

ESTATE OF  
MARIA EWING MARTIN, Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 906.

DECREE

This cause coming on to be heard on this date is submitted for Decree on behalf of Petitioner, John D. Martin, as Executor of the Last Will and Testament of Maria Ewing Martin, Deceased, upon the pleadings filed and orders and decrees heretofore rendered in this cause, the petition filed herein by the said Petitioner on April 26, 1943, the Decree rendered in this cause on April 30, 1943, Appointment, Acceptance and Answer of W. H. Hawkins, as Guardian Ad Litem of and for Thomas Ewing, III, and Alexander C. Ewing, Minors, under fourteen years of age, Answer of William F. C. Ewing, Motion for Decree Pro Confesso against the Respondent, Bayard Ewing, Decree Pro Confesso against the Respondent, Bayard Ewing, Note of Testimony taken before the Register on Reference, and Register's Report on Reference, upon consideration of all of which the Court is of the opinion that the said Petitioner is entitled to the relief prayed for by him in his said Petition, WHEREUPON, it is ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Register's Report on Reference filed in this cause on August 2, 1943, be and it hereby is in all respects ratified and fully confirmed.

2. That there was a binding contract between the decedent, Maria Ewing Martin and George F. Stevenson and Ione H. Stevenson, whereby Maria Ewing Martin agreed to sell and George F. Stevenson and Ione H. Stevenson agreed to purchase the following described property situated in Baldwin County, Alabama, to-wit:

Lot Numbered One (1) and the South Fifty (50) feet of Lot Numbered Two (2) which said South Fifty (50) feet is otherwise described as follows, to-wit: Begin at the Southwest Corner of the said lot and run thence North along the West side thereof Fifty (50) feet to a point; thence East and parallel with the South line of the said lot to a point on the East line thereof; thence South Fifty (50) feet to the Southeast Corner of the said lot; thence West to the place of beginning; all of the said property being in Block Numbered One Hundred Thirty-seven (137) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama.

which was owned by the said decedent at the time of her death, for the sum of Thirty-five Hundred Dollars (\$3500.00) cash. The said Petitioner, John D. Martin, is authorized, empowered, instructed and directed to carry out the said contract of sale with the said purchasers and is further authorized, empowered, instructed and directed to make, execute and deliver to the said purchasers a deed conveying the above described property to be delivered to the said purchasers on payment of the sum of Thirty-five Hundred Dollars (\$3500.00) in cash, to which amount shall be added interest on the sum of Fifteen Hundred Dollars (\$1500.00) from July 20, 1942 to date of delivery of the said conveyance, at the rate of six per cent per annum, and that after the delivery of the said deed and collection of the proceeds of the said sale the said sale and conveyance be reported to this Court for confirmation.

3. That the said Maria Ewing Martin also owned at the time of her death the following described real property situated in Baldwin County, Alabama, to-wit:

The North One Hundred (100) feet of Lot Numbered Two (2) in Block Numbered One Hundred Thirty-seven (137) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official plat thereof recorded in Deed Book Number 4 N. S. at page 158, et seq. being otherwise described as follows, to-wit:  
Begin at the Northwest Corner of the said Lot and run thence South along the West line thereof 100 feet to a point; thence East and parallel with the North line of the said lot to a point on the East line thereof; thence North along the East line of the said lot One Hundred (100) feet to the Northeast Corner thereof; thence West along the North line thereof to the point or place of beginning,

which said property cannot be equitably divided among the joint owners thereof without a sale of the said property and a distribution of the proceeds and that a sale of the said property and a distribution of the proceeds being in the opinion of the Court to the best interest of all of the said parties, the said property is hereby ordered sold for division among the said parties and for the payment of the debts of the said decedent in the manner hereinafter provided.

4. John D. Martin, as Executor of the Last Will and Testament of Maria Ewing Martin, Deceased, is hereby authorized,

empowered, instructed and directed to sell the said property described in the foregoing paragraph of this Decree at public outcry, to the highest bidder, for cash, at the front door of the Court House at Bay Minette, in Baldwin County, Alabama, at one o'clock P. M. Central War Time, on Monday the 13th day of September, 1943, after first giving three weeks notice of the time, place, terms and purpose of the said sale by publication once a week for three successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, and execute proper conveyance to the purchaser, and that after the said sale and conveyance the said Executor shall report the same to this court for confirmation.

5. The said Executor is further Ordered to have a complete abstract of title covering the said property prepared and ready for delivery to any prospective purchaser for examination not less than five days prior to the day set for the said sale and to tax the costs thereof as a part of the costs of this proceeding.

6. That the Register of this Court shall immediately file a certified copy of this Decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the costs thereof as a part of the costs of this proceeding.

7. Jurisdiction of this cause is reserved for the purpose of making such other and further orders and decrees as may be requisite and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 9th day of August, 1943.

E. W. HARR

Judge.

STATE OF ALABAMA |  
BALDWIN COUNTY |

I, Robert S. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the foregoing instrument is a full, true, complete and correct copy of the Decree rendered in the Estate of Maria Ewing Martin, Deceased, on August 9, 1943, as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Court on this the 12th day of August, 1943.

Robert S. Duck  
Register.

ESTATE OF  
MARIA EWING MARTIN,  
Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 906.

DECREE

This cause coming on to be heard on this date is submitted for Decree on the Report of John D. Martin, as Executor of the said Estate, filed in this cause on October 9, 1943, which has been considered and understood by the Court and it appearing therefrom that the said Report has laid over for three days; that no objections or exceptions have been filed thereto and that it should be confirmed; WHEREUPON, it is therefore Ordered, Adjudged and Decreed by the Court, as follows:

1. That the sale of the said property described in the said Petition to George F. Stevenson and Ione H. Stevenson be and it is hereby in all respects ratified and fully confirmed.

2. That the sale of the property described in the said report to Hampton D. Ewing, Jr., be and it hereby is in all respects ratified and fully confirmed.

ORDERED, ADJUDGED AND DECREED this 13<sup>th</sup>/31 day of October, 1943.



Judge.

ESTATE OF  
MARIA EWING MARTIN, Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER \_\_\_\_.

DECREE

This cause coming on to be heard on this date is submitted for Decree on behalf of Petitioner, John D. Martin, as Executor of the Last Will and Testament of Maria Ewing Martin, Deceased, upon the pleadings filed and orders and decrees heretofore rendered in this cause, the petition filed herein by the said Petitioner on April 28, 1943, the Decree rendered in this cause on April 30, 1943, Appointment, Acceptance and Answer of W. H. Hawkins, as Guardian Ad Litem of and for Thomas Ewing, III, and Alexander C. Ewing, Minors, under fourteen years of age, Answer of William F. C. Ewing, Motion for Decree Pro Confesso against the Respondent, Bayard Ewing, Decree Pro Confesso against the Respondent, Bayard Ewing, Note of Testimony taken before the Register on Reference, and Register's Report on Reference, upon consideration of all of which the Court is of the opinion that the said Petitioner is entitled to the relief prayed for by him in his said Petition, WHEREUPON, it is ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Register's Report on Reference filed in this cause on August 2, 1943, be and it hereby is in all respects ratified and fully confirmed.

2. That there was a binding contract between the decedent, Maria Ewing Martin and George F. Stevenson and Ione H. Stevenson, whereby Maria Ewing Martin agreed to sell and George F. Stevenson and Ione H. Stevenson agreed to purchase the following described property situated in Baldwin County, Alabama, to-wit:

Lot Numbered One (1) and the South Fifty (50) feet of Lot Numbered Two (2) which said South Fifty (50) feet is otherwise described as follows, to-wit: Begin at the Southwest Corner of the said lot and run thence North along the West side thereof Fifty (50) feet to a point; thence East and parallel with the South line of the said lot to a point on the East line thereof; thence South Fifty (50) feet to the Southeast Corner of the said lot; thence West to the place of beginning; all of the said property being in Block Numbered One Hundred Thirty-seven (137) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama.

which was owned by the said decedent at the time of her death, for the sum of Thirty-five Hundred Dollars (\$3500.00) cash. The said Petitioner, John D. Martin, is authorized, empowered, instructed and directed to carry out the said contract of sale with the said purchasers and is further authorized, empowered, instructed and directed to make, execute and deliver to the said purchasers a deed conveying the above described property to be delivered to the said purchasers on payment of the sum of Thirty-five Hundred Dollars (\$3500.00) in cash, to which amount shall be added interest on the sum of Fifteen Hundred Dollars (\$1500.00) from July 20, 1942 to date of delivery of the said conveyance, at the rate of six per cent per annum, and that after the delivery of the said deed and collection of the proceeds of the said sale the said sale and conveyance be reported to this Court for confirmation.

3. That the said Maria Ewing Martin also owned at the time of her death the following described real property situated in Baldwin County, Alabama, to-wit:

The North One Hundred (100) feet of Lot Numbered Two (2) in Block Numbered One Hundred Thirty-seven (137) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official plat thereof recorded in Deed Book Number 4 N. S. at page 158, et seq. being otherwise described as follows, to-wit:  
Begin at the Northwest Corner of the said Lot and run thence South along the West line thereof 100 feet to a point; thence East and parallel with the North line of the said lot to a point on the East line thereof; thence North along the East line of the said lot One Hundred (100) feet to the Northeast Corner thereof; thence West along the North line thereof to the point or place of beginning,

which said property cannot be equitably divided among the joint owners thereof without a sale of the said property and a distribution of the proceeds and that a sale of the said property and a distribution of the proceeds being in the opinion of the Court to the best interest of all of the said parties, the said property is hereby ordered sold for division among the said parties and for the payment of the debts of the said decedent in the manner hereinafter provided.

4. John D. Martin, as Executor of the Last Will and Testament of Maria Ewing Martin, Deceased, is hereby authorized,

empowered, instructed and directed to sell the said property described in the foregoing paragraph of this Decree at public outcry, to the highest bidder, for cash, at the front door of the Court House at Bay Minette, in Baldwin County, Alabama, at one o'clock P. M. Central War Time, on Monday the 13th day of September, 1943, after first giving three weeks notice of the time, place, terms and purpose of the said sale by publication once a week for three successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, and execute proper conveyance to the purchaser, and that after the said sale and conveyance the said Executor shall report the same to this court for confirmation.

5. The said Executor is further Ordered to have a complete abstract of title covering the said property prepared and ready for delivery to any prospective purchaser for examination not less than five days prior to the day set for the said sale and to tax the costs thereof as a part of the costs of this proceeding.

6. That the Register of this Court shall immediately file a certified copy of this Decree for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the costs thereof as a part of the costs of this proceeding.

7. Jurisdiction of this cause is reserved for the purpose of making such other and further orders and decrees as may be requisite and proper in the premises.

ORDERED, ADJUDGED AND DECREED on this the 9<sup>th</sup>/11 day of August, 1943.

*J. N. Hare*

\_\_\_\_\_  
Judge.

ESTATE OF  
MARIA EWING MARTIN, Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER \_\_\_\_\_.

NOTE OF TESTIMONY

This cause is submitted on the reference held herein on this date on behalf of Petitioner upon the following:

1. Petition filed herein on April 28, 1943.
2. Decree ordering reference dated April 30, 1943.
3. Order continuing reference to this date.
4. Testimony of S. F. Holmes and Exhibits "1" to "6" both inclusive attached to testimony of witness.
5. Testimony of E. S. Tunstall.

Dated this 2nd day of August, 1943.

*R. S. Duck*

Register.

*J. B. Blackburn*  
Solicitor for Petitioner.



ESTATE OF  
MARIA EWING MARTIN,  
Deceased

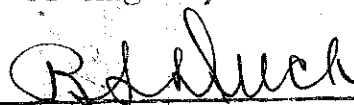
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 906.

NOTE OF TESTIMONY

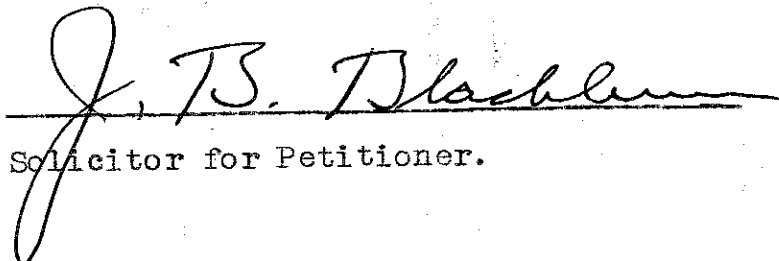
This cause is submitted on behalf of the Petitioner upon the following:

1. The pleadings filed and orders and decrees heretofore rendered in this cause.
2. Petition filed herein by John D. Martin on April 28, 1943.
3. Decree dated April 30, 1943.
4. Appointment, Acceptance and Answer of W. H. Hawkins, as Guardian Ad Litem of and for Thomas Ewing, III and Alexander C. Ewing, Minors, under fourteen years of age.
5. Answer of William F. C. Ewing.
6. Motion for Decree Pro Confesso against the Respondent, Bayard Ewing.
7. Decree Pro Confesso against Bayard Ewing.
8. Note of Testimony taken before Register on Reference.
9. Register's Report on Reference.

Dated this 5th day of August, 1943.



Register.



Solicitor for Petitioner.

ESTATE OF  
MARIA EWING MARTIN,  
Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 906.

NOTICE

TO MARIA EWING, JAMES D. EWING, HAMPTON D. EWING, JR., ALEXANDRA C. STONE, WILLIAM F. C. EWING, SHERMAN EWING, GIFFORD C. EWING, BAYARD EWING, LUCIA S. EWING, THOMAS EWING III, A MINOR, ALEXANDER C. EWING, A MINOR, all of whom except the said minors are over twenty-one years of age and of sound mind; MARYLAND HISTORICAL SOCIETY, BALTIMORE, MARYLAND, PRESBYTERIAN CHURCH, GREENWICH, NEW JERSEY, GILLESPIE GRAVEYARD, BROWNSVILLE, PENNSYLVANIA, all of whom are non-residents of the State of Alabama, and to any and all other persons interested in this proceeding:

Notice is hereby given that John D. Martin, as Executor of the Last Will and Testament of Maria Ewing Martin, Deceased, has filed in this Court his petition, accounts and vouchers for a final settlement of the administration of the said Estate and that a reference has been ordered held by the Register of this Court at the Court House in Bay Minette, Alabama on February 25, 1944 at ten o'clock A. M. Central War Time for the purpose of auditing and stating the account of the said Executor, to determine and report the amount of the Executor's commissions, and to ascertain and report to whom the balance in the hands of the Executor of the said Estate shall be paid on final settlement thereof. Notice is further given to all parties interested in the said proceeding that the said reference will be held at ten o'clock A. M. on the said date, at which time all persons interested in the said proceeding can appear and contest it if they so desire.

Dated this 1st day of February, 1944.

R. S. DUCK, as Register of the Circuit  
Court of Baldwin County, Alabama, in Equity.

ESTATE OF  
MARIA EWING MARTIN,  
Deceased

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

ORDER APPOINTING GUARDIAN AD LITEM ON PETITION FILED  
BY ADMINISTRATOR ON APRIL 28, 1943.

It appearing from the sworn bill or petition filed by John B. Martin, as Executor of and under the Last Will and Testament of Maria Ewing Martin, Deceased, that among the heirs and distributees of the said decedent entitled to share in the distribution of the assets of her said estate are Thomas Ewing, III and Alexander C. Ewing, minors under fourteen years of age, and it further appearing from the said Petition that the minors reside with their mother, Lucia S. Ewing, who is their general guardian, at 720 Park Avenue, New York City, New York, and further that it is necessary that they have a guardian ad litem appointed to represent them in this proceeding. It further appearing that W. H. Haukin is an attorney at law and solicitor in chancery practicing in Baldwin County, Alabama; that the said party is not related by blood or marriage within the fourth degree to petitioner's solicitor of record or related in any way to any of the parties interested in this cause in any way and is deemed by the Register in all respects to be a fit and suitable person to act as guardian ad litem.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Register that W. H. Haukin be and he is hereby appointed guardian ad litem for the said minors, Thomas Ewing, III and Alexander C. Ewing, to represent them and each of them in all matters in connection with the Petition filed in this cause by the said Administrator on this date and to protect their respective rights and interest in the proceeding made by the said Petition.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Register that the said Guardian Ad Litem be notified of his appointment.

Dated this 28th day of April, 1943.

Raduch

Register.

ESTATE OF  
MARIA EWING MARTIN,  
Deceased

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

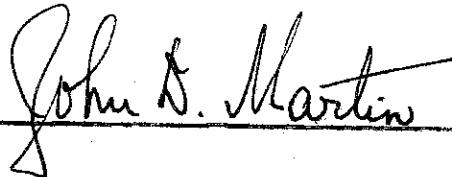
REPORT

Now comes John D. Martin, Executor of the Last Will and Testament of Maria Ewing Martin, Deceased, and reports to the Court as follows:

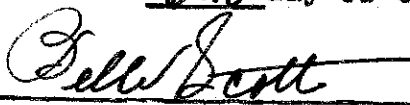
1. That on August 18, 1943, pursuant to the power and authority vested in him by the Decree of this Court rendered on August 9, 1943, he sold the property described in paragraph Numbered 2 of the said Decree to George F. Stevenson and Ione H. Stevenson in the manner provided in the said Decree for the sum of Thirty-five Hundred Ninety Dollars (\$3590.00) which has been paid to him in cash, the purchasers to pay the 1943 taxes on the said property, the insurance to be pro-rated as of the date of sale.

2. That he advertised and sold the property described in paragraph Numbered 3 of the said Decree as provided therein on Monday, the 13th day of September, 1943, to Hampton D. Ewing, Jr., for the sum of Twenty-four Hundred Seventy-five Dollars (\$2475.00) the purchaser to pay the 1943 taxes on the said property, insurance to be pro-rated as of the date of sale.

WHEREFORE, Petitioner prays that the above described sales be confirmed.

  
\_\_\_\_\_

Sworn to and subscribed before me on  
this the 6th day of October, 1943.

  
\_\_\_\_\_  
Franklin  
Notary Public, ~~Franklin~~ County, Ohio.

Affix Seal.

BELLE SCOTT  
NOTARY PUBLIC, FRANKLIN COUNTY, OHIO  
MY COMMISSION EXPIRES MARCH 30, 1945.

ESTATE OF  
MARIA EWING MARTIN,  
Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER \_\_\_\_.

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM

TO W. H. Hawkins Esquire:

Take notice that by an Order of the Register of this Court this day made and entered you were appointed to act as Guardian Ad Litem for Thomas Ewing, III, and Alexander C. Ewing, minors under fourteen years of age interested in this proceeding to represent them and protect their interest in all matters in connection with the Petition filed in this cause by the Executor of this said estate on this date.

Given under my hand this 28th day of April, 1943.

W. H. Hawkins

Register.

ACCEPTANCE AND ANSWER OF GUARDIAN AD LITEM

I hereby accept the appointment as Guardian Ad Litem for Thomas Ewing, III, and Alexander C. Ewing, minors under fourteen years of age, to represent them and to protect their interest upon the hearing of the Petition filed by the Executor of the said estate in this cause on this date, and for answer to the said Petition and every allegation contained therein. I hereby deny each and every allegation contained in the said Petition and demand strict proof thereof.

Witness my hand this 5 day of May, 1943.

W. H. Hawkins

As Guardian Ad Litem for Thomas Ewing,  
III and Alexander C. Ewing, Minors  
under fourteen years of age.

ESTATE OF  
MARIA EWING MARTIN,  
Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER \_\_\_\_\_.

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a Decree Pro Confesso against Bayard Ewing on the ground that a copy of the Petition filed in this cause, together with a summons requiring the said Defendant to demur, plead to or answer thereto, was mailed to him by the Register of this Court by registered mail, postage prepaid, marked "For Delivery Only to the Person to Whom Addressed" with return receipt demanded, which said return receipt signed by the said Bayard Ewing was received and filed by the Register of this Court on June 7, 1943, after which date more than thirty days have expired and the said Defendant has failed to plead to, answer or demur to the Petition filed in this cause.

Dated this 12th day of July, 1943.

  
Solicitor for Petitioner.

ESTATE OF  
MARIA EWING MARTIN, Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 906.

NOTICE OF APPOINTMENT, ACCEPTANCE AND ANSWER OF  
GUARDIAN AD LITEM

TO W. H. HAWKINS, ESQUIRE:

You are hereby notified that by an order made by the Register of this Court on this date you were appointed as Guardian Ad Litem for Thomas Ewing III and Alexander C. Ewing, minors under fourteen years of age, to represent them and protect their interest in connection with all of the matters in connection with the final settlement of the said estate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Court on this the 31st day of January, 1944.

  
\_\_\_\_\_  
Register.

STATE OF ALABAMA  
BALDWIN COUNTY

I hereby accept appointment as Guardian Ad Litem for Thomas Ewing III and Alexander C. Ewing, Minors under fourteen years of age to represent and protect their interest in connection with a final settlement of this said estate and as such Guardian Ad Litem do hereby deny each and all of the allegations of the Petition for Final Settlement filed in this cause and demand strict proof of same.

Witness my hand this 31st day of January, 1944.

  
\_\_\_\_\_  
Guardian Ad Litem for Thomas Ewing III  
and Alexander C. Ewing.

ESTATE OF  
MARIA EWING MARTIN, Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 906.

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

THAT WHEREAS, by a Decree of this Court filed and enrolled in this cause on January 31, 1944 it was ordered and decreed among other things that a reference be held on February 25, 1944 for the following purposes:

"1. To audit and state the account of Petitioner as Executor of the said estate.

2. To determine and report the amount of commissions to which Petitioner is entitled as said Executor.

3. To ascertain and report to whom the balance in the hands of the Petitioner as Executor of the said estate shall be paid on final settlement thereof."

NOW THEREFORE, having held a reference for the purpose of ascertaining the matters called for in the said Decree of Reference I report as follows:

1. That the hearing on the said reference was had in my office in the Court House of Baldwin County, Alabama on the 25th day of February, 1944, after due notice of the time, place and purpose of the said reference had been given as provided in the said Decree at which hearing were present J. B. Blackburn, Solicitor for the said Executor and W. H. Hawkins, Guardian Ad Litem for the minors interested in this matter.

2. I report that I have examined and audited the accounts of the Petitioner as directed and also have examined and audited the vouchers and statements of accounts referred to in the said Petition and find each statement of account to be correct and each item thereof properly allowable.

3. I find and report that the Petitioner, John D. Martin, as Executor of the said Estate is entitled to commissions of  $2\frac{1}{2}\%$  on receipts of \$6393.10 and  $2\frac{1}{2}\%$  on disbursements of \$3169.17 which are shown by the said Petition to have been made and to the further



sum of  $2\frac{1}{2}\%$  of the balance remaining in his hands as such Executor which are to be paid out as hereinafter provided, which commissions on total receipts and disbursements are \$319.66, which is fair compensation to be allowed to the said Executor for his trouble, risk and responsibility in and about the administration of the said estate up to this time.

4. I further find and report to the Court that the administration of the said estate in Baldwin County, Alabama is an ancillary administration and that the principal administration of the said estate is now pending in the Probate Court of Perry County, Ohio and I therefore report that all moneys collected by the said Petitioner as Executor of the said Estate in Alabama shall remain after the payment of the commissions outlined above, the expenses incurred by him in connection with the said estate which fully appear from said Petition for Final Settlement and the Court costs incurred by him in this proceeding be paid by the said Executor of the administration of the said Estate in Alabama to himself as Executor of the said Estate which is now pending in the Probate Court of Perry County, Ohio in the manner provided by Title 61 Section 364 of the 1940 Code of Alabama.

5. I find and report that the remaining material averments of the said Petition for Final Settlement are true.

6. I find and report that the Court costs incurred in the administration of this estate in the Probate Court of Baldwin County, Alabama and in the Circuit Court of Baldwin County, Alabama not including a Guardian Ad Litem's fee are \$66.57.

7. In addition to the Court costs referred to in the preceding paragraph of this report there is an item of cost, to-wit, a fee for the services of the Guardian Ad Litem herein which should be allowed and added to the total costs and I report that an allowance of \$50.00 is a reasonable and proper amount to be allowed the said Guardian Ad Litem for his services in this cause.

All of which is respectfully submitted on this the 25th day of February, 1944.

  
Register.

ESTATE OF

MARIA EWING MARTIN,  
Deceased

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 906.

REPORT OF REGISTER ON REFERENCE

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

WHEREAS by Decree of this Court filed and enrolled in the above entitled cause on the 30th day of April, 1943, it was Ordered and Decreed, among other things, as follows:

1. "That the said Petition be referred to the Register of this Court who shall, after giving notice to the parties named in paragraph 1 of this Decree, hold a reference and report to this Court whether the allegations of the said Petition are true, whether it will be beneficial to all of the parties interested in the Estate of the said Maria Ewing Martin to sell the property described in paragraph 5 of the said Petition at private sale, and whether there was a binding contract between the said Decedent and the said purchasers which shall be carried out by the Executor of the said Estate and whether the property described in paragraph 6 of the said Petition shall be sold at public auction, for cash, for the purpose of paying the debts of the said estate and for the purpose of dividing the proceeds among those entitled to share therein".

NOW THEREFORE, having held a reference for the purpose of ascertaining the matters called for in the said Decree of Reference I report as follows:

1. That a hearing on the said reference was had at my office in the Court House of Baldwin County, Alabama, at Bay Minette, Alabama on the 20th day of July, 1943, and was continued until August 2, 1943, notice of the said reference having been waived by the Respondent, William F. C. Ewing by Answer filed by him in this cause, the Respondent, Bayard Ewing, being in default as a Decree was taken against him in this cause on July 12, 1943, all of the other parties in interest, namely, Thomas Ewing, III, and Alexander

ESTATE OF  
MARIA EWING MARTIN,  
Deceased.



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

ANSWER OF WILLIAM F. C. EWING.

Now comes William F. C. Ewing, one of the parties named in the petition filed in this cause by John D. Martin, as Executor of the Last Will and Testament of Maria Ewing Martin, Deceased, to sell certain lands belonging to the said estate and for answer to the said petition, says:

1. He admits the allegations of the said petition and consents and agrees that the relief prayed for in the said petition be granted.

2. He consents and agrees that a reference or references be held, testimony be taken and the cause submitted for decree or decrees without notice to him, all of which is hereby expressly waived.

Dated this 16<sup>th</sup> day of June, 1943.

William F. Ewing

C. Ewing, Minors, being represented at the said hearing by W. H. Hawkins, as their Guardian Ad Litem, and John D. Martin, as Executor of the Last Will and Testament of Maria Ewing Martin, Deceased, by J. B. Blackburn, as his Solicitor of Record.

2. That the allegations of the Petition filed in this cause by John D. Martin, as Executor of the Last Will and Testament of Maria Ewing Martin, Deceased, on April 28, 1943, are true.

3. That it will be beneficial to all of the parties interested in the Estate of the said Maria Ewing Martin, to sell the property described in paragraph 5 of the said Petition at private sale to George F. Stevenson and Ione H. Stevenson, and that there was a binding contract between the said Decedent, Maria Ewing Martin, and the said purchasers which should be carried out by the said Executor.

4. That the property described in paragraph 6 of the said Petition should be sold at public auction, for cash, for the purpose of paying the debts of the said estate and for the purpose of dividing the proceeds among the parties entitled to share therein, and further that the said property cannot be equitably divided among the parties entitled to share therein without a sale of the said property and a distribution of the proceeds.

All of which is respectfully submitted this 5th day of August, 1943.



Register in Chancery, Baldwin County,  
Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

The foregoing Report having been filed and entered on the docket book on this date IT IS ORDERED that J. B. Blackburn, Solicitor for John D. Martin, Executor of the Last Will and Testament of Maria Ewing Martin, Deceased, and W. H. Hawkins, as Guardian Ad Litem for Thomas Ewing, III, and Alexander C. Ewing, Minors, be

notified that the said Report will lie over for three days for exceptions.

Dated this 2nd day of August, 1943.



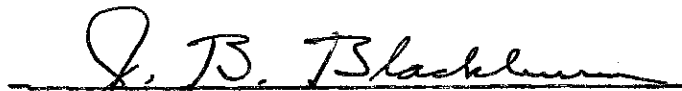
Register.

STATE OF ALABAMA

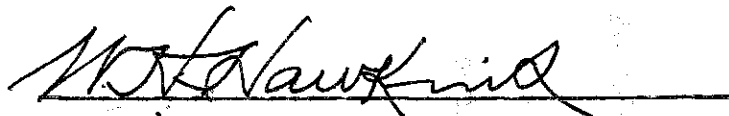
BALDWIN COUNTY

We, the undersigned, hereby accept service and waive all other notice of the filing of the foregoing Report and the time which it will lie over for exceptions.

Dated this 2nd day of August, 1943.



Solicitor for John D. Martin, Executor of the Last Will and Testament of Maria Ewing Martin, Deceased.



As Guardian Ad Litem for Thomas Ewing, III, and Alexander C. Martin, Minors.

**RECORDED**

NOTE OF TESTIMONY

ESTATE OF

MARIA EWING MARTIN, Deceased

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 906.

NOTE OF TESTIMONY

ESTATE OF **RECORDED**  
MARIA EWING MARTIN, Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER \_\_\_\_\_

*Handwritten:*  
2/19/43  
*[Signature]*

1943

*[Handwritten signature]*

STATE OF ALABAMA

IN EQUITY

NOTE OF TESTIMONY

STATE OF ALABAMA

IN EQUITY

NOTE OF TESTIMONY

STATE OF ALABAMA

IN EQUITY

NOTE OF TESTIMONY

STATE OF ALABAMA

NOTE OF TESTIMONY

STATE OF

STATE OF ALABAMA

IN EQUITY

NOTE OF TESTIMONY

IN THE PROBATE COURT OF THE COUNTY OF ...

IN RE: THE ESTATE OF ...

ORDER APPOINTING GUARDIAN AD LITEM ON PETITION FILED BY ADMINISTRATOR ON APRIL 28, 1945.

WHEREAS ...

IT IS ORDERED ...

WITNESSED ...

ESTATE OF  
MARIA EWING MARTIN,  
Deceased.



NOTICE OF APPOINTMENT OF GUARDIAN  
AD LITEM, AND ACCEPTANCE AND  
ANSWER OF GUARDIAN AD LITEM.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER \_\_\_\_\_

ESTATE OF  
MARI A EWING MARTIN, Deceased

IN EQUITY. NUMBER \_\_\_\_\_

IN EQUITY. NUMBER \_\_\_\_\_

MOTION FOR DECREE PRO CONFESSO

ESTATE OF

MARIA EWING MARTIN, Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER \_\_\_\_\_

*Filed July 12, 1943*  
*Richard B. [unclear]*

[Faint, mostly illegible text, likely the body of the motion or a legal opinion.]

MOTION FOR EQUITY AND CONFESSO

RESPECTED  
RICHARD B. [unclear]  
ATTORNEY AT LAW

IN EQUITY  
BALDWIN COUNTY, ALABAMA  
IN THE CIRCUIT COURT OF

REPORT OF REGISTER ON REFERENCE  
ESTATE OF

MARIA EWING MARTIN, Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 906.

*Robert Selway 25-1940*  
*R. Selway*

REGISTRAR'S REPORT ON REFERENCE

ESTATE OF

MARIA EWING MARTIN, Deceased

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 906.

*Received 2nd 1943.  
B. J. [unclear]  
Register*

IN THE CIRCUIT COURT OF  
HARRIS COUNTY, ALABAMA  
IN RE: ESTATE OF

WILLIAM C. BROWN  
DECEASED

WILLIAM C. BROWN

Government William C. Brown, one of the parties named  
in the petition filed in this case by John H. Brown, as executor  
of the last will and testament of said William C. Brown, deceased, to  
sell certain lands belonging to the said estate and in answer to  
the said petition, says:

I. He admits the allegations of the said petition and  
consents and agrees that the relief prayed for in the said petition  
be granted.

2. He consents and agrees that a reference or referee  
may be held, testimony be taken and the cause submitted for decision  
or decree without notice to him, all of which he hereby expressly

waives.

Dated this 18th day of June, 1947.

*William C. Brown*

*Filed for 18/1947  
John H. Brown*

904

ESTATE OF  
MARIA EWING MARTIN,  
Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 906.

PETITION FOR FINAL SETTLEMENT

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

Your Petitioner, John D. Martin, who is over twenty-one years of age and a resident of the State of Ohio, respectfully represents unto the Court and your Honor as follows:

1. That he was named as Executor in the Last Will and Testament of Maria Ewing Martin, Deceased, which has been admitted to probate and record in and by the Probate Court of Perry County, Ohio and in and by the Probate Court of Baldwin County, Alabama, where Letters Testamentary were issued to him which are still in full force and effect.

2. After the said Last Will and Testament was admitted to probate and record in and by the Probate Court of Baldwin County, Alabama, the administration of the said Estate in Alabama was removed from the Probate Court of Baldwin County, Alabama to the Circuit Court of Baldwin County, Alabama, Sitting in Equity. The Alabama administration is an ancillary administration and the principal administration of the said estate is being had in the Probate Court of Perry County, Ohio.

3. The only assets of the said estate in Alabama consisted of Lots Numbered One (1) and Two (2) in Block Numbered One Hundred Thirty-seven (137) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, together with the improvements thereon which have been sold in the manner provided by the former decrees of this Court rendered in this cause.

4. There is no further need for continuing the ancillary administration of the said Estate in Alabama and it should now be finally settled here and the remaining funds on hand ordered transferred to the said Executor for handling in connection with the

principal administration of the said Estate in the State of Ohio.

5. Since Petitioner was appointed and qualified as Executor of the said Estate in Alabama he has handled its affairs to the best of his ability and has not used any of the funds or other assets of the said estate for his own benefit either directly or indirectly.

6. Attached hereto marked Exhibit "A" and by reference made a part hereof as though fully incorporated herein is a statement of Petitioner's receipts as said Executor and attached hereto marked Exhibit "B" and by reference made a part hereof as though fully incorporated herein is a statement of Petitioner's disbursements as said Executor, both of which said Exhibits are identified by the signature of Petitioner and show the balance on hand at the time of the filing of this Petition.

7. The heirs of the decedent interested in the said estate together with their residences and post office addresses are as follows: Maria Ewing, whose present address is <sup>New York City</sup> ~~Bay Minette, Baldwin County~~ <sup>New York</sup> Alabama, who is the widow of Hampton D. Ewing, now deceased, who was a brother of the decedent, Maria Ewing Martin, and the following children of the said Hampton D. Ewing, Deceased: James D. Ewing, a son, C/o Alexander and Green, 120 Broadway, New York, New York; Hampton D. Ewing, Jr., a son, Yonkers, New York; the following heirs of Thomas Ewing, Deceased, who was a brother of the decedent, Maria E. Martin: Alexandra C. Stone, a daughter, 318 Lisgar Road, Rock Cliff Park, Ottawa, Ontario, Canada; William F. C. Ewing, a son, 215 East 72nd Street, New York, New York; Sherman Ewing, a son, 8 East 63rd Street, New York, New York; Gifford C. Ewing, a son, Amenia, New York and Bayard Ewing, a son, 404 Cole Avenue, Providence, Rhode Island. All of the said parties are over twenty-one years of age and of sound mind. Thomas Ewing, Jr., a son of the said Thomas Ewing, who is also deceased, left surviving him, Lucia S. Ewing, his widow, who is over twenty-one years of age and of sound mind; Thomas

and decrees rendered as may be requisite and proper in the premises.

Respectfully submitted,

John D. Martin  
Petitioner

ESTATE OF  
MARIA EWING MARTIN,  
Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 906.

DECREE ORDERING REFERENCE

The foregoing Petition having been presented on this date IT IS ORDERED, ADJUDGED AND DECREED by the Court that this cause be and it is hereby referred to the Register of this Court who is instructed and directed to hold a reference in this cause on February 25, 1944 for the following purposes:

1. To audit and state the account of the Petitioner as Executor of the said Estate.
2. To determine and report the amount of commissions to which Petitioner is entitled as said Executor.
3. To ascertain and report to whom the balance in the hands of the Petitioner as Executor of the said Estate shall be paid on final settlement thereof.

It appearing to the Court that all of the parties interested in this said estate are non-residents of the State of Alabama, IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Register shall give notice of the said reference by publication of a notice directed to the interested parties once a week for three successive weeks which notice shall be published in the Baldwin Times a newspaper published at Bay Minette, in Baldwin County, Alabama. A copy of the said notice shall also be posted at the front door of the Court House of Baldwin County, Alabama.

ORDERED, ADJUDGED AND DECREED this 31st day of January, 1944.

*J. M. Hare*

Judge.




STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon William F. C. Ewing and Bayard Ewing to appear within thirty days from the service of this writ in the Circuit Court, Equity Side, to be held for said county at the place of holding same, then and there to demur, plead to or answer the Bill of Complaint of John D. Martin, as Executor of and under the Last Will and Testament of Maria Ewing Martin, Deceased.

Witness my hand this 31st day of May, 1943.



Register of the Circuit Court,  
Baldwin County, Alabama, in Equity.

ESTATE OF  
MARIA EWING MARTIN,  
Deceased.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER \_\_\_\_\_.

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

Your Petitioner, John D. Martin, who is over twenty-one years of age and a resident of the State of New York, respectfully represents unto the Court and your Honor as follows:

1. He is Executor of and under the Last Will and Testament of Maria Ewing Martin, also known as Maria E. Martin, which said Last Will and Testament was admitted to probate and record in and by the Probate Court of Baldwin County, Alabama.

2. That after the Last Will and Testament of the said Maria Ewing Martin was admitted to probate and record in and by the Probate Court of Baldwin County, Alabama, the administration of the said estate was removed from the Probate Court of Baldwin County, Alabama to the Circuit Court of Baldwin County, Alabama, Sitting in Equity, where it is now pending.

3. At the time of her death the said Maria Ewing Martin owned the fee simple title to Lots Numbered 1 and 2 in Block Numbered 137 in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official plat thereof recorded in Deed Book Number 4 N. S. at pages 158, et seq. Baldwin County, Alabama Records. At the time of the death of the said Maria Ewing Martin the said property was mortgaged to the Home Owners Loan Corporation by a mortgage given to it by Maria Ewing Martin dated December 22, 1934 and recorded in Mortgage Book 62 at pages 261-3, Baldwin County, Alabama Records, which said mortgage has been transferred to and is now owned by the Baldwin County Bank, a Corporation, of Bay Minette, Alabama. The approximate amount due thereon as of March 18, 1943 is \$2517.20.

4. The Last Will and Testament of the said Maria Ewing Martin makes no reference to Lots Numbered One (1) and Two (2) in

Block One Hundred Thirty-seven (137) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official plat thereof recorded in Deed Book Number 4 N. S. at pages 158 et. seq. nor is all or any part of the property left to any person in and by the said Last Will and Testament. No authority is given Petitioner as Executor of and under the said Last Will and Testament to sell and convey the said property or any part thereof but a sale of the said property is not prohibited by the said Last Will and Testament or any other instrument.

5. During the lifetime of the said Maria Ewing Martin and on to-wit, July 20, 1942, she made a valid contract to sell the following described property in Baldwin County, Alabama, to-wit:

Lot Numbered One (1) and the South Fifty (50) feet of Lot Numbered Two (2) which said South Fifty (50) feet is otherwise described as follows, to-wit: Begin at the Southwest Corner of the said lot and run thence North along the West side thereof Fifty (50) feet to a point; thence East and parallel with the South line of the said lot to a point on the East line thereof; thence South Fifty (50) feet to the Southeast Corner of the said lot; thence West to the place of beginning; all of the said property being in Block Numbered One Hundred Thirty-seven (137) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama

to George F. Stevenson and Ione H. Stevenson for the sum of Thirty-five Hundred Dollars (\$3500.00) cash, but the said Maria Ewing Martin died before the transaction could be closed. The said price is a fair price for the said property, including the residence situated thereon, and Petitioner desires to complete the contract made by the said Maria Ewing Martin and convey the said property to George F. Stevenson and Ione H. Stevenson at private sale. Due to the delay that has been caused by the death of the said Maria Ewing Martin the said parties have agreed to pay in addition to the said consideration of Thirty-five Hundred Dollars (\$3500.00) six per cent (6%) interest on the sum of Fifteen Hundred Dollars (\$1500.00) from July 20, 1942 to the time a conveyance of the said property is made to them.

6. It is necessary that the remainder of the real property owned by the said Maria Ewing Martin in Baldwin County,

Alabama at the time of her death, being the following described property in Baldwin County, Alabama, to-wit:

North One Hundred (100) feet of Lot Numbered Two (2) in Block Numbered One Hundred Thirty-seven (137) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official plat thereof recorded in Deed Book Number 4 N. S. at page 158 et. seq. being otherwise described as follows; to-wit:

Begin at the Northwest Corner of the said Lot and run thence South along the West line thereof 100 feet to a point; thence East and parallel with the North line of the said lot to a point on the East line thereof; thence North along the East line of the said lot One Hundred (100) feet to the Northeast Corner thereof; thence West along the North line thereof to the point or place of beginning,

be sold for the purpose of paying the debts of the said decedent for the purpose of dividing the proceeds among the joint owners thereof. The said property cannot be equitably divided among the joint owners thereof without a sale of the said property and a division of the proceeds. Petitioner desires to sell this property at public outcry to the highest bidder for cash after authority to sell it is given to him by a proper decree of this court.

7. The personal property belonging to the said Estate is not sufficient to pay the debts thereof and the fees and charges of administration.

8. One of the adult heirs of the said decedent has by written consent attached to this petition, consented and agreed, as required by Title 61 Section 245 of the 1940 Code of Alabama, that the land described in this Petition be sold in the manner and for the purposes stated in this Petition.

9. The heirs of the said decedent are as follows: Maria Ewing, whose residence and post office address is Yonkers, New York, who is the widow of Hampton D. Ewing, now deceased, who was a brother of the decedent, Maria Ewing Martin; and the following children of the said Hampton D. Ewing, Deceased: James D. Ewing, a son, who is a resident of New York City, New York, whose post office address is in care of Alexander and Green, 120 Broadway, New York, New York, and Hampton D. Ewing, a son, Yonkers, New York; the following heirs of Thomas Ewing, Deceased, who was a brother of the decedent, Maria Ewing Martin: Anna C. Ewing, the widow, whose residence and post office address is New York, New York;

Alexandra C. Stone, a daughter, whose residence and post office address is 318 Lisgar Road, Rock Cliff Park, Ottawa, Ontario, Canada, William F. C. Ewing, a son 215 East 72nd Street, New York City, New York; Sherman Ewing, a son, 8 East 63rd Street, New York City, New York; Gifford C. Ewing, a son, Amenia, New York, New York; Bayard Ewing, a son, 404 Cole Avenue, Providence Rhode Island; all of the said parties named above are over twenty-one years of age and of sound mind. Thomas Ewing, Jr., a son of the said Thomas Ewing, is also deceased and left surviving him Lucia S. Ewing, his widow, who is over twenty-one years of age and of sound mind; Thomas Ewing III, a son, and Alexander C. Ewing, a son, which said children are minors under fourteen years of age who reside with their mother, Lucia S. Ewing, who is their general guardian, at 720 Park Avenue, New York, New York.

In addition to the above named heirs the following devisees and legatees named in the Last Will and Testament of the said Decedent, are interested in this proceeding: Maryland Historic Society, Baltimore, Maryland; Presbyterian Church, Greenwich, N. J.

10. It is to the best interest of all of the parties interested in this proceeding that the property described in this Petition be sold in the manner described above.

#### PRAYER FOR PROCESS

Petitioner prays that the Court will proceed in the manner provided by Equity Rule Number 29 and as all parties who would otherwise be necessary and proper parties to this suit reside out of the jurisdiction of this Court, that the Court will appoint a Guardian Ad Litem for the said minors and direct that the cause proceed after notice to such other of the said parties as in its discretion may be proper.

PRAYER FOR RELIEF

Petitioner further prays that this cause be referred to the Register of this Honorable Court with direction that after giving notice to the Guardian Ad Litem for the said minors and to such other persons as the Court may require, he hold a reference and report to this Court whether it will be beneficial to all of the parties interested in the Estate of the said decedent, Maria Ewing Martin, to sell the property described in Paragraph 5 of this Petition at private sale and whether there was a binding contract between the said Decedent and the said purchasers which should be carried out by Petitioner as such Executor, and whether the property described in Paragraph 6 of this Petition should be sold at public auction for cash for the purpose of paying the debts of the said estate and for the purpose of dividing the proceeds among those entitled to share therein, and if the Court, upon careful consideration, shall be of the opinion that a private sale will be beneficial, that there was a binding contract and the proposed sale be approved, will order and direct that Petitioner, upon full payment of the purchase price, execute and deliver a proper conveyance to the said purchasers conveying the said property to them free of encumbrances and also order Petitioner as such Executor to sell the said property described in Paragraph 6 of this Petition at public auction for cash in the manner provided by law for the purpose of paying the debts of the said estate and for the purpose of dividing the remaining proceeds of the said sale among those entitled to share therein.

Petitioner further prays for such other and general relief as he may be equitably entitled to the premises considered.

Respectfully submitted,

*John D. Martin*

As Executor of and under the Last Will and Testament of Maria Ewing Martin, Deceased.

Sworn to and subscribed before me on this the 2<sup>th</sup> day of April, 1943.

*Howard E. ...*

Notary Public, Steuben County, New York.

Affix Seal.

I, the undersigned, being one of the adult parties interested in this proceeding, do hereby consent and agree that the property described in the foregoing Petition be sold in the manner and for the purposes stated therein.

James D. Ewing

STATE OF NEW YORK

New York COUNTY

I, Theodore J. Skratt, a Notary Public, within and for said County in said State, hereby certify that James D. Ewing, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 9 day of April, 1943.

Theodore J. Skratt  
Notary Public, New York County,  
New York.

Affix Seal.

THEODORE J. SKRATT  
NOTARY PUBLIC, ROCHESTER COUNTY  
Cert. filed in N.Y. Co. No. 1206, Reg. No. 4-S-669  
Cert. filed in Kings Co. No. 355, Reg. No. 4485  
Commission expires March 30, 1944

ESTATE OF  
MARIA EWING MARTIN, DECEASED.

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

DECREE.

The foregoing petition having been presented to me on this date and having been fully considered and understood by me, it is therefore ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That as all of the parties who are named in the said petition and who would otherwise be necessary and proper parties to this proceeding are non-residents of the State of Alabama, this cause shall proceed to a hearing after thirty days notice is given to William F. C. Ewing, whose residence and post office address is 215 East 72nd Street, New York City, New York; Bayard Ewing, whose residence and post office address is 404 Cole Avenue, Providence, Rhode Island, and to the Guardian Ad Litem for Thomas Ewing III and Alexander C. Ewing, minors under fourteen years of age, no notice to any of the other parties named in the said petition shall be necessary.

2. The said petition is referred to the Register of this Court who shall, after giving notice to the parties named in Paragraph One of this Decree, hold a reference and report to this Court whether the allegations of the said petition are true, whether it will be beneficial to all of the parties interested in the Estate of the said Maria Ewing Martin to sell the property described in Paragraph Five of the said petition at private sale and whether there was a binding contract between the said decedent and the said purchasers which shall be carried out by the Executor of the said Estate and whether the property described in Paragraph numbered Six of the said petition shall be sold at public auction for cash for the purpose of paying the debts of the said Estate and for the purpose of dividing the proceeds among those entitled to share therein.



3. Jurisdiction of this cause is reserved for all such other and further orders and decrees as may be necessary and proper.  
ORDERED, ADJUDGED AND DECREED this 30<sup>th</sup> day of April, 1943.

G. W. Hase

Judge.

ESTATE OF  
MARIA EWING MARTIN,  
Deceased

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

DECREE PRO CONFESSO ON SERVICE BY REGISTERED MAIL

In this cause it being made to appear to the Register that a copy of the Petition filed in this cause, together with a summons requiring the Defendant, Bayard Ewing, to appear and plead to, answer or demur to the said Petition filed in this cause within thirty days, was mailed to the said Defendant by the Register of this Court by registered mail, postage prepaid, marked "For Delivery Only to the Person to Whom Addressed" with return receipt requested, which said return receipt signed by the said Defendant was received and filed by the Register of this Court on June 7, 1943 and the said Defendant having failed to plead to, answer or demur to the Bill of Complaint to the date hereof, it is now therefore, on motion of Petitioner ORDERED AND DECREED that the said Petition in this cause be and it hereby is in all things taken as confessed against the said Bayard Ewing, Defendant aforesaid.

Witness my hand this 12<sup>th</sup> day of July, 1943.



Register.

**RECORDED**

DECREE PRO CONFESSO ON SERVICE  
BY REGISTERED MAIL.

ESTATE OF

MARIA EWING MARTIN, Deceased

IN THE CIRCUIT COURT OF

HALDWIN COUNTY, ALABAMA

IN EQUITY. NUMBER \_\_\_\_\_

IN EQUITY. NUMBER \_\_\_\_\_

IN THE CIRCUIT COURT OF

HALDWIN COUNTY, ALABAMA

ESTATE OF

MARIA EWING MARTIN, Deceased

DECREE PRO CONFESSO ON SERVICE

BY REGISTERED MAIL.

RECORDED

RECORDED  
MAY 15 1914

IN THE CIRCUIT COURT OF  
HALDWIN COUNTY, ALABAMA

ESTATE OF  
MARIA EWING MARTIN,  
Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 906.

TESTIMONY

of

S. F. Holmes and E. S. Tunstall

TAKEN BEFORE REGISTER ON REFERENCE.

-----

TESTIMONY OF S. F. HOLMES

My name is S. F. Holmes. I am over twenty-one years of age and a resident of Baldwin County, Alabama, where I have resided for several years.

During the year 1942 Mr. G. F. Stevenson came to me as President of the Baldwin County Bank to secure a loan on certain property in Bay Minette, Alabama, which he had agreed to purchase from Mrs. Maria E. Martin, who is also known as Maria Ewing Martin and Mrs. Edwin S. Martin. The Baldwin County Bank agreed to make the loan to Mr. G. F. Stevenson, who is also known as George F. Stevenson and whose wife is Mrs. Ione H. Stevenson. This mortgage was to be secured by a mortgage from the Stevensons to the Baldwin County Bank conveying the property which they had agreed to purchase from Mrs. Martin, which property is described as follows, to-wit:

Lot Numbered One (1); also beginning at the Southwest Corner of Lot Numbered Two (2) and run thence North along the West line of the said lot Fifty (50) feet to a point; thence East and parallel with the South line of the said lot to a point on the East line thereof; thence South Fifty (50) feet to the Southeast Corner of said lot; thence West to the place of beginning, all in Block Numbered One Hundred Thirty-seven (137) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama according to the official plat thereof recorded in Deed Book Number 4 N. S. at pages 158, et seq.

I know the property that Mrs. Martin owned in Bay Minette, Alabama at the time of her death. This property is described as Lots Numbered 1 and 2 in Block Numbered 137 in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, according to the official plat thereof recorded in Deed Book Number 4 N.S. at pages 158 et. seq. The part of the property which the Stevensons agreed to purchase and which Mrs. Martin agreed to sell them is all of Lot Numbered One (1) and the South Fifty (50) feet of Lot Numbered 137 in the Hand Land Company's Addition to the Town of Bay Minette.

After Mr. Stevenson came to see me about the loan referred to above I wrote Mrs. Martin about the matter on August 7, 1942. My original letter to her is attached to my testimony marked Exhibit "1". I received a reply to this letter from Mrs. Martin which was her letter of August 13, 1942, the original of which is attached to my testimony marked Exhibit "2". The deed referred to in her said letter is attached to my testimony and marked Exhibit "3".

The South two-thirds of the property that is owned by Mrs. Martin on Moog Avenue between Sixth and Seventh Streets, or Avenues, is the same property as the said Lot One (1) and the South Fifty (50) feet of the said Lot Two (2) in Block Numbered 137 in the Hand Land Company's Addition to the Town of Bay Minette. Because of the vague description contained in Mrs. Martin's said deed I wrote her for the Stevensons on August 17, 1942. My original letter to her is attached to my testimony and marked Exhibit "4". The letter which I prepared to be signed by Mrs. Martin and sent to the Home Owners Loan Corporation, which is referred to in my letter of August 17th, is attached to my testimony, marked Exhibit "5" and the deed referred to therein is attached to my testimony marked Exhibit "6".

Mrs. Martin died before she could execute the said deed and return it to us to be delivered. I am not interested in this

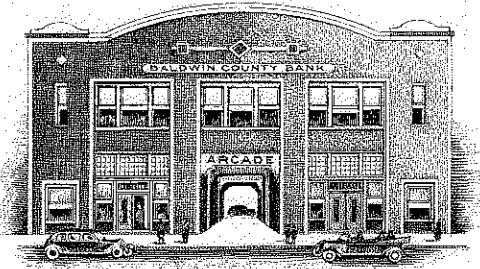
matter in any way except that we agreed to make the loan to the Stevensons which is referred to in the foregoing part of my testimony and that after Mrs. Martin's death the Baldwin County Bank purchased and now owns the mortgage which she gave to the Home Owners Loan Corporation.

I have read over the Petition filed herein by the Executor of this estate on April 28, 1943 and the facts stated therein are true except that I am not acquainted with the heirs of the late Mrs. Martin and I do not know whether or not the list of heirs of the late Mrs. Martin, as outlined in the Petition, is correct.

The North 100 feet of Lot 2 in Block 137 in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, which is a part of the property that was owned by Mrs. Martin at the time of her death has a residence situated thereon and because of these improvements the said property cannot be equally divided among the heirs of the late Mrs. Martin without a sale of the property and a division of the proceeds. Prices for real estate in this community are as high now as I have ever known them and it is my opinion a good time to sell the said property.

  
\_\_\_\_\_

S. F. HOLMES  
PRESIDENT  
J. C. BURNS  
VICE PRESIDENT  
C. L. WHITE  
CASHIER  
GEORGE K. PAGE  
ASSISTANT CASHIER



# BALDWIN COUNTY BANK

BAY MINETTE, ALA.

August 7, 1942

Mrs M. C. Martin  
New Straitsville, Ohio

Dear Mrs. Martin:

It is our understanding that Mr. G. F. Stevenson has purchased from you the house in which he is living. We understand that there is a Home Owners' Loan Corporation loan on both the houses that you own in that block, and that it is your wishes to clear up the entire amount with the proceeds from the sale of the house to Mr. Stevenson.

It would be my suggestion for you to handle the matter as follows: Have the Home Owners' Loan Corporation forward to us the mortgage and note for collection showing the balance due them, and at the same time have your bank forward us a deed and abstract to the property you are selling Mr. Stevenson and as soon as Mr. Stevenson's attorney approves the title and pays us we will deliver him the deed and remit to the Home Owners' Loan Corporation the amount due them and balance direct to you.

We are,

Yours very truly,

  
President

SFH/ak

Exhibit "1" to testimony of S. F. Holmes.

*Referred to  
Baldwin*

THE STATE OF ALABAMA,  
Baldwin County

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of three thousand and five hundred dollars to me in hand paid by George F. Stevenson the receipt whereof is hereby acknowledged \_\_\_\_\_

\_\_\_\_\_ do grant, bargain, sell and convey unto the said George F. Stevenson

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

two lots and the buildings on them, being two thirds of the lots on Morg Ave between 6<sup>th</sup> & 7<sup>th</sup> Aves, the first lot being the corner lot lying on Sixth & Morg Aves, and the second being the central lot of the three that lie between Sixth & 7<sup>th</sup> Aves, supposed all together comprising 300 ft more or less and all three lots, exactly the same width on Morg Ave, & running out to the natural boundaries of lots, including the buildings on the two lots

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

And I do covenant with the said George F. Stevenson that I the said Maria E. Martin that I am seized in fee of the above described premises; that I have the right to sell and convey the same; that the said premises are free from all incumbrances; and that I will will, and my heirs executors and administrators shall forever WARRANT AND DEFEND the same to the said George F. Stevenson his heirs and assigns, against the lawful claims of all persons whomsoever.

Witness my hand and seal this 13<sup>th</sup> day of August 1942

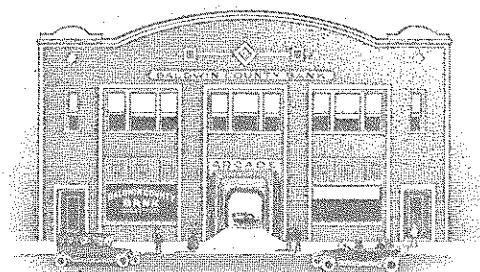
WITNESS:  
Bessie V. Powers  
James Costello

Maria Ewing Martin L. S.  
F. W. Weymuller L. S.  
F. W. WEYMUELLER, Notary Public  
My Commission Expires Nov. 27, 1943 L. S.

Exhibit "3" to testimony of S. F. Holmes  
Handwritten  
Receipt



S. F. HOLMES  
PRESIDENT  
J. C. BURNS  
VICE PRESIDENT  
C. L. WHITE  
CASHIER



# BALDWIN COUNTY BANK

BAY MINETTE, ALA.

AUGUST 17, 1942

Mrs. Maria E. Martin  
New Straitsville, Ohio

Dear Mrs. Martin:


We are enclosing the certified copy of the deed which you sent us and the original deed to Mr. Stevenson.

Mr. Stevenson's attorney has prepared a deed which correctly describes the property and which is enclosed. Please sign this deed "Maria E. Martin" on the line prepared for your signature, have a Notary Public complete the acknowledgment and affix his seal thereto. When this is done please return the deed to us and we will make the collection for you, pay the Home Owners Loan Corporation mortgage and mail you all necessary papers.

We are also enclosing a letter of instructions from you to us in this connection, together with a copy of the letter for your files.

We suggest that you write the Home Owners Loan Corporation in Atlanta, Georgia, ask them to send all of the papers, including the abstract and a cancellation of the mortgage, to us for collection. This will enable us to pay the mortgage and see that it is cancelled at the time the deed is delivered.

Very truly yours,

  
President.

SFH:n

Encls.

Exhibit "4" to testimony of S. F. Holmes  
*R. J. [unclear]*

WARRANTY DEED

STATE OF ALABAMA

BALDWIN COUNTY

THIS INDENTURE, made and entered into on this the day of August, 1942, by and between Maria E. Martin, also known as Maria Ewing Martin, a Widow, hereinafter referred to as the party of the first part, and George F. Stevenson and Ione H. Stevenson, hereinafter referred to as the parties of the second part, WITNESS-ETH: The party of the first part, for and in consideration of the sum of One Thousand Dollars (\$1,000.00) and other good and valuable consideration to her this day in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, has and by these presents does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said parties of the second part the following described real property situated in Baldwin County, Alabama, to-wit:

Lot Numbered One (1); also beginning at the Southwest Corner of Lot Numbered Two (2) and run thence North along the West line of the said lot Fifty (50) feet to a point; thence East and parallel with the South line of the said lot to a point on the East line thereof; thence South Fifty (50) feet to the Southeast Corner of said lot; thence West to the place of beginning, all in Block Numbered One Hundred Thirty-seven (137) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama according to the official plat thereof recorded in Deed Book Number 4 N. S. at pages 158, et seq.

TO HAVE AND TO HOLD unto the said George F. Stevenson and Ione H. Stevenson during their joint lives, and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor, forever.

The party of the first part for herself, her heirs, executors and administrators, hereby covenants and warrants to and with the said parties of the second part, their heirs and assigns, that she is seized of an indefeasible estate in and to the said property; that she has a good right to convey the same as herein contained; that she will guarantee the peaceable possession thereof; that the said property is free from all liens and encumbrances and that she will, and her heirs, executors and administrators shall forever warrant and defend the same unto the said parties of the second part, their heirs and assigns against the lawful claims of all persons.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and affixed her seal on this the day and year first above written.

(SEAL)

STATE OF OHIO

PERRY COUNTY

I, \_\_\_\_\_, a Notary Public, with-in and for said County in said State, hereby certify that Maria E. Martin, also known as Maria Ewing Martin, a Widow, 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 conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the day of August, 1942.

Notary Public, Perry County, Ohio.

Affix Seal.

Exhibit "6" to testimony of S. F. Holmes  
R. D. Dyer  
R. D. Dyer

TESTIMONY OF E. S. TUNSTALL

My name is E. S. Tunstall. I am over twenty-one years of age and a resident of Baldwin County, Alabama.

My residence property in the Town of Bay Minette, Alabama adjoins the North One Hundred (100) feet of Lot Numbered Two (2) in Block Numbered One Hundred Thirty-seven (137) in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, which said property is owned by Maria E. Martin. There is a residence situated on this property and because of the improvements on the property it will be impossible for the property to be equitably divided among the joint owners thereof without a sale of the property and a division of the proceeds.

E. S. Tunstall

MRS. EDWIN S. MARTIN  
NEW STRAITSVILLE  
OHIO

Aug. 13<sup>th</sup> - 1942

Mr. S. F. Holmes,

My dear Sir:

I was quite sick  
at the time your letter  
came & I have not been  
able to write distinctly yet.  
I am sending you a copy  
of the terms made for me  
on the indebtedness of my  
two horses. As the debt  
was done somewhere the  
terms of the horse bill  
pay it off I am willing

Exhibit "2" to testimony of S. F. Holmes

Edwin S. Martin

to sell for a smaller  
sum than I regard it  
as worth considering its  
cost, and besides Mr.  
Stevenson has loved  
there longer than I did  
I will be sure to regard  
the property with respect.  
I am enclosing you a  
deed written very hur-  
riedly as I am not equal  
to doing anything yet.  
I have sent a copy to Mr.  
Hampden may call for me  
in the matter. The deed  
can very easily be in-  
proved but if you alter  
it please send it to me

MRS. EDWIN S. MARTIN  
NEW STRAITSVILLE  
OHIO

to bring <sup>all</sup>  
I am making includes  
part of the gift I recd  
from my brother Harrison  
H. Coving, Pres - of the Land  
Co. & soft. next it brought  
by me from my brother Ho-  
was giving; the deed of  
gift including 150 between  
the two avenues.

What is hurried & bad-  
ly done, but it means  
what it says.

Yours very truly,  
Maria E. Martin

H. D. L. C.  
114 Main St.  
Atlanta

Pa. Aug 1<sup>st</sup> 1942

Res. Loan #1 20 C. 2193465

Martin &

Total amount due as of July 31<sup>st</sup> 1942  
\$2,331.94

Interest accrues after this date  
at the rate of 4.50% daily &  
should be added up to and  
including the date the re-  
mittance is made to this  
office

H. M. Quall,  
Regional Treas.<sup>r</sup>

# The BALDWIN Times

ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER

BAY MINETTE, ALABAMA

ESTATE OF  
MARIA EWING MARTIN,  
Deceased.  
IN THE CIRCUIT COURT  
OF BALDWIN COUNTY,  
ALABAMA.  
IN EQUITY, NUMBER 906.  
NOTICE

TO MARIA EWING, JAMES D. EWING,  
HAMPTON D. EWING, JR., ALEXANDER  
C. STONE, WILLIAM F. C. EWING,  
SHERMAN EWING, GIFFORD C.  
EWING, BAYARD EWING, LUCIA S.  
EWING, THOMAS EWING, JR., A  
MINOR, ALEXANDER C. EWING, A  
MINOR, all of whom except the said  
minors are over twenty-one years of age  
and of sound mind; MARYLAND HIS-  
TORICAL SOCIETY, BALTIMORE,  
MARYLAND, PRESBYTERIAN  
CHURCH, GREENWICH, NEW JER-  
SEY, GILLESPIE GRAVEYARD,  
BROWNSVILLE, PENNSYLVANIA, all  
of whom are non-residents of the State  
of Alabama, and to any and all other  
persons interested in this proceeding.  
Notice is hereby given that JOHN  
Martin, as Executor of the Last Will  
and Testament of Maria Ewing Martin,  
Deceased, has filed in this court his  
petition, accounts and vouchers for a  
final settlement of the administration  
of the said Estate and that a reference  
has been ordered held by the Register  
of this Court at the Court House in  
Bay Minette, Alabama on February 25,  
1944 at ten o'clock A. M. Central War  
Time for the purpose of auditing and  
stating the account of the said Executor,  
to determine and report the amount of  
the Executor's commissions and to as-  
certain and report to whom the balance  
in the hands of the Executor of the  
said Estate shall be paid on final set-  
tlement thereof. Notice is further given  
to all parties interested in the said  
proceeding that the said reference will  
be held at ten o'clock A. M. on the  
said date, at which time all persons  
interested in the said proceeding can  
appear and contest it if they so desire.

Dated this 1st day of February, 1944.  
R. S. DUCK, as Register of the  
Circuit Court of Baldwin County,  
Alabama, in Equity. 1-80c

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY

ford Cook, being duly sworn, deposes and says  
that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper pub-  
lished at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Estate of Maria Ewing Martin  
Deceased

### COST STATEMENT

208 WORDS @ 3 1/2 cents ..... \$ 7.28

I hereby certify this is correct, due and unpaid ~~to~~.

ford Cook  
Publisher.

Was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication Feb. 3, 1944 Vol. 53 No. 1

Date of 2nd publication " 10, 1944 Vol. 53 No. 2

Date of 3rd publication " 17, 1944 Vol. 53 No. 3

Date of 4th publication \_\_\_\_\_, 194\_\_\_\_ Vol. \_\_\_\_\_ No. \_\_\_\_\_

Subscribed and sworn before the undersigned this 10 day of June, 1944

Notary Public, Baldwin County.

ford Cook  
Publisher.



# Application for Probate of Will

General Code, Sec. 10504-15,-17

The State of Ohio, Perry County. Probate Court

In the Matter of the Will of

Maria Ewing Martin  
Deceased

Application for Probate of Will

To the Probate Court of said County:

Your applicant respectfully represents that Maria Ewing Martin,  
 late a resident of the village of New Straitsville,  
(Township - City - Village)  
 in said County, died on or about the 4th day of September 19 42,  
 leaving an instrument in writing, herewith produced, purporting to be her last  
 will; that the said Maria Ewing Martin died leaving  
 no ~~of the name of~~  
 surviving spouse, ~~who resides at~~  
 and the following named persons as her only next of kin, to-wit:

Name	Age	Degree of Kinship	P. O. Address
Thomas Ewing	adult	brother	616 Palisade Ave. Yonkers, New York
James Dunlop Ewing	"	nephew,	Palisade Ave., Yonkers N.Y.
Hampton D. Ewing	"	nephew	Belmont Terrace, Yonkers, N.Y.
Mary Beall Ewing and William Cox Ewing, respectively sister and brother of the decedent died intestate and without issue prior to the death of Maria Ewing Martin			

Your applicant offers the said will for probate and prays that a time may be  
 fixed for the proving of the same, and that said next of kin heretofore named, who are  
 known to be residents of this State, may be notified according to law, of the presenta-  
 tion of the said will for probate.

Jno. D. Martin Applicant  
 Residence Sherwood Hotel, Newark, Ohio

The State of Ohio, Licking County.

The above named Jno. D. Martin,  
 being first duly sworn, says that the facts stated and the allegations in the foregoing  
 application contained, are true as he verily believes.

Jno D. Martin

Sworn to before me and signed in my presence, this 22nd day of  
September, 19 42.

John A. Healy, Notary Public

(Seal)

Deputy Notary

# Testimony of Witnesses to Will

General Code Sec. 10504-18

Probate Court, Perry County, Ohio

In the Matter of

THE WILL OF

No. 19025

Maria Ewing Martin

TESTIMONY OF WITNESSES

Deceased

Personally appeared in open Court Alice Holleran

who being first duly sworn to testify the truth, the whole truth and nothing but the truth, in relation to the execution of the Last Will and Testament of Maria Ewing Martin, deceased, depose<sup>s</sup> and say<sup>s</sup> ~~was~~ I

~~was~~ present at the execution of the instrument of writing now before ~~me~~ dated June 11th, 1923, purporting to be the last Will and Testament of Maria Ewing Martin, deceased;

that ~~was~~ I, at the request of said Testatrix and in her presence, respectively subscribed ~~our~~ <sup>my</sup> names thereto as witnesses~~es~~ and that ~~was~~ I heard the testatrix acknowledge the signature affixed to said instrument to be hers

and that said Maria Ewing Martin at the time of executing the same, was of full age and of sound mind and memory, and not under any restraint.

Sworn to before me and signed in my presence by said witnesses in open Court, this 24th day of September 19 42.

Name Alice Holleran

Address New Straitsville, Ohio

Name

Address

John D. Davis  
Probate Judge

Deputy Clerk

\* "saw said testat..... sign said instrument" or "heard the testat..... acknowledge the signature affixed to said instrument to be his"

# Application for Commission to take Deposition of Witness..... to Will

General Code, Sec. 10504-21

Probate Court, Perry County, Ohio

In the Matter of the Will of

Maria Ewing Martin

Deceased

No. 19025

## APPLICATION FOR COMMISSION

To the Probate Court of said County:

The undersigned respectfully represents that Maria Ewing Martin, deceased, late of New Straitsville, in said County, died testate on or about the 4th day of September A. D. 19.42.; and that her Will was on the 24th day of September 19. 42 produced in open Court for Probate.

That Harriett Webb

witness..... to said Will reside<sup>(1)</sup> out of the jurisdiction of said Court, to-wit: at the City of Columbus, Franklin County, Ohio c/o Edmund B. Neil, 1540 Neil Ave.,

(2)

The undersigned therefore makes application for and requests said Court to issue a Commission, with said Will annexed, directed to some suitable person, to take the deposition of said witness.....

Dated this 24th day of September 19. 42.

Respectfully,

George D. Martin, Attorney for  
proponent

# JOURNAL ENTRY

General Code, Sec. 10504-21

Probate Court, Perry County, O. Oct. 6th, 19 42

*In the Matter of the Will of*

Maria Ewing Martin

*Deceased*

Order Admitting to Probate and Record  
(COMMISSION RETURNED)

*This matter came on this day further to be heard, on the application of*  
John D. Martin *to admit to probate and*  
*record the will of* Maria Ewing Martin  
*deceased, late of the village* of New Straitsville, *in said County,*  
*heretofore filed in this Court.*

*It is now shown to the satisfaction of the Court that said decedent died leaving*

*no* surviving spouse,  
*and that* ~~*the surviving spouse*~~ *and all the next of kin of said decedent known to be*  
*resident of the State have been duly served with notice of the filing of said will and*  
*of the application to admit it to probate and record in this Court, pursuant to a for-*  
*mer order of this Court, or* have *waived notice and given consent to the probate*  
*of said will.*

C.P. McClelland

*, the Commissioner*

*heretofore appointed to take the deposition of* Harriett Webb,  
*one of* the subscribing  
*witnesses to said will, duly returned the commission issued to him, with said will*  
*annexed, and also the deposition so taken, duly certified;*<sup>(2)</sup>

*Thereupon came* Alice Holleran, *the other subscribing witness,*

*Said subscribing witnesses to said will,*  
*having been duly sworn, testified as to the execution and attestation of said will,*  
*which testimony was reduced to writing, was subscribed by them respectively, and*  
*was filed with said will.*

*Whereupon the Court finds that the aforesaid instrument of writing is the last*  
*will of said* Maria Ewing Martin *deceased; that it was*  
*duly executed and attested; and that the said testator at the time of signing said*  
*will, was of full age, of sound mind and memory, and not under any restraint.*

*Therefore the Court orders the admitting of said will to probate, and that it*  
*together with the said testimony of the witnesses above named, be entered of record*  
*in this Court.*

John D. Davis

*Probate Judge*

1. If the deposition of but one of the witnesses is taken, here insert the words, "one of".  
2. If the other witness or witnesses appear in Court and testify, then insert here, "and thereupon, on this day came also",  
the other of said subscribing witnesses.

New Straitsville, Ohio. June 11th, 1923.

I, Maria Ewing Martin, widow of Edwin S. Martin, of Perry Co. Ohio, being in good health but impressed with the uncertainty of life, do herein make my last will and testament. First I desire to be buried in the family lot at Yonkers, N.Y. Beside my father and mother, and I also desire that the remains of my two babies be taken up and buried in the grave with me. I wish a suitable stone to be placed for me, or an inscription on the tombstone still to be erected for my father and mother and my residuary legatees to pay all my debts and funeral expenses as well as said tombstone, or my share of the expense of a family stone.

As for my worldly property lacking the time at present for a particular disposition of my household and personal effects, I leave to my sister Mary Beall Ewing, all such property with the request that she give a memento each of my nearest friends, not otherwise named. As my thirds of his father's real estate naturally revert to my stepson, John Douglas Martin, I make no further provision for him beyond my one third share of our household goods which were his fathers, to be disposed of as he chooses, and his grandfather's gold watch chain. Also I leave him in trust for my two grand children my third of the Michigan property which I own in fee simple and which is valued at \$2000, to be at his disposal entirely until they are of age, provided should he sell the whole of the money representing their shares shall be put at interest until they are of age to claim it. If either should die without issue, reversion to the other; if both should die without issue and leaving neither brother nor sister, the money to revert to my residuary legatees.

My lot in Maine to my brother, Thomas Ewing, to be used as he chooses for the benefit of one or more of his children not named in my will. I leave in trust to John G. Ewing whatever sum is necessary up to \$1000 to put the Gillespie graveyard into satisfactory shape and put up a stone; if more money is needed other Gillespies may contribute.

The lot of land including the graveyard I leave to my nephew, Thomas Ewing, Jr., and his heirs forever, in the hope that they will long have the means and the desire to keep it in condition. If the graveyard is safe-guarded, he may sell the rest of the lot if he chooses. Also to Thomas Jr., my mahogany table that was his great grandfather Thomas Ewing's which once belonged to the unfortunate Iturbide, President of Mexico; also his great grandfather's gold headed cane, and the silver pitcher given me as a wedding present by the Fortnightly Club of Yonkers. My genealogical books and papers to the Maryland Historical Society with \$1000 to put them in order and print the Beall history I have been preparing; my Md. Archives and other books and pamphlets on Md. Hist. to the Ohio Univ. at Athens; my photograph of Gen. Sherman to the Lancaster Armory; and \$100 to the Pres. Church at Greenwich, N.J. for the Ewing Graveyard. I want Johanna Feeney to have 800 copies of my cookbook if not sold before my death - if sold then \$1000 in money. Also my kitchen cabinet and china closet, and such kitchen utensils as John (my son) does not wish; also 5 framed photographs from my room and to share with my sister the carpets and rugs not otherwise disposed of. The Persian rug to my sister in law, Maria D. Ewing; my large bureau sideboard to my sister in law, Anna C. Ewing, with the request that she keep it either in her own family or leave it to a relative of mine who will value it; to my niece, Ellen Cox Ewing, my step-grandmother Cox's bureau and mirror, and the table that was my mother's first piano; to my niece Alexandra Noyes my lavender and white pitchers, the large photograph of her father and the small red bureau I had as a child, for the use of one of her children; to my brother, Thomas Ewing, the portrait of my grandmother now in his house; to my brother, Hampton D. Ewing my bust of grandfather Ewing and my crayon and oil portraits of him and the large gold framed mirror that formerly belonged to him to be left by him to whichever one of his boys would best

175  
appreciate them; and grandfather Cox's bookcase now in the Club House; to James Dunlop Ewing, my nephew, my daguerotype of my mother; to my sister my pearl ring and my amethyst pin, my woven curtains and rag rugs and my large victrola and records; the small victrola in Michigan to my grandson, Edwin S. Martin, Jr., also the fine dress suit case marked E.S.M. and his grandfather's watch, with the request that neither be carried by anyone else till he is old enough to use them himself. My sandal wood desk and my opal ring to my grand-daughter, Betty Martin; my corner cupboard and mahogany dressing table to my daughter in law, Elizabeth R. Martin, my diamond cross bar pin and two green glass vases from the spare-room mantel piece to Fannie M. Mumaugh; to Mary S. Jenkins of Yonkers N.Y. my picture "The Viking's Daughter" and the set of Browning she gave me which has been invaluable to me; to Ellen C. Van Meter 6 silver forks marked Culbertson, 6 plates with broad colored borders and six black framed chairs that were Mrs. Jane Culbertson's that are over 90 years old; to R.M. Connell and his wife the portraits of our great grand. parents that are now hanging in my library. My pewter ware and 4 low walnut chairs; to Mrs. P.W. Conrath, the set of green bordered china that was Mary McDonald's; to Mrs. Lydia Connell my silver candelabra and candlesticks to match; everything not otherwise mentioned to go to my sister with the understanding that what is not good enough to be given to friends or to the poor shall be destroyed - there shall be no sale. My 1/3 of the property at 22 Belmont Terrace, Yonkers, N.Y. to be equally divided between my sister Mary Beall Ewing and brother Wm. C. Ewing, reversion to each other, also all my property in stocks, shares or bonds equally for life, reversion of principal and interest to each other. Above corrections made before signing. Revoking all former wills I declare this to be my last will and testament the day and year above written, signing in the presence of the witnesses below. Son John D. Martin and sister Mary Beall Ewing Exs. without bond.

Maria Ewing Martin

Harriett Webb

Alice Holleran

Signed and acknowledged before me this 11th day of June, 1923. W.T. Sprankel, Notary Public.  
(Notary seal)

# CERTIFICATE TO COPIES

U. S. Statutes, Sec. 905. G. C. of Ohio, Sec. 15830.

THE STATE OF OHIO,

Perry

County, ss. }

PROBATE COURT

I, John D. Davis Judge and ex-officio Clerk of the Probate Court, within and for said County, having the custody of the Files, Journals and Records of said Court, do hereby certify that the foregoing is a true copy of the Will of Maria Ewing Martin, and of the Letters Testamentary, with transcript of the proceedings on probate of the Will and the appointment of the Executor

as the same appear upon the records of said Court; and I further certify, that I have carefully compared the foregoing copy with the original record, and that the same is a full and correct transcript thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court, at New Lexington, Ohio, this 12th day of November A. D. 19 42

*John W Davis*  
Probate Judge and ex-officio Clerk of said Court

The State of Ohio, Perry County, ss.

I, John D. Davis sole Judge of the Probate Court, within and for said County and State, the same being a Court of law and of record, do hereby certify that John D. Davis whose genuine signature is attached to the foregoing certificate, is, and was at the time of signing the same, ex-officio Clerk of said Probate Court, and as such, full faith and credit are due his acts, and that the above certificate and attestation are in due form of law, and made by the proper officer.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court, at New Lexington, Ohio, this 12th day of November A. D. 19 42

*John L Davis*  
Judge as aforesaid

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No. ....

Page .....

PROBATE COURT

Perry

County, O.

In the Matter of the Will of

Maria Ewing Martin

Deceased

Application and Journal Entry for Commission to take Deposition of Witness

JOURNAL ENTRY

Dated ..... 19 .....

Recorded

Jour. Vol. .... Page .....

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO 4011-2

By ..... Deputy Clerk

Judge and ex-officio Clerk

this ..... day of 19 .....

IN TESTIMONY WHEREOF, I hereunto subscribe my name officially and affix the seal of said Court,

a true and correct copy thereof. same has been compared by me with the original entry on said journal, and that it is entry is taken and copied from the journal of the proceedings of said Court; that the required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing for said County, and in whose custody the Files, Journals and Records of said Court are I, the undersigned, Judge and ex-officio Clerk of the Probate Court within and

The State of Ohio, ..... County.

Probate Judge

John D. Davis

Hon. C. P. McClelland, Columbus, Ohio, to a suitable person, to be duly executed, and together with the deposition of said witness, so taken, signed, certified and sealed be returned to this Court with all convenient speed, and this cause is continued.

It is therefore ordered that such Commission, with said Will annexed, issue

to the City of Columbus, Franklin

County, Ohio c/o Edmund B. Neil, 1540 Neil Ave.)

jurisdiction of this Court, to-wit: at

And it appearing to the Court that said witness resides ( ) out of the

of said Maria Ewing Martin, deceased.

to the will witness to the will

deposition of Harriett Webb

and made application for a commission to issue to some suitable person to take the

This day George D. Martin, attorney for PropONENT appeared in open Court

Deceased

Maria Ewing Martin

In the Matter of the Will of

Probate Court, Perry County, Ohio

September 24th 19 42

ORDER FOR COMMISSION

No. ....

Doc. .... Page .....

PROBATE COURT

Perry County, O.

In the Matter of

THE ESTATE OF

Maria Ewing Martin

Deceased

Letters Testamentary

TO

John D. Martin

Recorded in Final Record,  
Executor's Bonds and Appointments

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

Barrett Brothers, Publishers, Springfield, Ohio  
42-1-5

The State of Ohio, Perry County.

I, John D. Davis

, Judge and ex-officio Clerk of the

Probate Court within and for said County, and in whose custody the Files, Journals and Records of said Court are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is a true copy of the original Letters Testamentary granted in the premises by said Court, and remaining on file and of record in this office. Said estate is still pending in this Court and said Letters Testamentary are still in full force and effect.

WITNESS my signature and the seal of said Court, this

12th day of November, 1942.

John D. Davis

Judge and ex-officio Clerk

Deputy Clerk

No. ....

Doc. .... Page .....

**PROBATE COURT**

Perry ..... County, O.

*In the Matter of*

**THE WILL OF**

Maria Ewing Martin

*Deceased*

**Testimony of Witnesses**

The State of Ohio, \_\_\_\_\_ County. Probate Court

In the Matter of the Will of \_\_\_\_\_

Waiver of Notice and Consent to Probate  
of Last Will and Testament

Deceased

We, the undersigned, surviving spouse and next of kin of \_\_\_\_\_

\_\_\_\_\_ deceased, residents of the State of Ohio, hereby waive further notice of the presentation of said decedent's will for probate, and consent to the admission of the same to probate.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

The State of Ohio, \_\_\_\_\_ County. Probate Court

In the Matter of the Will of \_\_\_\_\_

19\_\_\_\_

Journal Entry on Presentation of  
Will for Probate

Deceased

An application having been this day presented to the Court by \_\_\_\_\_

praying that an instrument in writing purport-

ing to be the last will and testament of \_\_\_\_\_ deceased, be admitted to probate:

It is ordered that \_\_\_\_\_ day's notice, in writing, of the presentation of said will and of the application for the admission of the same for probate, be given to the surviving spouse and to the next of kin of said testator, known to be resident of the State,

and that a hearing on said application will be had on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Probate Judge

No. \_\_\_\_\_  
Doc. \_\_\_\_\_ Page \_\_\_\_\_  
PROBATE COURT  
Perry \_\_\_\_\_ County, O.

In the Matter of  
THE WILL OF  
Maria Ewing Martin  
Deceased  
Application for Probate of Will

JOURNAL ENTRY  
Dated \_\_\_\_\_ 19\_\_\_\_  
Recorded \_\_\_\_\_  
Jour. Vol. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA,  
COUNTY OF BALDWIN.

Probate Court.

I, G.W. Robertson, Judge of the Probate Court in and for said County and State, do hereby certify that the within instruments of writing have this day in said Court and before me as the Judge thereof, been duly proven by the proper authentication proceedings had in the Probate Court of Perry County, State of Ohio, to be the genuine Last Will and Testament of Marie Ewing Martin, Deceased, and that said Will, together with the proceedings therein had before Hon. John D. Davis, Probate Judge of Perry County, State of Ohio, pertaining to the proof and probate thereof, have been recorded in my office in Will Record D at pages 470, 471, 472, 473 and 474.

In witness of all which, I have hereunto set my hand and the seal of said Court this 16th day of December, A.D., 1942.

*G.W. Robertson*  
Judge of Probate.

*Hall & Boardman*

*Robertson*

*Will Record D  
Page 470-474  
Perry County, Ohio  
Dec 16  
1942  
G.W. Robertson  
Judge of Probate*

The undersigned asks to be appointed Executor of the Estate of said decedent and on his oath aforesaid says, that the Estate consists of:

Personal Property of the probable value of	- - - - -	\$1000.00
Real Estate of the probable value of	- - - - -	\$none
Annual Real Estate rentals which will come into his hands, of the probable value of	- - - - -	\$none
Total		\$1000.00

The amount of all indebtedness the deceased had against the undersigned is \$ none for included in the amount of Personal Property above stated.

The undersigned further states that the decedent at the time of death was engaged in the business of

~~under the name of~~  
~~located at~~

John D. Martin

P. O. Address 964 Madison Ave., Columbus, Ohio

Sworn to before me and signed in my presence, this

9th day of November 19 42

at Hammondsport New York

Horace Sirrine

(Seal)

Notary Public, Steuben County New York

(Signature of Officer)

(Title of Officer)

To the Probate Court of Perry County, Ohio:

The undersigned offers a bond as Executor of the Estate of

no Maria Ewing Martin, deceased, in the sum of \$xxx

~~with~~ Bond waived by Will

~~and~~ ~~as executor thereof.~~

The name of Beck, Drinkle & Martin, Lancaster, Ohio, Attorney, who will represent in matters relating to this trust, is hereby filed in said Court.

The undersigned makes application for the appointment of appraisers of the real estate and personal property of the said decedent, and suggests the names of

Harlow Lindley, James Costello, and

William J. Davis as suitable disinterested persons for such appraisers.

Dated this 9th day of November, 19 42.

John D. Martin, executor

No. ....  
Doc. .... Page .....

PROBATE COURT

Perry County, O.

In the Matter of

THE ESTATE OF

Maria Ewing Martin  
Deceased

APPLICATION FOR  
LETTERS TESTAMENTARY

ESTATE OF  
MARIA EWING MARTIN,  
Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 906.

DECREE ON FINAL SETTLEMENT

This cause coming on to be heard is submitted on the Register's Report on Final Settlement and notice to the parties to this cause of the filing of the said Register's Report and time for which it would lie over for exceptions,

It appears from the said Report that the said Reference was held as provided in the Decree rendered in this cause and dated January 31, 1944, on February 25, 1944 that due notice of the time, place and purpose of the said Reference was given to all necessary and proper parties in the manner provided by law that the minors interested in this cause were represented by their Guardian Ad Litem, W. H. Hawkins, Esq., that the Register examined and audited the vouchers and statement of account and found it to be correct and each expenditure made by the said Executor properly allowable and that the administration of the said estate in Baldwin County, Alabama for an ancillary administration and that the principal administration of the said estate is now pending in the Probate Court of Perry County, Ohio and further that all moneys collected by the said Petitioner as Executor of the said Estate in Alabama shall remain after the payment of the necessary fees and costs of administration in Alabama shall be paid by the said Executor to himself as Executor of the said Estate in Perry County, Ohio in the manner provided by Title 61 Section 364 of the 1940 Code of Alabama. It further appearing that the remaining material averments of the said Petition are true, that the time allowed by the Register for filing exceptions or objections to the Report has expired, that no objection or exceptions to it has been filed and that the said Report should now be confirmed and this estate finally

settled, WHEREUPON, it is therefore ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Report of the Register filed herein be and the same is hereby confirmed in all respects.

2. That the account contained in the Petition for Final Settlement filed herein showing receipts of \$6393.10, disbursements of \$3169.17 and a balance on hand of \$3223.93 be and it is hereby in all respects passed and allowed as stated.

3. The sum of \$319.66 having been allowed by the Register of this Court to the said Executor as the amount of his commissions due on this final settlement, the said Executor is therefore authorized, empowered, instructed and directed to pay to himself the said sum of \$319.66 and take his receipt therefor and file it in this cause.

4. The said Executor is authorized, empowered, instructed and directed to pay the Court costs incurred in connection with the administration of this estate amounting to the sum of \$116.57 which includes a \$50.00 fee for W. H. Hawkins, as Guardian Ad Litem of and for the minors, Thomas Ewing III and Alexander C. Ewing.

5. After payment by the said Executor of the commissions of \$319.66 due him as provided in this Decree, the court costs of \$116.57, which includes the guardian ad litem fee allowed in paragraph 4 hereof, there will remain in his hands the sum of \$2787.70, belonging to the said estate, which amount he is hereby authorized, empowered, instructed and directed to pay to himself as Executor of the said Estate in Perry County, Ohio, where the principal administration of this estate is now being had and file evidence of such payment in this cause.

6. On payment of the amount set out in this Decree John D. Martin, as Executor of the said Estate shall be and he is hereby relieved of and discharged from any and all further liability of every kind and nature which exists or may exist because of the ancillary administration of the said Estate and on such payment the said ancillary administration of the said estate in Baldwin County,



Alabama shall be and it is hereby in all respects fully and finally settled.

7. That all accounts, vouchers, evidences and statements, together with all other papers on file pertaining to this final settlement and the proceedings thereon be recorded.

Ordered, Adjudged and Decreed this 15<sup>th</sup> day of June, 1944.

J. W. Hare

Judge.

CERTIFICATE

I hereby certify that the foregoing was reduced to writing by myself, in the presence of said witness..... and subscribed by said witness..... in my presence, on this 1st day of October, 1942

In Testimony Whereof, I have hereunto set my hand, at Columbus, this

Commissioner's Fees \$ 1st day of October 1942
Witness Fees - \$
Total - - \$
C.P. McClelland Commissioner

No.
Doc. Page
PROBATE COURT
Perry County, O.
In the Matter of
THE WILL OF
Maria Ewing Martin Deceased
PROBATE OF WILL
COMMISSION and DEPOSITION OF WITNESS

**RECORDED**

**DECREE ON FINAL SETTLEMENT**

**ESTATE OF**

**MARIA EWING MARTIN, Deceased**

**IN THE CIRCUIT COURT OF**

**BALDWIN COUNTY, ALABAMA.**

**IN EQUITY. NUMBER 906.**

3000.

Faint, illegible text, likely bleed-through from the reverse side of the page.

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

Your Petitioner, John D. Martin, who is over twenty-one years of age, respectfully represents unto the Court and your Honor as follows:

1. That he was named as Executor in and by the Last Will and Testament of Maria Ewing Martin, now deceased, which said Will has been admitted to probate and record in and by the Probate Court of Baldwin County, Alabama, where the said estate is now pending. Letters Testamentary have been issued by the Probate Court of Baldwin County, Alabama to Petitioner as said Executor.

2. In the opinion of Petitioner the administration of the said estate can be better handled in the Circuit Court of Baldwin County, Alabama, Sitting in Equity, because of the broader powers of the said Equity Court, than in the Probate Court of Baldwin County, Alabama:

WHEREFORE, Petitioner prays that the Court will make and enter an order removing the administration of the said Estate from the Probate Court of Baldwin County, Alabama to the Circuit Court of Baldwin County, Alabama, Sitting in Equity.

John D. Martin

Petitioner.

STATE OF NEW YORK |

STEBEN COUNTY |

Before me, the undersigned authority within and for said County in said State, personally appeared John D. Martin, who, after being by me first duly and legally sworn, deposes and says: That he has read over the foregoing Petition and that the facts stated therein are true.

John D. Martin

Sworn to and subscribed before me on this the 14 day of February, 1943.

Howard B. ...

Notary Public, Steuben County, New York.

Affix Seal.

STATE OF ALABAMA

BALDWIN COUNTY

The foregoing Petition having been presented to me on this date and it appearing from the said Petition that the administration of the Estate of Maria Ewing Martin, Deceased, can be better handled in the Circuit Court of Baldwin County, Alabama, Sitting in Equity, because of its broader powers than in the Probate Court of Baldwin County, Alabama, IT IS THEREFORE Ordered that the administration of the Estate of Maria Ewing Martin be and the same is hereby immediately transferred from the Probate Court of Baldwin County, Alabama to the Circuit Court of Baldwin County, Alabama, Sitting in Equity.

ORDERED, ADJUDGED AND DECREED on this the 17<sup>th</sup> day of

February, 1943.



Judge of the Circuit Court of Baldwin  
County, Alabama.

ESTATE OF  
MARIA EWING MARTIN,  
Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 906.

RECEIPT

The undersigned John D. Martin, as Executor of the Last Will and Testament of Maria Ewing Martin, Deceased, in the principal administration of the said Estate in Perry County, Ohio, hereby acknowledges receipt of the sum of Twenty-seven Hundred Eighty-seven and 70/100 Dollars (\$2787.70) being the net amount due on final settlement of the ancillary administration of the said Estate in Baldwin County, Alabama, payment of which was ordered made to the said Executor of the principal administration of the said Estate by Decree of the Circuit Court of Baldwin County, Alabama in Equity, dated June 15, 1944.

Dated this 18<sup>th</sup> day of July, 1944.

*John D. Martin*

(SEAL)

As Executor of the Last Will and Testament of Maria Ewing Martin, Deceased.

STATE OF OHIO  
FRANKLIN  
~~PERRY~~ COUNTY

*Belle Scott*

I, Belle Scott, a Notary Public, within and for said County in said State, hereby certify that John D. Martin, whose name as Executor of the Last Will and Testament of Maria Ewing Martin, Deceased, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such Executor of the Last Will and Testament of Maria Ewing Martin, Deceased, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 18<sup>th</sup> day of July, 1944.

*Belle Scott*

Notary Public, ~~Perry~~ County, Ohio.  
Franklin

Affix Seal.

BELLE SCOTT  
NOTARY PUBLIC, FRANKLIN COUNTY, OHIO  
MY COMMISSION EXPIRES MARCH 30, 1945.

ESTATE OF  
MARIA EWING MARTIN,  
Deceased

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 906.

EXECUTOR'S RECEIPT FOR COMMISSIONS

The undersigned, John D. Martin, acknowledges receipt of the sum of Three Hundred Nineteen and 66/100 Dollars (\$319.66) being the amount allowed as Executor's Commissions in and by the Final Decree of the Circuit Court of Baldwin County, Alabama in Equity dated June 15, 1944.

Dated this 18<sup>th</sup> day of July, 1944.

John D. Martin

(SEAL)

STATE OF OHIO  
FRANKLIN  
~~PERCY~~ COUNTY

I, Belle Scott, a Notary Public, within and for said County in said State, hereby certify that John D. Martin, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 18<sup>th</sup> day of July, 1944.

Belle Scott

Notary Public, ~~PERCY~~ County, Ohio.  
Franklin

Affix Seal.

BELLE SCOTT  
NOTARY PUBLIC, FRANKLIN COUNTY, OHIO  
MY COMMISSION EXPIRES MARCH 30, 1945.

Good Friday  
to the  
family



906

Handwritten signature or scribble, possibly including the number 1944.

North ...