

(233)

E. G. RICKARBY, JR.

LAWYER

POPPE BUILDING
FOLEY, ALABAMA

August 6, 1936.

Judge Francis Hare,
Circuit Judge,
Monroville, Alabama.

Dear Judge Hare:- In re; Smith v. Cooney
In Equity #96.

This cause was submitted to you under Chancery Rule 74 on a motion to quash the summons and subpoena as to John N. Allen, Esq., and Mrs. Mary Cooney Smith, and on demurrers by the Respondents Thomas J. Cooney, et al, the Executors of the estate of P. J. Cooney, Deceased.

We had been waiting to file our brief in response to the brief of the Movant and Demurrant but as that has not reached our hands as yet and there are a few authorities that might aid the court in deciding the case I am writing this letter.

First as to the motion to quash, so far as Mr. Allen is concerned individually, I have carefully looked over the petition and can not find in it any thing that I could construe as making him individually a party, therefore I conclude that he was made a party inadvertently through some clerical error in the office of the Clerk or Sheriff's office. We do not want him as a party and consent to the court quashing the summons and subpoena as to him.

As to Mrs. Mary Cooney Smith's motion to quash we feel that she is entitled to notice of these proceedings and that they would be void without her being in court in the matter. The whole nature of the petition is to deprive her of an interest that she has in a cause of action. In the case of Weaver v. Cooper 73 Ala. 318 the court said-

"The only necessary party defendant to the petition, of an attorney seeking to establish a lien on funds of his client, the party for whose benefit the services were rendered, having appeared and answered, notice of the petition was thereby dispensed with."

Does Mrs. Smith contend that she should not be made a party to a proceeding where her claim is being subjected to a charge that she put on it?

As to the demurrers we wish to call the Court's attention to the fact that we are not proceeding under the common law remedy but under the statute Code Section 6262 subsection 2-

Judge Francis Hare, page 2, Smith v. Cooney.

"Upon suits, judgements, and decrees for money, they shall have a lien superior to all liens but taxeliens, and no person shall be at liberty to satisfy said suit, judgment or decree, until the lien or claim of the attorney for his fee is fully satisfied; and attorneys at law shall have the same right and power over said suit, judgments and decrees, to enforce their liens, as their clients had or may have for the amount due thereon to them."

This in my opinion disposes of the first three grounds of demurrer and as to the fourth ground:

The petition does pray and notice was given to the Respondents in the case of Mary Cooney Smith v. Thomas J. Cooney, et al as executors. Service was had on them by notice on John N. Allen, Esquire, their attorney of record in the cause. Furthermore code section 9420 provides-

"When there are two or more executors or administrators of an estate, service or summons on one is sufficient."

With the law in this all statutory and all the statutes plain we feel that the Court will be able to dispose of these demurrers and motions in time to allow issue to be joined on the petition by the next term of the Equity court.

Thanking you for your consideration in this matter, I am,

Yours respectfully,


SOLICITOR FOR PETITIONER.

E/R.

A carbon copy of this letter is this day sent to
John N. Allen, Esq.,
Solicitor of record for Respondent's
Thomas J. Cooney, et al.

E. G. RICKARBY, JR.

LAWYER

POPPE BUILDING
FOLEY, ALABAMA

August 12, 1936.

Honorable F. W. Hare,
Circuit Judge,
Monroeville, Alabama.

Dear Judge:- IN RE: MARY C. SMITH V. THOMAS J. COONEY, ET AL.

Now that you have received Mr. Allen's brief in the above and as he has studied over our petition and pointed out to all the points that he thinks necessary to have you look into to have you properly decide this case I will answer his objections on this page to save your time. If you would like to satisfy your mind about the other questions that you raised when you did not think that he was contesting this petition you look over the other pages of this letter.

As you see by Mr. Allen's letter his only contention is that the intervenor has no lien for his fee until it has been judicially ascertained what his fee is. He cites no cases to sustain his position and the Code section 6262 certainly do not bear him out in this.

Therefore this brings us back to your idea that 6262 of the code has no application as 6261 governs the administration of trust estates in the probate and chancery courts.

My contention is that 6261 only authorizes the judge to fix the fee of counsel and tax it against the costs in the case when the attorney renders a service to the estate as a whole as distinguished from a service to one particular heir. *Graham v. Graham* 207 Ala. 648. It confers nothing on attorney's who just get their clients their rights out of an estate.

Therefore as 6261 allowed the judge to reward attorneys when in the performance of their duty to their client they enrich or benefit an estate. It does not seem to us that this would nullify an absolute right given by the law which gives an attorney a right to and a part in the claim of their client to secure their fees for work done on that claim, especially as this right was given to the attorney under the law before the statute was passed.

Judge F. W. Hare, Smith v. Cooney.

Perhaps the reason that we are having to litigate our rights in this case is because the Court and the opposing counsel do not understand exactly what we are fighting for. For this reason I am making this statement of the matter and hope that it will clear up some of the difficulties.

This petition of intervention is filed for two purposes.

First: Under 6261 showing that the petitioner transferred this estate from the Probate Court where it had lain dormant for about five years without anything being done to protect the interests of the heirs or even let them know of what the estate consists, except the executors statement that the estate was valued at \$50,000.00, into the Chancery Court. In the cases of Bidwell v. Johnson 195 Ala 547, 70 SO 685 and Exp McLendon 212 Ala. 403 102 So. 696 this has been held to be a benefit to the estate and as such the Court is authorized to fix the fees of counsel and tax them as part of the costs in the case.

Second: Under 6262 showing that the petitioner has as the attorney of record for Mrs. Smith showed her suit against the executors and as such attorney become entitled to a lien on her distributive share in the estate asked to be allowed to carry the matter to a conclusion so as to determine his fee. We are in this position we can not sue at law for our fee for it is under contract the amount to be determined by the amount that Mrs. Smith is to get from the estate. It seems only fair to us that the court allow us to have the Executor show the money that he owes to Mrs. Smith and then have him give us the money she owes us out of the money that the estate owes her.

Regarding the necessity to the order of court authorizing a petition of intervention: We feel that the Court could better rule on the matter if the whole petition of intervention were put before it and then if the opposing counsel desired to have the application for the order we could file the application on his objection. He makes no point of this but to make the record complete we are now filing one with the clerk. As the Court will notice Mr. Allen has joined issue of Law on the right to the interveniers lien. I am also asking the Clerk to send to the court the papers that show that Mr. Allen is attorney of record for Mrs. Smith now.

We agree with the Court that it would be anomalous for an attorney just to collect a fee to take charge of the administration of an estate, but if the Executors will not obey the orders of the court the law certainly gives the power to the court to remove them. However I have only asked that the Court again order them to file an accounting (although an order has been made in this cause requiring them to show cause why they should not be removed and

Removed) and then determine our fee. We do not ask that it be paid right now but that it be ordered paid unless it works a hardship on the estate. In that case we shall wait for its payment but we do ask that the executors be put under bond for the faithful performance of their duties to save any further litigation in this matter.

We respectfully submit that it has never been the intention of this petitioner to oust the executors and take charge of the estate, and if that was the intention a motion could have been filed to that effect when the petitioner first took charge of the case for the reason that the executors have not made yearly accountings. Up until Mrs. Smith decided she wanted to go no further in the case the record in the case will show that the petitioner was asking for a sister what her brothers were doing with her father's estate in which she had an interest and only because they refused to give any information did he take any action to have them removed.

We feel as you do that Cooney's know the property and should be able to handle the estate so as to get the most out of it. On the other hand what would you do if you were employed by a party to get a one sixth share of an estate of her father's which her brothers valued at fifty thousand dollars but refused to give her any information either personally, through her attorney or through the courts as to the assets?

Furthermore would not you feel that your rights were trampled on if the opposing counsel, after you had worked hard on the matter, pulled out an order from your client discharging you. We submit that we have both the law and justice on our side and respectfully request the court to look to the objections that Mr. Allen has made and decide the case on them.

As to the petition not stating the facts more fully we wish to point out that Mr. Allen has not been able to point out any necessary allegation that we should have put in.

Respectfully submitted,



E/R.

Cc. Mr. John N. Allen,
Van Antwerp Building.
Mobile, Alabama.

R. S. DUCK

Register and Clerk of the
Circuit Court, Baldwin County
BAY MINETTE, ALA.

AUGUST 3, 1936

Judge F. W. Hare
Monroeville, Alabama

Dear Judge:

Enclosed please find the file
in the case of Patrick J. Cooney, requested
by Mr. Rickarby that I mail to you. I am not
sure that the attorneys would like to appear
in person and argue these demurrers, but in
the event that they do, they probably will
make arrangements with you to do so.

Very truly yours,


Robert S. Duck,
Clerk Circuit Court.

RSD:MLF
Encl.

MARY C. SMITH,)	
Complainant,)	IN THE CIRCUIT COURT OF
VS.)	BALDWIN COUNTY, ALABAMA.
THOMAS J. COONEY, ET AL.,)	IN EQUITY.
Respondents.)	

This cause coming on to be heard is submitted on petition for intervention, wherein the petitioner, Elliott G. Rickarby, claims an attorney's fee of Mrs. Mary Cooney Smith, one of the distributees of the Estate of Patrick J. Cooney, deceased. In effect, the petition asks that the estate be administered solely for the purpose of fixing and paying this attorney's fee which is claimed for services rendered in transferring the estate from the Probate Court to the Chancery Court.

I am of the opinion that such claim as the attorney may have against Mrs. Mary C. Smith for services rendered should be established by a suit at law, and then enforced by appropriate action against her interest in the estate.

The Register will enroll the following

D E C R E E

This cause coming on to be heard is submitted for decree upon demurrer to the petition of intervention, and upon a consideration thereof, I am of the opinion that said demurrer is well taken, and should be sustained.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that said demurrer to the petition of intervention be, and the same hereby is, sustained.

This 13th day of February, 1937.

J. W. Hare

 Judge

MRS. MARY C. SMITH,
Complainant,

-vs-

THOMAS J. COONEY, et al,
Executors of the estate of
P. J. Cooney, Deceased,
Respondents.

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

CASE #96.

PETITION FOR ORDER OF COURT ALLOWING ELLIOTT G. RICKARBY TO
INTERVENE AND ESTABLISH CLAIM FOR FEES FOR SERVICES RENDERED
TO THE COMPLAINANT AND TO THE ESTATE.

Comes ELLIOTT G. RICKARBY and shows the following
facts to the court:

First that the record in this cause shows that
Petitioner did act as attorney for the complainant in this cause
and as such did perform services for her in the preparation of
this her suit against the above named respondents.

Second that the record further shows that he as her
attorney did render service to the estate in having the estate
transferred from the Probate Court to the Circuit Court in Equity
and as such did benefit the estate.

Third Petitioner further shows that this complainant
did discharge him as her attorney with paying him for his services
in her behalf although he was duly employed by her.

Wherefore petitioner prays that this court will allow
him to intervene by petition now on file in this cause to establish
his claim and lien for services rendered in this cause.


AS SOLICITOR FOR PETITIONER.

STATE OF ALABAMA.
COUNTY OF BALDWIN.

Before me, the undersigned notary public in and for
said state and county, personally appeared Elliott G. Rickarby,
who being by me first duly sworn deposes and says that the facts
contained in the foregoing petition are true.

Subscribed and sworn to before
me on this the 15th day of August,
1936.


Notary Public in and for Baldwin
county, Alabama.

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 JOHN N. ALLEN and MRS. MARY COONEY SMITH

of MOBILE 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 Petition for Intervention

ELLIOTT G. RICKARBY

against said JOHN N. ALLEN and MRS. MARY COONEY SMITH

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. Suck, Register of said Circuit Court, this 12th day of

May 193 6

Robert S. Suck Register

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

XXXXXXXXXXXX
XXXXXXXXXXXX

Foley, Alabama

July 15th, 1936

John N. Allen, Esq.
Solicitor for P. J. Cooney, et al
Van Antwerp Building
Mobile, Alabama

Dear Sir:

Please take notice that under the provisions of Chancery Rule 74 I have asked the Register of the Circuit Court of Baldwin County to submit to the Judge of said Court for ruling in vacation the demurrers filed by you to the petition of Elliott G. Rickaby for leave to intervene in this cause.

I enclose copy of my request to the Register and the date named is after the ten days notice of said proposed submission given you herewith by registered mail. To said request I am attaching a copy of this.

Yours truly,


Solicitor for Petitioner

MARY COONEY SMITH,
Complainant.

vs

CASE #96

THOMAS J. COONEY, et al,
as Executors,
Respondents.
Estate of

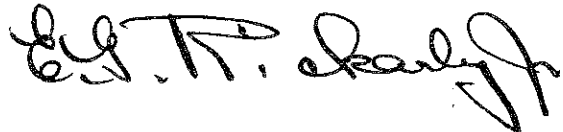
PATRICK J. COONEY,
Deceased.

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

To Robert S. Duck, Esq.
Register.

You are hereby requested to submit to the Judge of This Court at his office in Monroeville, Alabama on August 5th next, for ruling thereon in vacation the demurrers hereto filed by Patrick J. Cooney, et al to the petition of Elliott G. Rickarby for the right to intervene in his own behalf in this case. Under the provisions of Chancery Rule 74 ten days notice of the proposed submission has been given John N. Allen, Esq., Solicitor for Respondents by letter sent him by registered mail, copy of which is attached.

Solicitor for Petitioner.



RECORDED

Week

6-382-

motion-54

Return to Court

Summons

Filed this 13 day of June 1936

Richard D. Duet

Clerk-Register

Suek
RECORDED
2-25-1

Certified copies mailed

Decree on Demurrer

FILED 17 FEB 27 1937

R. S. Suek

Clerk Register

RECORDED

Book
6-383

Memorandum to
Petition of
Interment

1934
Clerk-Register
John J. [Signature]

James the Respondent, [Name], and [Name] to
 the petition of [Name] in this matter upon the following
 several and separate grounds:

1. Because said petition is without equity.
2. Because said petition is without equity in that it
 appears from the allegations therein that [Name] was
 discharged as a [Name] in the office of [Name] [Name],
 one of the [Name] and [Name] [Name], prior to
 the filing of this petition.
3. Because said petition is without equity in that it
 affirmatively appears from the allegations therein, and as
 a matter of record in this Court, that [Name] was dis-
 charged as an attorney [Name] prior to the filing
 of this petition.
4. Because said petition does not contain any aver-
 ment that notice of the filing thereof is given to
 either or both of the executors of the estate.

Memorandum to
Petition of
Interment

[Signature]

Not-58
Sueck
RECORDED
6-487

MARY C. SMITH

VS

T. J. COONEY, et al

MOTION FOR LEAVE

TO FILE

INTERVENING PETITION

Filed August 17, 1934

W. D. Dyer
Dyer

Executed by sewing
a copy of the within
instrument from N. Keller
as attorney for the
estate of T. J. Cooney et al
and a copy of ~~the~~
the attorney for
Mary C. Smith
W. D. Dyer

M. H. Wilkins Off

124

JOHN N. ALLEN, VAN ANWERP BIDD., MOBILE, ALABAMA 6-382

Mrs. MARY GOONEY SMITH, GREOLA, ALABAMA.

THE STATE OF ALABAMA,

Circuit Court of Baldwin County

IN EQUITY

No. _____

SUMMONS

MARY GOONEY SMITH

VS.

THOMAS J. GOONEY, ET AL, as

Executors,

Solicitor for Complainant

Recorded in Vol. _____ Page _____

W.D. BALDWIN COUNTY

Received in office this 15th

day of May 1936

W.D. Baldwin
SHERIFF

Executed this 16 day of May 1936
by leaving a copy of the within Summons with

John N. Allen

Defendant

R. S. Walden
Sheriff

By *Wm Bernhart*
Deputy Sheriff

RECORDED
ALABAMA 6-382

RECORDED

Duck

6-423

Estate of

PATRICK J. COONEY,
Deceased.

REQUEST FOR SUBMISSION ON
DEMURRERS TO PETITION FOR
INTERVENTION.

Filed July 17, 1936
Robert S. Duck,
Register

E. G. Rickerby, Jr.
Solicitor.

MARY COONEY SMITH, :
 Complainant, : IN THE CIRCUIT COURT OF BALDWIN
 -VS- : COUNTY, ALABAMA.
 THOMAS J. COONEY, et al, :
 as Executors, : IN EQUITY NUMBER 96
 Respondents. :

PETITION OF INTERVENTION.

Comes ELLIOTT G. RICKARBY and by this his petition of intervention respectfully shows the facts to this Court which give him his right to intervene in this cause under section 6261 and 6262 of the Code of Alabama are as follows:

FIRST: That he was employed by Mrs. Mary Cooney Smith, one of the six heirs of the late Patrick J. Cooney upon whose estate letters executory issued on the twenty-seventh day of November, 1928 to Thomas J. Cooney and Patrick J. Cooney, Jr., as alleged in the bill of complaint in this cause to secure her interest in this estate and his authority is evidenced by a letter which reads as follows;

Elliott G. Rickarby, Esq., November 28, 1933.
 Robertsdale, Alabama.

Dear Sir:

This will be your authority to represent me in all matters pertaining to securing my interest in the estate of my late father, Patrick J. Cooney, and to take what ever steps are necessary for the purpose. It is understood that you have full authority to act in my name in this matter and for compensation are to receive a sum equal to twenty-five per cent of the amount secured by you for me, payable when my share reaches my hands.

Yours truly,
 WITNESSED (W. A. DeLONG) (SIGNED) MRS. MARY COONEY SMITH.

SECOND: That pursuant to this authority this Petitioner examined the records of the administration of the estate in the Probate Court and found the estate was valued by the Executors at Fifty Thousand Dollars and that although the letters had been issued for over five years no inventory had been filed and no yearly accounting had been made, and there was nothing of record showing that any effort had been made to distribute the assets of the estate. And that this Petitioner is an attorney at law.

THIRD: That this Petitioner then took the matter up with the Executor, Patrick J. Cooney, Jr., but getting no satisfactory information from him, his attorney or agent, had the estate transferred to this Court of Equity by filing the bill of complaint in this cause in the name of Mary Cooney Smith in which he appeared as Solicitor of record for her and notice of which was duly served on the Respondents. Then he secured an order requiring the Executors to file an accounting in the estate under section 5919 of the Code of Alabama.

FOURTH: That upon the Executors' refusal or neglect to obey the orders of the Court this Petitioner did obtain from this Court an order requiring the Executors to show cause why they should not be removed for failure to obey the order of Court.

FIFTH: That upon a hearing especially set by the Court on this motion to remove the Executors for failure to abide by the orders of Court the Solicitor for the Executors stated that this Petitioner was acting without authority in this cause. Whereupon the Court ordered that Monday, April the twenty-seventh, 1936 be especially set as a time to ascertain the fact as to whether or not the Solicitor and Petitioner herein was acting with authority from Mary Cooney Smith.

SIXTH: That on this day the Complainant Mrs. Mary Cooney Smith had a statement filled in Court stating that she wished the proceedings dropped and ordering this Petitioner to take no further steps to cause an accounting and ordered his dismissed from her cause. Whereupon this Petitioner called to the attention of the Executor the fact that the Complainant's suit was satisfied before his fees as the attorney of record was paid and endeavored to satisfy the lien without taking this proceeding, but meet with no success.

SEVENTH: That this Petitioner has done much work in this cause and the amount of his fee is contingent on the amount to be recovered and his fees have not been paid.

THE PREMISES CONSIDERED Petitioner prays that this petition

be set for a hearing that the parties, both Complainant and Respondent be given due notice thereof so that they may show cause if any there be why this petition should not be granted.

Petitioner further prays that the Court will adjudge that he has a lien for his services as Solicitor of record for the Complainant and order the original bill be continued so as to ascertain his fee. And that the Court order a reference be held to ascertain a suitable amount to be allowed Petitioner out of the corpus of the estate as compensation for his services in transferring the administration thereof into this Court from the Probate Court where it has lain dormant for five years, same being to the interest of the estate. And when so reported the Court will order it paid.

Petitioner further prays that the Court order the Executors to file an accounting, charging themselves with all of the assets that have come into their hands as such and crediting themselves with all proper payments made in the behalf of the estate and to the heirs and list all unpaid claims taxes and judgments against the estate and when the accounting is made then determine the Complainant's share in the estate at the time that the Petitioner became her Solicitor of record and this Petitioner's fee for his services rendered at the request of Complainant and order that it be paid unless it would work a hardship on the estate, in which case Petitioner as a party in interest prays that the Executors be required to give bond for the assets in their hands or chargeable against them under section 5790 of the Code of Alabama.

Petitioner further prays for such other, further or different relief as to Equity may seem meet.

E. G. Rickarby, Jr.
SOLICITOR FOR PETITIONER.

STATE OF ALABAMA,
BALDWIN COUNTY.

Before me the undersigned Notary Public in and for said state and county personally appeared ELLIOTT G. RICKARBY who being by me first duly sworn deposes and says that the facts contained in the foregoing petition are true.

Elliott G. Rickarby

PETITIONER.

Subscribed and sworn to before
on this the 9 day of May, 1936.

Eulalie T. Fell

NOTARY PUBLIC.

Baldwin county, Alabama.

Mrs. Mary Cooney Smith can
be found at Orsola, Alabama.

John W. Allen, Esquire, the
Solicitor for the Respondents
can be found in the
Van Antwerp Building,
Mobile, Alabama.

MARY COONEY SMITH,

Complainant,

-vs-

THOMAS J. COONEY, et al,
as Executors,

Respondents.

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA.

IN EQUITY NUMBER 96

PETITION OF INTERVENTION.

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FIRST: That he was employed by Mrs. Mary Cooney Smith, one of the six heirs of the late Patrick J. Cooney upon whose estate letters executory issued on the twenty-seventh day of November, 1928 to Thomas J. Cooney and Patrick J. Cooney, Jr., as alleged in the bill of complaint in this cause to secure her interest in this estate and his authority is evidenced by a letter which reads as follows;

Elliott G. Rickarby, Esq.,
Robertsdale, Alabama.

November 28, 1933.

Dear Sir:

This will be your authority to represent me in all matters pertaining to securing my interest in the estate of my late father, Patrick J. Cooney, and to take what ever steps are necessary for the purpose. It is understood that you have full authority to act in my name in this matter and for compensation are to receive a sum equal to twenty-five per cent of the amount secured by you for me, payable when my share reaches my hands.

Yours truly,

WITNESSED (W. A. DeLONG)

(SIGNED) MRS. MARY COONEY SMITH.

SECOND: That pursuant to this authority this Petitioner examined the records of the administration of the estate in the Probate Court and found the estate was valued by the Executors at Fifty Thousand Dollars and that although the letters had been issued for over five years no inventory had been filed and no yearly accounting had been made, and there was nothing of record showing that any effort had been made to distribute the assets of the estate. And that this Petitioner is an attorney at law.

be set for a hearing that the parties, both Complainant and Respondent be given due notice thereof so that they may show cause if any there be why this petition should not be granted.

Petitioner further prays that the Court will adjudge that he has a lien for his services as Solicitor of record for the Complainant and order the original bill be continued so as to ascertain his fee. And that the Court order a reference be held to ascertain a suitable amount to be allowed Petitioner out of the corpus of the estate as compensation for his services in transferring the administration thereof into this Court from the Probate Court where it has lain dormant for five years, Same being to the interest of the estate. And when so reported the Court will order it paid.

Petitioner further prays that the Court order the Executors to file an accounting, charging themselves with all of the assets that have come into their hands as such and crediting themselves with all proper payments made in the behalf of the estate and to the heirs and listia) unpaid claims taxes and judgments against the estate and when the accounting is made then determine the Complainant's share in the estate at the time that the Petitioner became her Solicitor of record and this Petitioner's fee for his services rendered at the request of Complainant and order that it be paid unless it would work a hardship on the estate, in which case Petitioner as a party in interest prays that the Executors be required to give bond for the assets in their hands or chargeable against them under section 5790 of the Code of Alabama.

Petitioner further prays for such other, furtheror different relief as to Equity may seem meet.

E. G. Rickard
SOLICITOR FOR PETITIONER.

STATE OF ALABAMA,
BALDWIN COUNTY.

Before me the undersigned Notary Public in and for
said state and county personally appeared ELLIOTT G. RICKARBY
who being by me first duly sworn deposes and says that the
facts contained in the foregoing petition are true.

Elliott G. Rickarby
PETITIONER.

Subscribed and sworn to before
on this the 9 day of May, 1936.

Eulalie T. Fell
NOTARY PUBLIC.
Baldwin county, Alabama.

Mrs. Mary Cooney Smith can
be found at Creola, Alabama.

John N. Allen, Esquire, the
Solicitor for the Respondents
can be found in the
Van Antwerp Building,
Mobile, Alabama.

