

Copy 832

W. FRANK LONG,

Complainant.

-78-

E. W. WALSHALL, and
MRS. M. L. WALSHALL, and
MOLLIE M. McLELLAN,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

To the Hon. Francis W. Hare,
Judge of the said Court:-

Comes your complainant in the above entitled cause and brings this bill of complaint against the respondents and shows unto your Honor as follows:-

1st. That complainant and respondents are all adults, and that the said E. W. and Mrs. M. L. Walshall are residence of Baldwin County, Alabama, residing in Daphne. That complainant and the said Mollie M. McLellan are residence of Jackson, Hinds County, Mississippi.

2nd. That in the month of March, 1926 the said Mollie M. McLellan attempted to convey to the said E. W. Walshall certain lands in Baldwin County, Alabama, which conveyance is recorded in Deed Book U.S. 39 page 385 of the Probate Court Records of Baldwin County, Alabama which lands are described therein as follows:

Commencing where the south line of section nineteen (19) township five (5) south range two (2) east intersects the State Aid Road which is twenty-five (25) feet west of the corner common to sections nineteen, (19), twenty, (20), twenty-nine, (29), and thirty, (30), thence north along said road and parallel with the east line of section nineteen (19), 220 and 84/100 feet, thence west and parallel with the south line of said section nineteen, (19) 2105 feet, thence south and parallel with the east line of said section 220 and 84/100 feet to the south line of said section nineteen, (19), thence east with said line to place of beginning, with the improvements thereon.

This tract and twenty-five feet given for the said road is the eastern part of that deeded April 12th, 1924, by Elizabeth D. Hunt and Otis E. Moore to Aschel Strong, recorded U.S. Deed Book 7 page 212 of the Probate Court Records of Baldwin County, Alabama.

3rd. That said conveyance shows on the face thereof that it was for \$1.00 and other considerations, and that complainant alleges that the other considerations mentioned in said conveyance was the assumption of a \$1000.00 mortgage held against

said property by Frank S. Keeler, and at least \$500.00 indebtedness still due to the seller thereof, Nellie M. McClellan by the said E. W. Walthall, which constituted the true consideration for the said conveyance and left the said Walthall indebted to the said McClellan in said sum of \$500.00 with a mutual agreement between said E. W. Walthall and the said McClellan that said balance due McClellan was secured by a lien on the above described real property.

4th. That on October 1st, 1926 the said E. W. Walthall executed to the said McClellan one waiver exempted promissory note for the said balance of \$500.00 due and payable six months after date bearing 6 per cent interest a copy of which said note is hereto attached and marked Exhibit "A".

5th. That said McClellan transferred the note to complainant herein and represented that it was secured by lien on the lands above described, and that the said E. W. Walthall failed to pay said note when it matured and that said note remains unpaid and that complainant has made demand on the said E. W. Walthall and the said McClellan for payment thereof and that the same has not been made.

6th. That on December 28th, 1927, the said E. W. Walthall attempted to convey the above described land for \$1.00 and other considerations to Mrs. M. L. Walthall by deed thereof recorded in deed Book N.S. page 275 of the Probate Court Records of Baldwin County, Alabama, which was after the maturity of the above described note.

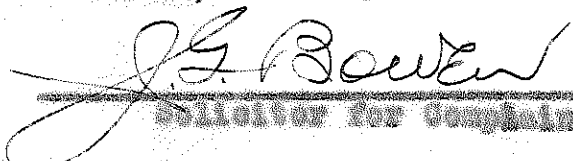
7th. Your complainant alleges that the said conveyance by the said E. W. Walthall to the said M. L. Walthall was made to hinder, defraud or delay the payment of the above described note which was in default in the payment thereof and complainant further alleges that the said Mrs. M. L. Walthall had ^{and taken it} notice of the existence of said debt and ^{lien} on said property subject to the lien held thereon by the said Nellie M. McClellan. Complainant further alleges that the attempted conveyance from the said McClellan to Walthall as recorded in Deed Book N.S. 33 page 335 was insufficient to pass the title in this, that the Notary's

Acknowledgment was not in the form provided by the Code of Alabama of 1923 but is sufficient to create a lien from the said E. W. Walthall to said Hollie N. McClellan on the property herein above described.

8th. Complainant alleges that said note above mentioned and described provides for a reasonable attorneys fee for the collection of said debt and further provides for the recovery of all expenses complainant has been put to in collecting or attempting to collect said debt and that complainant has been compelled to make several trips from Jackson, Mississippi to Daphne and Bay Minette, Alabama, in attempting to collect said debt.

PRAYER FOR RELIEF.

The premises considered complainant prays that this Honorable Court will make the said respondents E. W. and Mrs. M. L. Walthall and the said Hollie N. McClellan party respondents to this Bill of Complaint and that notice by personal service be given the said E. W. and Mrs. M. L. Walthall and the notice by publication be given the said Hollie N. McClellan on account of him being a non-resident of the State of Alabama, as is provided by law, and that they be required to plead, answer or demur to this Bill of Complaint within the time required by law, and for such other and further and general relief as your complainant may be entitled to in accordance with the rules and equity of this Honorable Court, and that upon a final hearing your Honor will ascertain the amount due your complainant by the above described waiver exemption promissory note including the legal rate of interest and court costs and other expenses and a reasonable solicitors fee as provided by said note, and will render a judgment and final decree against the said E. W. Walthall ~~and Mrs. M. L. Walthall~~ ~~and Hollie N. McClellan~~ for the total amount due your complainant in this case, and will establish a lien against the abovescribed real property to cover your complainants claim herein, and will enter an order and decree that the above real property be sold to satisfy your complainants claim herein, and complainant shall ever Pray, etc.


Solicitor for Complainant.

Note.- The respondents are required to answer each paragraph and section of this Bill of Complaint from one to eight inclusive by answer under oath is hereby expressly waived.


Collector for Complainant.

JESSE F. HOGAN
LAW OFFICES
427-428 First National Bank Building
MOBILE, ALA.

Feb. 29, 1932.

Hon. T. W. Richerson,
Clerk Circuit Court,
Bay Minette, Ala.

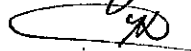
Dear Mr. Richerson:

In re: Long vs. Walthall

Has Judge Bowen revived the above styled suit. Mr.
Long died about a year ago.

Thanking you for this information, I am,

Very truly yours,

Jesse F. Hogan


W. FRED LONG,

COMPLAINANT,

VS.

E.W. WALTHALL & MRS. M.L. WALTHALL,

RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

EQUITY SIDE

Comes the Complainant in the above entitled cause, and begs leave of the Court to amend his complaint by amending the Prayer for Relief, as hereinafter set out and filed herewith in the Court.

SOLICITOR FOR COMPLAINANT.

PRAYER FOR RELIEF

Complainant prays that upon a final hearing and submission of this case, this Honorable Court will ascertain the amount due under said note, including a reasonable attorney's fee, and that the Court will establish a lien on the property hereinabove described for the amount found to be due your Complainant by the said Respondents, or either of them, and Complainant further prays that said Respondents be required to pay and discharge said lien, at such place and times as this Honorable Court decrees, and that if said lien is not paid within said time, to require the Clerk of this Honorable Court to advertise and sell the lands under the rules and practice of this Court, and the law in such cases, to satisfy said lien, including the amount of the note, interest, attorney's fees, the costs of sale, and the costs of Court. Complainant further prays that if the Court should determine that the Complainant is not entitled to a lien being established against said land to cover the amount found to be due under the note hereinabove mentioned and described, that this Hon. Court will ascertain the amount due the Complainant under the terms of said note, together with the interest and a reasonable atty's. fee as provided in said note, and will render a decree establishing a judgment against the Respondent, E. W. Walthall, for the amount found to be due the Complainant by the Respondent, E. W. Walthall, under the terms of said note, and Your

WATKINS, WATKINS & EAGER

JACKSON, MISSISSIPPI

WILLIAM H. WATKINS
H. V. WATKINS
P. H. EAGER, JR.

HARDY R. MCGOWEN
WM. H. WATKINS, JR.
RALPH B. AVERY

August 24, 1931

Mr. T. W. Robinson
Register, Circuit Court
Baldwin County
Bay Minette, Alabama

Dear Sir:

I am returning commission in this matter.
Mr. W. Fred Long died recently.

Yours very sincerely,

hvw;p

~~W. H. Watkins~~

~~W. H. Watkins~~

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WATKINS, WATKINS, WATKINS

JACKSON, MISSISSIPPI

SPRINGFIELD, MISSISSIPPI
BIRMINGHAM, ALABAMA
FLORENCE, ALABAMA
MOBILE, ALABAMA
PENSACOLA, FLORIDA
TALLAHASSEE, FLORIDA
DADE COUNTY, FLORIDA

THE STATE OF MISSISSIPPI

IN SENATE

JANUARY 1, 1901

REPORT

OF THE
COMMISSIONERS OF THE LAND OFFICE
FOR THE YEAR 1900

~~follow 1.15~~

Long
AS
Hollace

JOSEPH G. BOWEN
ATTORNEY AND COUNSELOR AT LAW

310 STATE OFFICE BLDG.

MOBILE, ALA.

BELL PHONES { RESIDENCE DEXTER 4341
OFFICE DEXTER 4166

Nov. 5, 1931

Mr. T. W. Richardson,
Clerk Circuit Court,
Bay Minette, Alabama.

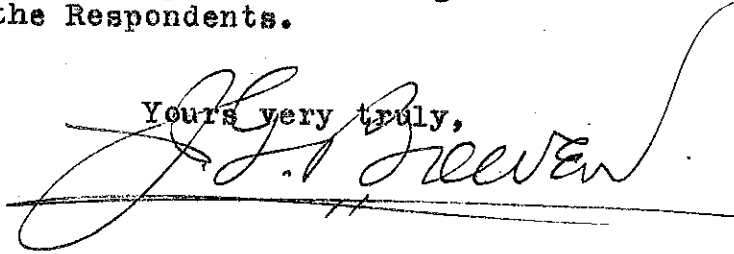
RE: W. Fred Long
Vs: E. W. Walthall, et al.

Dear Sir:

Please find enclosed motion to stay the proceedings on account of the death of the complainant.

I am sending this motion in original and duplicate, and you may send the duplicate to Judge Hogan, representing the Respondents.

Yours very truly,

A handwritten signature in cursive script, reading "J. G. Bowen", is written over a horizontal line. The signature is fluid and extends slightly to the right of the line.

JGB/MD
Enc.

JOSEPH G. BOWEN
ATTORNEY AND COUNSELOR AT LAW
72 1-2 ST. FRANCIS STREET
MOBILE, ALA.

BELL PHONES (RESIDENCE DEXTER 4341
OFFICE DEXTER 4166
Sept. 11, 1930.

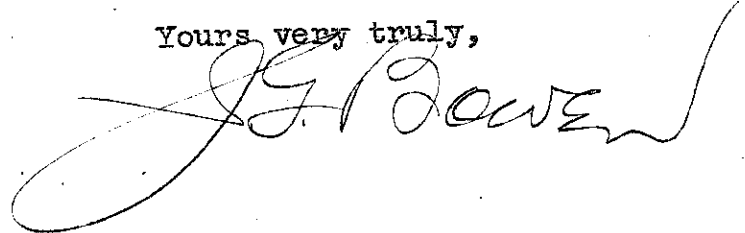
Hon. T. W. Richardson,
Clerk Circuit Court,
Bay Minette, Alabama.

Dear Sir:

Please find herewith enclosed, motion to amend, and the amended complaint, in original amendment with two copies for the Respondents in the case of W. Fred Long vs. E. W. Walthall, et als, on the equity side of your court. Kindly file the same and acknowledge receipt thereof.

I believe the case is pending at this time on a motion to require the Complainant to deposit costs in the case, and in this amended complaint, Nollie N. McClellan, the non-resident defendant, has been eliminated, and therefore the necessary amount of costs to be deposited, should be reduced in the sum of what the publication of the notice on him would have been, as the other two Respondents are residents of your county, and have been already served in the case, and Mr. Sam Jenkins is representing them. Kindly advise what will be necessary at this time to deposit for costs, after the elimination of the non-resident Defendant, and I will secure a check from the Complainant and forward to you at once.

Yours very truly,



JGB/MD
Enc.

Original

W. FRED LONG,

Complainant.

-vs-

E. W. WALTHALL, and
MRS. M. L. WALTHALL, and
NOLLIE W. MCCLELLAN,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

To the Hon. Francis W. Hare,
Judge of the said Court:-

Comes your complainant in the above entitled cause and brings this bill of complaint against the respondents and shows unto your Honor as follows:-

1st. That complainant and respondents are all adults, and that the said E. W. and Mrs. M. L. Walthall are residence of Baldwin County, Alabama, residing in Daphne. That complainant and the said Nollie W. McClellan are residence of Jackson, Hinds County, Mississippi.

2nd. That in the month of March, 1926 the said Nollie W. McClellan attempted to convey to the said E. W. Walthall certain lands in Baldwin County, Alabama, which conveyance is recorded in Deed Book N.S. 39 page 355 of the Probate Court Records of Baldwin County, Alabama which lands are described therein as follows:

Commencing where the south line of section nineteen (19) township five (5) south range two (2) east intersects the State Aid Road which is twenty-five (25) feet west of the corner common to sections nineteen, (19), twenty, (20), twenty-nine, (29), and thirty, (30), thence north along said road and parallel with the east line of section nineteen (19), 220 and 84/100 feet, thence west and parallel with the south line of said section nineteen, (19) 2155 feet, thence south and parallel with the east line of said section 220 and 84/100 feet to the south line of said section nineteen, (19), thence east with said line to place of beginning, with the improvements thereon.

This tract and twenty-five feet given for the said road is the eastern part of that deeded April 12th, 1924, by Elizabeth D. Hunt and Otis T. Moore to Aschel Strong, recorded N.S. Deed Book 7 page 212 of the Probate Court Records of Baldwin County, Alabama.

3rd. That said conveyance shows on the face thereof that it was for \$1.00 and other considerations, and that complainant alleges that the other considerations mentioned in said conveyance was the assumption of a \$1000.00 mortgage held against

said property by Frank S. Keeler, and at least \$500.00 indebtedness still due to the seller thereof, Nollie N. McClellan by the said E. W. Walthall, which constituted the true consideration for the said conveyance and left the said Walthall indebted to the said McClellan in said sum of \$500.00 with a mutual agreement between said E. W. Walthall and the said McClellan that said balance due McClellan was secured by a lien on the above described real property.

4th. That on October 1st, 1926 the said E. W. Walthall executed to the said McClellan one waiver exemption promissory note for the said balance of \$500.00 due and payable six months after date bearing 6 per cent interest a copy of which said note is hereto attached and marked Exhibit "A".

5th. That said McClellan transferred the note to complainant herein and represented that it was secured by lien on the lands above described, and that the said E. W. Walthall failed to pay said note when it matured and that said note remains unpaid and that complainant has made demand on the said E. W. Walthall and the said McClellan for payment thereof and that the same has not been made.

6th. That on December 28th, 1927, the said E. W. Walthall attempted to convey the above described land for \$1.00 and other considerations to Mrs. M. L. Walthall by deed thereof recorded in deed Book N.S. page 278 of the Probate Court Records of Baldwin County, Alabama, which was after the maturity of the above described note.

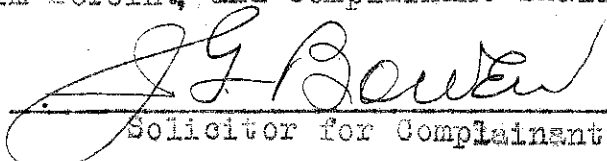
7th. Your complainant alleges that the said conveyance by the said E. W. Walthall to the said M. L. Walthall was made to hinder, defraud or delay the payment of the above described note which was in default in the payment thereof and complainant further alleges that the said Mrs. M. L. Walthall had ^{lien} due notice of the existence of said debt and ^{and took it} on said property subject to the lien held thereon by the said Nollie N. McClellan. Complainant further alleges that the attempted conveyance from the said McClellan to Walthall as recorded in Deed Book N.S. 39 page 356 was insufficient to pass the title in this, that the Notary's

Acknowledgment was not in the form provided by the
bank of 1923 but is sufficient to create a lien from the said
E. W. Walthall to said McClellan on the property herein above de-
scribed.

8th. Complainant alleges that said note above mentioned
and described provides for a reasonable attorneys fee for the col-
lection of said debt and further provides for the recovery of all
expenses complainant has been put to in collecting or attempting
to collect said debt and that complainant has been compelled to
make several trips from Jackson, Mississippi to Daphne and Bay
Minette, Alabama, in attempting to collect said debt.

PRAYER FOR RELIEF.

The premises considered complainant prays that this
Honorable Court will make the said respondents E. W. and Mrs.
M. L. Walthall and the said Hollie N. McClellan party respondents
to this Bill of Complaint and that notice by personal service be
given the said E. W. and Mrs. M. L. Walthall and the notice by
publication be given the said Hollie N. McClellan on account of
him being a non-resident of the State of Alabama, as is provided
by law, and that they be required to plead, answer or demur to
this Bill of Complaint within the time required by law, and for
such other and further and general relief as your complainant may
be entitled to in accordance with the rules and equity of this
Honorable Court, and that upon a final hearing your Honor will
ascertain the amount due your complainant by the above described
waiver exemption promissory note including the legal rate of in-
terest and court costs and other expenses and a reasonable solici-
tors fee as provided by said note, and will render a judgment
and final decree against the said E. W. Walthall ~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~ for the total amount due your complainant in
this case, and will establish a lien against the abovedescribed
real property to cover your complainants claim herein, and will
enter an order and decree that the above real property be sold to
satisfy your complainants claim herein, and complainant shall ever
Pray, etc.


Solicitor for Complainant.

MOBILE, ALABAMA

\$

MOBILE, ALA.

1922

AFTER DATE WITHOUT GRACE

PROMISE TO PAY TO

THE ORDER OF

DOLLARS

FOR VALUE RECEIVED, PAYABLE AT THE FIRST NATIONAL BANK IN MOBILE, ALA.

THE PARTIES TO THIS INSTRUMENT, WHETHER MAKER, ENDORSER, SURETY, OR GUARANTOR, EACH FOR HIMSELF, HEREBY SEVERALLY AGREES TO PAY THIS NOTE AND WAIVES AS TO THIS DEBT ALL RIGHT OF EXEMPTION UNDER THE CONSTITUTION AND LAWS OF ALABAMA, OR ANY OTHER STATE AND THEY EACH SEVERALLY AGREE TO PAY ALL COSTS OF COLLECTING, OR SECURING, OR ATTENDING TO COLLECT OR SECURE THIS NOTE INCLUDING A REASONABLE ATTORNEY'S FEE, WHETHER THE SAME BE OBTAINED 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 SUCH REMEDIES HEREIN BY HOLD THEM.

*Given by the undersigned
to the order of the bank*

For value received

MOBILE, ALA.

Note.- The respondents are required to answer each paragraph and section of this Bill of Complaint from one to eight inclusive by answer under oath is hereby expressly waived.

J. G. Bowen
Solicitor for Complainant.

"Exhibit A"

RECORDED

1st
Original

W. Fred Long

as

E. W. Wallcutt
et al

Filed July 27/1929

D. W. McCumson

Register

RECORDED

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 E.W. Walthall and Mrs. M.I. Walthall,

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

H. Fred. Long

against said E.W. and Mrs. M.I. Walthall,

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, T. W. Richerson, Register of said Circuit Court, this 27th day of July 1929

T. W. Richerson Register

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

3 Original

SERVE ON.....

Circuit Court of Baldwin County
In Equity.

No.

SUMMONS

W. Fred Long

RECORDED

vs.

E.W. Walthall and M.L. Walthall,

Daphne, Ala

J.G. Bowen,

J. G. Bowen

Solicitor for Complainant

Recorded in Vol. Page

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this

day of 192

Sheriff.

Executed this 27 day of

July 1929
by leaving a copy of the within Summons with

F.W. Walthall & M.L. Walthall

Defendant.

C. Drury

Sheriff.

By

Deputy Sheriff

THE STATE OF ALABAMA,)
MOBILE COUNTY,)

Before me the undersigned Notary in and for said County and State personally appeared J. G. Bowen, who on oath deposes and says:

That he is Solicitor in a cause being filed in the Equity side of the Circuit Court in Baldwin County, Alabama, of W. Fred Long VS. E. W. Walthall and Mrs. M. D. Walthall and Mollie W. McClellan and the said J. G. Bowen deposes and says that he is informed and from his investigation the said Mollie W. McClellan is a non-resident of the State of Alabama, residing in Hinds County, Jackson, Mississippi and has been residing there for the last several years.

J. G. Bowen

Subscribed and sworn to before me this 26th day of July, 1929.

H. Embree Smith N.P.
Mobile County, Alabama.

2
RECORDED

Filed July 27/1929
J. W. McInnis
Agent

JESSE F. HOGAN
LAW OFFICES
427-428 First National Bank Building
MOBILE, ALA.

April 16, 1931.

Hon. T. W. Richerson,
Clerk Circuit Court,
Bay Minette, Ala.

Dear Mr. Richerson; .

I am enclosing herewith answer in the case of
W. Fred Long vs. E. W. Walthall, et al. Will you not please
file the same in this cause. I am sending a copy of this
answer to Judge Bowen.

Very truly yours,

Jesse F. Hogan

W. FRED LONG,

Complainant,

-vs-

E. W. WALTHALL, and
MRS. M. L. WALTHALL, and
NOLLIE N. McCLELLAN,

Respondents.

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

THE ANSWER OF E. W. WALTHALL AND MRS. M. L. WALTHALL

These Respondents, reserving to themselves all right of exception to the said Bill of Complaint, for answer thereto say:

1st. Answering the first paragraph of the amended bill of complaint: The Respondents admit that the parties hereto are adults and that the said E. W. Walthall and Mrs. M. L. Walthall are residents of Baldwin County, residing in Daphne, and that the complainant is a resident of Jackson, Hinds County, Mississippi.

2nd. Answering the second paragraph of the amended bill these respondents say: That in the spring of 1926, the respondent E. L. Walthall purchased from Nollie N. McClellan certain lands in Baldwin County, and that the said Nollie N. McClellan executed a conveyance thereof to the said E. W. Walthall. The said respondents, however, do not know whether said deed is recorded in Deed Book 39 N.S. page 355 of the Probate Records of Baldwin County, Alabama. So far as the respondents have any knowledge, the lands described in said deed is substantially the same as set out in the second paragraph of the amended bill.

3rd. Answering the third paragraph of the amended bill respondents say: That the consideration for said deed was \$2,000.00 and that said consideration was paid by the said E. W. Walthall as follows: The mortgage of \$1,000.00 held by Frank S. Keeler on said property was assumed by the said E. W. Walthall and \$1,000.00 was paid in cash to the said Nollie N. McClellan by the said E. W. Walthall. Said Respondents deny that the said E. W. Walthall owed a balance of \$500.00 to the said Nollie N. McClellan on account of the purchase price of said land.

4th. Answering the fourth paragraph of the amended bill of complaint the respondents say: That no lien was reserved ~~unann~~ on the said lands for any portion of said purchase price, nor did the said Nollie N. McClellan have any lien upon said lands for any portion of said purchase price. Respondents further say that the said E. W. Walthall paid the entire consideration for said lands.

5th. Answering the fifth paragraph of the amended bill, respondents say: That the said E. W. Walthall executed a note to Nollie N. McClellan for \$500.00 due and payable six months after date and bearing interest at the rate of 6% per annum, said note being dated October 1st, 1926, but the respondents deny that said note represented any portion of the consideration for the purchase price of said land.

6th. Answering the sixth paragraph of the amended bill of complaint the respondents say: That they have no recollection of any agreement whereby the payment of said note was extended to the 1st day of April, 1928. They do not deny, however, that such an extension was made.

7th. Answering the seventh paragraph of the amended bill of complaint: The respondents have no knowledge whether or not said note was transferred to the Capitol National Bank of Jackson, Mississippi for a valuable consideration, and require strict proof thereof; nor do they have any knowledge whether or not said note was transferred by said bank to the complainant for a valuable consideration. But they require strict proof thereof. They deny that said note is the property of the complainant in this case, and say that said note was placed in the safe of W. K. Ritchey for safe keeping, only, by the said Nollie N. McClellan, and the respondents have no knowledge as to how said note came into the possession of the complainant. They say, however, that the said Nollie N. McClellan never transferred said note. Respondents admit that said note is unpaid, but they deny that it is due. They say further that the said Nollie N. McClellan agreed with the said E. W. Walthall that said note should not be paid during the life-time of the said Mrs. M. L. Walthall, unless the said E. W. Walthall should become able to pay the same sooner, without any inconvenience to himself.

8th. Answering the eighth paragraph of the amended bill of complaint: Respondents admit that the said E. W. Walthall conveyed said lands to the said Mrs. M. L. Walthall by deed recorded in Deed Book 44 N. S. page 278, Probate Records of Baldwin County, Alabama. They further admit that the said Mrs. M. L. Walthall is the mother of the said E. W. Walthall.

9th. Answering the ninth paragraph of the bill of complaint: Respondents deny that said conveyance to Mrs. M. L. Walthall was made for the purpose of hindering, defrauding or delaying the payment of the above described note; That the purchase money paid for said property was furnished by the said Mrs. M. L. Walthall, and that the same in equity belonged to her, and that the said E. W. Walthall was the Trustee holding the title for the said Mrs. M. L. Walthall. Respondents deny that Mrs. M. L. Walthall had any notice or knowledge of the existence of any balance due by the said E. W. Walthall on account of the purchase price of said land. They deny that she took said land subject to any lien for any balance of said purchase price.

10th. Answering the tenth paragraph of said amended bill of complaint: Respondents admit that said note provides for a reasonable attorney's fee. But they deny that the complainant is entitled to recover an attorney's fee in this suit. They further deny that he is entitled to recover for any money that he has expended in and about the collection of said note.

All of which matters these respondents are ready and willing to aver, maintain and prove as this Honorable Court shall direct, and pray to be hence dismissed with their reasonable costs and charges in this behalf sustained.



Solicitor for Respondents.

W. FRED LONG,)	
)	IN THE CIRCUIT COURT OF
COMPLAINANT,)	BALDWIN COUNTY, ALABAMA.
VS.)	
E. W. WALTHALL, and)	
MRS. M. L. WALTHALL,)	
RESPONDENTS.)	

INTERROGATORIES PROPOUNDED TO THE RESPONDENTS BY THE COMPLAINANT:

1. Please state your name, age, and place of residence.
2. Please state, if you know the Complainant in this case, and if so, how long you have known him and where.
3. Please state what relation the said Respondents are to each other.
4. Please state when and from whom the said E. W. Walthall acquired the lands described in the amended bill of complaint in this case, and what was the consideration he paid for same.
5. Please state is it not a fact that the said E. W. Walthall acquired the lands described in the amended bill of complaint from one N. N. McClellan, and at the time he bought it, he assumed a mortgage of \$1000.00 due against the same, and gave the said McClellan said E. W. Walthall's promissory note for \$500.00 as the balance due on said lands to the said McClellan. If you say you acquired it subject to a mortgage, state to whom and the amount the mortgage was given.
6. Please state is it not a fact that the instrument of sale and purchase entered into by and between the said N. N. McClellan and E. W. Walthall for the land described in the amended bill of complaint, was made on March 26, 1926, and acknowledged before Gladys Lowell, a Notary Public for Baldwin County, Alabama, which conveyance is recorded in Deed Book 39 N.S., page 355 of the Probate Court records of Baldwin County, Alabama, and is the same land made to the said Walthall by the said McClellan subsequent

to March 26, 1926, on January 15, 1927, and recorded in Deed Book 42 N.S., page 183 of the Probate records of Baldwin County, Alabama.

7. If you say the lands described in the preceding paragraph or section are the same lands acquired from N. N. McClellan by the said Walthall, on March 26, 1926, please state why the subsequent transaction from McClellan was made of the same lands on January 15, 1927, and recorded in Deed Book 42 N.S., page 183 of the Probate Court records of Baldwin County, Alabama.

8. Please state how much the said Mrs. M. L. Walthall paid the said E. W. Walthall for a deed to the lands described in the Complainant's amended bill of complaint at the time she acquired said property, and what was the true consideration for the same, which conveyance is recorded in New Series 44, page 278, on December 28th, 1927, and recites for \$10.00 and other good and valuable considerations.

9. Please state specifically what the other good and valuable considerations consisted of mentioned and described in that conveyance from E. W. Walthall to Mrs. M. L. Walthall on December 28, 1927, and recorded in New Series 44, page 278 of the Probate Court Records of Baldwin County, Alabama, and set out each and every specific consideration other than the \$1.00 mentioned therein.

10. Is it not a fact that the said Mrs. M. L. Walthall at the time she acquired the title to the lands mentioned and described in the Complainant's amended bill of complaint, that there was a balance due by the said E. W. Walthall to one N. N. McClellan, for the purchase price of the said lands, and that she never paid anything whatever at the time the said E. W. Walthall conveyed the said Mrs. M. L. Walthall the said lands, and that he did so without her knowledge and consent to evade or try to evade the payment of said note.

11. Please state whether or not the said note given by the said E. W. Walthall to the said N. N. McClellan has ever been

3.

paid. If so, when and by whom and how was it paid, and attach a copy of the check, or receipt if the money paid was cash to your answer to this interrogatory.

12. If the said Mrs. M. L. Walthall states that she paid any consideration whatever for the conveyance by the said E. W. Walthall to her of the lands described in the Complainant's amended bill of complaint, please state when and how the said consideration was paid, whether by check or money, and on what bank if the same was paid by check, the date of same, and if by money, please attach the receipt for the same, or your memorandum showing how it was paid.

13. If you say the note which was given by the said E. W. Walthall to the said N. N. McClellan was not for the balance of the purchase price of the land mentioned and described in the Complainant's bill of complaint as amended, please state what it was for, and is it not a fact that the said note was given for the balance of the purchase price of the land and that after the said McClellan had disposed of said note, that he subsequently thereto made another conveyance to the said E. W. Walthall covering the same lands for the purpose of evading a lien against the property for the balance of the purchase price covered by the said note.

14. Please state in detail the exact amount paid by E. W. Walthall to N. N. McClellan to the lands described in the Complainant's amended bill of complaint, including the mortgage assumed and the balance above the mortgage, and when and how was the same paid, and where, and whether by check or cash, and is it not a fact that the conveyance is recorded in New Series No. 39, page 355, and was made in duplicate, and one was kept by Walthall, and the other by McClellan, and recommended as a lien against said lands for the purpose to aid McClellan in using the note to raise the money. If so, what was done with the money, and state whether or not any of it was paid to the said Mrs. M. L. Walthall.

15.


SOLICITOR FOR COMPLAINANT.

STATE OF ALABAMA,
COUNTY OF MOBILE.

Personally appeared before me, A. S. Whiting, a Notary Public in and for said State and County, J. G. Bowen, Solicitor for Complainant in the above entitled cause, who, being duly sworn by me, deposes and says that the answers to the foregoing interrogatories, when well and truly made, will be material testimony for the Complainant at the trial of the said cause.

J. G. Bowen

Subscribed and sworn to before me this the 21 day of October, 1930.

A. S. Whiting
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

*Service of foregoing interrogatories
accepted this 21st day of Oct,
1930:*

*Jesse F. Hogan
of Counsel for Respondents.*

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

W. FRED LONG,

COMPLAINANT,

VS.

E. W. WALTHALL & MRS.
M. L. WALTHALL,

RESPONDENTS.

INTERROGATORIES PROPOUNDED
TO THE RESPONDENTS BY THE
COMPLAINANT.

*"Note acceptance
of Service inside"*

J. G. BOWEN,

SOLICITOR FOR COMPLAINANT.

W. Fred Long,

Complainant .

-----vs-----

E.W. Walthall and M.L

Walthall and Mollie N Mc

Olellen,

Respondents .

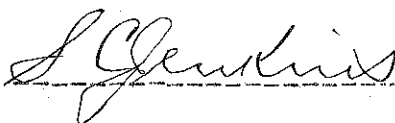
In The Circuit Court of Baldwin County

Alabama.

In Equity . No -----

Comes now the respondents and shows unto the court that the complainant is a nonresident of the state of Alabama :

Wherefore the respondents move that the complainant be required to give security for the costs of this suit .



Solicitor for respondents .

W. FRED LONG,

COMPLAINANT,

VS.

E. W. WALTHALL & MRS.

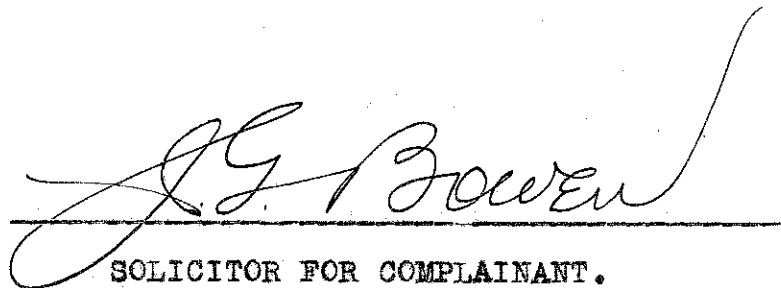
M. L. WALTHALL,

RESPONDENTS.

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

) EQUITY SIDE
)

Comes J. G. Bowen, Solicitor for the Complain-
ant, and suggests the death of the Complainant in this cause,
which occurred about August 18th, 1931, and moves the Court to
stay the proceedings pending the revival in the name of the
legal representative of the deceased.


SOLICITOR FOR COMPLAINANT.

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

Come now the respondents in the above entitled cause,
and demur to the amended bill of complaint on the following
grounds, viz:

1st. The bill is in a double aspect, one being to establish a lien on the property described in the bill of complaint, and the other being to secure a judgment on a note, the legal title to which is alleged to be vested in the complainant; and the latter aspect is without equity.

2nd. Insofar as said bill seeks a judgment against the respondents on a note, the legal title to which is vested in the complainant, the complainant has an adequate remedy at law.

Jesse L. Hogan
Solicitor for Respondents.

Long
vs
Wallace

Demurrer to
Amended Complaint

Filed Sept 4/93
T. W. Wallace
Clerk

J. S. Powell
at Law
Mobile Ala

Circuit Court.
Equity Side.

W Fred Long,
Comp
vs

E. M. Matlack,
et al. Respondents.

J. G. Bowen,
Sol for Comp.

Filed Nov 16th 1931.

T. W. Richmond
Register.

Filed Aug 26/929
J. W. McIlwain
Register

NOTICE TO NON-RESIDENT.

MOORE P.T.G. CO. DAY MINETTE

Margaret Sanford

No. 832.

vs.

William A. Sanford

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

This the 30th day of

July 1929

In this cause it being made to appear to the Register of this Court by the affidavit of

Margaret Sanford

that the Defendant

William A. Sanford

is a non-resident of the State of Alabama that she does not know and after dilligent
search and inquiry cannot ascertain his present whereabouts,

and further, that, in the belief of said Affiant the Defendant is over the age of 21
years; it is, therefore ordered that publication be made in the Baldwin County News
a newspaper published in Robertsdale

Baldwin County, Alabama, once a week for four consecutive weeks, requiring him
the said William A. Sanford

to answer or demur to the Bill of Complaint in this cause by the 31st day of
August 1929, or after thirty days therefrom a decree Pro Confesso may
be taken against the said William A. Sanford

Register.

Lloyd A. Magney

Attorneys for Plaintiff.

Filed July 30th 1929
D. W. Williamson
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

.....Nollie N. Mc Clellan, Jackson, Hinds Co. Miss.

.....County, to be and appear before the Judge of the Circuit Court
of Hinds 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


.....W. Fred Long,

against said Nollie N. Mc Clellan,

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, T. W. Richerson, Register of said Circuit Court, this 27th day of

July 1929.

 Register

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

Original
RECORDED
and

SERVE ON _____

**Circuit Court of Baldwin County
In Equity.**

No. _____

SUMMONS

W. Fred Long

vs.

Nollie H. McClellan, et al

J. G. Bowen,

Solicitor for Complainant

Recorded in Vol. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

Received in office this _____

day of _____ 192 _____

Sheriff.

Executed this _____ day of _____

192 _____

by leaving a copy of the within Summons with _____

Defendant,

Sheriff.

By _____
Deputy Sheriff.

*July 27 / 1929,
Copy of Bill
Also Copy of Summons
Registered Nollie H
McClellan.
At Jackson.
Winds as much
J. M. McCremon
Register*

IN THE CIRCUIT COURT OF
BALDWIN COUNTY
ALABAMA
IN EQUITY.

Comes your Complainant in the above entitled cause, and begs leave of the Court to amend his original bill of complaint by striking Nollie N. McClellan as a party Respondent, as per the amendment hereto attached and filed herewith in the Court.

AMENDED COMPLAINT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY
ALABAMA
IN EQUITY.

1. That the Complainant and Respondent are adults, and that the said E. W. Walthall and Mrs. M. L. Walthall are Residents of Baldwin County, Alabama, residing in Daphne; that Complainant is a resident of Jackson, Hinds County, Mississippi.

2. That in the month of March, 1926, the said Respondent, E. W. Walthall, purchased from one Nollie N. McClellan certain lands in Baldwin County, Alabama, which conveyance is recorded in Deed Book 39 N.S., page 355 of the Probate Court records of Baldwin County, Alabama, which lands are described as follows:

Commencing where the south line of section 19, township 5 south, range 2 east intersects the State Aid Road which is 25 feet west of the corner common to sections 19, 20, 29 and 30, thence north along said road and parallel with the east line of section 19, 220 and 84/100 feet, thence west and parallel with the south line of said section 19, 2155 feet, thence south and parallel with the east line of said section 220 and 84/100 feet to the south line of said section 19, thence east with said line to place of beginning, with the improvements thereon.

This tract and 25 feet given for the said road is the eastern part of that deeded April 12th, 1924, by Elizabeth D. Hunt and Otis T. Moore to Aschel Strong, recorded Deed Book 7 N.S., page 212 of the Probate Court records of Baldwin County, Alabama.

3. That said conveyance was for the sum of One (\$1.00) Dollar cash and other considerations and the assumption of a Thousand (\$1000.00) Dollar mortgage held against said property by Frank S. Keeler; that part of the other valuable consideration mentioned in said conveyance was a Five Hundred (\$500.00) Dollar balance due by the said E. W. Walthall to Nollie N. McClellan as a balance of the purchase price of the land above described.

4. That by mutual consent of the said Walthall and McClellan, a lien was reserved on the above described land for the balance of the said purchase price, in addition to the statutory lien which the seller thereof, McClellan, had against said lands for the balance of the purchase price.

5. That on October 1st, 1926, the said E. W. Walthall executed to the said Nollie N. McClellan one waiver exemption promissory note for the said balance of the purchase price of Five Hundred (\$500.00) Dollars due and payable six months after date of the making of said note, and bearing interest at six per cent per annum, a copy of which note is marked Exhibit "A", and hereto attached and filed in the Court.

6. That subsequent to the making of said note for the balance of the purchase price of said land above described, the said E. W. Walthall by agreement with the holder thereof, McClellan, extended the payment of said note to April 1st, 1928, which extension was made on the face of the note and endorsed thereon by the said Walthall, which was with the consent of the said McClellan, and witnessed by one W. K. Ritchey.

7. That before April 1st, 1928, and on November 1st, 1927, the said note and lien were transferred to the Capital National Bank of Jackson, Mississippi/ after which said note and

lien were transferred by said bank to your Complainant, and is the property of your Complainant in this case, and remains due and unpaid, both as to the note and the interest thereon.

8. That on December 28th, 1927, and before said balance of the purchase price of the land above mentioned and described was paid, the said E. W. Walthall attempted to convey the above described land for One (\$1.00) Dollar and other valuable considerations, to Mrs. M. L. Walthall, by deed thereof recorded in Deed Book 44 N.S., page 278, the said Mrs. M. L. Walthall being the mother of the said E. W. Walthall.

9. Your Complainant alleges that the said conveyance by the said E. W. Walthall to his mother, Mrs. M. L. Walthall was made to hinder, defraud or delay the payment of the above described note, which was in default in the payment thereof, and your Complainant further alleges that the said Mrs. M. L. Walthall had due notice of the existence of the said balance due by E. W. Walthall on the purchase price of said land, and that she took it subject to the lien for the balance of the purchase price, and that the conveyance to her for One (\$1.00) Dollar, is a fraud on the face of the record.

10. Complainant alleges that said note mentioned and described above, provides for a reasonable attorney's fee for the collection of said debt, and further provides for the recovery of all expenses Complainant has been put to in collecting or attempting to collect said debt, and that Complainant has been compelled to make several trips from Jackson, Mississippi to Daphne and Bay Minette, Alabama, in attempting to collect said debt, which remains due and unpaid.

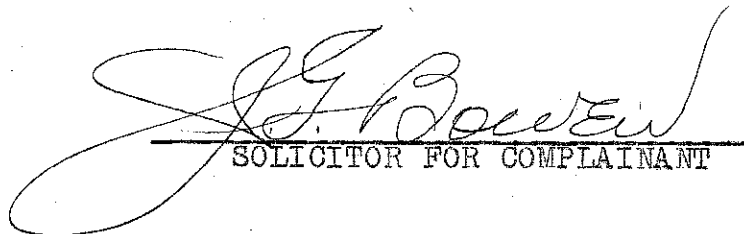
PRAYER FOR PROCESS.

THE PREMISES CONSIDERED, Complainant prays that this Honorable Court will order a summons to be issued and served on the said E. W. Walthall and his mother, Mrs. M. L. Walthall, making

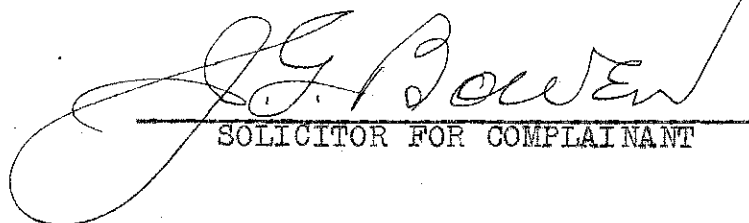
them party Respondents to this bill of complaint, and that they be required to answer, plead or demur within the time required by law and the rules and practices of this Honorable Court.

PRAYER FOR RELIEF.

Complainant prays that upon a final hearing and submission of this case, that this Honorable Court will ascertain the amount due under said note, including a reasonable attorney's fee and all other expenses Complainant has been required to make in attempting to collect said note, and that the court will establish a lien on the property hereinabove described for the amount which is found to be due your Complainant, and order said land sold for the payment of said lien if the same is not paid within such time as this Honorable Court may fix and require, the Respondents to pay the same, and your Complainant prays for such other and further and general relief as this Honorable Court may deem fit and proper, and your Complainant will ever pray, etc.


SOLICITOR FOR COMPLAINANT

FOOT-NOTE: The Respondents are required to answer each and every paragraph or section of this bill of complaint from one to ten inclusive, but answer under oath is hereby expressly waived.


SOLICITOR FOR COMPLAINANT

W. FRED LONG,

COMPLAINANT,

VS.

E.W.WALTHALL & MRS.M.L.WALTHALL,

RESPONDENTS.

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

EQUITY SIDE

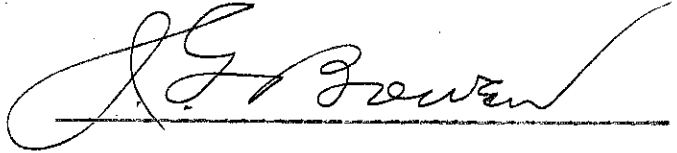
Comes the Complainant in the above entitled cause, and begs leave of the Court to amend his complaint by amending the Prayer for Relief, as hereinafter set out and filed herewith in the Court.


SOLICITOR FOR COMPLAINANT.

PRAYER FOR RELIEF

Complainant prays that upon a final hearing and submission of this case, this Honorable Court will ascertain the amount due under said note, including a reasonable attorney's fee, and that the Court will establish a lien on the property hereinabove described for the amount found to be due your Complainant by the said Respondents, or either of them, and Complainant further prays that said Respondents be required to pay and discharge said lien, at such place and times as this Honorable Court decrees, and that if said lien is not paid within said time, to require the Clerk of this Honorable Court to advertise and sell the lands under the rules and practice of this Court, and the law in such cases, to satisfy said lien, including the amount of the note, interest, attorney's fees, the costs of sale, and the costs of Court. Complainant further prays that if the Court should determine that the Complainant is not entitled to a lien being established against said land to cover the amount found to be due under the note hereinabove mentioned and described, that this Hon. Court will ascertain the amount due the Complainant under the terms of said note, together with the interest and a reasonable atty's. fee as provided in said note, and will render a decree establishing a judgment against the Respondent, E. W. Walthall, for the amount found to be due the Complainant by the Respondent, E. W. Walthall, under the terms of said note, and Your

Complainant further prays for such other and further and general relief as this Honorable Court may deem fit and proper in the premises, and Your Complainant will ever pray, etc.

A handwritten signature in cursive script, appearing to read "J. G. Brown", is written over a horizontal line.

SOLICITOR FOR COMPLAINANT

W. FRED LONG,

Complainant,

vs.

E. W. WALTHALL, and
MRS. M. L. WALTHALL, and
NOLLIE N. McCLELLAN,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY

ALABAMA

IN EQUITY.

Comes your Complainant in the above entitled cause,
and begs leave of the Court to amend his original bill of com-
plaint by striking Nollie N. McClellan as a party Respondent, as
per the amendment hereto attached and filed herewith in the Court.

AMENDED COMPLAINT.

J. B. Bowen
Solicitor for Complainant

W. FRED LONG,

Complainant,

vs.

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MRS. M. L. WALTHALL.

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY

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Commencing where the south line of section 19,
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Aid Road which is 25 feet west of the corner common to
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road and parallel with the east line of section 19,
220 and 84/100 feet, thence west and parallel with the
south line of said section 19, 2155 feet, thence south
and parallel with the east line of said section 220 and
84/100 feet to the south line of said section 19, thence
east with said line to place of beginning, with the im-
provements thereon.

This tract and 25 feet given for the said road is the eastern part of that deeded April 12th, 1924, by Elizabeth D. Hunt and Otis T. Moore to Aschel Strong, recorded Deed Book 7 N.S., page 212 of the Probate Court records of Baldwin County, Alabama.

3. That said conveyance was for the sum of One (\$1.00) Dollar cash and other considerations and the assumption of a Thousand (\$1000.00) Dollar mortgage held against said property by Frank S. Keeler; that part of the other valuable consideration mentioned in said conveyance was a Five Hundred (\$500.00) Dollar balance due by the said E. W. Walthall to Nollie N. McClellan as a balance of the purchase price of the land above described.

4. That by mutual consent of the said Walthall and McClellan, a lien was reserved on the above described land for the balance of the said purchase price, in addition to the statutory lien which the seller thereof, McClellan, had against said lands for the balance of the purchase price.

5. That on October 1st, 1926, the said E. W. Walthall executed to the said Nollie N. McClellan one waiver exemption promissory note for the said balance of the purchase price of Five Hundred (\$500.00) Dollars due and payable six months after date of the making of said note, and bearing interest at six per cent per annum, a copy of which note is marked Exhibit "A", and hereto attached and filed in the Court.

6. That subsequent to the making of said note for the balance of the purchase price of said land above described, the said E. W. Walthall by agreement with the holder thereof, McClellan, extended the payment of said note to April 1st, 1928, which extension was made on the face of the note and endorsed thereon by the said Walthall, which was with the consent of the said McClellan, and witnessed by one W. K. Ritchey.

7. That before April 1st, 1928, and on November 1st, 1927, the said note and lien were transferred to the Capital National Bank of Jackson, Mississippi, for a valuable consideration after which said note and

lien were transferred by *for a Valuable Consideration* said bank to your Complainant, and is the property of your Complainant in this case, and remains due and unpaid, both as to the note and the interest thereon.

8. That on December 28th, 1927, and before said balance of the purchase price of the land above mentioned and described was paid, the said E. W. Walthall attempted to convey the above described land for One (\$1.00) Dollar and other valuable considerations, to Mrs. M. L. Walthall, by deed thereof recorded in Deed Book 44 N.S., page 278, the said Mrs. M. L. Walthall being the mother of the said E. W. Walthall.

9. Your Complainant alleges that the said conveyance by the said E. W. Walthall to his mother, Mrs. M. L. Walthall was made to hinder, defraud or delay the payment of the above described note, which was in default in the payment thereof, and your Complainant further alleges that the said Mrs. M. L. Walthall had due notice of the existence of the said balance due by E. W. Walthall on the purchase price of said land, and that she took it subject to the lien for the balance of the purchase price, and that the conveyance to her for One (\$1.00) Dollar, is a fraud on the face of the record.

10. Complainant alleges that said note mentioned and described above, provides for a reasonable attorney's fee for the collection of said debt, and further provides for the recovery of all expenses Complainant has been put to in collecting or attempting to collect said debt, and that Complainant has been compelled to make several trips from Jackson, Mississippi to Daphne and Bay Minette, Alabama, in attempting to collect said debt, which remains due and unpaid.

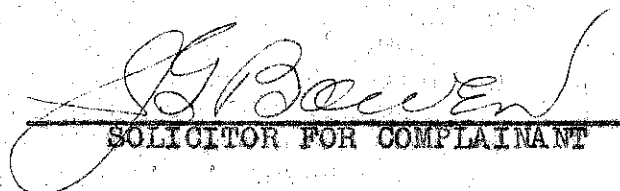
PRAYER FOR PROCESS.

THE PREMISES CONSIDERED, Complainant prays that this Honorable Court will order a summons to be issued and served on the said E. W. Walthall and his mother, Mrs. M. L. Walthall, making

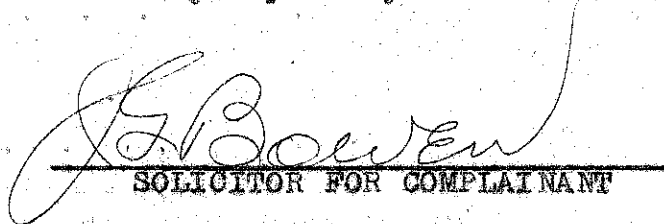
them party Respondents to this bill of complaint, and that they be required to answer, plead or demur within the time required by law and the rules and practices of this Honorable Court.

PRAYER FOR RELIEF.

Complainant prays that upon a final hearing and submission of this case, that this Honorable Court will ascertain the amount due under said note, including a reasonable attorney's fee and all other expenses Complainant has been required to make in attempting to collect said note, and that the court will establish a lien on the property hereinabove described for the amount which is found to be due your Complainant, and order said land sold for the payment of said lien if the same is not paid within such time as this Honorable Court may fix and require, the Respondents to pay the same, and your Complainant prays for such other and further and general relief as this Honorable Court may deem fit and proper, and your Complainant will ever pray, etc.


SOLICITOR FOR COMPLAINANT

FOOT-NOTE: The Respondents are required to answer each and every paragraph or section of this bill of complaint from one to ten inclusive, but answer under oath is hereby expressly waived.


SOLICITOR FOR COMPLAINANT

Copyright

Filed Sept 12/930
D W. H. H. H. H.
Register

~~CPH~~
~~RECEIVED~~
Wm. L. Long, Comp
P

E. W. Matlack & Al
Respondents.

J. G. Bowen
Sol for Complainant.

Filed Aug 17th 1931
D. McIlwain
Clerk

Dist. Ct.
Gen. Copy

RECORDED
OK

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

W. FRED LONG,

COMPLAINANT,

VS.

E. W. WALTHALL, and
MRS. M. L. WALTHALL, and
NOLLIE N. McCLELLAN,

RESPONDENTS.

Filed Sept 14/30
D. M. McInnis
Register

MOTION BY COMPLAINANT FOR
LEAVE TO AMEND HIS BILL OF
COMPLAINT BY STRIKING NOLLIE
N. McCLELLAN AS A PARTY RE-
SPONDENT TO THE BILL, AND FOR
THE AMENDMENT OF THE ORIGINAL
BILL, AS PER AMENDMENT HERETO
ATTACHED AND FILED HERewith IN
THE COURT.

J. G. BOWEN,

SOLICITOR FOR COMPLAINANT.

Oct 21 - 1930 Cr 5-000
OK & deposit on Cr 5

Henry O'Connell
William O'Connell
Complainant
W. F. Long
W. F. Long

Sept 12th 1930

The State of Alabama, {
Baldwin County

CIRCUIT COURT

To Hon. H.V. Watkins, Attorney at Law, Jackson, Miss.

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine W.F. Long and N.N. McClellan

as witnesses in behalf of Plaintiff in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

W. Fred Long

Complainant

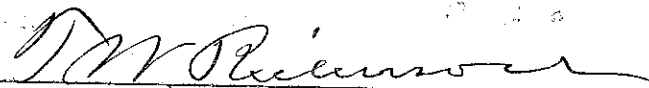
and

E.W. Walthall

Defendant,

on oath to be by you administered, upon oral examination to take and certify the deposition s. of the witnesses es. and return the same to our Court, with all convenient speed, under your hand.

Witness 11th day of August 19 31



REGISTER

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

W. Fred Long,
Complainant .

--vs--

E.W. Walthall and
Mrs. M.L. Walthall and
Mollie W. McClellan,
Respondents .

In The Circuit Court of Baldwin County,
Alabama.

In Equity. No -----

Come now the respondents and demurs to the Bill of Complaint
upon the following ground, viz:

Said Bill is without equity .

S. Jenkins

Solicitor for Respondents .

2944
RECORDED

Filed Aug 26/929
T W Richmond
Register

NO. 832.

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

W. Fred Long

Complainant

vs.

E. W. Walthall et al

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Hon. H. V. Watkins,

Attorney at Law

Jackson, Miss.

WITNESSES:

W. Fred Long

N. N. McClellan