

RECORDED
INDEXED
6-4-39

DEMANDER TO CROSS-BILL.

MRS. BESSIE WHITE MOORE,

Complainant,

-VS-

W. D. WHITE ET AL.,

Respondents.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Filed July 24th, 1936

Robert S. Duck

Register.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

Deck
RECORDED
6-414

INDEX.

MRS. BESSIE WHITE MOORE,
Complainant,
-vs-
W. D. WHITE et al,
Defendants.

IN THE CIRCUIT COURT--IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

Filed June 4th, 1936

Robert Deek
Register.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

Executed by sewing
a copy of the within
on J. B. Blackburn
solicitor for the Deft's
this 4th of June.
MHW Wilkins - Staff
By Taylor Wilkins, DS

DEMUERS.

MRS. BESSIE WHITE MOORE,
Complainant,
-vs-
W. D. WHITE,
Defendants.

IN THE CIRCUIT COURT--IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

Filed January 10th, 1936
Robert d. Deek
Register. 7

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

RECORDED
Deck
6-279

Original

1579

*Rec'd
12/27/22*

CLERK OF BLOUNT COUNTY
BLAUNT,

MRS. BESSIE WHITE MOORE,

Complainant,

VS.

W. D. PHILLIPS, JR.

Respondent.

IN THE CIRCUIT COURT OF
BLAUNT COUNTY, ALABAMA,
IN EQUITY. NO. 1579.

FILED 17 2022
Robert S. Blackburn

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

RECORDED

Shuck
6-280

AMENDMENT TO BILL OF COMPLAINT

MRS. BESSIE WHITE MOORE,

Complainant,

-VS-

W. D. WHITE ET AL,

Defendants.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Filed January 10, 1936

Robert J. Shuck,
Register.

Severce accepted for Baldwin County Bank,
W. H. White and Hiram White, this 11th day of
Jan. 1936

J. T. Blackburn
Atty for said parties

159

LAW OFFICES

HYBART & CHASON

BAY MINETTE ALABAMA

RECORDED
INDEXED
6-22-31

159

DEPARTMENT

BESSIE W. MOORE,

MRS. BESSIE W. MOORE,
Complainant,

Complainant,

VS.

VS.

H. D. WHITE, et al.,

H. D. WHITE, ET AL.,
Respondents.

Respondents.

IN THE CIRCUIT COURT OF

DADEMAN COUNTY, ALABAMA.

IN EQUITY. NO. 139

BRIEF OF COMPLAINANT.

Filed on this the 1st day of
February, 1936.

J. B. Blackburn

J. B. BLACKBURN

ATTORNEY AT LAW

EXMINSTER, ALABAMA

C. L. HYBART

ATTORNEY AT LAW

MONROEVILLE, ALA.

159 **INDEXED**
Duck
6-438

ANSWER AND CROSS BILL

MRS. BESSIE WHITE MOORE,

Complainant,

VS.

W. D. WHITE, et al,

Respondents.

IN THE CIRCUIT COURT OF

BARBEN COUNTY, ALABAMA.

IN EQUITY. NO. 159.

Filed on this the 15th day of July,
1936.

Robert A. Duck,
Agent

J. B. BLACKBURN
ATTORNEY AT LAW
BAYMINETTE, ALABAMA

July 15-1936

*I hereby accept service
of copy of writ in within
and waive further notice
of same -*

*John Brown
Agent of copy
for complainant*

July 17 1936

*I hereby accept service
of copy of writ in writ
and waive further notice*

*W. D. White
vs. John Brown
and Charles White*

10/1/51

Mr. Kelly Dept of Revenue Bureau of Census 1200 ...

FILED ANSWER AND CROSS FILE

6-5-25

WRS. BESSIE WHITE MOORE

Complainant,

VS.

H. D. WHITE, et al.

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 159.

FILED IN THIS CASE FOR ORDER OF COURT, 1951

Richard A. ...

J. B. BLACKBURN
ATTORNEY AT LAW
BAYMINETTE, ALABAMA

Original

FILED

ANSWER OF BESSIE WHITE MOORE

H. D. WHITE.

WRS. BESSIE WHITE MOORE,

Complainant,

VS.

H. D. WHITE, et al.

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 159.

FILED IN THIS CASE FOR ORDER OF COURT, 1951

Richard A. ...

J. B. BLACKBURN
ATTORNEY AT LAW
BAYMINETTE, ALABAMA

DEMURRER & ANSWER.

MRS. BESSIE WHITE MOORE,
Complainant,

-vs-

W. D. WHITE ET AL,
Respondents.

IN THE CIRCUIT COURT-IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

Filed October 20, 1936

R. A. Ruel
Register.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

MRS. BESSIE WHITE MOORE,

Complainant,

VS.

W. D. WHITE, HIRAM WHITE,
C. L. WHITE, CLYDE WHITE,
BEULAH WHITE and MRS.
CLAUDIA WHITE, and BALD-
WIN COUNTY BANK, a Corp-
oration,

Respondents.

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

ANSWER AND CROSS BILL OF MRS. CLAUDIA
WHITE, CLYDE WHITE AND BEULAH W. CROW.

Now come Mrs. Claudia White, Clyde White and
Beulah W. Crow, and for their Answer and Cross Bill to the Bill of
Complaint in said cause, say:

1. These Respondents admit the allegations con-
tained in paragraph numbered "First" of the Bill of Complaint in
this cause.
2. These Respondents admit that the lands describ-
ed in the Bill of Complaint in this cause are jointly owned by the
Complainant and the Respondents in this cause other than the Baldwin
County Bank, a Corporation, all of which said joint owners inherit-
ed the said property as heirs of Walter R. White, Deceased.
3. These Respondents have been informed that the
Baldwin County Bank, a Corporation, holds a mortgage on the undivid-
ed interest of C. L. White in and to the said property but they have
no personal knowledge of the said mortgage or of the amount due
thereon.
4. These Respondents deny each and all other al-
legations of the said Bill of Complaint.
5. For further answer to the Bill of Complaint
these Respondents allege that Mrs. Claudia White is the widow of the
said Walter R. White, Deceased, and that the said Clyde White and
Beulah W. Crow, who was formerly Beulah White, were minor heirs of
the said Walter R. White at the time of his death on to-wit, Aug-
ust 31, 1922.

6. The said decedent, Walter R. White, at the

time of his death, had no homestead exempt to him from Levy and

sale under process and these respondents, as his widow and minor

children have not obtained the benefits of a homestead exemption

as allowed by the laws of Alabama in any form or manner, but at the

time of the death of the said decedent he did own real estate, out

of which an exempt homestead can be carved, which said property is

still owned by the Estate of the said decedent and which is describ-

ed as follows, to-wit: Lot 4 in Block 104 of the Hand Land Company's

addition to the Town of Bay Minette, Baldwin County, Alabama, ac-

ording to the official plat thereof as recorded in the office of

the Judge of Probate of Baldwin County, Alabama, together with the

improvements thereon.

7. The said decedent, Walter R. White, at the time

of his death, had no homestead exempt to him from Levy and sale un-

der process and these respondents, as his widow and minor children,

have not obtained the benefits of a homestead exemption as allowed

by the laws of Alabama in any form or manner but owned other real

estate, namely, that which is more particularly described in the

Bill of Complaint, which may be sold and \$2,000.00 of the purchase

money therefor applied by the Court in the purchase of a homestead

for the benefit of such widow and minor children.

8. The Respondent, Mrs. Claudia White, had a sep-

arate estate at the time of the death of her said husband, Walter R.

White, but such separate estate, exclusive of the rents, incomes and

profits, is not equal to or greater in value than her dower interest

and distributive share in her husband's estate and she is, therefore,

entitled to her dower interest in and to the said property described

in the said Bill of Complaint.

PRAYER FOR PROCESS.

The said Mrs. Claudia White, Clyde White and Beulah

W. Crow, having now answered the Bill of Complaint, pray that this

their Answer may be taken and treated in all respects as a Cross

Bill; that the said Bessie W. Moore, Hiram White, W. D. White, C. L. White and the Baldwin County Bank, a Corporation, be made parties respondent to this their Cross Bill, and that they, and each of them, have due notice of same according to the rules and practice of this Honorable Court.

PRAYER FOR RELIEF.

These Respondents and Cross Complainants pray that when this cause comes on to be heard the Court will make and enter a proper decree carving out a homestead for them in the said Lot 4 in Block Numbered 104, or in the alternative, that other real estate owned by the said decedent, Walter R. White, at the time of his death, be sold and \$2,000.00 of the purchase money therefor be applied by this Court in the purchase of a homestead for these Respondents, as the widow and minor children of the said decedent; that the dower interest of the said Mrs. Claudia White be ascertained and proper provisions therefor be made in the said decree and that the other interests of the said Clyde White and Beulah W. Crow, in the remainder of the said property, be fixed and ascertained by the Court.

If these Respondents and Cross Complainants are mistaken in the relief prayed for, they further pray that the Court will grant unto them or each of them, as the case may be, such other, further and general relief as they, or either of them, may be entitled to the premises considered.

H. E. Smith

Solicitor for Respondents and
Cross Complainants.

FOOT NOTE: The said Bessie W. Moore, Hiram White, W. D. White, C. L. White and Baldwin County Bank, a Corporation, and each of them, are required to answer each and every allegation of the foregoing Cross Bill but not under oath, the benefit whereof is hereby expressly waived.

H. E. Smith

Solicitor for Respondents and
Cross Complainants.

BESSIE W. MOORE,

Complainant,

-VS-

W. D. WHITE, ET AL.

Respondents.

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

This matter coming on to be heard is submitted on the demurrer of W. D. White and Hiram White, two of the Respondents in the above entitled cause to the amended bill of complaint, and the Court, on the consideration of the same, is of the opinion that said demurrer should be overruled.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that said demurrer be, and the same is overruled.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondents, W. D. White and Hiram White have *thirty* days in which to answer said amended bill of complaint.

Dated at Monroeville, Alabama, this 15th day of June, 1936.

F. W. Ware

JUDGE

Mrs. Bessie White Moore,)	
)	In the Circuit Court,
Complainant,)	Baldwin County, Alabama.
)	
Vs.)	In Equity.
)	
W. D. White, et als,)	
)	
Respondents.)	

This cause coming on to be heard is submitted for decree on the separate demurrers to the Bill of Complaint filed by The Baldwin County Bank, a corporation, and by W. D. White, Hiram White, Clyde White, Beulah White and Mrs. Claudia White, and upon a consideration of said demurrers separate and severally I am of the opinion that neither demurrer is well taken.

It is, therefore, ordered, adjudged and decreed by the Court that said demurrers be, and they hereby are, separately and severally overruled.

The respondents are allowed thirty days from the date of this decree to file answers.

Done at Monroeville, Alabama, this November 18th, 1935.

F. W. Hare
Judge.

MRS. BESSIE W. MOORE,
Complainant,
-VS-
H. D. WHITE, ET AL.,
Respondents.

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

BRIEF AND ARGUMENT OF COMPLAINANT ON DEMURRER
TO BILL OF COMPLAINT AS AMENDED.

The original bill of complaint was based upon the right of a joint tenant to have real estate sold for partition and division when the same can not be equitably divided by metes and bounds. Of such proceedings, it is elementary and commonly known that the equity court has jurisdiction, and if, for nothing more, this would give the bill of complaint equity.

It is an equitable maxium that equity does not work in piece meal. Or in otherwords, when equity assumes jurisdiction for one purpose it will adjust the legal differences between the parties, even though some of the demands may be purely legal rights, and by themselves would have to be enforced in a law court. This last proposition is so well recognized we feel assured that no citation of authority is necessary.

The amendment to the bill is contained in paragraph three. This paragraph refers to the property set forth in the preceding paragraph, and for which a sale for partition and division is prayed in this amended bill of complaint as well as in the original bill of complaint, and it is alleged in the third paragraph that the property mentioned in this proceeding was inherited from Walter R. White who was the father of all of the parties to this proceeding with the exception of Mrs. Claudia White, the widow of Walter R. White and the Baldwin County Bank. And this paragraph, after alleging that Mrs. Claudia White's separate estate at the time of her death exceeded

BESSIE W. MOORE,

Complainant,

VS.

W. D. WHITE, et als,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 159.

DEMURRER.

Now come W. D. White and Hiram White, two of the Respondents in the above entitled cause, each separately and severally and demur to each count of the Bill of Complaint filed herein as last amended, separately and severally, and for grounds of demurrer sets down and assigns separately and severally, the following:

1. There is no equity in the bill.
2. It does not allege that this Respondent is indebted to the Complainant and that this indebtedness is due and unpaid.
3. It is vague, indefinite and uncertain in that it does not advise this Respondent with sufficient certainty against what he is called upon to defend.
4. It does not allege that this Respondent has collected any rents or other moneys that belonged to the Complainant.
5. It does not allege that this Respondent is in any way indebted to the Complainant.
6. It does not allege that this Respondent has leased any property for turpentine purposes that belonged to Complainant.
7. It does not allege what property was leased for turpentine purposes.
8. It does not allege that Complainant has not had the use or occupation of the property therein described.
9. Because it contains vague averments made on information only.
10. Because the allegations in paragraph numbered "Third" are conclusions of the pleader.

11. It does not state any facts showing a duty on this Respondent to account to Complainant for any money.

J. T. T. Stachman

Solicitor for W. D. White and
Hiram White.

MRS. BESSIE WHITE MOORE,

Complainant,

-vs-

W. D. WHITE, HIRAM WHITE,
C. L. WHITE, CLYDE WHITE,
BEULAH W. CROW AND MRS.
CLAUDIA WHITE, and BALDWIN
COUNTY BANK, a Corporation,

Defendants.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Now comes the Complainant, Mrs. Bessie White Moore, and amends her Complaint heretofore filed in this cause by amending Paragraph Three of said Bill of Complaint to read as follows:-

"THIRD:

Your Oratrix further shows unto your Honor that this property was inherited by them from Walter R. White, Deceased, who died about fourteen years ago, who was the father of all the parties to this proceedings, with the exception of Mrs. Claudia White, who is his widow, and the Baldwin County Bank. Your Oratrix further shows unto your Honor that Mrs. Claudia White's separate estate at the time of the death of her husband exceeded in value her dower interest in said property, as defined by Section 7429 of the Code of 1923 of the State of Alabama. Your Oratrix further shows unto your Honor that she is advised that the Baldwin County Bank holds a lien or Mortgage on the interest of the said C. L. White in and to the aforesaid property, the amount due on said lien or Mortgage being to her unknown. Your Oratrix further shows unto your Honor that on the death of her said father that W. D. White became the Administrator of said Estate, administered its affairs and was duly discharged as such in the year 1925; that immediately after the termination of said administration he took charge of all of said property, has collected the rents from the same, used the store building, which is on Lot 4, Block 104, Hand Land Company's Addition to Bay Minette, for his own use, which is a very valuable piece of property, and well worth the rental value of One Hundred Dollars (\$100.00) per month; that in addition to this he has leased some of the property for turpentine purposes and

(page three)

made for her; that if it is found that the Baldwin County Bank is entitled to any of the demands or moneys out of the respective interest of C. L. White, that it be paid out of such moneys as flow to him out of said sale, and your Oratrix further prays that your Honor will order a reference to ascertain the amount due her from the other Defendants for any moneys that by right should have flown to her for the use of property by them, for moneys collected by them flowing from said property, or the proceeds thereof, for which they have not accounted to her for her part, and that if it is ascertained that the Defendants, or any of them, are indebted to her by reason of their having collected moneys which she was entitled to participate in, or by reason of the use of any of the property for their exclusive use, and which they should pay rent upon, that your Honor will decree that such Defendant or Defendants are so indebted to her, and direct that the amounts so ascertained to be due her be paid out of the pro rata part of the proceeds of the sale of said property flowing to her respective debtor or debtors, and that in the event that the proceeds so flowing to said debtor or debtors is not sufficient to cover the amount ascertained to be due her out of the proceeds of the moneys heretofore collected, or for the use of property heretofore made, that then she have judgment over and against said Defendant or Defendants for the difference or balance so due her, and that your Honor will further order that the Register will ascertain a reasonable solicitors' fee to be paid to Hybart & Chason, Solicitors for Complainant, for their services in this proceedings, and that said Solicitors' fee be taxed as a part of the costs in this proceeding. Your Oratrix further prays that after the ^{payment of the} several items as referred to herein, which your Honor may see fit to allow, that the balance of said money shall be divided between the joint owners thereof, and that appropriate orders and decrees be made to this effect. Your Oratrix further prays for such other, further, different and general relief as in equity may seem just and meet, and your Oratrix will ever pray."

Hybart & Chason
Solicitors for Complainant.

in value a dower interest as defined by the Code of 1923, and that the Baldwin County Bank held a lien on the interest of C. L. White in and to the property mentioned in these proceedings. The meat of the paragraph and charge is that after the administration of the estate of Walter R. White was wound up by the administrator, W. D. White, that he took charge of all of said property, referring to the property described in this proceeding; that he collected the rents from the same, used the store building for his own use, and that he leased some of the property for turpentine purposes and out of all which he collected large sums of money, which he has divided with the other joint owners in the case and that he has not accounted to complainant for her prorata part of the same, nor have the other heirs accounted to her for her part of the monies flowing from said property, nor that W. D. White has not accounted to her for any rents upon said store building.

The prayer of the bill is that the other joint tenants, together with W. D. White account to the complainant for any monies that belong to her flowing from said property set forth in said bill of complaint.

"A bill for partition among tenants in common is not rendered multifarious by seeking an accounting among the tenants in common as for rent or other uses of the common property, and for amounts expended thereon by same. The original bill was therefore not multifarious, though probably an accounting should be had only for the time after complainant acquired her interest; but she could well join herself as administratrix so as to have a full accounting as to the lands sought to be sold for distribution in order to avoid two suits ---

A tenant in common who files his bill for partition in specie or for a sale of the common property for distribution may also have an accounting between the tenants in common as to such property, whether it be as for rents, improvements, or otherwise if it relates to, or is connected with the use of the common property. This is necessary in order to avoid two or more suits."

Ford vs. Borders,
200 Alabama, page 72.

This case seems to be decisive of the proposition raised by the demurrer of the respondents. The object and purpose of the bill is for a sale of the lands for partition and an accounting between the several joint owners as to the use and the profits which have been collected and for which there has been no accounting by the several joint owners, and especially W. D. White, as to her. The holding of the court in the aforementioned case covers the facts averred in the present bill like a glove.

The respondents, in drawing their demurrer, overlooks the fact that a part of the bill deals with the proposition of an accounting between the joint owners. The allegations of the bill are to the effect that the other joint owners, and especially W. D. White, has received large sums of money which flowed from this joint property in which they have not permitted the complainant to participate. This Court has ample authority to find out the extent of said funds; to find out what became of said funds and to ascertain the true amount that your complainant is entitled to. And the bill in this case certainly alleges an obligation on the part of the respondents and charges an obligation on their part to account to this complainant, and an obligation due this complainant, and that obligation is unsatisfied. That the bill of complaint certainly charges the respondents with the failure to account to her for her portion of the rents and profits and the use of the property by the other joint tenants. This bill of complaint, in the third paragraph certainly alleges that W. D. White has collected rents and monies, a portion of which belong to the complainant, and this being true, it certainly alleges that the respondents are liable to the complainant for an accounting and payment of her prorata part of said funds to her and an obligation on the part of the respondents to so account to her, and consequently, an indebtedness on the part of the respondents to complainant.

This bill of complaint alleges that the Respondent,

W. D. White, leased a portion of said property mentioned in said bill of complaint for turpentine purposes, and it is alleged that the property mentioned in said bill of complaint is jointly owned by the complainant and the respondent with the exception of the widow, and the Baldwin County Bank.

We respectfully submit that the bill has equity and the demurrer is not well taken.

Respectfully submitted,

W. H. H. & Chasaw
Solicitors for Complainant.

(page two)

collected the money therefrom, and out of all of which he has collected large sums of money, which he has divided, so your Oratrix is informed, with the other Defendants in this cause, and out of which he has not accounted to her for her pro rata part of the same, nor have the other heirs accounted to her for her part of the moneys flowing from said property, nor has he accounted to her for any rents upon said store building, all to her great damage. Your Oratrix further shows unto your Honor that since the filing of the original Bill of Complaint in this cause, that Beulah White has married, and she is now Mrs. Beulah W. Crow."

Now comes the Complainant, Mrs. Bessie White Moore, and amends her Prayer for Process to the original Bill of Complaint to read as follows:-

"PRAYER FOR PROCESS.

To the end, therefore, that equity may be had in the premises, your Oratrix prays that your Honor will cause the usual writ of process to issue to W. D. White, Hiram White, C. L. White, Clyde White, Beulah W. Crow, Mrs. Claudia White and Baldwin County Bank, a Corporation, the Defendants in said cause, and that Hiram White, who is a non-resident of the State of Alabama, be served by registered mail with return receipt card requested, and that they be served in accordance with the law; that all of the Defendants be required to plead, answer or demur to the foregoing Bill of Complaint within the time as required by law."

Your Oratrix amends the Prayer for Relief to the original Bill of Complaint to read as follows:-

"PRAYER FOR RELIEF.

THE PREMISES CONSIDERED your Oratrix prays that on a final hearing of this cause that your Honor will order and decree that said lands be sold for partition and division among the joint owners thereof; that if it is found that the widow, Mrs. Claudia White, is entitled to any dower interest in said property that the value of her dower interest be ascertained and due provision be

(page two)

(page three)

made for her; that if it is found that the Baldwin County Bank is entitled to any of the demands or moneys out of the respective interest of C. L. White, that it be paid out of such moneys as flow to him out of said sale, and your Oratrix further prays that your Honor will order a reference to ascertain the amount due her from the other Defendants for any moneys that by right should have flown to her for the use of property by them, for moneys collected by them flowing from said property, or the proceeds thereof, for which they have not accounted to her for her part, and that if it is ascertained that the Defendants, or any of them, are indebted to her by reason of their having collected moneys which she was entitled to participate in, or by reason of the use of any of the property for their exclusive use, and which they should pay rent upon, that your Honor will decree that such Defendant or Defendants are so indebted to her, and direct that the amounts so ascertained to be due her be paid out of the pro rata part of the proceeds of the sale of said property flowing to her respective debtor or debtors, and that in the event that the proceeds so flowing to said debtor or debtors is not sufficient to cover the amount ascertained to be due her out of the proceeds of the moneys heretofore collected, or for the use of property heretofore made, that then she have judgment over and against said Defendant or Defendants for the difference or balance so due her, and that your Honor will further order that the Register will ascertain a reasonable solicitors' fee to be paid to Hybart & Chason, Solicitors for Complainant, for their services in this proceedings, and that said Solicitors' fee be taxed as a part of the costs in this proceeding. Your Oratrix further prays that after the ^{payment of the} several items as referred to herein, which your Honor may see fit to allow, that the balance of said money shall be divided between the joint owners thereof, and that appropriate orders and decrees be made to this effect. Your Oratrix further prays for such other, further, different and general relief as in equity may seem just and meet, and your Oratrix will ever pray."

Hybart & Chason
Solicitors for Complainant.

MRS. BESSIE WHITE MOORE,
Complainant,
VS.
W. D. WHITE, et al,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO.159.

ANSWER AND CROSS BILL.

Now comes W. D. White, one of the Respondents in the above entitled cause, and for this his Answer to the original Bill of Complaint and to the Bill of Complaint as last amended in said cause, and for this his Cross Bill, says:

1. This Respondent admits the allegations of paragraph numbered FIRST of the Bill of Complaint.
2. This Respondent admits that the lands described in paragraph numbered SECOND of the Bill of Complaint are jointly owned by the Complainant and the Respondents in this cause other than the Baldwin County Bank, a Corporation, all of which said joint owners inherited the said property as heirs of Walter R. White, deceased.
3. This Respondent admits that he formerly served as Administrator of the Estate of Walter R. White, deceased, and was discharged in the year 1925. He admits that he took charge of the property of the Estate and paid taxes thereon continually from the time he was discharged as such Administrator and admits that he has used and is still using the lower floor of the building situated on Lot 4 in Block 104 in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, but states that he paid rent on the said property up to the fall of 1931 when he discontinued the payment of said rentals for the reasons which will hereinafter appear. This Respondent admits that he, together with all of the other heirs of Walter R. White, deceased, executed a turpentine lease on a part of

the property owned by this estate, but denies that he has collected all of the money therefrom and divided with any of the other heirs except that a part of the consideration of the said turpentine lease was paid to the Baldwin County Bank in order that it would execute a release on the mortgage to to it which was made by C. L. White, one of the Respondents in this cause, and a part of the said consideration was paid to Mrs. Claudia White for her maintenance and support. This Respondent denies that he has collected large sums of money belonging to this estate or from the property belonging to it, for which he has failed to account.

4. Each and all other allegations of the Bill of Complaint as last amended which have not been specifically answered are hereby emphatically denied.

5. For further answer to the Bill of Complaint as last amended this Respondent alleges that he has at all times since he was discharged as Administrator of this estate in the year 1925, looked after, managed, controlled, repaired, paid repair bills, material bills and bills for labor incurred in the making of said repairs and paid insurance on the said property which is jointly owned by the parties to this suit without compensation or contribution from any of the other joint owners of this property for the services so rendered and sums expended by him, and during a large part of this period of time has been forced to pay all of the taxes on all of the property described in the amended Bill of Complaint from his own funds without any part thereof having been paid by any of the other parties to this suit, all of which said sums of money, together with the interest thereon are still due and unpaid.

6. For further answer to the amended Bill of Complaint this Respondent says that the Complainant has invoked or attempted to invoke the jurisdiction of this Court without having offered to do equity in the premises. All parties to this suit, other than the Baldwin County Bank, a Corporation, are children of Mrs. Claudia White, and since final settlement of the administration of the estate of Walter R. White, Deceased, who was the father of

for the taxes paid by him and all sums expended by him for the maintenance and support of his mother, Mrs. Claudia White, together with a proper solicitor's fee for his attorney of record, and upon the confirmation of the report of the Register the Court will make and enter a proper decree against the Cross Respondents fixing the amounts that they and each of them are indebted to this Respondent and Cross Complainant for all sums so expended by him and that these charges be made a prior lien on the respective interests of the said Cross Respondents on said property or on the proceeds thereby derived from a sale thereof.

If Respondent and Cross Complainant is mistaken in the relief prayed for he further prays that the Court will grant unto him such other, further and general relief as he may be entitled to the premises considered.

J. B. Blackburn

Solicitor for Respondent and Cross-Complainant, W. D. White.

FOOT NOTE: The said Bessie White Moore, Claudia White, Hiram White, C. L. White, Mary Clyde White and Beulah White Crow, and each of them are required to answer each and every allegation of the foregoing Cross Bill but not under oath, the benefit whereof is hereby expressly waived.

J. B. Blackburn

Solicitor for Respondent and Cross-Complainant, W. D. White.

MRS. BESSIE WHITE MOORE,

Complainant,

VS.

W. D. WHITE, HIRAM WHITE,
C. L. WHITE, CLYDE WHITE,
BEULAH WHITE and MRS.
CLAUDIA WHITE, and BALD-
WIN COUNTY BANK, a Corp-
oration,

Respondents.

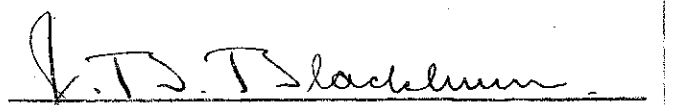
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. _____.

ANSWER OF HIRAM WHITE AND W. D. WHITE.

Now come Hiram White and W. D. White, two of the Respondents in the above entitled cause and for answer to the Bill of Complaint in said cause, and to each and every count thereof, separately and severally say:

1. These Respondents admit the allegations contained in paragraph numbered "First" of the Bill of Complaint.
2. These Respondents admit that the lands described in paragraph "Second" of the Bill of Complaint were inherited by the Complainant and the Respondents, with the exception of the Baldwin County Bank, a Corporation, from Walter R. White, Deceased, but they are not informed as to what interests the said Respondents have in the said property as heirs of the said Walter R. White, Deceased.
3. These Respondents have been informed that the Respondent, Baldwin County Bank, a Corporation, holds a mortgage on the undivided interest of the Respondent, C. L. White, in and to all of the property described in the said Bill of Complaint, but have no personal knowledge of the said mortgage or the amount due thereon.
4. These Respondents deny each and all other and further allegations of the Bill of Complaint.


Solicitor for Hiram White and W. D. White.

MRS. BESSIE WHITE MOORE,
Complainant,

VS.

W. D. WHITE, HIRAM WHITE,
C. L. WHITE, CLYDE WHITE,
BEULAH WHITE and MRS.
CLAUDIA WHITE, and BALD-
WIN COUNTY BANK, a Corp-
oration,


Defendants.

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

DEMURRERS.

Now come W. D. White, Hiram White, Clyde White,
Beulah White and Mrs. Claudia White, and for demurrer to the Bill
of Complaint in the above entitled cause and to each and every
count thereof, separately and severally say:

1. There is no equity in the bill.


Attorney for above named Defend-
ants.

BESSIE W. MOORE,

Complainant,

VS.

W. D. WHITE, et als,

Respondents.

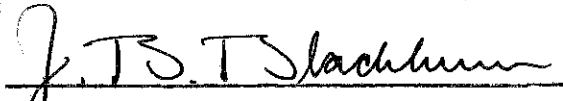
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 159.

DEMURRER.

Comes the Baldwin County Bank, one of the Respondents
in the above entitled cause, and for demurrer to each count of the
Amended Bill of Complaint, separately and severally says:

1. There is no equity in the bill.



Solicitor for Baldwin County Bank.

MRS. BESSIE WHITE MOORE,
Complainant,

VS.

W. D. WHITE, HIRAM WHITE,
C. L. WHITE, CLYDE WHITE,
BEULAH WHITE and MRS.
CLAUDIA WHITE, and BALD-
WIN COUNTY BANK, a Corp-
oration,

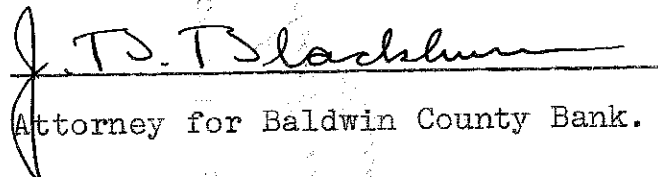
Defendants.

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

DEMURRERS.

Now comes the Baldwin County Bank, a Corporation, one of the Defendants in the above entitled cause, and for demurrer to the Bill of Complaint in said cause and to each and every count thereof, separately and severally says:

1. There is no equity in the bill.


Attorney for Baldwin County Bank.

DEMURRERS.

157
ABUNDANT
6-311

MRS. BESSIE WHITE MOORE,

Complainant,

VS.

W. D. WHITE, et al,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 157.

Filed on this the 12 day of Oct.
1935.

Robert S. Deach
Reprints

RECORDED
Book 6297
DEMURRER OF BALDWIN COUNTY BANK.

157

BESSIE W. MOORE,

Complainant,

VS.

W. D. WHITE, et als,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 159.

Filed on this the 17th day of
February, 1936.

Robert H. Reed
Reed

DEMURRERS.

RECORDED
Dusk
6-21

159

MRS. BESSIE WHITE MOORE,
Complainant,

VS.
W. D. WHITE, et al,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 159.

Filed on this the 12 day of Oct.
1935.

Robert S. Dusk
Registrar

MRS. BESSIE WHITE MOORE,
Complainant,
VS.
W. D. WHITE, ET AL.,
Respondents.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA. IN EQUITY.
NO. 159.

Now comes Mrs. Bessie White Moore and files this her answer to the cross bill of Respondent, W. D. White, filed on October 7, 1936, and for answer to said cross bill Mrs. Bessie White Moore says:

F I R S T:

That the lands described in the second paragraph of the bill of complaint in this cause are jointly owned by her and the Respondents other than the Baldwin County Bank, in the proportion mentioned in said bill of complaint and that all of said joint owners inherited the said property from their father, Walter R. White, deceased.

S E C O N D:

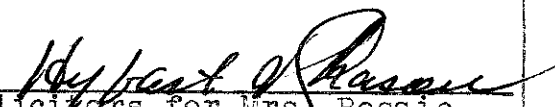
Mrs. Bessie White Moore, for further answer says that W. D. White was the administrator of the estate of Walter R. White, deceased, and was discharged as such in the year 1925; that the said W. D. White, on his initiative took charge of the real estate as set forth in said bill of complaint and which had descended to them through the Laws of the State of Alabama on the death of their father, Walter R. White, deceased, subject to the title being divested out of them for the payment of the debts, if any, of the said Walter R. White, deceased. And Mrs. Bessie White Moore further says that there were no debts that necessitated a sale of said property for the payment of, and, consequently, said property became the joint property of all of the parties to this suit except the Baldwin County Bank. That on an accounting between she and the said W. D. White and the other joint owners, of course, the said W. D. White should be allowed credit

from any other source in connection with said property, and that she has never agreed impliedly or otherwise for the said W. D. White to use her part of said monies for the benefit of any one else other than herself; and the said Mrs. Bessie White Moore says that the said W. D. White should account to her for the monies belonging to her and not be allowed credit for the diversion of the same without her authority which he did not have. And that the said W. D. White has no authority to charge her for any amount of money on account of his looking after the said property for the reason that she has never authorized him to do so and that he has assumed management and control of said property without consulting her about the same and without giving her any consideration whatsoever in the premises, nor should he be allowed any sum for Solicitor's or Attorney's fees; and as further reason thereof the said Mrs. Bessie White Moore files this her additional grounds of demurrer:

2. That the said cross bill of complaint shows no reason why the said W. D. White should be allowed compensation for his services in the premises.

3. That no reason is set forth in said cross bill of complaint as to why the said W. D. White should be allowed Solicitor's or Attorney's fees in the premises.

Having answered the foregoing bill of complaint, the said Mrs. Bessie White Moore asks that she be discharged with her reasonable cost.


Solicitors for Mrs. Bessie
White Moore, Cross Respondent

MRS. BESSIE WHITE MOORE,
Complainant.

vs.

W. D. WHITE, et als,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 159.

AMENDED ANSWER.

Now comes W. D. White, one of the Respondents in the above entitled cause, and for this his Answer to the original Bill of Complaint and to the Bill of Complaint as last amended in said cause, says:

1. This Respondent admits the allegations of paragraph numbered "FIRST" of the Bill of Complaint.
2. This Respondent admits that the lands described in paragraph numbered "SECOND" of the Bill of Complaint are jointly owned by the Complainant and the Respondents in this cause other than the Baldwin County Bank, a Corporation, all of which said joint owners inherited the said property as heirs of Walter R. White, deceased.
3. This Respondent admits that he formerly served as Administrator of the Estate of Walter R. White, deceased, and was discharged in the year 1925. He admits that he took charge of the property of the Estate and states that he has paid taxes thereon continually from the time he was discharged as such Administrator and admits that he has used and is still using the lower floor of the Building situated on Lot 4 in Block 104 in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, but states that he paid rent to said other heirs on the said property until to-wit; November 1930 when he applied the payment of said rentals in the manner that will hereinafter appear. This Respondent admits that he, together with all the other heirs of Walter R. White, deceased, executed a turpentine lease on a part of the property owned by this estate, but denies that he has

collected all of the money therefrom, or has divided said money with any of the heirs to the prejudice of Complainant, except that a part of the consideration of the said turpentine lease was paid, with the consent of all of said parties, to the Baldwin County Bank in order that it would execute a release on a mortgage to it which was made by C. L. White, one of the Respondents in this cause, on his interest in said property, and a part of the said consideration was applied and used in and for the maintenance and support of Mrs. Claudia White, as will hereinafter appear.

The said Mrs. Claudia White, the widow of the said Walter R. White, deceased, is the mother of the Complainant and all the other heirs at law of said Walter R. White, deceased, who are all parties hereto, except the Baldwin County Bank. The said Mrs. Claudia White is at the time of the filing of this answer of the age of to-wit, seventy-four years and, due to the infirmities of age, is now and has been since November, 1930, unable to work and obtain in this way the necessities of life. She has no income from any source with which to purchase or obtain such necessities, nor has she had such income since, to-wit, November, 1930. She is dependent upon others for her maintenance and support, and has been so dependent since, to-wit, November, 1930. On said last date, this Respondent notified the said other heirs at law of Walter R. White, deceased, that he refused to thereafter pay said rent direct to them, but would, in lieu thereof, apply said rent to the support and maintenance of his said mother, who was and is now entirely dependent upon such arrangement for maintenance and support. That Complainant was notified of such application of said rent money as aforesaid and did not object thereto, nor did she contribute or offer to contribute anything or any amount to their said mother's support, though she knew and was informed of her mother's absolute need for such maintenance and support. This Respondent had on said date of to-wit, November 1930, and now has, a family of his own and lived from said last

date to the date of the filing hereof in a separate home from his said mother, and could not, as Complainant well knew, on account of this Respondent's limited means, provide for his own home and maintain and support his said mother without such application of such money due as rent.

This Respondent denies that he has collected large sums of money belonging to this estate or from the property belonging to it, for which he has failed to account.

Each and all other allegations of the Bill of Complaint and as last amended which have not been specifically answered are hereby emphatically denied.

AMENDED CROSS BILL.

By way of cross bill against Complainant and all the Respondents, this Respondent and cross-complainant alleges that he has at all times since he was discharged as Administrator of this estate in the year 1925, looked after, managed, controlled, repaired, paid repair bills, material bills and bills for labor incurred in the making of said repairs and paid insurance on the said property which is jointly owned by the parties to this suit without compensation or contribution from any of the other joint owners of this property for the services so rendered and sums expended by him, and during this period of time has been forced to pay all of the taxes on all of the property described in the Bill of Complaint and amended Bill of Complaint from his own funds without any part thereof having been paid by any of the other parties to this suit, all of which said sums of money, together with the interest thereon are still due and unpaid.

This Respondent alleges that he has been called upon to employ an attorney to represent him in this litigation for the purpose of securing a proper and equitable distribution of the said property or the proceeds to be derived from the sale thereof.

PRAYER FOR PROCESS.

This Respondent prays that the said Bessie White

Moore, Claudia White, Hiram White, C. L. White Mary Clyde White and Beulah White Crow be made parties Respondent to this his Cross Bill and that they and each of them have due notice of the same according to the rules and practice of this Honorable Court.

PRAYER FOR RELIEF.

This Respondent and Cross Complainant prays that this Court will order a reference to determine the value of the services rendered by this Respondent and Cross Complainant in looking after, managing and controlling the said property, making repairs thereon, for the taxes paid by him, together with a proper solicitor's fee for his attorney of record, and upon the confirmation of the report of the Register the Court will make and enter a proper decree against the Cross Respondents fixing the amounts that they and each of them are indebted to this Respondent and Cross Complainant for all sums so expended by him and that these charges be made a prior lien on the respective interests of the said Cross Respondents on said property or on the proceeds thereby derived from a sale thereof.

If Respondent and Cross Complainant is mistaken in the relief prayed for he further prays that the Court will grant unto him such other, further and general relief as he may be entitled to the premises considered.



Solicitor for Respondent and Cross Complainant, W. D. White.

FOOT NOTE: The said Bessie White Moore, Claudia White, Hiram White, C. L. White, Mary Clyde White and Beulah White Crow, and each of them are required to answer each and every allegation of the foregoing Cross Bill but not under oath, the benefit whereof is hereby expressly waived.



Solicitor for Respondent and Cross Complainant, W. D. White.

for any taxes that he might have paid on said property so jointly owned but that the said W. D. White should be charged with any monies that have come into his hands in connection with the property mentioned in these proceedings and should be charged with a reasonable rental of the building situated on Lot Four, Block 104, in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, and the said Mrs. Bessie White Moore denies that the said W. D. White has paid her any part of the rent on said building; that she is not advised as to the amount of such rent flowing from said building that he has paid to the other heirs or joint owners and that all of this can be shown upon an accounting by the said W. D. White and said joint owners. That the said W. D. White has not accounted to her for her part of the money flowing from the turpentine leases referred to in the third paragraph of this Cross bill of complaint and that she has not consented that any portion of the monies flowing from said turpentine lease should be paid to the Baldwin County Bank in order to obtain a release on the mortgage executed to said Bank by C. L. White, nor has she consented impliedly or otherwise that said monies flowing to her from her interest in the property involved in these proceedings should be diverted to the use either of C. L. White or for the maintenance or support of Mrs. Claudie White. That she has not been consulted by the said W. D. White in the handling of the monies flowing from rent and from leases from said property as to its management or distribution. That she has consistently been ignored in the handling of said money or the distribution of the same. And Mrs. Bessie White Moore, by way of demurrer to said cross bill of complaint says:

1. That no reason is shown in said cross bill of complaint why her part of said monies flowing from the income of the property mentioned in this proceeding should be diverted from her for the use and benefit of any one else other than herself and as aforesaid, the said Mrs. Bessie White Moore says that she has not been notified of the application of her interest in said monies flowing from rent or

MRS. BESSIE WHITE MOORE,
Complainant,

VS.

W. D. WHITE, HIRAM WHITE,
C. L. WHITE, CLYDE WHITE,
BEULAH WHITE and MRS.
CLAUDIA WHITE, and BALD-
WIN COUNTY BANK, a Corp-
oration,

Respondents.

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

ANSWER OF BALDWIN COUNTY BANK.

Now comes the Baldwin County Bank, a Corporation, one of the Respondents in the said cause, and for answer to the Bill of Complaint in said cause, and to each and every count thereof, separately and severally says:

1. This Respondent admits the allegations of paragraph numbered "First" of the Bill of Complaint.
2. This Respondent admits that the lands described in paragraph "Second" of the Bill of Complaint are jointly owned by the Complainant and the Respondents in this cause as heirs of Walter R. White, Deceased, but does not know the respective interests of the Complainant and the other said Respondents in and to the said lands, but whatever interest the Respondent, C. L. White, owns in and to the said property, is subject to a mortgage owned and held by this Respondent as will hereinafter appear.
3. This Respondent is the owner and holder of a promissory waive note from C. L. White and Maude Walker White, his wife, dated February 11, 1930, and payable on August 11, 1930, to secure an indebtedness of Sixteen Hundred Dollars with interest thereon, a true copy of which is hereto attached, marked Exhibit "A" and made a part hereof as though fully incorporated herein, which said note is secured by a mortgage from the Respondent, C.L. White and Maude Walker White, his wife, dated February 11, 1930,

and recorded in Book Number 48 of Mortgages, at pages 50-51, Baldwin County Records, a true copy of which is hereto attached marked Exhibit "B" and made a part thereof as though fully incorporated herein. The entire indebtedness secured by the said mortgage, together with interest thereon from January 12, 1932, is still due and unpaid, except the following payments on the principal balance: March 3, 1932, \$185.00; August 16, 1932, 38¢ and July 7, 1935, \$160.00.

4. This Respondent denies each and all other allegations of the said Bill of Complaint.

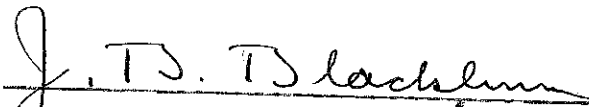

Solicitor for Baldwin County Bank.

EXHIBIT "A"

\$1600.00

BAY MINETTE, ALA. February 11th, 1930.

On the -11- day of August 1930, I, we, or either of us, promise to pay to the order of Baldwin County Bank, of Bay Minette, Alabama.

-----Sixteen Hundred and no/100----- DOLLARS, for value received in gold coin of the United States of the present standard of weight and fineness.

Negotiable and payable at Baldwin County Bank, Bay Minette, Alabama. The parties to this instrument, whether maker, endorser, surety, or guarantor, each for himself, hereby severally waive as to this debt, or any renewal thereof, all rights of exemption under the Constitution and Laws of Alabama, as to personal property, and they each severally agree to pay all costs of collecting or securing or attempting to collect or secure this note, including a reasonable attorney's fee, whether the same be collected or secured by suit or otherwise. And the maker, endorser, surety or guarantor of this note severally waives demand presentment, protest, notice of protest, suit and all other requirements necessary to hold them and they agree that time of payment may be extended without notice to them of such extension. The bank at which this note is payable is hereby authorized to apply, on or after maturity to the payment of this debt any funds in said bank belonging to the maker, surety, endorser, guarantor, or any one of them. All suits for the collection of this note may be prosecuted in any County in this State that the payee or assignee elects.

Witness my hand and seal the day above given.

Attest: _____ C. L. White (SEAL)

Attest: _____ Maude Walker White (SEAL)

Attest: 86596 _____ (SEAL)

Endorsement on back of note.

Each and every endorser of this note hereby waives all right of exemption of property from levy and sale under execution, or other process for the collection of debts, as provided for in the Constitution and Laws of the State of Alabama, or any other State in the United States of America, and it is hereby agreed by each endorser hereof that he shall pay all costs of collecting this note after failure to pay when same becomes due under the terms hereof, including a reasonable attorney's fee for all services rendered in any way in any suit against any endorser, or in collecting or attempting to collect, or in securing or attempting to secure this debt, and they agree that time of payment may be extended without notice to them of such extension. The bank at which this note is payable is hereby authorized to apply on or after maturity, to the payment of this debt any funds in said bank belonging to the maker, surety, endorser, guarantor, or any one of them. Each and every endorser of this note hereby waives demand, protest and notice of protest, and all requirements necessary to hold them as endorsers.

INTEREST ENDORSEMENT

8-12-30 \$21.33 to 10-11-30

10-15-30 to 11-11-30

11-14-30 to 1-11-30

1-17-31 \$21.33 to 3-12-1931

4-1-1931 \$21.33 to 5-12-1931

5-13-1931 \$21.33 to 7-12-1931

Approved this 1st day of Apr.
1930.

Norborne Stone
L. T. Rhodes
W. D. Stapleton

Directors.

STATE OF ALABAMA,

BALDWIN COUNTY.

I, Winnie G. Scarborough, a Notary Public in and for said County in said State, hereby certify that C. L. White and Maude Walker White, his wife, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the date the same bears date.

Given under my hand and Notarial Seal hereto affixed by me, this 12th day of February, 1930.

Winnie G. Scarborough
Notary Public, Baldwin
County, State of Alabama.

(AFFIX SEAL)

STATE OF ALABAMA,

BALDWIN COUNTY.

I, Winnie G. Scarborough, a Notary Public in and for said County in said State, hereby certify that on the 12th day of February, 1930, came before me the within named Maude Walker White, known to me to be the wife of the within named C. L. White, who, being examined separate and apart from the husband touching her signature to the within instrument, acknowledged that she executed the same of her own free will and accord and without fear, constraints or threats on the part of the husband.

Given under my hand and Notarial Seal hereto affixed by me, this 12th day of February, 1930.

Winnie G. Scarborough
Notary Public, Baldwin
County, State of Alabama.

(AFFIX SEAL)

The State of Alabama, } Circuit Court of Baldwin County, In Equity
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon CLAUDIA WHITE, HIRSH WHITE, G. L. WHITE,
MARK CLYDE WHITE and HEULAN WHITE CROW,

of BALDWIN County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

W. D. WHITE

against said CLAUDIA WHITE, HIRSH WHITE, G. L. WHITE, MARK CLYDE WHITE
and HEULAN WHITE CROW

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this 15th day
of JULY 1936

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

The State of Alabama, }
Baldwin County } Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Mrs. Bessie White Moore

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a ~~bill~~ ^{Answer and Cross Bill} exhibited by

Mrs. Claudia White, Clyde White and Beulah W. Crow

against said Mrs. Bessie White Moore

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this 17th day

of December 1935

Robert S. Duck,

Register

7.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

The State of Alabama, }
Baldwin County } Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon ~~CLYDE WHITE~~ ~~BEULAH W CROW~~ AND
MRS CLAUDIA WHITE.

of ~~Baldwin~~ Baldwin County, to be and appear before the Judge of the Circuit Court
of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by
~~Amended~~

Mrs Bessie White Moore.

against said ~~CLYDE WHITE~~ ~~BEULAH W CROW~~ and Mrs CLAUDIA WHITE.

and further to do and perform what said Judge shall order and direct in that behalf. And this the said
Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with
your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this 16th day
of January, 1936

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

MRS. BESSIE WHITE MOORE,

Complainant,

VS.

W. D. WHITE, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

IN EQUITY.

Now comes Mrs. Bessie White Moore and files this her demurrer to the cross bill filed by W. D. White in the aforesaid cause and for grounds thereof, says:

1. That said cross bill does not contain equity.
2. That nothing is shown by said cross bill why said W. D. White should not pay rent on the lower floor of the building situated on Lot Four in Block One Hundred and Four in the Hand Land Company's Addition to the Town of Bay Minette, Alabama.
3. That no reason is shown why Complainant will be legally bound for the support of Mrs. Claudia White.
4. That no reason is shown as to why the said W. D. White was authorized to charge Complainant, Mrs. Bessie White Moore for monies, clothing, foodstuff and supplies furnished by him to Mrs. Claudia White.
5. For aught appearing, it was the duty of W. D. White to maintain and support his said mother, Mrs. Claudia White.
6. That no reason is shown as to why the property, or the proceeds thereof involved in this suit should be charged with the Attorney's fee of said W. D. White.

Hayward & Rason
Solicitors for Complainant.

The State of Alabama, }
Baldwin County | Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon W D White; C L White; Hiram White.
Mrs Claudia White; Clyde White; Beulah White and the Baldwin
County Bank a Corporation.

of Baldwin County, to be and appear before the Judge of the Circuit Court
of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Mrs Bessie White Moore;

against said W D White; Hiram White; C L White; Mrs Claudia White.
Clyde White Beulah White. And the Baldwin County Bank a
Corporation.

and further to do and perform what said Judge shall order and direct in that behalf. And this the said
Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with
your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this 14th day
of September. 1935

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

SEPTEMBER 3, 1936.

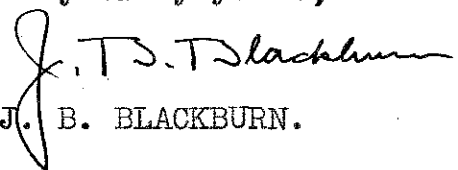
Judge F. W. Hare,
Monroeville, Alabama.

Dear Judge Hare:

I am handing you herewith Brief
in the equity case of Moore v. White.

If you do not agree with our con-
tention in this matter and sustain the demurrer,
please allow me thirty days to amend because of
our September term of Circuit Court.

Very truly yours,


J. B. BLACKBURN.

JBB:OS
Encl.

MRS. BESSIE WHITE MOORE,
Complainant,

-vs-

W. D. WHITE, HIRAM WHITE,
C. L. WHITE, CLYDE WHITE,
BEULAH W. CROW and MRS.
CLAUDIA WHITE, and BALD-
WIN COUNTY BANK, a Cor-
poration,

Defendants.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Now comes Mrs. Bessie White Moore, Complainant in the aforesaid cause, and files this Demurrer to the Cross-Bill heretofore filed by Mrs. Claudia White, Clyde White and Beulah W. Crow, and as grounds therefor, says:-

FIRST:

That said Cross-Bill does not contain equity.

SECOND:

That it does not appear that Clyde White nor Mrs. Beulah W. Crow are minors.

THIRD:

For aught appearing, Clyde White and Mrs. Beulah W. Crow have become twenty-one years of age, and that their rights to homestead have been terminated and that they are no longer entitled to the same.

Edward Carson
Solicitors for Complainant.

EXHIBIT "B"

MORTGAGE DEED.

STATE OF ALABAMA,
BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS: That Whereas, C. L. WHITE is justly indebted to the BALDWIN COUNTY BANK, a corporation, in the principal sum of One Thousand Six Hundred Dollars (\$1600.00) as evidenced by note of C. L. White of even date, in said sum and payable to the order of the Baldwin County Bank, Bay Minette, Alabama, August 11, 1930, with interest at eight per cent (8%) per annum from date;

NOW, THEREFORE, in consideration of the premises and in order to secure prompt payment of said note when due, and all other amounts that may become due hereunder, together with all interest thereon, the said C. L. White and Maude Walker White, hereinafter called the "Mortgagors", have and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the Baldwin County Bank, hereinafter called the "Mortgagee", the following described property in Baldwin County, Alabama, viz:-

The undivided interest of C. L. White in and to the following pieces and parcels of land, viz:

South Three Quarters (S $\frac{3}{4}$) of the Southwest Quarter of the Northwest Quarter; North Three Quarters (N $\frac{3}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of the SW $\frac{1}{4}$), less five acres, Section Three (3), Township Two (2) South of Range Three (3) East; South half (S $\frac{1}{2}$) of the South One-third (S $\frac{1}{3}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-five (25), Township Two (2) South of Range Three (3) East; West half of the West half (W $\frac{1}{2}$ of W $\frac{1}{2}$), less five acres, Section Thirty (30), Township Two (2) South of Range Four (4) East; South half of the South half (S $\frac{1}{2}$ of S $\frac{1}{2}$) of Section Twenty-five (25), Township Two (2) South of Range Three (3) East; Northeast Quarter of Northwest Quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Ten (10), Township Three (3) South of Range Three (3) East; North half of the Northeast Quarter of the Southeast Quarter (N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Thirty-four (34), Township Two (2) South of Range Three (3) East; West half of the Northwest Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$); West half of the Southwest Quarter (W $\frac{1}{2}$ of SW $\frac{1}{4}$) except Ten (10) acres in the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section One (1), Township Three (3) South of Range Three (3) East; part of lots 13 and 14, Block 26; lot 4, Block 104, Hand Land Company's Addition to the Town of Bay Minette, Alabama, as per plat thereof, recorded in Deed Book 4 N. S., pages 158 et seq; the West half (W $\frac{1}{2}$) of lot 88 in the old town of Bay Minette, as per plat thereof, recorded in Miscellaneous Book One, page 106; also that tract or parcel of land located in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Fifteen (15) in Township Two (2) South of Range Three (3) East, being shown as per plat of Powell Heights Addition as a long strip lying on the North side of Leigh Street and North half (N $\frac{1}{2}$) of Trammell Avenue, being described more particularly as follows: Beginning at a point

on the map which shows as the Northwest corner of an alley way in Block Three (3) where same continues with Leigh Street and runs thence in a Westerly direction along the North line of Leigh Street for a distance of 176 feet for a beginning corner, thence continuing West along the North side of Leigh Street for a distance of 124 feet, thence North at right angles 124 feet, thence South at right angle 44 feet to point of beginning.

Also, the undivided interest of the said C. L. White in and to all other assets of the Estate of W. R. White, deceased, real, personal or mixed.

It being the intention of the Mortgagors to convey and cover by the above descriptions and they do hereby cover and convey by this instrument the whole and entire undivided interest of the said C. L. White in and to all of the assets of the estate of W. R. White, whether real, personal or mixed and whether the same be herein particularly described.

Together with, all and singular, the rights, benefits, improvements, tenements, privileges, hereditaments and appurtenances unto the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD unto the said Mortgagee, its successors and assigns, FOREVER. Mortgagors, for themselves and their heirs, executors and administrators, covenant and warrant with and unto the said Mortgagee, its successors and assigns, that they have an indefeasible estate in fee simple in and to all of said property; that the same is free from all liens and encumbrances; that they have a good and perfect right to convey the same as herein conveyed; that they will guarantee the peaceable possession thereof and that they will and their heirs, executors and administrators shall forever warrant and defend the same unto the said Mortgagee, its successors and assigns, against the lawful claims of all persons whomsoever.

And the said Mortgagors do, for themselves and their heirs, executors and administrators, further covenant with the Mortgagee, its successors and assigns, that so long as said note or any other amounts due or which may become due hereunder and which are secured hereby remain unpaid in whole or in part, as follows:-

To pay all such indebtedness promptly as the same becomes due, to regularly assess and pay all taxes and other legal charges that may be levied on, or which may accrue on said property, the improvements thereon, this Mortgage or the debt secured hereby, when due and payable according to law, to keep all of said property in good order and repair and not to commit or permit waste thereof nor do or permit to be done any act whereby said property shall become less valuable.

Should Mortgagors fail to so assess and pay all such taxes, assessments and other charges as hereinabove covenanted to be paid then Mortgagee, its successors or assigns, may, at its option, do so and all amounts which are so paid, together with all expenses incident to or paid in connection therewith, shall be added to and become a part of the debt secured hereby and shall be due and payable, together with interest at the rate of eight per cent (8%) per annum from date of payment, on the due date and as a part of said note; no payment by the Mortgagee, its successors or assigns

under this provision, however, shall be construed as a waiver of any rights it may have arising from such breach until and after full repayment thereof has been made by the Mortgagors to and accepted by Mortgagee.

BUT THIS CONVEYANCE AND THE COVENANT HEREIN CONTAINED ARE UPON THE EXPRESS CONDITION: Upon the full and complete payment of all amounts due and which may become due hereunder and secured hereby, together with all interest thereon, then this conveyance shall be null and void, but if default be made in the payment of said note or any other amount which may become due hereunder or secured hereby, together with all interest thereon, whether in whole or in part, promptly as the same becomes due according to the tenor of said note and the terms hereof or should there be a failure to fully keep, perform and carry out any of the covenants or agreements herein contained or should said property or any part thereof be attached, or subjected voluntarily or involuntarily to any claims or liens of other parties or become the subject of any legal proceedings, then in any of said events all amounts due hereunder and secured by this instrument shall automatically and without notice become due and payable at once and this instrument subject to foreclosure as in the case of past due Mortgages, and the said Mortgagee, its successors, assigns, agents or attorneys are hereby authorized and empowered to sell the said property at auction for cash, at the front door of the Court House of Baldwin County, Alabama, after first giving notice of the time, place, terms and purpose of said sale by publication once a week for two consecutive weeks in some newspaper then published in Baldwin County, Alabama; at all such sales made hereunder Mortgagee, its successors or assigns, may bid for and purchase said property as if stranger to this instrument; all conveyance for properties so sold whether purchased by Mortgagee, its successors or assigns, or by other parties, shall be executed by the said Mortgagee, its successors or assigns, or its attorney or agent for, in the name of and as the Attorney in Fact for the Mortgagors and the title so made, the Mortgagors, their heirs, executors and administrators, will warrant and defend the same as the title is hereinabove warranted.

From the proceeds of sale hereunder there shall first be paid all costs and expenses incident thereto, including all reasonable attorney's fees, next there shall be paid all amounts due hereunder and the balance, if any, shall be then paid over to the Mortgagors. In the event any suit or proceedings, in law or equity, are instituted by or against said Mortgagors, or Mortgagee, in connection with this instrument, the debt secured, or the properties covered hereby, then all expenses incurred or paid by Mortgagee, its successors or assigns, in connection therewith, including all reasonable attorneys' fees, shall be added to, become a part of the debt secured hereby and, with interest at rate of eight per cent (8%) per annum, due and payable on the due date and as a part of said note, or, in event said note be past due, then at foreclosure.

IN WITNESS WHEREOF, the said C. L. White and Maude Walker White, his wife, hereunto set their hands and seals as Mortgagors on this the 12th day of February, 1930.

C. L. White SEAL

Maude Walker White SEAL

WITNESSES:

*Delivered by
Ermy Smith*

159
RECORDED
INDEXED
6-2-79

Serve on ~~HE~~ Smith

Circuit Court of Baldwin County
IN EQUITY

No. 159

SUMMONS

Receiv
Mrs. White Moore.

VS.

W D White et Al.

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this

14

day of Jan, 1935

[Signature]

SHERIFF

Executed this 17 day of

January 1935

by leaving a copy of the within Summons with

Ermy Smith Solicitor

for Capt White, Counsel

Defendant

Cons Mrs Claude White

~~Sheriff~~

M. H. McIlwain

Deputy Sheriff

C. W. Anderson D. S.

Hybert T Chason,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

159

Serve on _____
Circuit Court of Baldwin County
IN EQUITY

No. _____

S U M M O N S

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of _____

193_____

by leaving a copy of the within Summons with _____

VS.

Defendant

Sheriff

By _____
Deputy Sheriff

Hyman & Charn
Solicitor for Complainant

Recorded in Vol. _____ Page _____

159 RECORDED
6.24.16

Serve on _____

Circuit Court of Baldwin County
IN EQUITY

No. _____

SUMMONS

Mrs. Bennie White

Moss

VS.

W. D. White, et al

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this

17th

day of

June

1935

M. A. Wilkins
SHERIFF

Executed this

18th

day of

June

1935

by leaving a copy of the within Summons with

John Reed for
myself and my wife
Mrs. Bennie White

Defendant

M. A. Wilkins
Sheriff

By _____

Deputy Sheriff

Solicitor for Complainant

Recorded in Vol. _____

Page _____

ORIGINAL

159 RECORDED
6-438

Serve on W. B. White

Circuit Court of Baldwin County
IN EQUITY

No. 159

SUMMONS

Mrs. Bessie White

vs.
Complainant

W. B. White, et al,
Defendants

J. B. BALDWIN
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 15th
11/4

day of July, 1934

M. A. Dickson
SHERIFF

Executed this 15th day of

by leaving a copy of the within Summons with

W. B. White
Defendant:

M. A. Dickson
Sheriff

By Fernie Bryan
Deputy Sheriff

Hiram White is in the
State of Kentucky.

M. A. Dickson
Sheriff.

Handwritten notes:
7/12/34
M. A. Dickson
By Fernie Bryan

159

The State of Alabama,
Baldwin County.

No. 159 CIRCUIT COURT IN EQUITY.

MRS. BESSIE WHITE MOORE

Complainant

vs.

W. D. WHITE, HIRAM WHITE, C. L. WHITE, CLYDE WHITE, MRS. CLAUDIA
WHITE, BEULAH WHITE and BALDWIN COUNTY BANK,

Defendant

In this cause it appears to the Register

that a summons requiring the Defendant C. L. White

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days
after the service of said Summons upon him
was served upon him by the Sheriff of Baldwin County, Alabama, on the
14th day of September 19 35.

And the said Defendant... having failed to demur, plead to or answer the said Bill of Complaint
to this date, it is now, therefore, on motion of Complainant

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things
taken as confessed against the said C. L. White.

Defendant aforesaid.

This 23 day of October 19 35.

R. L. White

Register.

The State of Alabama,
Baldwin County.

No. 159
CIRCUIT COURT IN EQUITY.

MRS. BESSIE WHITE MOORE

Complainant

vs.

W. D. WHITE, HIRAM WHITE, C. L. WHITE, CLYDE WHITE, MRS. CLAUDIA
WHITE, BEULAH WHITE and BALDWIN COUNTY BANK,

Defendant

C. L. White

Motion is hereby made for a Decree Pro Confesso against

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of
summons upon said Defendant; and that said summons was duly served according to law, and
that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause
to this date.

This 22nd day of October 19 35.

Hybart Pason Solicitor.

The State of Alabama, }
Baldwin County } Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon W D White. Hiram White; C L White;
Clyde White; Mrs Claudia White; Beulah White; and the Baldwin BANK
County Bank. a Corporation.

of Baldwin County, to be and appear before the Judge of the Circuit Court
of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Mrs Bessie White Moore

against said W D White; C L White; Clyde White; Mrs Claudia White;
Hiram White; Beulah White and the Baldwin County Bank a Corporation.

and further to do and perform what said Judge shall order and direct in that behalf. And this the said
Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with
your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this Fourteenth day
of September 1935

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

MRS. BESSIE WHITE MOORE,

Complainant,

-vs-

W. D. WHITE ET AL,

Defendants.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

TO THE DEFENDANTS, W. D. WHITE, HERMAN WHITE, CLYDE WHITE, BEULAH W. CROW, MRS. CLAUDIA WHITE and BALDWIN COUNTY BANK AND/OR THEIR SOLICITOR OF RECORD, HON. J. E. BLACKBURN:-

You will hereby take notice that in accordance with Rule 74 of the Chancery Court, we have set down for hearing before Hon. F. W. Hare, Judge of the Twenty-first Judicial Circuit of Alabama, at Monroeville, Alabama, at 10 o'clock A. M., on June 15th, 1936, Demurrer filed by the Respondents in the aforesaid cause to the Amended ~~Case~~-Bill, and that on said day we will move the Court to take up and hear the Demurrer.

Dated this 3rd day of June, 1936.

Hybart & Chason
Solicitors for Complainant.

I hereby accept service of a copy of the within Notice and waive any further service.

Dated this ____ day of June, 1936.

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6-211

159

No. 159

Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

vs.

**MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE**

Filed October 23 1935

Robert S. Duck
Register.

Recorded in _____ Record,

Vol. _____ Page _____

Register.

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RECORDED
INDEXED
6-2111

159

No. Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

VS.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE**

Issued *Oct. 23* 19*38*

Robert S. Duck
Register.

Moore Printing Company, Bay Minette, Ala.

RECORDED
INDEXED
6-25-35

RECORDED

159

Serve on _____
Circuit Court of Baldwin County
IN EQUITY

No. 159
SUMMONS

Mrs. Bessie White Moore.

vs.

* W D White. Hiram White

* O L White Clyde White;

* Mrs. Claudia White.

* Paulah White. and the

* Baldwin County Bank a Corp.

W. H. & Co.
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this

14 th

day of

Sept

, 1935

W. H. & Co.

SHERIFF

Executed this

14 th

day of

Sept

1935

by leaving a copy of the within Summons with

W. D. White & C. S. White

Mrs. Claudia White

Bessie White and also

Baldwin County Bank a Corp.

Defendant

W. H. & Co.

Sheriff

By _____

Deputy Sheriff

MRS. BESSIE WHITE MOORE,

Complainant,

-vs-

W. D. WHITE ET AL,

Respondents.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

BRIEF AND ARGUMENT OF COMPLAINANT ON DEMURRERS
TO THE CROSS-BILL OF W. D. WHITE.

In the beginning of the consideration of the Demurrers to the Cross-Bill, it is well to bear in mind the form and requisites of such a Bill.

"A Cross-Bill must be as complete and perfect as an original Bill, though it may refer to and adopt parts of the original Bill as to matter of description to save unnecessary repetition". Ex parte Conradi, 97 So. 569, 210 Ala. 213.

"A Cross-Bill must be as complete and perfect as an original Bill, and must be good within itself, not relying upon a reference to the original Bill for any of its essential averments". 21st Corpus Juris, 507, and authorities there cited.

In the Cross-Bill the Cross-Complainant attempts to charge the Complainant and others with certain advances of money, supplies and other things furnished to his mother, by way of requiring them to contribute towards the several outlays of moneys and goods made by him for the use and benefit of his mother. Possibly under the theory of the fact that his or her labor belongs to the parent that the Chancery Court could require an infant who had an estate to contribute towards the support of the parent who was in necessitous or destitute circumstances, but after the child is emancipated, the parent is no longer entitled to his or her labor, and

(page two)

no case is to be found in Alabama contrary to this proposition.

"At common law a child is not bound to support its parents or grandparents, and no promise on the part of the child to pay for necessaries furnished to the parent will be implied from the mere existence of the relation". 46 Corpus Juris, 1279.

"An adult is under no legal duty or obligation to contribute to the support of his father and mother. They have no legal right to his services or wages, as would have been the case during minority, if he had been a minor". 253rd Southwestern, 819, 30th A. L. R., 114.

In the case of Borum vs. Bell, 132nd Ala. 85, which we contend is a case in point, and in which case Mrs. Griffin, the daughter of Mr. Killgore, attempted to charge his Estate for several months board for Mr. Killgore and his wife prior to his death, there being no proof of an express contract for the parent to pay for said board, the Court said:- "Between parent and child there can be no recovery for board in the absence of an express agreement to do so". Mrs. Griffin was attempting, by filing her claim against the Estate of her father, to bring about a contribution from the other heirs, or his children, for board that she had furnished to him, and we say that this last mentioned case inferentially supports our contention as to the law that prevails here in this state in cases of this nature.

We find a clear cut interpretation of the common law in regard to the relations of parent and child pertaining to the parents support after the child is emancipated, and also pertaining to the rights of the child to ask for and receive a contribution for the support of a parent so situated in the case of

(page two)

(page three)

Wright vs. Coleman, 102nd So. 774, and we quote therefrom as follows:-

"Under the common law there is no legal obligation resting upon the adult child to support his needy parent, or upon the parent to support his adult child, but such services between persons occupying such relations are presumed to be gratuitous and out of a spirit of humanity and affection, and the general rule is that an adult child cannot sue a parent who is a member of his household for support and maintenance in the absence of a contract express or implied".

So, from the law we see it is very evident that if the Cross-Complainant furnished any supplies or moneys to his mother, Mrs. White, the law presumes that it was gratuitous and out of a spirit of humanity and affection, and the law further is that unless the other adult children agreed to contribute towards such support, that no obligation rests upon them to reimburse him. In the opinion of the last mentioned case it is stated that in many, if not all, of the States, there are statutes for the relief of paupers and indigent persons, and imposing a duty or obligation upon certain of their kindred to contribute to their support, and in this last mentioned case the Supreme Court interpreted the statute relative to indigent persons and the duties of certain of their kindred to contribute to their support, as it existed in that State, which Statute, on an examination of the same, will be found to be very similar to the statute in Alabama. Section 2803 of the Code of Alabama of 1923 is as follows:-

"The father, grandfather, brother, child, etc. of any poor person unable to maintain themselves,

(page three)

(page seven)

is limited to such as enure to the common benefit of all those interested therein". Dent vs. Foy, 214 Ala., 243; Ex parte McLendon, 212 Ala. 403.

No averments are contained in the Cross-Bill where the services of the Solicitor enure to the common benefit of all the parties interested in this proceedings, or will enure to their common benefit. It shows, rather, that the benefits, if any, will enure to the party that he is representing, the Cross-Complainant in the cause, and he should pay him well for his services.


~~Solicitors for Complainant.~~

We hereby certify that we have this day delivered a copy of this Brief to Hon. J. B. Blackburn, Solicitor for W. D. White, Respondent in said cause.

Dated this 24th day of August, 1936.


~~Solicitors for Complainant.~~

MRS. BESSIE WHITE MOORE,

Complainant,

-vs-

W. D. WHITE, HIRAM WHITE,
C. L. WHITE, CLYDE WHITE,
BEULAH W. CROW and MRS.
CLAUDIA WHITE, and BALDWIN
COUNTY BANK, a Corporation.

Respondents.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

TO THE HON. H. E. SMITH, ATTORNEY AT LAW, BAY MINETTE,
ALABAMA, AS SOLICITOR OF RECORD FOR MRS. CLAUDIA WHITE, CLYDE
WHITE and BEULAH W. CROW, RESPONDENTS IN THE AFORESAID CAUSE:--

YOU ARE HEREBY NOTIFIED that we, as Solicitors for the
Complainant in the aforesaid cause, have requested that Mrs. Bessie
White Moore and W. M. Moore, witnesses for the Complainant in the
aforesaid cause, be examined orally before Robert S. Duck, as
Register of the aforesaid Court, at his Office in the Courthouse
of Bay Minette, Alabama, at 2 o'clock P. M., Thursday, November
19th, 1936, a copy of which request is attached hereto, marked
Exhibit "A" and made a part hereof.

Dated this 13th day of November, 1936.

Hubert & Chassee
Solicitors for Complainant.

EXHIBIT "A".

MRS. BESSIE WHITE MOORE,
Complainant,

-vs-

W. D. WHITE, HIRAM WHITE,
C. L. WHITE, CLYDE WHITE,
BEULAH W. CROW and MRS.
CLAUDIA WHITE, and BALDWIN
COUNTY BANK, a Corporation.

Respondents.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

COURT:-- TO ROBERT S. DUCK, REGISTER IN CHANCERY OF THE AFORESAID

YOU ARE HEREBY NOTIFIED that the Complainant desires to examine the following witnesses for the complainant orally before you, as Register of the aforesaid Court, at 2 o'clock P. M., on Thursday, November 19th, 1936, at your office in the Courthouse in Bay Minette, Alabama, viz:-

Mrs. Bessie White Moore, Bay Minette, Alabama;

W. M. Moore, Bay Minette, Alabama.

We hereby request that you notify the Hon. J. B. Blackburn, Attorney at Law, Bay Minette, Alabama, as the Solicitor of Record for W. D. White, Hiram White and the Baldwin County Bank, a Corporation, Respondents in the aforesaid cause, of the time and place of the hearing of such testimony to be taken orally before you, and that you also notify the Hon. H. E. Smith, as the Solicitor of Record for Mrs. Claudia White, Clyde White and Beulah W. Crow, Respondents in the aforesaid cause, of the time and place when such testimony will be heard before you orally, as Register of the aforesaid Court.

Hubert A. Chassey
Solicitors for Complainant.

EXHIBIT "A"

IN THE CIRCUIT COURT IN COUNTY

STATE OF ALABAMA

BALDWIN COUNTY

MRS. BESSIE WHITE MOORE,

Complainant,

-vs-

W. D. WHITE, HIRSH WHITE,
O. L. WHITE, CLYDE WHITE,
BRUNAH W. CROW and MRS.
CLAUDIA WHITE, and BALDWIN
COUNTY BANK, a corporation.

Respondents.

TO ROBERT S. DUCK, REGISTER IN CHAMBER OF THE ABOVE SAID

COURT:

YOU ARE HEREBY NOTIFIED that the complainant desires to
examine the following witnesses for the complainant orally before
you, as Register of the aforesaid Court, at 2 o'clock P. M., on
Thursday, November 19th, 1936, at your office in the courthouse in
Bay Minette, Alabama, viz:-

Mrs. Bessie White Moore, Bay Minette, Alabama;

W. M. Moore, Bay Minette, Alabama.

We hereby request that you notify the Hon. J. B. Black-
burn, Attorney at Law, Bay Minette, Alabama, as the solicitor of
Record for W. D. White, Hiram White and the Baldwin County Bank,
a Corporation, Respondents in the aforesaid cause, of the time
and place of the hearing of such testimony to be taken orally be-
fore you, and that you also notify the Hon. H. E. Smith, as the
Solicitor of Record for Mrs. Claudia White, Clyde White and Brunah
W. Crow, Respondents in the aforesaid cause, of the time and place
when such testimony will be heard before you orally, as Register
of the aforesaid Court.

[Handwritten signature]
SOLICITOR FOR RESPONDENTS.

(page four)

being of sufficient ability, must support such persons and, failing to do so, any County in the State having made provision for such persons, may sue their father, grandfather, brother, child, etc., or either of them, before any Court having jurisdiction, and recover at the rate of \$8.00 a month for the time such County has made provision for such persons, the Court or jury trying the same being satisfied from the evidence that the Defendant was of sufficient ability to provide for their support".

Since 1923 the Legislature has enacted an additional Act relative to such matters, and which appears in Michie's Code, Section 2806, Subdivision 28, and is as follows:-

"The father, grandfather, brother, mother or child of any poor persons unable to maintain themselves, being of sufficient ability, must support such persons, and, failing to do so, any county or municipality in the State having made provision for such persons, may sue their father, grandfather, child etc., of full age, or either of them, before any Court having jurisdiction, and recover at the rate of \$20.00 per month for the time such county or municipality has made provision for such persons, the Court or jury trying the same being satisfied from the evidence that the Defendant was of sufficient ability to provide for their support. On the trial the Certificate of the Judge of Probate of the County that the person was poor and unable to maintain himself, and that he was maintained for such time at the expense of the County or municipality, is presumptive evidence of such facts. Should the county or municipality fail to recover, no costs are to be taxed against the Plaintiff except for witnesses attending on behalf of such Plaintiff".

This Section 2806, Subdivision 28, is taken from the 1927 Acts of the Legislature, pages 528-529. The Mississippi Statute, which we have stated is similar, and which is interpreted in the last mentioned case, is as follows:-

"The father and grandfather, the mother and grand-

(page four)

(page five)

mother, and brothers and sisters, and the descendants of any pauper not able to work, as the board of supervisors shall direct, shall, at their own charge, relieve and maintain such pauper; and, in case of refusal, shall forfeit and pay the county the sum of eight dollars per month, for each month they may so refuse, to be recovered in the name of the county; and shall be liable to any person who supplies such poor relative, if abandoned, with necessaries, not exceeding said sum per month."

In the interpretation of this last mentioned Statute the Mississippi Court said as follows:-

"If this statute creates any right in one child who is supporting an indigent parent to sue the other children for contribution, which we do not now decide, the relief is limited to \$8.00 per month, to be recovered in the name of the county".

The Mississippi Case appears to be absolutely on all-fours with the case here presented. In that case it was an application on the part of a daughter who had been supporting the mother, to have certain joint property sold for partition and division, and to fasten a lien on the same so as to reimburse her by way of contribution from her brothers for the support that she had furnished to the mother, and this Court held that under the common law she was not entitled to any contribution from the other children, nor was she entitled to any contribution by virtue of the statute, which we contend is similar to ours, for the reason that, under the statute, the suit should have been brought, as it should be brought in this State, by the supervisors of the poor, the Commissioner's Court or the Board of Revenue, but, be that as it may, the Cross-Bill of Complaint, construing the same against the pleader, does not aver that Mrs. White was in necessitous or

(page five)

159

BRIEF AND ARGUMENT OF COMPLAINT-
AND ON DEMURRERS TO THE CROSS-
BILL OF MRS. CLAUDIA WHITE,
CLYDE WHITE AND BEULAH W. CROW.

MRS. BESSIE WHITE MOORE,

Complainant,

-VS-

W. D. WHITE ET AL,

Respondents.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Filed August _____, 1936

Register.

LAW OFFICES

HYBART & CHASON

BAY MINETTE, ALABAMA

BRIEF AND ARGUMENT OF COM-
PLAINANT ON DEMANDERS TO THE
CROSS-BILL OF W. D. WHITE.

MRS. BESSIE WHITE MOORE,
Complainant,

-vs-

W. D. WHITE ET AL,
Respondents.

IN THE CIRCUIT COURT-IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

Filed August _____, 1936

Register.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

RECORDED
NOTICE OF REQUEST FOR ORAL
EXAMINATION OF WITNESSES.

159

MRS. BESSIE WHITE MOORE,
Complainant,

-VS-

W. D. WHITE ET AL,
Respondents.

IN THE CIRCUIT COURT-IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

11-13-36
11-13-36
M. H. McIlhenny

M. H. McIlhenny Sheriff
C. N. Anderson

Received in office
11-13-36
M. H. McIlhenny

Filed November 13, 1936
C. N. Anderson
Register.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

RECORDED 7-169
NOTICE OF REQUEST FOR ORAL EXAMINATION OF WITNESSES.

159

MRS. BESSIE WHITE MOORE,
Complainant,

-VS-

W. D. WHITE ET AL,
Respondents.

IN THE CIRCUIT COURT-IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

Filed November 13, 1936
W. D. White
Register.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

Received in Office
11-13-36
M. H. McIlhenny

M. H. McIlhenny
C. N. Anderson

11-14-
1936
A copy of which is
sent on
J. B. Blackburn

RECORDED 7-169
REQUEST FOR ORAL EXAMINATION OF
WITNESSES.

MRS. BESSIE WHITE MOORE,

Complainant,

-VS-

W. D. WHITE, HIRSH WHITE,
C. L. WHITE, CLYDE WHITE,
BEULAH W. CROW and MRS. CLAUDIA
WHITE and BALDWIN COUNTY BANK,
a Corporation,

Respondents.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Filed November 13, 1936
Orville
Register.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

BILL OF COMPLAINT.

1/0
1/0
230
40
590

MRS. BESSIE WHITE MOORE,

Complainant,

-VS-

W. D. WHITES, HIRSH WHITE,
C. I. WHITES, CLYDE WHITE, MRS.
CLAUDIA WHITE, ~~GEORGE WHITE~~,
BEULAH WHITE, and BALDWIN
COUNTY BANK, a Corporation,

Defendants.

21-
590-

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Filed September 14, 1935

Robert S. Duck
Register.

LAW OFFICES

HYBART, ~~HEARD~~
& CHASON
BAY MINETTE, ALABAMA

otherwise collected, and in this connection the proposition as
BESSIE W. MOORE, answer and Cross-Bill is in brief as follows:

1. Complainant, et al., IN THE CIRCUIT COURT OF
VS. each and every child of Susan C. BALDWIN COUNTY, ALABAMA.
W. D. WHITE, et al., IN EQUITY. NO. 159.
Respondents, brothers and sisters except W. D.
White.

BRIEF AND ARGUMENT OF RESPONDENT, W. D. WHITE, IN SUPPORT OF HIS CROSS BILL.

account for rent which she alleges to be due by him and for
In the original suit the Complainant filed a Bill
seeking to sell property jointly owned by the Complainant and
the Respondents in which she asks for a proper decree charg-
ing the Respondent, W. D. White with certain rents and other
moneys which she claims to be due. The Respondent, W. D.
White, filed a Cross-Bill in said cause for the purpose of
having the Complainant, on the accounting in this cause, charged
with her proportionate part of the moneys which the Respondent,
W. D. White, has contributed to the maintenance and support of
his mother who is also the mother of the Complainant.
As I understand the Complainant's Bill of Complaint
there is alleged no express promise on the part of the Res-
pondent, W. D. White, to pay rent. The theory of the Bill then
rests to that extent on the implied contract to pay for his use
and occupation of certain premises and to account for any rents
and authorities:

Set-Off: when allowed. Mutual debts, liquidated or

#5.

The Mississippi case relied on by the Complainant sought to have lands jointly owned by the Complainant in this case and other tenants in common sold under direction of the Court and the proceeds of the sale awarded to her in payment of maintenance and support furnished by her to her mother in the past while in our case we do not attempt to do any more than set off in the accounting the amounts used by W. D. White in the fulfillment of a legal and moral obligation which rested upon all of the White heirs, to which the Complainant in our case impliedly consented.

Clearly a claim for solicitor's fees in case of sale for partition does not render the Cross-Bill demurrable. The following quotation from the case of *Moody v. Moody*, 112 So. Page 753 is directly in point and is as follows:

"The claim for solicitor's fee, in case of a sale for partition, did not render the cross-bill demurrable. The solicitors' fees that may be allowed on final hearing, for services that inured to the benefit of the trust fund or common estate, and not that of the individuals (*DeRamus v. DeRamus*, 205 Ala. 219, 87 So. 354; *Butler v. Fuller*, 204 Ala. 272, 85 So. 539), are not necessarily limited to the solicitors for the complainants. In a proper case the statute may be extended to other counsel. Sections 6261 Code of 1923; *Bidwell v. Johnson*, 191 Ala. 195, 67 So. 985; *Dent v. Foy*, 214 Ala. 243, 107 So. 210; *Brake b. Graham*, 214 Ala. 10, 106 So. 188. The propriety of the amount of the allowance and to whom made, within the rule, can be properly considered when the pleading and proof are in and the court taxes the costs and allowances to be paid out of the common fund or trust funds. *Dent v. Foy*, supra." 112 So. Page 753.

Respectfully submitted,

J. B. Blachman
Solicitor for W. D. White.

#6.

I hereby certify that I delivered a copy of the foregoing Brief and Argument to Messrs. Hybart and Chason, Solicitors for the Complainant, on September 3, 1936.

J. T. Blackburn

Solicitor for W. D. White.

126

MRS. HESSIE WHITE MOORE,
Complainant,

-vs-

W. D. WHITE, HIRAM WHITE,
C. L. WHITE, CLYDE WHITE,
MRS. CLAUDIA WHITE, BEULAH
WHITE and BALDWIN COUNTY
BANK, a Corporation,

Defendants.

IN THE CIRCUIT COURT--IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

TO W. D. WHITE, HIRAM WHITE, CLYDE WHITE, MRS. CLAUDIA
WHITE, BEULAH WHITE AND THE BALDWIN COUNTY BANK, OR THEIR ATTORNEY
OF RECORD, NON. J. B. BLACKBURN:--

You will please take notice that on the 8th day of Nov-
ember, 1935, the Demurrer filed by you to the Bill of Complaint
in the aforesaid cause is set down for hearing before Hon. F. W.
Hare, Judge of the Twenty-first Judicial Circuit, at monroeville,
Alabama, at 10 o'clock A. M.

Please take notice and govern yourselves accordingly.

Handwritten: H. S. [unclear] [unclear]

Faint printed text: IN THE CIRCUIT COURT--IN EQUITY

Handwritten: H. S. Hare
Printed: Solicitors for complainant.
Faint printed text: STATE OF ALABAMA

121

BESSIE WHITE MOORE,
Complainant,
VS.
W. D. WHITE, et al,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 159.

TO MESSRS. HYBART AND CHASON, SOLICITORS OF RECORD FOR BESSIE WHITE MOORE:

You are hereby notified that the Respondent, W. D. White, has set the following pleadings down for hearing before the Honorable F. W. Hare, Judge of the Twenty-first Judicial Circuit in Monroeville, Alabama, on Tuesday, December 15, 1936, to be heard in the order named:

1. The Motion to Strike filed by the Respondent, W. D. White, on November 19, 1936.
2. The Demurrer filed by the Complainant and Cross-Respondent, Bessie White Moore, on October 20, 1936.
3. Objections to Commissioner filed by the Respondent, W. D. White, on November 19, 1936.

J. T. T. Shalburn
Solicitor for Respondent, W. D. White.

129
NOTICE

MRS. BESSIE WHITE MOORE,

Complainant,

-VS-

W. D. WHITE, HIRAM WHITE,
C. L. WHITE, CLYDE WHITE,
BEULAH WHITE and MRS.
CLAUDIA WHITE, and BALD-
WIN COUNTY BANK, a Cor-
poration,

Defendants.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

TO HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL
CIRCUIT OF ALABAMA:-

Your Oratrix, Mrs. Bessie White Moore, humbly complain-
ing of the Defendants in a matter as will hereinafter appear,
shows unto your Honor as follows:-

FIRST:

That both she and the Defendants are over the age of
twenty-one years and resident citizens of the State of Alabama,
with the exception of Hiram White, who resided in Paducah, Ken-
tucky, when last heard from; that the Baldwin County Bank is a
Corporation with its principal place of business at Bay Minette,
Alabama.

SECOND:

Your Oratrix further shows unto your Honor that she
and the Defendants, with the exception of Mrs. Claudia White and
the Baldwin County Bank, are the joint owners of the following
described real estate situated in Baldwin County, Alabama, to-wit:-

South three-fourths of Southwest Quarter of Northwest Quarter
(S 3/4ths of SW $\frac{1}{2}$ of NW $\frac{1}{2}$); North three-fourths of Northwest Quarter
of Southwest Quarter (N 3/4ths of NW $\frac{1}{2}$ of SW $\frac{1}{2}$); Southeast Quarter
of Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{2}$), save and except five (5) acres
more particularly described as follows:- Begin at the SW corner
of SE $\frac{1}{4}$ of SW $\frac{1}{2}$, run thence North 175 yards, thence East 140 yards,
thence South 175 yards, thence West 140 yards, to point of begin-
ning, all of the above described land being in Section Three (3),
Township Two (2) South of Range Three (3) East, containing ninety-
five (95) acres, more or less;

The South half of South one-third of Northwest quarter of North-
east quarter (S $\frac{1}{2}$ of S 1/3rd of NW $\frac{1}{4}$ of NE $\frac{1}{4}$) Section Twenty-five
(25), Township Two (2) South of Range Three (3) East, containing
seven (7) acres, more or less;

West half of Southwest quarter (W $\frac{1}{2}$ of SW $\frac{1}{4}$); southwest quarter of
Northwest quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$); South half of Northwest quarter.

(page two)

of Northwest Quarter ($3\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$); Northeast Quarter of Northwest Quarter of Northwest Quarter ($NE\frac{1}{4}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$); East half of Northwest Quarter of Northwest Quarter of Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$) Section Thirty (30), Township 2 South of Range 4 East, containing 155 acres, more or less;

South half of South half ($S\frac{1}{2}$ of $S\frac{1}{2}$) of Section Twenty-five (25), Township Two (2) South of Range Three (3) East, containing 160 acres, more or less;

Northeast quarter of Northwest Quarter ($NE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section Ten (10), Township Three (3) South of Range Three (3) East, containing 40 acres, more or less;

The West forty-four (44) feet of Lot Thirteen (13) and Fourteen (14), Block Twenty-six (26), Hand Land Company's Addition to the Town of Bay Minette, as per plat thereof on record in the Office of the Judge of Probate of Baldwin County, Alabama, being more particularly described as follows:- Begin at the Northwest corner of Lot 13, Block 26, of said Hand Land Company's Addition to the Town of Bay Minette, thence run East 44 feet, thence South to the South line of Lot Fourteen (14), Block Twenty-six (26), said Hand Land Company's Addition to Bay Minette; thence West to the Southwest corner of said Lot Fourteen, thence North to the point of beginning;

Lot Four (4), Block 104, Hand Land Company's Addition to the Town of Bay Minette, as per plat thereof on record in the Office of the Judge of Probate of Baldwin County, Alabama, together with improvements thereon;

North half of Northeast Quarter of Southeast quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section Thirty-four (34), Township Two (2) South of Range Three (3) East, containing eighteen (18) acres, more or less;

West half of Southwest Quarter ($W\frac{1}{2}$ of $SW\frac{1}{4}$); Southwest Quarter of Northwest Quarter ($SW\frac{1}{4}$ of $NW\frac{1}{4}$); South half of Northwest Quarter of Northwest Quarter ($S\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$); Northwest Quarter of Northwest Quarter of Northwest Quarter ($NW\frac{1}{4}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$) of Section One (1), Township Three (3) South of Range Three (3) East, containing 147 acres, more or less;

That certain lot located in the Northwest Quarter of Northwest Quarter of Section Fifteen, Township 2 South of Range 3 East, being shown on Plat of Powell Heights Addition to the Town of Bay Minette, Alabama, as per plat thereof on record in the Office of the Judge of Probate of Baldwin County, Alabama, being a long strip of land lying on the North side of Leigh Street, and at the North end of Townsend Avenue, being more particularly described as follows:- Beginning at a point on the map which shows as the Northwest corner of an alleyway in Block Three, where same connects with Leigh Street, and run thence in a westerly direction along the North line of Leigh Street for a distance of 176 feet for a beginning corner; thence continuing West along the North side of Leigh Street for a distance of 124 feet, thence North at right angles 124 feet, thence South at right angles 44 feet to point of beginning.

THIRD:

Your Oratrix further shows unto your Honor that this property was inherited by them from Walter R. White, Deceased, who was the father of all of the parties to this proceedings with the exception of Mrs. Claudia White, who is his widow, and the

(page two)

(page three)

Baldwin County Bank. Your Oratrix further shows unto your Honor that Mrs. Claudia White's separate estate at the time of the death of her husband exceeded in value her dower interest in said property as defined by Section 7429 of the Code of 1923 of the State of Alabama.

Your Oratrix further shows unto your Honor that she is advised that the Baldwin County Bank holds a lien or Mortgage upon the interest of the said C. L. White in and to the aforesaid property, the amount due on said lien or Mortgage being to her unknown.

FOURTH:

Your Oratrix further shows unto your Honor that she owns a one-sixth undivided interest in the aforesaid property, and that the other Defendants with the exception of Mrs. Claudia White and the Baldwin County Bank, own each a one-sixth interest; that all of said interests are subject to the dower right, if any, of Mrs. Claudia White, the widow of the said Walter R. White, and subject to the claim of the Baldwin County Bank as to the interest of C. L. White. Your Oratrix further shows unto your Honor that said property is so situated and located and so different, in this, that some of the property is improved, part of the property is stores, other part dwellings, a part of the land is urban land, part inter-urban and part of the land is in cultivation and a part is wood land, and the same being in seven or eight different locations, it will be an impossibility on account of the number of the heirs and the respective interests involved, to divide said land by mates and bounds so as to bring about an equitable partition of the same; that it will be necessary that the same be sold under an order of this Court for a partition and division, and that the moneys, after deducting the costs of these proceedings, be divided equitably between the parties entitled to the same.

Your Oratrix further shows unto your Honor that she has found it necessary to employ Hybart & Chason as her Solicitors in the prosecution of this proceedings for an equitable division of this property among the joint owners thereof.

(page three)

(page five)

FOOT NOTE:-

Defendants are required to answer the foregoing Bill of Complaint from Paragraph "First" to Paragraph "Fourth", inclusive, but answer under oath is hereby expressly waived.

Hybert & Sharon
Solicitors for Complainant.

MRS. BESSIE WHITE MOORE,
Complainant,

-vs-

W. D. WHITE, HIRAM WHITE,
G. L. WHITE, CLYDE WHITE,
MRS. CLAUDIA WHITE, BEULAH
WHITE and BALDWIN COUNTY
BANK, a Corporation,

Defendants.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

TO W. D. WHITE, HIRAM WHITE, CLYDE WHITE, MRS. CLAUDIA
WHITE, BEULAH WHITE AND THE BALDWIN COUNTY BANK, OR THEIR ATTORNEY
OF RECORD, HON. J. B. BLACKBURN:-

You will please take notice that on the 8th day of Nov-
ember, 1935, the Demurrer filed by you to the Bill of Complaint
in the aforesaid cause is set down for hearing before Hon. F. W.
Hare, Judge of the Twenty-first Judicial Circuit, at Monroeville,
Alabama, at 10 o'clock A. M.

Please take notice and govern yourselves accordingly.

W. H. H. H. H.
Solicitors for Complainant.

[Faint, illegible text and signatures at the bottom of the page, including what appears to be a date stamp 'NOV 10 1935' and various handwritten notes.]

MRS. BESSIE WHITE MOORE,
COMPLAINANT.

VS.

W. D. WHITE, ET ALS
RESPONDENT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, IN
EQUITY.

This cause is submitted for decree on the demurrer of the Complainant to the cross-bill filed by W. D. White, and upon consideration of said demurrer I am of the opinion that the same is well taken.

It is therefore ordered, adjudged, and decreed by the Court that said demurrer to said cross-bill be, and the same hereby is, sustained.

The said cross Complainant is allowed thirty days from date in which to amend if she is so advised.

Done in Monroeville, Alabama, on this the 10th day of September, 1936.

F. W. Hare.

Judge.

MRS. BESSIE WHITE MOORE,
COMPLAINANT.

VS.

W. D. WHITE, ET ALS
RESPONDENT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, IN
EQUITY.

The above styled cause is submitted for decree on demurrer of the Complainant, to the cross bill herein filed by Mrs. Claudia White, Clyde White, and Beulah White, and upon consideration thereof, I am of the opinion that the demurrer is well taken.

It is therefore ordered, adjudged, and decreed that said demurrer to said cross bill be, and same hereby is, sustained.

The said named respondents are allowed thirty days from this date in which to amend if they are so advised.

Done in Monroeville, Alabama, on this the 10th day of September, 1936.



Judge.

MRS. BESSIE WHITE MOORE,
Complainant,

-vs-

W. D. WHITE, HIRAM WHITE,
C. L. WHITE, CLYDE WHITE,
BEULAH W. CROW and MRS.
CLAUDIA WHITE, and BALDWIN
COUNTY BANK, a Corporation,
Respondents.

IN THE CIRCUIT COURT--IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

TO THE HON. H. E. SMITH, ATTORNEY AT LAW, BAY MINETTE,
ALABAMA, AS SOLICITOR OF RECORD FOR MRS. CLAUDIA WHITE, CLYDE
WHITE and BEULAH W. CROW, RESPONDENTS IN THE AFORESAID CAUSE:-

YOU ARE HEREBY NOTIFIED that Hybart & Chason, as Soli-
citors for the Complainant in the above styled cause, have filed
with me a notice of their desire to examine Mrs. Bessie White
Moore and W. M. Moore, as witnesses for the Complainant in said
cause, orally, before me as Register of the aforesaid Court, at
2 o'clock P. M., on Thursday, November 19th, 1936, at my office
in the Courthouse at Bay Minette, Alabama.


Register.

MRS. BESSIE WHITE MOORE,

Complainant,

-vs-

W. D. WHITE, HIRAM WHITE,
G. L. WHITE, CLYDE WHITE,
BEULAH W. CROW and MRS.
CLAUDIA WHITE and BALDWIN
COUNTY BANK, a Corporation,

Respondents.


IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

TO THE HON. J. B. BLACKBURN, ATTORNEY AT LAW, BAY MINETTE,
ALABAMA, AS SOLICITOR OF RECORD FOR W. D. WHITE, HIRAM WHITE AND
THE BALDWIN COUNTY BANK, A CORPORATION, RESPONDENTS IN THE AFORE-
SAID CAUSE:-

YOU ARE HEREBY NOTIFIED that Hybart & Chason, as Soli-
citors for the Complainant in the above styled cause, have filed
with me a notice of their desire to examine Mrs. Bessie White
Moore and W. M. Moore, as witnesses for the Complainant in said
cause, orally, before me as Register of the aforesaid Court, at
2 o'clock P. M., on Thursday, November 19th, 1936, at my office
in the Courthouse at Bay Minette, Alabama.



Register.


MRS. BESSIE WHITE MOORE,
Complainant,
VS.
W. D. WHITE, et al,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO.159.

MOTION TO STRIKE.

Now comes W. D. White, one of the Respondents in the above entitled cause, and moves to strike the Demurrer to the Cross Bill in said cause filed by the Complainant on the 20th day of October, 1936, and as grounds therefor assigns the following separate and several reasons to-wit:

1. It is prolix.
2. It is irrelevant.
3. It is frivolous.
4. Because Complainant and Cross-Respondent by said demurrer attempts to to raise questions as to the insufficiency of the answer filed by said W. D. White.


Solicitor for Respondent, W. D. White.

MRS. BESSIE WHITE MOORE,
Complainant,
VS.
W. D. WHITE, et al,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO.159.

OBJECTIONS TO COMMISSIONER.

Now comes W. D. White, one of the Respondents in the above entitled cause and objects to Robert S. Duck, Register in Chancery, Baldwin County, Alabama, acting as Commissioner to take the testimony, or to his appointing another commissioner to take the said testimony of Mrs. Bessie White Moore and W. M. Moore, witnesses for the Complainant, on November 19, 1936, upon the following separate and several grounds, to-wit:

1. Because the case is not at issue as to all of the Respondents.
2. Because testimony cannot be taken in the said cause until it is at issue as to all the Respondents.
3. Because the said cause has not been set down for hearing.
4. Because nothing is shown to authorize the taking of testimony before the said cause is at issue.

J. T. B. Blackburn
Solicitor for Respondent, W. D. White.

MRS. BESSIE WHITE MOORE,

Complainant,

-vs-

W. D. WHITE, HIRAM WHITE,
C. L. WHITE, GLYDE WHITE,
BEULAH W. CROW and MRS.
CLAUDIA WHITE, and BALDWIN
COUNTY BANK, a Corporation.

Respondents.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

TO ROBERT S. DUCK, REGISTER IN CHANCERY OF THE AFORESAID
COURT:-

YOU ARE HEREBY NOTIFIED that the Complainant desires to examine the following witnesses for the complainant orally before you, as Register of the aforesaid Court, at 2 o'clock P. M., on Thursday, November 19th, 1936, at your office in the Courthouse in Bay Minette, Alabama, viz:-

Mrs. Bessie White Moore, Bay Minette, Alabama;

W. M. Moore, Bay Minette, Alabama.

We hereby request that you notify the Hon. J. B. Blackburn, Attorney at Law, Bay Minette, Alabama, as the Solicitor of Record for W. D. White, Hiram White and the Baldwin County Bank, a Corporation, Respondents in the aforesaid cause, of the time and place of the hearing of such testimony to be taken orally before you, and that you also notify the Hon. H. E. Smith, as the Solicitor of Record for Mrs. Claudia White, Glyde White and Beulah W. Crow, Respondents in the aforesaid cause, of the time and place when such testimony will be heard before you orally, as Register of the aforesaid Court.

Robert S. Duck
Solicitors for Complainant.

(page four)

PRAYER FOR PROCESS.

To the end, therefore, that equity may be had in the premises your Oratrix prays that your Honor will cause the usual writ of process to issue to W. D. White, Hiram White, C. L. White, Clyde White, Beulah White, Mrs. Claudia White and Baldwin County Bank, a Corporation, the Defendants in said cause and that Hiram White, who is a non-resident of the State of Alabama, be served by registered mail with return receipt card requested, and that they be served in accordance with the law; that all of the Defendants be required to plead, answer or demur to the foregoing Bill of Complaint within the time as required by law.

PRAYER FOR RELIEF.

THE PREMISES CONSIDERED, your Oratrix prays that on a final hearing of this cause that your Honor will order and decree that said lands be sold for partition and division among the joint owners thereof; that if it is found that the widow, Mrs. Claudia White, is entitled to any dower interest in said property that the value of her dower interest be ascertained and due provision be made for her; that if it is found that the Baldwin County Bank is entitled to any of the demands or moneys out of the respective interest of C. L. White that it be paid out of such moneys as flow to him out of said sale, and that your Honor will further order that the Register will ascertain a reasonable Solicitors fee to be paid to Hybart & Chason, Solicitors for Complainant, for their services in this proceedings, and that said Solicitors' fee be taxed as a cost in this proceedings. Your Oratrix further prays that after the several items as referred to herein which your Honor may see fit to allow, that the balance of said money shall be divided between the joint owners thereof and that appropriate orders and decrees be made to this effect. Your Oratrix further prays for such other, further, different and general relief as in equity may seem just and meet.


Solicitors for Complainant.

(page four)

MRS. BESSIE WHITE MOORE,

Complainant,

-vs-

W. D. WHITE ET AL,

Respondents.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

BRIEF AND ARGUMENT OF COMPLAINANT ON DEMURRERS TO
THE CROSS-BILL OF MRS. CLAUDIA WHITE, CLYDE WHITE
AND BEULAH W. CROW.

As heretofore stated in our Brief and Argument as to the Demurrers to W. D. White's Cross-Bill, we respectfully call your Honor's attention to the fact that the Cross-Bill must be complete within itself, as complete as an Original Bill, and, bearing this in mind, we are led to the conclusion that Clyde White and Beulah W. Crow have become twenty-one years of age, and the law is as to the homestead rights to the widow and minors that, after the minor reaches the age of twenty-one years, his rights in the premises are eliminated, or, in other words, the use and benefit of the homestead where the same is not set off by the Probate Court and declared to be the only property belonging to the intestate, and not exceeding in value \$2,000.00, that the minor, on reaching the age of twenty-one years, no longer is entitled to any right or benefit from the same. Of course, if the homestead was the only property that the intestate owned, and did not exceed in value the sum fixed by the Constitution and the statutes, then the title would vest absolutely in the widow and the minors at that time, and they would have a ~~common~~ interest in the same, but, until this is done, as we have stated, on the infant reaching the age of

(page two)

twenty-one, it passes out of the picture, and, consequently, it is our contention that Clyde White and Beulah W. Crow have no interest in any homestead rights involved in this proceedings.

We respectfully call your Honor's attention to the fact that we take these points by demurrer, and contend that the same should be sustained to this Cross-Bill.

Hypert & Reason
Solicitors for Complainant.

We hereby certify that we have this day delivered a copy of this Brief to Hon. Embree Smith, Attorney for Mrs. Claudia White, Clyde White and Beulah W. Crow, Respondents in said cause.

Dated this 24th day of August, 1936.

Hypert & Reason
Solicitors for Complainant.

159

RECORDED
7-168

NOTICE.

BESSIE WHITE MOORE,
Complainant,

VS.

W. D. WHITE, et al,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 159.

Filed on this the 2nd day of Dec-
ember, 1936.

R. S. Duck, Register

12-2

*Writ
on John Charon
Att'y.*

*M. H. Wilkins
C. N. Anderson*

159

NOTICE.

MRS. BESSIE WHITE MOORE,

Complainant

-vs-

W. D. WHITE, HIRAM WHITE,
C. L. WHITE, CLYDE WHITE,
MRS. CLAUDIA WHITE, BEULAH
WHITE and BALDWIN COUNTY
BANK, a Corporation,

Defendants.

IN THE CIRCUIT COURT--IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

filed October 24, 1935

Robert J. ...
Register.

IN THE CIRCUIT COURT--IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

MRS. BESSIE WHITE MOORE,
Complainant,
-vs-
W. D. WHITE, HIRAM WHITE,
C. L. WHITE, CLYDE WHITE,
MRS. CLAUDIA WHITE, BEULAH
WHITE and BALDWIN COUNTY
BANK, a Corporation,
Defendants.

~~TO W. D. WHITE, HIRAM WHITE, CLYDE WHITE, MRS. CLAUDIA
WHITE, BEULAH WHITE AND THE BALDWIN COUNTY BANK, OF THEIR RESIDENCES
OF MOBILE, MRS. J. B. ALKOVSKI:~~

You will please take notice that on the 24th day of Nov-
ember, 1935, the deamurs filed by you to the bill of Complaint
in the aforesaid cause is set down for hearing before Hon. J. W.
Hare, Judge of the Twenty-first Judicial Circuit, at Montevallo,
Alabama, at 10 o'clock A. M.
Please take notice and govern yourselves accordingly.

RECORDED

Nov. 2-279

159

RECORDED

DECREE.

BESSIE WHITE MOORE,

Complainant,

-VS-

W. D. WHITE ET AL,

Respondent.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Issued February 3, 1937

Robert

Register.

159

Duck
9-170

RECORDED

OBJECTIONS TO COMMISSIONER.

**BESSIE WHITE MOORE,
COMPLAINANT,**

VS.

**W. D. WHITE, ET AL,
RESPONDENTS.**

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

IN EQUITY.

Filed November 19, 1936

*R. L. Duck
Register*

159

RECORDS
RECORDING 7-270

MOTION TO STRIKE.

BESSIE WHITE MOORE,
COMPLAINANT,

VS.

W. D. WHITE, ET AL.
RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Filed November 19, 1936
R. S. Amick
Register

Ms. 222
I hereby accept Service of
Copy of within Motion and
Waiver for the Service of same
As one of atty for
Complainant

159

11-14-

sent on

A. B. Blackburn Atty

*M. H. Milheim
C. W. Anderson*

*Received in office
11-13-34
M. H. Milheim*

NOTICE OF ORAL EXAMINATION OF
WITNESSES FOR COMPLAINANT.

MRS. BESSIE WHITE MOORE,

Complainant,

-vs-

W. D. WHITE ET AL,

Respondents.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Issued November 13, 1936

R. A. ...
Registrar

RECORDED

11-14-36

sent on

H. E. Smith

M. H. Williams

C. N. Anderson

RECORDED

159

Smith
7-16-39

NOTICE OF ORAL EXAMINATION OF
WITNESSES FOR COMPLAINANT.

MRS. BESSIE WHITE MOORE,

Complainant,

-VS-

W. D. WHITE ET AL,

Respondents.

IN THE CIRCUIT COURT IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Received in office

11-13-36

M. H. Williams

Issued November 12, 1936

W. D. White
Registrar

159

Records
Buck
2-279
~~RECORDED~~

Recess on Anniversary
to
Cross Bill

Filed Sept. 16, 1936
P. S. Buck, Reporter

159

RECORDED

BmL
2-27-38

Recess in Summary

to be

Filed Sept. 16, 1936
R. S. Sweet, Register

Rec in office
10/24/35

W. M. Wilkins

Executed 18/35

1935

By serving copy of within same month and

W. M. Wilkins

J. B. Blackburn
County Court Clerk

W. M. Wilkins

By _____ Deputy Sheriff

RECORDED
159
2-2-11

NOTICE.

MRS. BESSIE WHITE MOORE,

Complainant,

-VS-

W. D. WHITE, HIRSH WHITE,
C. L. WHITE, CLYDE WHITE,
MRS. CLAUDIA WHITE, BEULAH
WHITE and BALDWIN COUNTY
BANK, a Corporation,

Defendants.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Filed October 24, 1935

Robert S. Mueh
Register.