreme Court, per 100 words, each..	.15		
Additional Copies, per 100 words.....	.05		
Appeal Bond, each.....	1.00		
ertificate of Appeal, each50		
Notice of Appeal, each.....	.50		
Report to State Board of Health, each case.....	.50		
Certificate of Judgment, each.....	.25		
Issuing Executions, each.....	.75		
Entering Returns Thereof, each.....	.15		
<i>Certified Copy of Decree</i>			
Total Register's Fees	22.50		
		SUMMARY OF FEES, COSTS, AND JUDGMENT	
		Fees in Circuit Court—	
		Register's Fees	2.25
		Ex-Register's Fees	
		Sheriff's Fees	
		Ex-Sheriff's Fees	
		Witness Fees	
		Commissioner's Fees	
		Guardian Ad Litem	
		Publisher's Fees	
		Solicitor's Fees	
		Court Reporter's Fees, Per Day or fraction thereof	5.00
		Trial Tax	3.00
		Fees and Costs in Inferior Court:	
		Clerk of Inferior Court Fees	
		Sheriff's Fees	
		Witness Fees	
		Total Fees and Costs in Inferior Court	2.35
		Total Fees and Costs	
		Judgment	
		Total Fees, Costs, and Judgment	

I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST:

Register Circuit Court, Baldwin County, Ala.

Received payment this _____ day of _____ 194_____

ATTEST:

Register Circuit Court, Baldwin County, Ala.

No. 9838 Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT

vs. Plaintiff-----

Defendant-----

EQUITY COST BILL

Term, 19____

Fee Book _____, Page _____

Plaintiff's Attorney.

Defendant's Attorney.

J. Irwin Burgett is released from any further or other liability in connection therewith, and his bond is fully discharged.

DONE this 1st day of November,
1940.

J. W. Hare

JUDGE

IN EQUITY No. 9838
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

EX PARTE HELEN
MOORE BRISTOL

DECREE PASSING FINAL
SETTLEMENT OF J. IRWIN
BURGETT AS TRUSTEE FOR
RITTENHOUSE R. MOORE

Filed November 2, 1940
R.S. Duck, Register

EX PARTE HELEN
MOORE BRISTOL.

) IN EQUITY No. 9838
) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA.

THIS MATTER coming on to be heard on the verified petition of Nina Clay Burgett, as Executrix of the Estate of J. Irwin Burgett, deceased, for the settlement of his Trusteeship on the Estate of Rittenhouse R. Moore, incompetent, under appointment by this Court; and

It appearing to the Court that J. Irwin Burgett was duly qualified and acted as Trustee under the order of the Court herein entered; that on the 27th day of October, 1938, he died in Mobile County, Alabama; and that the Hon. Robert H. Smith has been appointed by this Court as his successor; that at the time of the death of the said J. Irwin Burgett, he had in his hands as Trustee for Rittenhouse R. Moore, funds in the amount of \$113.98; that the Executrix of his Estate, Nina Clay Burgett, has accounted to Robert H. Smith for said funds, and has filed with her said petition a voucher verifying the payment of said funds; and

It appearing to the Court that the Hon. Robert H. Smith, Trustee for the said Rittenhouse R. Moore, has in writing filed in this cause accepted notice of the filing of the petition, admitted the payment of all funds due by the said J. Irwin Burgett to the Estate of the said Rittenhouse R. Moore, and has consented that the petition for settlement be passed and allowed as filed;

NOW, THEREFORE, it is ordered, adjudged and decreed by the Court that said petition for final settlement of the Trusteeship of the said J. Irwin Burgett on the Estate of Rittenhouse R. Moore be and the same is hereby passed and allowed as filed, and the Estate of the said

ROBERT H. SMITH
ATTORNEY AT LAW
FIRST NATIONAL BANK BUILDING
P. O. BOX 1317
MOBILE 7, ALABAMA

November 26, 1946

Mrs. R.S. Duck
Register of Circuit Court
Bay Minette, Alabama

IN RE: Ex Parte Bristol


Dear Mrs. Duck:

As requested in your letter, I have prepared, and enclose herewith, a form of decree which, in my opinion, is proper in the above entitled cause.

I also enclose herewith, a copy of this decree, so that you may use it in preparing the certified copy which I requested that you send me.

If you will also send your bill for costs, I will remit promptly.

Yours very truly,



ROBERT H. SMITH

RHS:AMcG

RECORDED

IN EQUITY. No. 9838
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN THE MATTER OF
EX PARTE HELEN MOORE
BRISTOL

PETITION FOR FINAL SETTLEMENT
OF ACCOUNT OF J. IRWIN BURGETT
AS TRUSTEE FOR RITTENHOUSE
R. MOORE

Filed October 31, 1940
R. S. Duch, Register

D. R. COLEY, JR.,
ATTORNEY FOR PETITIONER

EX PARTE HELEN MOORE) IN EQUITY No. 9838
BRISTOL) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA.

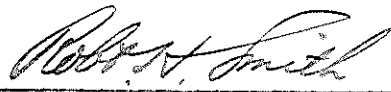
Now comes Robert H. Smith, as Trustee for Rittenhouse R. Moore under appointment of this Honorable Court, as successor to the late J. Irwin Burgett, and acknowledges notice of the filing of petition for final settlement of the Trusteeship of the said J. Irwin Burgett, as Trustee for said Rittenhouse R. Moore, filed herein by Nina Clay Burgett, as Executrix of the Estate of J. Irwin Burgett, deceased, and acknowledges that he has received from the said Nina Clay Burgett, as Executrix of the Estate of J. Irwin Burgett, a full and complete accounting of all funds and properties in the hands of J. Irwin Burgett, as such Trustee, consisting of the sum of \$ 113.38 in cash; and as Trustee for the said Rittenhouse R. Moore, consents that an order be entered by the Court discharging the Estate of J. Irwin Burgett and his bond as Trustee from any further liability in the said matter.



AS TRUSTEE FOR RITTENHOUSE R.
MOORE

Mobile, Alabama, April 18, 1940.

Receipt is hereby acknowledged of the sum of \$113.38 in full of the balance due by J. Irwin Burgett as Trustee for Rittenhouse R. Moore under the will of Hattie B. Moore deceased.



Successor to J. Irwin Burgett as Trustee for Rittenhouse R. Moore

taken as a petition for final settlement of the trusteeship of the said J. Irwin Burgett for Rittenhouse R. Moore, as aforesaid, and that an order be entered by the Court discharging the estate of the said J. Irwin Burgett and his bond from any further liability as to said trusteeship.

Nina Clay Burgett.
PETITIONER

Subscribed and sworn to
before me this the 30th
day of October, 1940.

Francis E. Hens
NOTARY PUBLIC, MOBILE COUNTY, ALA.

EX PARTE HELEN MOORE
BRISTOL

) IN EQUITY No. 9838
) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA.

TO THE HONORABLE FRANCIS W. HARE, JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA, IN EQUITY

SITTING:

Now comes NINA CLAY BURGETT, Executrix of the
Estate of J. Irwin Burgett, and respectfully showing unto
the Court that by order of this Honorable Court entered
therein on the 27th day of August, 1934, under provisions
of Section 10452, Code of Alabama of 1923, J. Irwin Burgett
was appointed as Trustee of certain lands and properties
devised under the will of Hattie B. Moore, deceased, for
the benefit of Rittenhouse R. Moore, and thereafter the
said J. Irwin Burgett qualified as such trustee by entering
into a bond for the faithful performance by him of the
duties imposed upon him as such trustee;

That on, to-wit, the 27th day of October, 1938,
said J. Irwin Burgett died in Mobile, Alabama, leaving a
last Will and Testament which has been duly admitted to
probate in Mobile County, Alabama, and of which your peti-
tioner has been named and appointed Executrix; that the said
J. Irwin Burgett faithfully performed all of the duties
imposed upon him by virtue of said trust during his lifetime,
and that at his death he had in his hands for the benefit
of the said Rittenhouse R. Moore funds in the amount of
\$ 113.38.

That Robert H. Smith was duly appointed by this
Court as the successor in trust to the said J. Irwin Burgett
and that your petitioner has accounted to the said Robert
H. Smith for all funds in the hands of the said J. Irwin
Burgett, deceased, as such Trustee, cancelled voucher
therefor being hereto attached.

NOW, THEREFORE, Petitioner prays that this be

EX PARTE HELEN MOORE
BRISTOL


: IN THE CIRCUIT COURT OF
:
: BALDWIN COUNTY, ALABAMA
:
: IN EQUITY NO. 9838

This cause coming on to be heard on the petition of Robert H. Smith, as Trustee for Rittenhouse R. Moore, under the will of Hattie B. Moore, verified by the affidavit of petitioner, for a final settlement of his account as such Trustee, and for the discharge of himself, as such Trustee, and for the discharge of the Maryland Casualty Company, as surety on his bond as such Trustee, from further liability as to said trusteeship, and on the answer to said petition, filed in this cause by the First National Bank of Mobile, as administrator of the estate of Rittenhouse R. Moore, which answer acknowledges notice of the filing of said petition for final settlement by the said Robert H. Smith, as such Trustee, and also acknowledges that it, as such administrator, has received from said Trustee, the sum of Eight Hundred Ninety Seven Dollars and Sixty-five Cents (\$897.65), in settlement of said trust, and consents that an order be entered by the Court, discharging the said Robert H. Smith as Trustee for Rittenhouse R. Moore under the will of Hattie B. Moore, and the Maryland Casualty Company, as surety on his bond as such Trustee, from further liability in the matter;

And it appearing to the Court from the evidence submitted, that the First National Bank of Mobile, as administrator of the Estate of Rittenhouse R. Moore, was and is entitled to receive and administer, the said trust estate; that said Robert H. Smith, as such Trustee, has paid over and delivered to the said First National Bank of Mobile, as administrator of the estate of Rittenhouse R. Moore, all of the trust estate which he held as such Trustee, and has fully discharged his duties as such Trustee:

THEREFORE, it is CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court that Robert H. Smith, as Trustee for Rittenhouse R. Moore under the will of Hattie B. Moore, has fully discharged his duties as such Trustee for Rittenhouse R. Moore under the will of Hattie B. Moore, and that he is hereby discharged from further accounting and liability as such Trustee, and that the Maryland Casualty Company, as surety on the bond of said Trustee, is also discharged from further liability on its said bond of said Trustee.

CONSIDERED, ORDERED, ADJUDGED and DECREED, this 30th day of November, 1946.



Judge

EX PARTE HELEN MOORE

: IN THE CIRCUIT COURT OF

BRISTOL

: BALDWIN COUNTY, ALABAMA

: IN EQUITY NO. 9838

This cause coming on to be heard on the petition of Robert H. Smith, as Trustee for Rittenhouse R. Moore, under the will of Hattie B. Moore, verified by the affidavit of petitioner, for a final settlement of his account as such Trustee, and for the discharge of himself, as such Trustee, and for the discharge of the Maryland Casualty Company, as surety on his bond as such Trustee, from further liability as to said trusteeship, and on the answer to said petition, filed in this cause by the First National Bank of Mobile, as administrator of the estate of Rittenhouse R. Moore, which answer acknowledges notice of the filing of said petition for final settlement by the said Robert H. Smith, as such Trustee, and also acknowledges that it, as such administrator, has received from said Trustee, the sum of Eight Hundred Ninety Seven Dollars and Sixty-five Cents (\$897.65), in settlement of said trust, and consents that an order be entered by the Court, discharging the said Robert H. Smith as Trustee for Rittenhouse R. Moore under the will of Hattie B. Moore, and the Maryland Casualty Company, as surety on his bond as such Trustee, from further liability in the matter;

And it appearing to the Court from the evidence submitted, that the First National Bank of Mobile, as administrator of the Estate of Rittenhouse R. Moore, was and is entitled to receive and administer, the said trust estate; that said Robert H. Smith, as such Trustee, has paid over and delivered to the said First National Bank of Mobile, as administrator of the estate of Rittenhouse R. Moore, all of the trust estate which he held as such Trustee, and has fully discharged his duties as such Trustee;

THEREFORE, it is CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court that Robert H. Smith, as Trustee for Rittenhouse R. Moore under the will of Hattie B. Moore, has fully discharged his duties as such Trustee for Rittenhouse R. Moore under the will of Hattie B. Moore, and that he is hereby discharged from further accounting and liability as such Trustee, and that the Maryland Casualty Company, as surety on the bond of said Trustee, is also discharged from further liability on its said bond of said Trustee.


CONSIDERED, ORDERED, ADJUDGED and DECREED, this 30 day of Nov, 1946.

F. W. Hare

Judge

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the 3th day of December. 1946

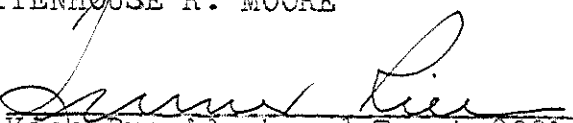

Register of Circuit Court, in Equity

EX PARTE HELEN MOORE
BRISTOL

: IN THE CIRCUIT COURT OF
:
: BALDWIN COUNTY, ALABAMA
:
: IN EQUITY NO. 9838

Now comes First National Bank of Mobile, as Administrator for the Estate of Rittenhouse R. Moore, and acknowledges notice of the filing of the petition for final settlement by Robert H. Smith, as Trustee for Rittenhouse R. Moore under the will of Hattie B. Moore, and acknowledges that it has received from the said Trustee, the sum of \$897.65, in settlement of said trust, and consents that an order be entered by the Court, discharging the said Robert H. Smith, as said Trustee for Rittenhouse R. Moore, under the will of Hattie B. Moore, and Maryland Casualty Company, as surety on his bond as such Trustee, from any further liability in the matter.

FIRST NATIONAL BANK OF MOBILE, AS
ADMINISTRATOR FOR THE ESTATE OF
RITTENHOUSE R. MOORE

By 
Vice-President and Trust Officer

EX PARTE HELEN MOORE

BRISTOL

: IN THE CIRCUIT COURT OF

: BALDWIN COUNTY, ALABAMA

: IN EQUITY NO. 9838

This cause coming on to be heard on the petition of Robert H. Smith, as Trustee for Rittenhouse R. Moore, under the will of Hattie B. Moore, verified by the affidavit of petitioner, for a final settlement of his account as such Trustee, and for the discharge of himself, as such Trustee, and for the discharge of the Maryland Casualty Company, as surety on his bond as such Trustee, from further liability as to said trusteeship, and on the answer to said petition, filed in this cause by the First National Bank of Mobile, as administrator of the estate of Rittenhouse R. Moore, which answer acknowledges notice of the filing of said petition for final settlement by the said Robert H. Smith, as such Trustee, and also acknowledges that it, as such administrator, has received from said Trustee, the sum of Eight Hundred Ninety Seven Dollars and Sixty-five Cents (\$897.65), in settlement of said trust, and consents that an order be entered by the Court, discharging the said Robert H. Smith as Trustee for Rittenhouse R. Moore under the will of Hattie B. Moore, and the Maryland Casualty Company, as surety on his bond as such Trustee, from further liability in the matter;

And it appearing to the Court from the evidence submitted, that the First National Bank of Mobile, as administrator of the Estate of Rittenhouse R. Moore, was and is entitled to receive and administer, the said trust estate; that said Robert H. Smith, as such Trustee, has paid over and delivered to the said First National Bank of Mobile, as administrator of the estate of Rittenhouse R. Moore, all of the trust estate which he held as such Trustee, and has fully discharged his duties as such Trustee:

THEREFORE, it is CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court that Robert H. Smith, as Trustee for Rittenhouse R. Moore under the will of Hattie B. Moore, has fully discharged his duties as such Trustee for Rittenhouse R. Moore under the will of Hattie B. Moore, and that he is hereby discharged from further accounting and liability as such Trustee, and that the Maryland Casualty Company, as surety on the bond of said Trustee, is also discharged from further liability on its said bond of said Trustee.

CONSIDERED, ORDERED, ADJUDGED and DECREED, this 30th day of Nov, 1946.

I, Alice J. Duck, Register of the Circuit Court of Baldwin Co unty, Alabama,

Judge

ROBERT H. SMITH
ATTORNEY AT LAW
FIRST NATIONAL BANK BUILDING
P. O. BOX 1317
MOBILE 7, ALABAMA

November 18, 1946

Mr. R.S. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mr. Duck:

On May 24, 1939, you appointed me Trustee, to succeed J.I. Burgett, as Trustee for Rittenhouse R. Moore, under the will of Hattie B. Moore.

The trust has been fully performed, and the beneficiaries who were then living, including Rittenhouse R. Moore, are all dead, and the Circuit Court of Mobile County, has held that the administrator of the estate of Rittenhouse R. Moore is entitled to the trust money, so I have paid it over to the administrator, and have prepared a petition for release from further liabilities as Trustee, and also for the release of Maryland Casualty Company, as surety on my bond.

I enclose herewith this petition, and have attached thereto, a full receipt by the First National Bank of Mobile, as administrator of the Estate of Rittenhouse R. Moore; also a copy of the will of Hattie B. Moore, although it is my recollection that a copy of said will was attached to the original petition.

Will you please file this petition in the cause.

I also enclose herewith, an acknowledgement of notice by the First National Bank of Mobile, as administrator of the estate of Rittenhouse R. Moore of the filing of this petition, and also acknowledgement of receipt of the trust fund, and the consent of said Bank to the entry of an order dismissing me and my bondsman. I would appreciate it if you would file this document for the First National Bank.

In view of the fact that the First National Bank of Mobile, as Administrator of the Estate of Rittenhouse R. Moore, is the only party interested in the matter, I presume that a decree will be rendered without further notice, and would appreciate it if you would advise me when the decree is entered, and send me a certified copy, so that I may forward it to the Maryland Casualty Company. Also send me your bill for costs, and I will remit promptly.

Yours very truly,



ROBERT H. SMITH

other property in trust for my said son, under the terms of this will. And my said Executor may, from time to time, as in his discretion may seem best, vary, alter, change or transpose any or all investments for other investments.

THIRD: I do nominate and appoint Gregory L. Smith to be the Executor of this, my last will and testament, hereby expressly exempting him from giving bond, and should he die before the settlement of my estate, and the execution of the trust herein created, I nominate and appoint Robert H. Smith as my Executor.

IN TESTIMONY WHEREOF, I, the said Hattie B. Moore have to this, my last will and testament, hereunto signed my name and affixed my seal, this the 2nd day of August A.D., 1917.

HATTIE B. MOORE (SEAL)

ATTEST BY:

SARA E. WHITE

ALTHEA G. STONE

As Witnesses.

We, Sara E. White and Althea G. Stone, hereby certify that Hattie B. Moore signed and published the above instrument as her last will and testament in our presence, and that we, in her presence, and in the presence of each other, thereunto subscribed our names as witnesses, on the day of the date of said will.

SARA E. WHITE

ALTHEA G. STONE

Exhibit A-

Signed and published in open court
this 25th day of June, 1924. Re-
corded Will Book Number 12, Page 275.

KNOW ALL MEN BY THESE PRESENTS, that I, Hattie B. Moore,
of the City and County of Mobile, Alabama, being of sound mind
and over the age of twenty-one (21) years, do make and publish this,
my last will and testament, hereby revoking all wills by me at any
time heretofore made.

As to my worldly estate and all real, personal and mixed prop-
erty, of which I shall die seized and possessed, or to which I shall
be entitled at the time of my decease, I devise, bequeath and dis-
pose of in the manner following.

FIRST: My will is that all my just debts and funeral expenses
shall, by my Executor, hereinafter named, be paid out of my estate
as soon after my decease as convenient.

SECOND: I devise and bequeath all of the rest and residue
of my estate to my daughters, Helen Moore Bristol and Amanda M.
Goldthwaite, and to my Executor, in trust, for my son, Rittenhouse
R. Moore, giving to each a one-third ($1/3$) thereof, and the one-
third ($1/3$) so given to my executor in trust for my son Rittenhouse
R. Moore, shall be invested by my said Executor, and the rents,
incomes and profits therefrom, shall be, by my said Executor, used
for the support and maintenance of my said son, Rittenhouse R.
Moore, so long as he shall live, and at his death, the said trust
fund shall be paid over to my two daughters in equal parts, should
they both survive him, or, if only one should survive him, then to
such survivor. Should any of my said children die in my lifetime,
then the share which I have devised to any such child or to my
Executor, in trust for any such child, shall be divided into as
many shares as there are children of mine surviving me, and I give
one such share to each of my surviving daughters, if any, and if
my said son, Rittenhouse R. Moore, shall survive me, then one such
share to my said Executor, in trust for my said son, to be held by
my said Executor upon the same terms and conditions as he shall hold

February 11, 1939

I have a letter from George Randolph together with a check to pay for the stumps on the property belonging to Helen, Mannie and Rit. He has already paid Henry \$25 for the stumps on the property belonging to Mannie. When you are ready I will forward this correspondence to you. I have written George Randolph that as soon as we could get someone to take Burgett's place I would turn the matter over to that person. So will you let me know when you are ready?

Again many thanks and with best from
Helen and myself.

Sincerely yours,

Mark

MLB:mfw

February 11, 1939

Encl't "D"
Mr. Robert Smith
First National Bank Building
Mobile, Alabama

Dear Robert:

Your letter of the ninth instant just received and Helen and I are so glad to know that you will undertake to look out for the affairs of Helen Mannie and Rit. Our minds are very much relieved.

The opinion you express of Mr. Burgett is the one that we had of him, but it is very comforting to hear your statements in regard to his character and the methods he practiced in carrying out his business affairs.

I think Burgett was guardian for Rit in Alabama and I am wondering if you cannot obtain this information from Burgett's estate and would it not be well for you to proceed as soon as possible to be made Rit's guardian in place of Burgett? Of course, to a large extent, Helen must look out for the affairs of Rit and Mannie. The former, of course, cannot do anything for himself and his wife is his guardian in Virginia. Mannie's mental condition is such that in the Sheppard and Enoch Pratt Hospital the doctors feel that she is not able to attend to any business matters. In confidence, I would like to state that Henry has not been contributing to Mannie's support in any way since she came north four years ago this month, and I do not think he writes to her, though she writes to him every day. I saw him when I was in Mobile a couple of years ago and he was in no condition to attend to his own affairs then and Burgett had the same opinion. Also I think Burgett found it very difficult to deal with Henry and when you get the correspondence you will understand what I mean. Thus Burgett and I used to deal directly and not take Henry into the picture except where it was really legally necessary. I do not know exactly what the legal rights of Henry are under the circumstances and according to the laws of Alabama. But, of course, you will know all about this. I only want you to know that Helen and I are going to look to you to represent Helen and Rit and Mannie and we do not want you to be bothered by Henry any more than it is necessary.

February 3, 1939

I think you can realize the difficulties of this situation and also my coming back at you this way. I just want help, but I don't want to impose upon you. I will wait to hear from you and Harry before taking any further steps. In the meantime Harry's office is keeping in touch with the settlement of the Burgett estate.

Our very best to you and yours.

Very sincerely yours,



MLB:mfw

Encl. 1

REAR ADMIRAL MARK L. BRISTOL
U. S. NAVY, RETIRED
1621 MASSACHUSETTS AVENUE
WASHINGTON, D. C.

February 3, 1939

Exhibit C

Mr. Robert H. Smith
First National Bank Building
Mobile, Ala.

Dear Robert:

Your letter of the first instant was received this morning and at the same time I received the following telegram, "Burgett's affairs in bad condition necessary for us appoint Robert Smith as Rit's guardian, reply." Signed Henry Goldthwaite. Henry wrote me almost immediately after Burgett's death, suggesting that you be appointed guardian for Rit and has reiterated this suggestion. I wrote him at once stating that Helen and I were in agreement with his suggestion. It was because I knew there had been some disagreement, which you set forth in your letter to me, that we did not immediately write to you, but did write to Harry Smith, who, as you know, wound up the work which his father had done for Mrs. Rittenhouse Moore. Also after her death Mr. Gregory Smith helped Helen, Rit and Mannie and Harry wound up this work.

Helen and I knew that something had happened and your letter sets forth very clearly what, before, we had not fully realized. I am sure we all agree that Henry is difficult to deal with and we know it only too well. Do you not think you might handle this matter without being brought into contact with Henry? To be honest with you, we are writing to you and Harry for help, because we want to keep it in the family. We note with great satisfaction you state, "If it cannot be handled otherwise, I would, for the sake of you and Helen, handle the matter". We deeply appreciate this sentiment of yours and so would not take advantage of you in asking you to help us if you really feel you cannot. I am going to send a copy of this letter to Harry because he agreed with this idea of getting you to take Burgett's place. I am enclosing a copy of my answer to Henry's telegram.

Are the laws of Alabama such that the husband in the position Henry occupies need have much to do with the affairs of Helen, Rit and Mannie? Of course I know that in certain legal proceedings regarding property the husband has certain right and these are different in different states. My question is prompted by the idea that we need not have much to do with Henry.

January 23, 1939


affairs are concerned? Of course Henry Goldthwaite has certain legal rights, but in dealing with Burgett I did not consider Henry very seriously and you will realize this from the correspondence which was carried on between Burgett and myself and your Cousin Helen, my wife. Also you will realize that none of my papers are available to Henry, even though by legal rights he might be entitled to copies of certain papers.

You will see, of course, that we had a business arrangement with Burgett, and if you will take over the same work, we would want to have some such arrangement with you. I am sure we can come to an agreement in regard to this matter.

Helen and I certainly do hope that you will feel like doing this for us. Mr. Charles B. Arendall, Jr. in Harry Smith's office, is giving particular attention to the settlement of the Burgett Estate.

Helen joins me in best to you all.

Very sincerely yours,



MLB:mfw

January 23, 1939

Exhibit B

Mr. Robert H. Smith
Mobile
Alabama

Dear Robert:

Referring to the death of J. Irwin Burgett I am writing on behalf of your Cousin Helen and myself as well as Dr. Henry Goldthwaite, to ask if you would be willing to take Burgett's place as the representative in Alabama of Mr. R. R. Moore, Mrs. Henry G. Goldthwaite, and Mrs. Mark L. Bristol, for the purpose of looking out for their interests in certain properties in Baldwin County Alabama? These properties consist of two tracts of land belonging to all three as heirs of their mother, Mrs. Rittenhouse Moore. Then there is one piece of land which belongs to Mannie. I think you have in the past had something to do with these matters and thus are in some measure familiar with this question?

Burgett, I believe, was appointed a guardian for R. R. Moore, who was sometime ago committed for incompetency and his wife made guardian in Virginia. The mind of Mannie is deranged so she is not capable of attending to any legal matters or matters pertaining to her property. I have been, as far as possible, protecting her rights and Burgett was looking out for her particular tract of land. To be very frank, of course I do not think that Henry can now assist very much in these matters. This, of course, is between ourselves.

I sent a large number of papers of my own files to Burgett, and in his files should be the correspondence which has taken place between him and myself. Some time ago I wrote to Harry Smith and sent him some more of my papers. I wrote to him because of his familiarity with the whole estate which, as you know, his Father attended to for a long time and after Mr. Smith's death Harry wound up his affairs and it was then that Burgett took over the handling of the properties. Helen and I do hope that you will feel like helping us in this matter. If you are willing to do this will you not immediately get in touch with Harry Smith and take over the correspondence I sent to him and post yourself on what I have written to him and follow up the settlement of the estate of J. Irwin Burgett so far as our

Exhibit E

The First National Bank of Mobile, Alabama, as Administrator of the Estate of Rittenhouse R. Moore, hereby acknowledges that it has this day received of Robert H. Smith, as Trustee for Rittenhouse R. Moore, under will of Hattie B. Moore, the sum of Eight Hundred and Ninety Seven and 65/100 Dollars (\$897.65), being amount of the fund held in trust, by said Trustee, under will of Hattie B. Moore, as shown by account delivered by said Trustee to us.

Executed in duplicate, this 16th day of November, 1946.

FIRST NATIONAL BANK OF MOBILE, ALABAMA
AS ADMINISTRATOR OF THE ESTATE OF
RITTENHOUSE R. MOORE

By Lester Rein
Vice-President and Trust Officer

STATE OF ALABAMA :

COUNTY OF MOBILE :

Before me, George E. Stearns, a Notary Public
in and for said county in said state, personally appeared Robert
H. Smith, who, being by me first duly sworn, doth upon his oath,
depose and say that the facts stated in the foregoing petition
are true.

Robert H. Smith

Subscribed and sworn to before me,
this the 18 day of November, 1946.

George E. Stearns
Notary Public, Mobile County, Alabama

Rittenhouse R. Moore died intestate, on June 15, 1946, and the First National Bank of Mobile, Mobile, Alabama, has been duly appointed administrator of his estate, and has qualified as such.

FIFTH

By decree, rendered by the Circuit Court of Mobile County, Alabama, on October 22, 1946, in the case of Robert H. Smith, as Trustee under the will of Hattie B. Moore, versus Riggs National Bank of Washington, D.C., as Executor of the will of Helen Moore Bristol, and First National Bank of Mobile, as administrator of the Estate of Rittenhouse R. Moore, in equity, No. 18,944, the Court, in construing the will of Hattie B. Moore, held that, upon the death of Rittenhouse R. Moore, the trust became a dry, naked trust, and under Section 144, Title 47 of the Code of Alabama of 1940, the legal title to the trust properties became vested in the Estate of Rittenhouse R. Moore, and became subject to administration as a part of his estate.

Pursuant to said decree, your Petitioner, as said Trustee under the will of Hattie B. Moore, paid to the First National Bank of Mobile, Alabama, as administrator of the Estate of Rittenhouse R. Moore, the sum of \$897.65, being the amount of the fund held in trust by said Trustee under the will of Hattie B. Moore, as shown by account delivered by the Trustee to the said First National Bank, as administrator, and the said First National Bank, as administrator of the estate of Rittenhouse R. Moore, has executed a receipt for the said trust fund, which receipt is hereto attached and marked Exhibit "E".

PRAYER

NOW, THEREFORE, this Petitioner prays that this be taken as a petition for final settlement of Robert H. Smith, as Trustee for Rittenhouse R. Moore under the will of Hattie B. Moore, and that an order be entered by the Court, discharging him as such Trustee, and Maryland Casualty Company, as surety on his bond as such Trustee, from any further liability as to the said Trusteeship.



Petitioner

not known whether he owed the estate a very large or a very small sum of money.

Your Petitioner, because of his duty as trustee, and at the request of members of the family of Rittenhouse R. Moore, as evidenced by letters hereto attached and marked Exhibits "B", "C", and "D", which are here referred to and made a part hereof, made an examination of all documents and papers left by said J. Irwin Burgett, and stated an account between said Burgett and said Trust Estate, and this showed a balance due by said Burgett to said Trust Estate of \$113.38, which was paid to Petitioner as Trustee under the will of Hattie B. Moore, by the Executrix of the Estate of J. Irwin Burgett, and this Court discharged the estate of said Burgett and his bond, from further liability as such trustee.

THIRD

Said Robert H. Smith sold the wood from said lands, for \$75.00, of which sum, one-third thereof belonged to the trust estate, and under and pursuant to a decree in the Circuit Court of Mobile County, Alabama, the said lands in Baldwin County were sold to P.L. Wilson, and the share of the trust estate in the proceeds of said sale was \$1,397.66, subject, however, to the payment of commissions to H.H. Maschmeyer, taxes due, abstracts and other expenses. The entire trust estate, thereafter, consisted entirely of money, interest on which was \$61.43, so that the total receipts were \$1,597.47.

There were many expenses, and a large amount of taxes paid by the Trustee in the administration of said trust estate, so that the total expenditures was \$699.82, leaving a balance of \$897.65 in the hands of the Trustee.

FOURTH

Petitioner further shows that Amanda Moore Goldthwaite, sister of Rittenhouse R. Moore, died in testate on January 14, 1944.

Helen Moore Bristol, sister of the said Rittenhouse R. Moore, died testate, in December, 1945.

9838

EX PARTE HELEN MOORE
BRISTOL

: IN THE CIRCUIT COURT OF
:
: BALDWIN COUNTY, ALABAMA
:
: IN EQUITY NO. 9838

TO THE HONORABLE FRANCIS W. HARE, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY

Now comes Robert H. Smith, Trustee under the will of Hattie B. Moore, and shows unto the Court the following facts:

FIRST

That the will of Hattie B. Moore was duly admitted to probate in the Probate Court of Mobile County, Alabama, on June 25, 1924, and a copy of said will is hereto attached and marked Exhibit "A" and is here referred to and made a part hereof;

That on August 23, 1933, the Register of this Court appointed J. Irwin Burgett as Trustee, for the purpose of carrying out the trust created by the will of Hattie B. Moore, for her son, Rittenhouse R. Moore;

That the said J. Irwin Burgett died, and, thereafter, on May 24, 1939, the Register of this Court entered an order in this cause, appointing your Petitioner, Robert H. Smith, as Trustee of said trust estate, upon his making bond in the sum of One Thousand Dollars. Said bond was duly made with the Maryland Casualty Company, as surety, and the said Robert H. Smith entered upon his duties as such Trustee.

SECOND

At the time of the appointment of your Petitioner, as such Trustee, the trust estate consisted of an undivided one-third interest in a tract of land in Baldwin County, Alabama, and an indebtedness by J. Irwin Burgett to the trust estate, of an amount which was unknown, growing out of his management of the trust estate.

The said J. Irwin Burgett left no statement of account between the said trust estate and himself, but left a great mass of papers and documents relating to his management of said lands, with a large number of pencil and other memorandums, showing moneys received and expended by him, and at the time of his death, it was