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

Comes JANIE M. JOHNSON with whom joins EDWIN McCONICO and DOROTHY MILES and by this petition, respectfully show:

FIRST: That she is a resident of Daphne, Baldwin County, Alabama, over the age of twenty-one years and the widow of Ed McConico, who died some five years previous to this date, leaving petitioner his widow and their seven children, whose names and ages are as follows:

Edwin McConico and Dorothy Miles	Of Age
Rutherford Lionel McConico	17
Raymond Leon McConico	16
Mary Alice McConico	14
Octavia Geraldine McConico	13
Alberta Anita McConico	9

SECOND: That the only assets of the estate of her late husband, Ed McConico, was a lot of land at Battles Wharf, Alabama, with the dwelling house thereon and the household furniture therein, so that no occasion has arisen for the legal guardianship for the minor children.

THIRD: That the description of the property owned by the above named parties is:

"From the Northwest Corner of the Southwest Quarter of Section Thirty, T.6 $\frac{1}{2}$ S., R.2.E., run South Twelve Chains and Thirty six links and East Twenty chains and Ninety two links for a point of beginning; thence North Three Chains to a stake; thence East Six Chains and Thirty three links to a stake; thence South Three Chains to a stake; thence West Six Chains and Thirty three links to the place of beginning, containing One and Nine Tenths Acres."

FOURTH: That the interest of the five minors in the property in its present condition is practically valueless, as the rent for same being very small, but said realty, if sold and divided, among the children, would furnish a small fund for the minors that would be of great service in their maintenance and education in their years of adolescence.

FIFTH: That recently your petitioner and the two adult children have received a bona fide offer from a responsible purchaser of \$700.00 in cash, which amount petitioner is reliably informed and believes, is a fair and adequate price for the property.

SIXTH: That the next of kin of said minors other than petitioner and not interested in the cause is:

Alberta Allen of Battles Wharf, Alabama, a maternal aunt.

That said sale may be legally effected and the interest of petitioner and her minor children thereby advanced, petitioner now prays an order requiring the Register of this Court to ascertain by a reference the bona fides and desirability of the sale of the realty that a guardian ad litem be appointed to represent the interest of said minors in this proceeding, and that if from the report of the Register on said reference, it appears to the Court that it is to the interest of said minors that such sale be made, that a decree be rendered authorizing the Register of this Court to join with the petitioner and the adult children in a deed that will convey the interests of said minors and do such other and further acts in behalf of the said minors as are proper to effect the purpose here sought and to equity may seem meet.

Janie M. Johnson
Petitioner.

Elliot B. Pinckney
Solicitor for Petitioner

Before me the undersigned Notary personally appeared JANIE M. JOHNSON who, being sworn says that she is the petitioner above named and that the matters set out above are true.

Subscribed and sworn to before me this the 6th day of October, 1943.

Elliot B. Pinckney
Notary Public, Baldwin County Alabama

I, Alberta Allen, of Battles Wharf Alabama, a maternal aunt and next of kin to the above named minors, not interested in the proposed sale, hereby certify that in my opinion the net price offered is adequate for the property and that approval for the said sale would be to the best interests of said minors.

Witness my hand this the 9th day of October, 1943.

Alberta Allen

IN RE
McCONICO MINORS

E Q U I T Y
IN THE CIRCUIT COURT
OF
BALDWIN COUNTY, ALABAMA.

To E. A. CRAMER, Esq.:

You are hereby notified that you have been appointed Guardian ad litem of Rutherford Lionel McConico, Raymond Leon McConico, Mary Alice McConico, Octavia Geraldine McConico and Alberta Anita McConico, the five minor children of Ed McConico, deceased, who are interested in a certain matter and proceeding in this Court entitled as appears in the caption hereof and which comes up for hearing on reference on the 30th day of October, 1943.

WITNESS my hand at my office in Bay Minette this the 28th day of October, 1943.


Register

IN RE
McCONICO MINORS

E Q U I T Y
IN THE CIRCUIT COURT
OF
BALDWIN COUNTY, ALABAMA.

Comes E. A. CRAMER, nominated as Guardian ad litem for the minor children of Ed McConico, deceased, and accepts said appointment to act as such Guardian ad litem.

The said Guardian ad litem for the minor children aforesaid hereby denies each and every material averment of the petition and demands strict proof thereof.

Dated at Fairhope, Alabama, this the 2nd day of
November, 1943.

E. A. Cramer

Guardian ad litem as aforesaid.

IN RE
McCONICO MINORS:

E Q U I T Y
IN THE CIRCUIT COURT
OF
BALDWIN COUNTY, ALABAMA.

TO THE HONORABLE FRANCIS W. HARE, JUDGE OF SAID COURT:

WHEREAS by a decree of this Court made and entered in the above styled cause on the twenty-third day of October, 1943, a reference was ordered directing the Register to ascertain:

1. The correctness of the names and interests of the several owners of the property described in the Petition.
2. If the offer made for the land is bona fide and the prospective purchaser solvent.
3. If the price offered is the reasonable value of the land and the best offer made therefor.

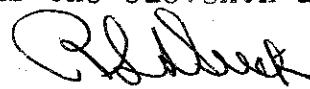
NOW THEREFORE, I respectfully report that on November 3, 1943, I held said reference in strict pursuance to said decree after due notice to the solicitor for the petitioner and the guardian ad litem, both of whom were present and upon whose examination and cross-examination of Janie McConico Johnson, the complainant, and Joseph Pose, a realtor, I, as such Register, find and report as follows:

1. The names and interests of the several owners of the property are correctly set out in the Petition.
2. The offer of \$700.00 made for the land is bona fide, and the payment thereof being guaranteed by the employer of the proposed purchaser is a responsible party.
3. The net amount to be received by the owners is \$700.00, which is the reasonable value of the land and the best offer that has been made. This sum is to be paid in cash and is now in the hands of the Register.

The Register further reports that the Complainant has recently redeemed the property from arrears of taxes, paying therefor the sum of \$20.45, thereby putting the property in shape for sale. Redemption certificate being present at the hearing, and the adult heirs have consented that this sum shall be deducted from the payment and repaid to the Complainant together with a child's share of the proceeds in lieu of her dower interest. Also that the entire interest of the five minors in the net balance may be paid to the Complainant as the mother and natural guardian of said minors for their maintenance and support. Also that the proceeds of the sale, after paying all proper expenses, shall be divided by the Register among the parties entitled thereto.

The evidence as produced at the reference was taken down in writing and is on file in this cause.

All of which is respectfully submitted this the eleventh day of November, 1943.


Register.

In re

E Q U I T Y

McCONICO MINORS:

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

At a reference held before the Register of the Circuit Court of Baldwin County pursuant to an order of reference made October 23rd, 1943, there appeared on November 1943 Janie M. Johnson and Joseph Pose, who, being duly sworn, upon examination by the Solicitor for the Petitioner and cross-examination by the Guardian ad litem, testified in substance as follows:

JANIE M. JOHNSON.

I am the widow of Ed McConico and mother of the minor children named in the bill. The property described in the bill is that owned by my late husband at his death. He left seven children, two by a former marriage, Dorothy, now married to a man named Miles and Edward McConico, both of age and the five minors by me. This place was all he owned at his death. We have not lived in the place since my husband's death. I have tried to rent it but had so much trouble getting the rent that it seems best to sell it. I now live at Daphne and the place is East of Battles Wharf about nine miles away. The best offer I could get for the place is the one from Harrington Allen whose employer, Mr Cadenhead of the Grand Hotel at Point Clear is advancing him the money to pay for it. He has offered seven hundred dollars and I am told that that is a good offer as the place is but $2\frac{1}{2}$ acres and the house is small. Neither of the two older children wanted to live in it or take care of and neither would help me pay the taxes. In my opinion and that of the the children's kin-people this is a good offer and to the advantage of all concerned to take it. The offer is cash as soon as the title can be made good.

Janie Johnson.

J O S E P H P O S E .

I am a lifelong resident of Baldwin County and have been actively engaged in the real estate business for the past ten years. I feel that I am familiar with real estate values in this County, particularly in the vicinity of Fairhope and Point Clear.

I am well acquainted with the Ed McConico place. It is not very far from my former home on the Bay Front or my pleasant home of the Greeno Road. Last week when I was told I would be asked my opinion on its value I went by to look at it again. It is a fairly nice negro home, some nice pecan trees but the house is old and not in good condition. In my opinion from six to eight hundred dollars would be a fair price. It is not on the highway, about three quarters of a mile back. There are between two and four acres in the place. It is in a colored settlement, that is there are colored people on both sides. I am told that the owners have a cash offer of seven hundred dollars for it and it is well sold at that price.

Cross examination.

If the property were mine I would be glad to sell it for \$700. especially if I could not live in it. The house is running down and you cannot expect to get any of the pecans if you are not there all the time.

Joseph Pose

This cause coming on to be heard on the report of the Register made and filed in this cause on the eleventh day of November, 1943, pursuant to the decree of reference heretofore made on October 23, 1943, and same having duly laid over the time required by law and being by the Court duly considered and understood, the Court is of the opinion that said report should be, and the same hereby is, confirmed.

It is further ordered that the Register ascertain the legitimate and proper costs and expenses of the sale of the land described in the Petition, including a reasonable allowance to Petitioner's Solicitor for his services and for drawing the necessary conveyance, the costs of this proceeding and taxes paid by the Complainant, that same be deducted from the net proceeds of the sale to ascertain the amount to be divided among the vendors entitled thereto; that from the net balance thus obtained, the Complainant be entitled to a child's share in lieu of dower, and the said proceeds be divided among the vendors entitled thereto, with interest of the minor children being paid to Janie McConico Johnson, the mother and natural guardian of said minors.

It is further ordered that the Register may, and he hereby is authorized, to join with the widow and adult heirs of decedent in the execution of a proper deed of conveyance of the property to Harrington Allen, the purchaser, conveying as such Register, the interest of said minors.

It is further ordered that the deed, when finally executed, be submitted to this Court for its endorsement of an order of approval of the acts of the Register as herein provided.

Done at Monroeville, Alabama, this the 27th day of November, 1943.


Judge.

IN RE

McCONICO MINORS

E Q U I T Y

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA.

Comes E. A. CRAMER, nominated as Guardian ad litem for the minor children of Ed McConico, deceased, and accepts said appointment to act as such Guardian ad litem.

The said Guardian ad litem for the minor children aforesaid hereby denies each and every material averment of the petition and demands strict proof thereof.

Dated at Fairhope, Alabama, this the _____ day of October, 1943.

Guardian ad litem as aforesaid.

IN RE
McCONICO MINORS

E Q U I T Y
IN THE CIRCUIT COURT
OF
BALDWIN COUNTY, ALABAMA.

Comes E. A. CRAMER, nominated as Guardian ad litem for the minor children of Ed McConico, deceased, and accepts said appointment to act as such Guardian ad litem.

The said Guardian ad litem for the minor children aforesaid hereby denies each and every material averment of the petition and demands strict proof thereof.

Dated at Fairhope, Alabama, this the _____ day of
October, 1943.

Guardian ad litem as aforesaid.

In re
McCONICO MINORS

EQUITY
CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

This cause coming on to be heard on the petition of Janie McConico Johnson for the sale of certain real property in which said minors have an interest, and said petition praying that a reference be had to ascertain the facts upon which the relief prayed be granted;

It is therefore ordered that a guardian ad litem be named by the Register to represent the interests of the minors in this cause.

It is further ordered that the Register of this Court hold a reference of which due notice be given the Solicitor for the Petitioner and the Guardian Ad Litem and ascertain and report:

1. The correctness as to the names and interests of the several owners of the property described in the Bill.
2. If the offer made for the land is bona fide and the prospective purchaser solvent.
3. If the price offered is reasonable value of the land and the best offer made therefor.

The Court reserves the right to make such further orders and decrees in this cause as shall from time to time seem proper.

Done at Monroeville this the _____ day of October, 1943.

Judge.

CHANCERY EXECUTION

BILL OF COSTS

No. 1008

Vs.

McCune Mason

Plaintiff

Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	
Filing each bill and other papers.....	\$		For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	700
Issuing each subpoena.....	50		Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof.....	40		Each notice sent by mail to creditor.....	15
Entering each return thereof.....	15		Filing, receipting for and docketing each claim, etc.....	25
For each order of publication.....	1 00		For all entries on subpoena docket, etc.....	50
Issuing writ of injunction.....	1 50		For all entries on commission docket, etc.....	50
For each copy thereof.....	50		Making final record, per 100 words	15
Entering each return thereof.....	15		Certified copy of decree.....	1 00
Issuing Writ of Attachment.....	1 00		Report of divorce to State Health Office.....	50
Entering each return thereof.....	15		(Acts 1915)	
Docketing each case.....	1 00		Total Fees of Register.....	27 20
Entering each appearance.....	25		FEES OF SHERIFF	
Issuing each decree pro confesso on per. ser.....	1 00		Serving and returning subpoena on deft.....	\$1 50
Issuing each decree pro confesso on publication.....	1 00		Serving and returning subpoena for witness.....	65
Each order appointing guardian.....	1 00		Levying attachment.....	3 00
Any other order by Register.....	50		Entering and returning same.....	25
Issuing commission to take testimony.....	50		Selling property attached.....	75
Receiving and filing.....	10		Impaneling Jury.....	2 50
Endorsing each package.....	10		Executing writ of possession.....	1 50
Entering order submitting cause.....	50		Collecting execution for costs.....	65
Entering any other order of court.....	25		Serving and returning sci. fa., each.....	65
Noting all testimony.....	50		Serving and returning notice.....	1 50
Abstract of cause, etc.....	1 00		Serving and returning writ of injunction.....	1 50
Entering each decree.....	75		Serving and returning writ of exeat.....	75
For every 100 words over 500.....	15		Taking and approving bonds, each.....	2 50
Taking account, etc.....	3 00		Collecting money on execution.....	1 00
Taking testimony, etc.....	15		Making deed.....	1 50
Each report, 500 words or less.....	2 50		Serving and returning application, etc.....	1 50
For every 100 words over 500.....	15		Serving attachment, contempt of court.....	1 50
Amount claimed less than \$500, etc.....	2 00		Total Fees of Sheriff.....	
Issuing each subpoena.....	25		RECAPITULATION	
Witness certificate, each.....	25		Register's Fees.....	27 20
Issuing execution, each.....	75		Sheriff's Fees.....	
Entering each return.....	15		Commissioner's Fees.....	
Taking and approving bond, each.....	1 00		Solicitor's Fees.....	
Making copy of bill, etc.....	15		Witness Fees.....	
Each notice not otherwise provided for.....	50		Guardian Ad Litem.....	
Each certificate or affidavit, with seal.....	50		Printer's Fees.....	
Each certificate or affidavit, no seal.....	25		Trial Tax.....	3 00
Hearing and passing on application, etc.....	3 00		Recording Decree in Probate Court.....	
Each settlement with receiver, etc.....	3 00		Total.....	30 20
Exam'ing each voucher of Receiver, etc.....	10			
Examining each answer, etc.....	3 00			
Recording resignation, etc.....	75			
Entering each cert. to Supreme Court.....	50			
Taking questions and answers, etc.....	25			
For all other ser. relating to such proceedings.....	1 00			
For services in proceeding to relieve minors, etc., same fee as in similar cases.				
Commission on sales, etc.: 1st \$100, 2 per ct.; all over \$100 and not exceeding \$1,000, 1½ per ct.; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, ¼ of 1 per ct.				
Sub Total Carried Forward.....	8	85		

The State of Alabama, }
Baldwin County. }

No. _____

Circuit Court, In Equity

Term, 194

To Any Sheriff of the State of Alabama—GREETINGS:

You are hereby commanded, That of the goods and chattels, lands and tenements of _____

Defendant.....

you cause to be made the sum of _____ Dollars,

which _____ Plaintiff.....

recovered of _____ on the _____ day of _____ 194

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____

Dollars,

costs of suit, and have the same to render to the said _____ and make return of this Writ and the execution thereof, according to law.

Interest from _____ 194 to date of collection.

Witness my hand, this _____ day of _____ 194

_____, Register.

In re
McCONICO MINORS

EQUITY
CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

This cause coming on to be heard on the petition of Janie McConico Johnson for the sale of certain real property in which said minors have an interest, and said petition praying that a reference be had to ascertain the facts upon which the relief prayed be granted;

It is therefore ordered that a guardian ad litem be named by the Register to represent the interests of the minors in this cause.

It is further ordered that the Register of this Court hold a reference of which due notice be given the Solicitor for the Petitioner and the Guardian Ad Litem and ascertain and report:

1. The correctness as to the names and interests of the several owners of the property described in the Bill.
2. If the offer made for the land is bona fide and the prospective purchaser solvent.
3. If the price offered is reasonable value of the land and the best offer made therefor.

The Court reserves the right to make such further orders and decrees in this cause as shall from time to time seem proper.

Done at Monroeville this the 23rd day of October, 1943.


Judge.

1008

RECORDED

In re

MCCONICO MINORS.

ORDER OF REFERENCE.

June 25, 1943
George P. [Signature]

IN RE

E Q U I T Y

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA.

To E. A. CRAMER, Esq.:

You are hereby notified that you have been appointed Guardian ad litem of Rutherford Lionel McConico, Raymond Leon McConico, Mary Alice McConico, Octavia Geraldine McConico and Alberta Anita McConico, the five minor children of Ed McConico, deceased, who are interested in a certain matter and proceeding in this Court entitled as appears in the caption hereof and which comes up for hearing on reference on the 30th day of October, 1943.

WITNESS my hand at my office in Bay Minette this the 28th day of October, 1943.


Register

1008

RECORDED

In re

McCONICO MINORS.

ORDER OF REFERENCE.

Filed Oct 25 1943
R. J. [unclear]
R. J. [unclear]

LAW OFFICES

ELLIOTT G. RICKARBY
FAIRHOPE, ALABAMA

November 24, 1943.

Mr. Robert S. Duck, Register,
Bay Minette,
Alabama.

Dear Bob:

McCONICO MINORS: With this I enclose the deed which you are to sign in this matter and will ask you to make out checks on the following basis.

Deduct all of your costs, then \$12.50 for the guardian ad litem, \$35.00 for my fee and \$10.00 for drawing the deed. Also \$20.45 paid by Janie Johnson to redeem for tax sale. Of the net balance, check for one-eighth is to go to Edwin McConico and to Dorothy Miles, one-eighth to Janie McConico Johnson, being a child's part in lieu of dower. To this can be added the \$20.45 taxes paid by her. The remaining five-eighths should go to Janie McConico Johnson as mother and natural guardian of the five minor children. In due time checks can issue to Nick Cramer and the hard working solicitor. These checks, however, should not be sent out until Judge Hare's certificate is executed by him on the deed I send you.

I also enclose a deed from the two adult children to Janie Johnson, conveying their interest and for this reason they are not included in the deed just prepared, though checks should go to them as above stated. This deed should be recorded and the expense of record added to the items to be deducted and set out above.

Sincerely,

Elliott G. Rickarby

SUNDAY Novr 28th:

EGR:HB

Inc - 2 at last secured the signatures of Janie Johnson and
1922 her husband and am able to mail this. Please fill in
in the deed and the Judge's certificate, the date of
his order confirming the reference report and order-
ing the sale.

LAW OFFICES
ELLIOTT G. RICKARBY
FAIRHOPE, ALABAMA

December 1, 1943.

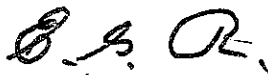
Robert S. Duck, Esq.,
Register,
Bay Minette, Alabama,

Dear Bob:

McCONICO MINORS: You are as good a mathematician as you are a Register and your figures as to the proposed settlement are all right. But don't forget to add the tax bill paid to Janie Johnson's individual check as out of this she is to pay three different people whom she has told I would soon have some money for her and all of whom are looking to me to see that they get theirs when the distribution is made. The amounts are not large and I think she expects to pay them but, as you know, negroes' memories on such occasions are prone to be short.

Yours in haste,

R:r
1922.



Michael Sellers has not yet been in as I only wrote him yesterday.

Eglhart A Kerkubler
 Sal. Fee 3500
 see riding dues ~~1000~~
 4500
 Ear Exam 1250
 Hurd. & Lites

73357
 20457
 9380