

JAMES G. ALLEN, et al,  
Complainants,  
VS.  
JAMES K. CLARKE, JR., et al,  
Respondents.

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

AMENDED BILL.

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

Now comes James G. Allen, W. H. Allen, Tillman Allen, Thomas L. Allen, Wade Allen, Arthur Allen and Nellie Allen Hastings, the heirs at law of Sarah E. Allen, who were made parties to this cause as the heirs at law of Sarah E. Allen, Deceased; and James G. Allen, and revive this cause in their names, and amend the Bill of Complaint heretofore filed in this cause so that the same will read as follows:

"Your Orators, James G. Allen, W. H. Allen, Tillman Allen, Thomas L. Allen, Wade Allen, Arthur Allen and Nellie Allen Hastings, as the heirs at law of Sarah E. Allen, Deceased, and James G. Allen, present this their Bill of Complaint against John D. Clarke, James K. Clarke, Jr., and Henry Talmadge and Company, a Co-Partnership composed of Henry P. Talmadge and Jacob H. Van Deventer, and thereupon your Orators complain and show unto the Court as follows:

1. Your Orators are each over twenty-one years of age and their respective places of residence are as follows: James G. Allen, Baldwin County, Alabama, W. H. Allen, Pensacola, Florida; Tillman Allen, Baldwin County, Alabama; Thomas L. Allen, Baldwin County, Alabama, Wade Allen, Escambia County, Alabama; Arthur Allen, Escambia County, Alabama and Nellie Allen Hastings, Escambia County, Alabama.

The Defendant, John D. Clarke is over twenty-one years of age and a non-resident of the State of Alabama, whose residence and post office address is Darien, Georgia; the Defendant, James K. Clarke, Jr., is over twenty-one years of age and a resident of Baldwin County, Alabama; the Defendant, Henry Talmadge and Company, is a Co-Partnership composed of Henry Talmadge and Jacob H.

VanDeventer, who are each over twenty-one years of age and non-residents of the State of Alabama, whose places of residence and post office addresses are New York City, New York.

2. Your Orators are the owners of the following described land situated in Baldwin County, Alabama, to-wit: East Half of the Southeast Quarter; Southwest Quarter of the Southeast Quarter, and the Southeast Quarter of the Southwest Quarter of Section 34, Township 4 South Range 5 East.

3. Your Orators claim to own the said land in their own right and are in the actual, quiet and peaceable possession of the said land.

4. The Defendants, John D. Clarke, James K. Clarke, Jr., and Henry Talmadge and Company, a Co-Partnership composed of Henry P. Talmadge and Jacob H. Van Deventer, are reputed to claim some right, title or interest in or encumbrance upon the said land; no suit is pending to enforce or test the validity of such title, claim or encumbrance, and your Orators bring this their Bill of Complaint against the said Defendants to settle the title to the said land and clear up all doubts and disputes concerning the same, and your Orators here and now make call upon the said Defendants and each of them to set forth and specify their title, claim, interest or encumbrance to or upon the said land or any part thereof and how and by what instrument the same is derived and created.

#### PRAYER FOR PROCESS.

Your Orators pray that the said John D. Clarke, James K. Clarke, Jr., and the said Henry Talmadge and Company, a Co-Partnership composed of Henry P. Talmadge and Jacob H. Van Deventer be made parties defendant to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to them and each of them.

#### PRAYER FOR RELIEF.

Your Orators further pray that upon a final hearing of this cause your Honor will grant and enter a decree against the said

Defendants, John D. Clarke, James K. Clarke, Jr., and Henry Talmadge and Company, a Co-Partnership composed of Henry P. Talmadge and Jacob H. Van Deventer, quieting title to the said land and adjudging and decreeing that your Orators are the owners of the said land in their own right; that title to the said land is in your Orators, forever quieting your Orators' title against the said Defendants, John D. Clarke James K. Clarke, Jr., and Henry Talmadge Company, a Co-Partnership composed of Henry P. Talmadge and Jacob H. Van Deventer, and adjudging that the said Defendants are without right, title or interest in the said land and have and hold no encumbrance upon the same.

Your Orators further pray for such other, further and general relief as they may be equitably entitled to the premises considered.

Gordon, Leigh, Leigh & Gordon  
J. B. Blackburn  
Solicitors for Complainants.

FOOT NOTE: The Defendants and each of them are required to answer each and every paragraph of the foregoing Bill of Complaint numbered 1 to 4 both inclusive, but not under oath, the benefit whereof is hereby expressly waived.

Gordon, Leigh, Leigh & Gordon  
J. B. Blackburn  
Solicitors for Complainants.

Your Orators will and hereby demand a Jury for the trial of the issues in said cause as provided in and by Section 9908 of the 1923 Code of Alabama.

Gordon, Leigh, Leigh & Gordon  
J. B. Blackburn  
Solicitors for Complainants."

JAMES G. ALLEN, W. H. ALLEN,  
TILLMAN ALLEN, THOMAS L. ALLEN,  
WADE ALLEN, ARTHUR ALLEN, NELLIE  
ALLEN HASTING, AS THE HEIRS AT  
LAW OF SARAH E. ALLEN, DECEASED,

Complainants,

Vs.

JAMES K. CLARKE, JR., JOHN D.  
CLARKE AND HENRY TALMADGE AND  
COMPANY, A CO-PARTNERSHIP COM-  
POSED OF HENRY P. TALMADGE AND  
JACOB H. VAN DEVENTER,

Respondents.

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

Now come the Respondents in the aforesaid cause and  
move the Court for a new trial and for grounds therefor say:-

FIRST:

That the verdict of the Jury was contrary to the evi-  
dence in the case.

SECOND:

That the verdict of the Jury was contrary to the law  
in the case.

THIRD:

That the verdict of the Jury was contrary to the law  
and the evidence in the case.

FOURTH:

That the verdict of the Jury was contrary to the charge  
of the Court in the case.

FIFTH:

That the evidence in the case showed without dispute  
that the complainants were not at the time of the filing of the  
suit, or at the time of trial in possession of the following des-  
cribed lands situated in the Northeast Quarter of the Southeast  
Quarter of Section 34, Township 4 South, Range 5 East, viz:- From  
the Northwest Corner of the Northeast Quarter of Southeast Quarter  
of Section 34, Township 4 South, Range 5 East, thence southerly

(page three)

charge at the request of the complainants. "The Court charges the Jury that if you are reasonably satisfied from the evidence that the complainants and those under whom they claim have been in the actual, open, notorious, hostile, exclusive, peaceable and continuous possession of the lands involved in this suit, claiming to own the said lands, for more than ten years prior to the commencement of this suit, during all of which time they annually listed the said lands for taxation, your verdict should be for the complainants."

TENTH:

That the Court erred in giving the following written charge at the request of the complainants. "The Court charges the Jury that a presumption of title arises in support of a peaceable possession under claim of title for twenty years and if you are reasonably satisfied from the evidence that James G. Allen and Sarah E. Allen had been in the peaceable possession of all of the property involved in this suit under claim of title for twenty years prior to the filing of this suit, then the complainants are entitled to a verdict at your hands."

ELEVENTH:

That the Court erred in refusing to give the following charge at the request of the Respondents. "The Court charges the Jury that if you believe the evidence in this case that you will find for the defendants as to the Northeast Quarter of the Southeast Quarter of Section 34, Township 4 South, Range 5 East."

TWELVETH:

That the Court erred in giving the following written charge at the request of the complainants. "I charge you, gentlemen of the jury, that if you believe that the complainants, and those through whom they claim, have been in the actual possession of the lands described in the bill of complaint in this cause continuously for a period of twenty years next before the filing of this suit, claiming to own said premises during all of said period of time, and at no time recognizing, during that period, any claim of title or of ownership on the part of the defendants or either of them, then you should find the issue in this cause in favor of the com-

(page four)

plainants."

THIRTEENTH:

That the Court erred in giving the following written charge at the request of the complainants. "The court charges the jury that if you are reasonably satisfied from the evidence in this case that the complainants, James G. Allen and Sarah E. Allen were in the peaceable possession of the lands described in the bill of complaint at the time this suit was filed and that no suit was pending to test the defendants' title to the said property, the burden is on the defendants to prove the title in themselves."

*Hybart & Rason*  
Attorneys for Respondents.

TO: J. B. Blackburn as one of the Attorneys of Record for Complainants.

**RECORDED** Motion Docket  
page 99

Motion Docket

(page four)

Continued

Continued

Filed April 17 1941  
Ossack  
Register

*Inducting*  
The State of Alabama,  
Baldwin County

S. D. Page No. \_\_\_\_\_

CIRCUIT COURT

Case No. 128

Fall Term, 1940

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON George Pittman, Mrs. George Pittman,

W. O. Kipson, W. H. Foley, George D. Durham, Mrs. Rebecca Allen,

T. F. Lambert, Harry Barker

if to be found in your County, at the instance of the Defendant.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 11 day of September, 1940 193, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein James G. Allen, et al., Plaintiff

and James K. Clarke, et al., Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 29th day of August, 1940, 193

*H. S. Durb*

CLERK.



*Summedale*

Received in office this \_\_\_\_\_ day of

\_\_\_\_\_ 193\_\_\_\_\_

SHERIFF

I have executed this writ *by serving*

*W. H. Foley 9-4-40 P.M.*

*J. P. Lambert 9/5/40*

*W. O. Kukan P.M.*

*W. E. Foley during Part of*

*show W. Kukan P.M.*

*Mrs Rebecca Allen P.M.*

*Mrs Geo Putman P.M.*

*Geo Putman P.M.*

ORIGINAL

No. 128 -Chancery Page \_\_\_\_\_

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

JAMES G. ALLEN,

Plaintiff

VS.

JAMES K. CLARKE,

Defendant

CIVIL SUBPOENA

Issued this \_\_\_\_\_ day of

193\_\_\_\_\_

Clerk.

*W. P. Stuart*

SHERIFF

*D. J. A. White*

*Ch. Highway Patrol*

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No. ....

Case No. 128

CIRCUIT COURT

fall Term, 1939

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon George Pittman, Mrs. George Pittman,  
W. O. Hipson, W. E. Foley, George D. Denham, Mrs.  
Rebecca Allen, J. P. Lambert

if to be found in your County, at the instance of the Respondent

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 13 day of September 1939

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein James G. Allen Plaintiff

and James K. Clark, jr. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 21 day of Aug 1939

R. S. DUBOIS  
Clerk  
By Harold Thompson  
Deputy

Clerk.

Gateswood  
Respondent's

Received in office this 31<sup>st</sup> day of

Aug 1939  
W.R. Stuart  
Sheriff.

ORIGINAL

No. 128 Page.....

**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

**CIRCUIT COURT**

I have executed this writ

- George Pittman P.M. 9-5
- Mrs George Pittman P.M. 9-5
- W.O. Gibson P.M. 9-5
- W.E. Foley W.D. 9-6-
- George D. Denham P.M. 9-5
- Mrs Rebecca Allen P.M. 9-5
- T.P. Lambert Res 9-6-35-
- Lambert in default - do not know if he will be back

James H. Allen,

Plaintiff

VS.

James H. Clark, Jr.

Defendant

**CIVIL SUBPOENA**

Issued this.....day of  
.....193.....

**R. S. DUCK**  
clerk - register

By \_\_\_\_\_ Deputy  
Clerk.

W.R. Stuart  
Sheriff.

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT  
} Case No. 128 \_\_\_\_\_ Nov. \_\_\_\_\_ Term, 1942

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Jordon Waters. J G Allen. Tillman Allen  
Marvin Fillingim. Walter Gullede. Peter Morris Fred Oglesby W H Allen  
Thos L Allen. and E S Tunstall.  
if to be found in your County, at the instance of the Compt. Harry Parker

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 8 o'clock of the forenoon, on the 4th day of November, 1942

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein James G Allen et al. Plaintiff

and James K Clarke. et al. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 20th day of Oct. 1942

RS. Duck Clerk

Received in office this \_\_\_\_\_ day of

194

**SHERIFF**

I have executed this writ

*in full*

**ORIGINAL**

No. 128.

Page \_\_\_\_\_

**THE STATE OF ALABAMA**

**Baldwin County**

**CIRCUIT COURT**

James G Allen et al.

~~X~~

Plaintiff

VS.

James K clarke. et al.

*OK*

Defendant

**CIVIL SUBPOENA**

Issued this 20th day of

Oct,

194 2

*W.D. Stuart*

**SHERIFF**

*By B. F. Kucera DS*

*Peter Morris*

*F. S. Duck*

Clerk.

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA  
BALDWIN COUNTY

} Case No. 128 Nov Term, 1942

CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon George Pittman Mrs George Pittman.  
W O Gipson. W H Foley George Dunham Mrs Rebecca Allen T P Lambert and  
Harry Parker.  
if to be found in your County, at the instance of the Respt,

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-  
of, by 8 o'clock of the forenoon, on the 4th day of November, 1942

and from day to day and term to term of said Court until discharged by law, then and there to testify, and  
the truth to say, in a certain cause pending, wherein James Allen et al. Plaintiff  
and James K Clarke. et al. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 20th day of Oct, 1942

R. S. Duck

Clerk

*7/14/94*

ORIGINAL

No. 1 28

Page \_\_\_\_\_

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

James G Allen, et al.

Plaintiff

VS.

James K Clarke, et al.

Defendant

CIVIL SUBPOENA

Issued this 20th day of

Oct. 1994

*R.S. Duck*

Clerk.

Received in office this \_\_\_\_\_ day of

194

SHERIFF

I have executed this writ

*In full True*

*W.R. Bunt*

SHERIFF

The State of Alabama,  
Baldwin County

S. D. Page No. \_\_\_\_\_

CIRCUIT COURT

Case No. 128

Spring 1941

Term, 193\_\_\_\_\_

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON George Pittman, Mrs. George Pittman, W. O.

Gibson, W. H. Foley, George D. Dunham, Mrs. Rebecca Allen, T. P. Lambert,

Harry Parker

if to be found in your County, at the instance of the defendant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 15th day of April 1941 193\_\_\_\_, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein James G. Allen et al. Plaintiff

and James K. Clarke, Jr. Etal. Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 2nd day of April 1941, 193\_\_\_\_\_

*R. S. Luck*

CLERK.



Received in office this 2 day of

April 1934

W.R. Stuart  
SHERIFF

I have executed this writ 4-5-41

by serving a copy  
of within writ on  
George Pitman, Mrs  
George Pitman, W. O  
Gibson, W. H. Foley  
George S. Durbin, Mrs.  
Rebecca Allen  
L. P. Lambert - K-  
Harry Parker

W.R. Stuart  
SHERIFF  
B. J. K.

ORIGINAL

No. 128 Page \_\_\_\_\_

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

James G. Allen, et al.

Plaintiff

VS.

James K. Clarke, Jr. et al.

Defendant

CIVIL SUBPOENA

Issued this \_\_\_\_\_ day of

1934

Clerk,

# RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

*Kendy Palmudger*  
-----  
(Signature or name of addressee)

*John H. Gault*  
-----  
(Signature of addressee's agent)

Date of delivery *5/13/35* -----, 19

FORM 3811

U. S. GOVERNMENT PRINTING OFFICE

c 5-6116

*Filed May 16, 1935  
Robert S. Buck  
Registered*

Post Office Department

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

REGISTERED ARTICLE

No. 65

INSURED PARCEL

No. \_\_\_\_\_

POSTMARK OF DELIVERING  
OFFICE

Return to

*Robt. S. Duck* *CC*

(NAME OF SENDER)

Street and Number, }  
or Post Office Box, }

Post Office at \_\_\_\_\_

Rev. 3-24

o 5-6116

State *Bay Minette, Ala.*

TWENTY-FIRST JUDICIAL CIRCUIT

OF ALABAMA

F. W. HARE, JUDGE

R. L. JONES, CIRCUIT SOLICITOR

M. R. FARISH, COURT REPORTER

MONROEVILLE, ALABAMA

January 15, 1943

Mr. J. B. Blackburn,  
Bay Minette, Alabama.

Dear J. B.:

In accordance with your request of yesterday I am herewith setting forth the information you desire in order to make up your note of testimony in the case of Allen vs. Clarke.

The witnesses for the complainant, in the order of their appearance on the stand, were as follows: James G. Allen, Harry H. Parker, Tom Allen, G. F. Oglesby, Henry Allen, Marvin Fillingame, Peter Morris, and Tillman Allen.

The exhibits offered in evidence by the complainants are as follows:

1. Original patent from the United States to Joseph T. Stone, dated December 5, 1884, and recorded in Deed Book 69 N. S. at page 200, Baldwin County records.

2. A plat of the land involved in this litigation prepared by Mr. Harry H. Parker.

3. A photograph of the home place of James G. Allen and Sarah Allen.

4. A photograph taken from the a point in the northeast part of the field of the Allen home place, which represents a picture of the field and the house as it was when the suit was commenced.

5. A photograph representing a view of a part of the field and the house as it was at the time suit was commenced.

6. "It is admitted that there was a mortgage from James K. Clarke, Sr. and James K. Clarke, Jr. to Henry Talmadge and Company, a co-partnership composed of Henry Talmadge and Jacob Van Deventer, dated April 28, 1923, and recorded in Book No. 50 of Mortgages, at pages 493-4,

TWENTY-FIRST JUDICIAL CIRCUIT

OF ALABAMA

F. W. HARE, JUDGE

R. L. JONES, CIRCUIT SOLICITOR

M. R. FARISH, COURT REPORTER

MONROEVILLE, ALABAMA

page #2 - Mr. J. B. Blackburn -

Baldwin County, Alabama, records, which conveys the property involved in this suit, and which is uncancelled. It was filed for record August 3, 1931."

7. Certified copies of the tax assessments of James G. Allen and wife for the years of 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934 and 1935.

8. The tax receipts for the years of 1921, 1922, 1923, 1924, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934 and 1935.

The foregoing appears to be a list of all the witnesses for the complainants, and a correct list of the exhibits offered by you in evidence, as well as the agreement set out in the transcript with reference to the mortgage from Clarke to Talmadge & Company. I trust that this will give you the desired information.

There is, of course, no charge for this.

With highest personal regards and best wishes,

I am

Sincerely yours,

*M. R. Farish*

*P.S. Proof was made as to the loss of the tax receipt for 1925 -*

*M*

No 11

The Court charges the Jury that if you believe the evidence in this case that you will find for the defendant as to the Southwest quarter of Southeast quarter of Section 34, Township 4 South, Range 5 East.

Albin & Claus,

Refused  
J. W. Hare  
Judge

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No. ....

Case No. 128

CIRCUIT COURT

Spring Term, 1939

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon J. G. Allen (Gateswood, Ala.), Silman Allen (Gateswood, Ala.), Marvin Fillingim (Gateswood), Walter Bulledge (Gateswood), Peter Morris (Gateswood), Fred Oglesby (Gateswood), W. H. Allen (Gateswood), Thomas S. Allen (Gateswood), E. S. Dunstale (Bay Minette). Plaintiffs

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 9:30 o'clock of the forenoon, on the 13 day of April 1939

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein J. G. Allen Plaintiff

and James G. Clark Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 4th day of April 1939

R. S. DUCK, Clerk.  
New Alice Thompson, Deputy

Received in office this 5<sup>th</sup> day of

April

1939

W.R. Stuart

Sheriff.

I have executed this writ

in Full

4-5-39

W.R. Stuart

Sheriff.

ORIGINAL

No. 128

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

J. B. Allen

Plaintiff

VS.

James B. Clark

Defendant

CIVIL SUBPOENA

Issued this 4<sup>th</sup> day of

April

1939

**R. S. DUCK**

clerk, - register

By

Ada Alice Thompson

Clerk.

Deputy



no 1

The Court charges the Jury that if you believe  
the evidence in this case you should find for the Defendants.

Allen & Camp

Refused  
J. W. Ware  
Judge



THE STATE OF ALABAMA  
BALDWIN COUNTY

S.D. Page No. \_\_\_\_\_  
Case No. 128

CIRCUIT COURT  
Fall Term, 1939

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon *J. H. Allen, Tillman Allen, Marvin Lillingim, Walter Dullidge, Peter Norris, Fred Olesley, W. H. Allen, Jas. L. Allen, E. G. Mustall*

if to be found in your County, at the instance of the *Complainant*

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by *8:30* o'clock of the forenoon, on the *13* day of *September* 193*9*

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein *James H. Allen* Plaintiff

and *James K. Clark, jr* Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this *31* day of *Aug.* 193*9*

R. S. DUCK  
clerk, - register

By *Martha Thayer* Clerk.

Received in office this 31<sup>st</sup> day of

Aug 1937  
W.R. Stewart  
Sheriff.

I have executed this writ

J.G. Allen P.M. 9-5  
Tillman Allen P.M. 9-5  
Marrin Dillingier P.M. 9-5  
Walter Gullidge P.M. 9-5  
Peter Morris P.M. 9-5  
Fred Oglesby P.M. 9-5  
W.H. Allen P.M. 9-5  
Thos L. Allen P.M. 9-5  
E. S. Junstall D-9-5

W.R. Stewart  
Sheriff.

Baterwood  
Complainant's

ORIGINAL

No. 128 Page

**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

**CIRCUIT COURT**

James H. Allen

Plaintiff

VS.

James K. Clark, Jr.

Defendant

Egriety  
**CIVIL SUBPOENA**

Issued this ..... day of  
..... 193.....

**R. S. DUCK**

Clerk.

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 D. CLARKE

of DARIAN, GEORGIA ~~#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

JAMES G. ALLEN, ET ALS.,

against said JOHN D. CLARKE, ET ALS.,

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, R. S. Duck, Register of said Circuit Court, this 12th day of  
January, 193- 1940.

R. S. Duck

, Register

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

Code Equity 122B. original

RECORDED

Serve On \_\_\_\_\_

Circuit Court of Baldwin County  
IN EQUITY

No. 128

Summons

JAMES G. ALLEN, ET ALS,  
Complainants,

vs.

JAMES K. CLARKE, JR., ET ALS.,  
Respondents.

J. B. BLACKBURN  
Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

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 Summons with

Defendant

Sheriff

By \_\_\_\_\_  
Deputy Sheriff

STATE OF ALABAMA, }  
BALDWIN COUNTY. }

I, R. S. DUCK, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that I have mailed a copy of the within Summons, together with a copy of the Bill of Complaint, in this cause, to the Respondent, JOHN D. CLARKE, at the address given in said Amended Bill of Complaint, by registered mail, postage prepaid, with return receipt demanded, and marked for delivery only to the person to whom addressed.

This the 12th day of January, 1940.

*R. S. Duck*  
R. S. DUCK, Register,

**RECEIPT FOR REGISTERED ARTICLE No. 416**

15 fee paid. 1 class postage paid. Jan 12, 1940 (Date)

Declared value, \$ Legal Papers Only Surchage paid, \$

From R. S. Duck, Register, Birmmngham, Ala (Sender)

Addressed to (Street and number) (Post office and State)

John S. Clarke (Addressee)

(Street and number) (Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery

Return receipt fee 05 in person [checked] Special delivery fee

Delivery restricted to addressee or order Fee paid 10 Postmaster, per H







# RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

*[Handwritten signature]*

(Signature or name of addressee.)

**Deliver to addressee only.**

**Deliver to addressee only.**

(Signature of addressee's agent.)

Date of delivery, \_\_\_\_\_,

192 *40*

Form 3811

GOVERNMENT PRINTING OFFICE

5-6116

*Filed January 17/1940*  
*R.S. Smith, Register*

*[Handwritten initials]*

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 416

INSURED PARCEL

No. \_\_\_\_\_

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

POSTMARK OF DELIVERING  
OFFICE

AND DATE OF DELIVERY

Return to R. S. DUCK, Register in Chancery

(NAME OF SENDER)

Street and Number, }  
or Post Office Box, } P. O. Box 239

Post Office at Bay Minette, Alabama,

Rev. 3-24

o 5-6116

State \_\_\_\_\_

JAMES G. ALLEN,

VS.

JAMES K. CLARK, ET AL

IN THE  
CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA. AT LAW.

This being the day set for the hearing of the motion for a new trial filed by the defendants in this cause, the same is continued to June 10, 1941.

Dated this 27th day of May, 1941.

  
JUDGE

RECORDED

JAMES G. ALLEN

VS.

JAMES K. CLARK, ET AL

ORDER OF CONTINUANCE

Filed May 27, 1941.

R.S. Duck,  
Judge  
Clerk.

JAMES K. CLARK, ET AL  
AS  
ATTORNEY AT LAW

VIRGINIA  
COURT OF COMMONS  
IN THE

JAMES  
CLARK

12

JAMES G. ALLEN, ET AL.,  
Complainants,  
VS.  
JAMES K. CLARKE, JR., ET AL.,  
Respondents.

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

This cause coming on to be heard is submitted on motion for a new trial, and the same being considered by the Court, the Court is of the opinion that said motion should be granted -

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that said motion of the Respondents in the aforesaid cause for a new trial be and the same is granted, and that said cause is to be reinstated on the docket for a new trial.

Dated this 10th day of June, 1941.

*J. W. Hare*  
\_\_\_\_\_  
JUDGE



The State of Alabama,  
Baldwin County

S. D. Page No. \_\_\_\_\_  
Case No. 128-Equity      Fall Term, 19340

CIRCUIT COURT

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON J. G. Allen, Tillman Allen, Marvin Fillingim,  
Walter Gullledge, Peter Morris, Fred Oglesby, W. H. Allen, Thos. W.  
Allen, E. S. Tunstall

if to be found in your County, at the instance of the complainant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 11th day of September 19340, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein James G. Allen, et al. Plaintiff

and Jas. K. Clarke, Jr. et al., Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 4th day of September, 1940, 19340

*R. S. Duch*

CLERK.

Received in office this 4 day of

Sept 1940

W R Stuart  
SHERIFF

I have executed this writ

E. S. Junstall 9-4-40 D.M.B.H.

J. M. Allen - 9-5-40 (P.M.)

Gilman Allen 9-5-40 (P.M.)

Martin Gillingham 9-5-40 (P.M.)

Walter Gullidge 9-5-40 (P.M.)

Peter Morris 9-5-40 (P.M.)

Fred Oglesby 9-5-40 (P.M.)

W. H. Allen 9-5-40 (P.M.)

Thos. W. Allen 9-5-40 P.M.

W R Stuart  
M B Hamilton  
SHERIFF

ORIGINAL

No. 128-Chancery Page \_\_\_\_\_

**THE STATE OF ALABAMA  
Baldwin County**

**CIRCUIT COURT**

Jas. G. Allen, et al.,

Plaintiff

VS.

Jas. K. Clarke, Jr., et al.

Defendant

**CIVIL SUBPOENA**

Issued this \_\_\_\_\_ day of

1940

Clerk.



James G. Allen and Sarah E. Allen,

vs.

CIRCUIT COURT OF

Baldwin COUNTY.

IN EQUITY.

James K. Clarke, & Henry Talmadge & Co, a co-  
partnership composed of Henry P. Talmadge and Jacob  
H. Van Deventer,

I, Robert S. Duck, Register of said Court, do hereby certify that I

did, on the 11th day of May 1923, send to Henry

Talmadge &amp; Co., a co-partnership composed of Henry P. Talmadge and Jacob H. Van Deventer, Defendant.

whose address was New York City, New York.

by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," a copy of the Bill

of Complaint filed in this cause; that I demanded a return receipt addressed to the Register of this Court; and that such

receipt was duly received and filed by me in this cause, on the 16 day of May 1923.

Witness my hand, this 16 day of May 1923.

Robert S. Duck

Register.

**RECORDED**  
*Deck*

No. 128

CIRCUIT COURT OF  
BALDWIN COUNTY.  
IN EQUITY.

James G. Allen,

vs.

James K. Clarke,

et al

CERTIFICATE OF REGISTER AS TO NOTICE  
BY REGISTERED MAIL.

Filed in office on this 16

day of May 1925

Robert S. Deck  
034 Register.

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 650

INSURED PARCEL

No. \_\_\_\_\_

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

POSTMARK OF DELIVERING  
OFFICE

Return to

*Robt S Dunch Co*

(NAME OF SENDER)

Street and Number, }  
or Post Office Box, }

Post Office at \_\_\_\_\_

Rev. 3-24

c 5-6116

State

*Bay Minette, Ala.*

# RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

*Henry Fahnadze*  
-----  
(Signature or name of addressee)

*John B. Gault*  
-----  
(Signature of addressee's agent)

Date of delivery *5/10/35*, 19\_\_\_\_

Form 3811

U. S. GOVERNMENT PRINTING OFFICE

o 5-6116

*Filed May 16, 1935  
Robert P. Murch  
Registered*

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA }  
BALDWIN COUNTY

S.D. Page No. ....  
Case No. 128-Chancery

CIRCUIT COURT ..  
Spring Term, 1940.

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon George Pittman, Mrs. George Pittman, W. O.

Gipson, W. E. Foley, George D. Dunham, Mrs. Rebecca Allen, T. P. Lambert,

Harry Parker

if to be found in your County, at the instance of the Respondent

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 10th day of April, 1940 193.

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein James G. Allen, Et Al., Plaintiff

and James K. Clark, Jr., et al. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 28th day of March 1940 193.

R. S. DUCK Clerk.

Received in office this <sup>th</sup> 28 day of

March

1940

W.R. Stuart

M.B.H.

Sheriff.

I have executed this writ *by serving in full*  
April 1-1940

Harry Parker - 4-1-40/K

Respondent's

ORIGINAL

No. 128-Chancery Page

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

JAMESG. ALLEN,

Plaintiff

VS.

JAMES K. CLARKE, JR.,

Defendant

CIVIL SUBPOENA

Issued this day of

193

W.R. Stuart

By M.B. Hamilton

Sheriff.

Clerk.

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA  
BALDWIN COUNTY

S.D. Page No.....

CIRCUIT COURT

Case No. Chancery 128

Spring Term, 1934

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon J. G. Allen, Tillman, Allen, Marvin Fillingim,  
Walter Gulledege, Peter Morris, Fred Ogelsby, W. H. Allen, Thos. L.  
Allen (Gateswood) E. S. Tunstall (Bay Minette)

if to be found in your County, at the instance of the Complainant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,  
by 8:30 o'clock of the forenoon, on the 10th day of April, 1940 193

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to  
say, in a certain cause pending, wherein JAMES G. ALLEN, ET AL Plaintiff  
and JAS. CLARKE, JR., ET AL Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 28th day of March, 1940 193

..... Clerk.

*Amended*

Complainant's

Received in office this <sup>th</sup> 28 day of

March

1940

*W. R. Stuart*

Sheriff.

*inst.*

I have executed this writ *by serving*

*J. M. Allen*

*Edman Allen*

*Morris Filligan*

*Walter Seal Lodge*

*Peter Morris*

*Fred Oglesby*

*W. H. Allen*

*Thos. L. Allen*

*E. S. Junstall*

*4/4/40*

ORIGINAL

No. 128-Chancery Page

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

JAMES G. ALLEN,

Plaintiff

VS.

JAMES K. CLARKE, JR., ET

AL

Defendant

CIVIL SUBPOENA

Issued this day of

193

*C*

*W. R. Stuart*

*By M. B. Hamilton* Sheriff.

Clerk.



APRIL 14, 1941

JURY LIST, FIRST WEEK,

1. Louis F. Lacey, Farmer, Loxley.  
2. Calvin S. Childress, Farmer, Loxley.  
3. ~~Marvin Berglin, Creamery, Fairhope.~~  
4. ~~Walter J. Sharretts, Farmer, Summerdale.~~  
5. Morgan A. Lovell, Farmer, Loxley.  
6. Willie Dana, Fisherman, Point Clear.  
7. Edward Kane, Farmer, Loxley.  
8. ~~George W. Lawrence, Tourist Camp, Fairhope.~~  
9. ~~G. Fred Oglesby, Farmer, Gateswood.~~  
10. ~~Raymond Dubrock, Laundry, Fairhope.~~  
11. Fred C. Smith, Mechanic, Daphne.  
12. ~~Henry P. Kamper, Merchant, Fairhope.~~  
13. ~~Joseph L. Robinson, Farmer, Daphne.~~  
14. Ernest C. Weekley, Clerk, Perdido.  
15. ~~John C. Oglesby, Farmer, Gateswood.~~  
16. ~~A. Lonnie Lee, Farmer, Gateswood.~~  
17. ~~Vadin McNeil, Farmer, Gateswood.~~  
18. Herman L. Taylor, Mechanic, Bay Minette.  
19. ~~Harry Edward Nelson, Farmer, Tensaw.~~  
20. Harry C. Bill, Jr., Farmer, Robertsdale.  
21. ~~John C. McDaniel, Jr., Clerk, Fairhope.~~  
22. ~~Phil G. Armstrong, Real Estate, Silverhill.~~  
23. ~~Robert L. Martin, Blacksmith, Perdido.~~  
24. ~~Arthur Saxe, Farmer, Loxley.~~  
25. ~~Joseph A. Klumpp, Merchant, Perdido.~~  
26. ~~Hilary B. Jones, Mechanic, Bay Minette.~~  
27. ~~Charles A. Bodden, Mg. Ala. Power., Bay Minette.~~  
28. ~~J. Floyd Bryars, Pressing Club, Bay Minette.~~  
29. ~~Joseph L. Ruple, Electrician, Bay Minette.~~  
30. ~~Mike J. Reedy, Surveyor, Bay Minette.~~  
31. ~~Gienn K. Page, Filling Station, Bay Minette.~~  
32. ~~Little D. Owen, Hardware, Bay Minette.~~  
33. ~~Holt A. Stuart, Farmer, Bay Minette.~~  
34. ~~Ort H. Ertzinger, Insurance Agent, Bay Minette.~~  
35. ~~Willard A. Weekley, Merchant, Bay Minette.~~  
36. S. Oscar Bristow, Naval Stores, Bay Minette.  
37. ~~Roy H. Emmons, Mechanic, Bay Minette.~~  
38. Robert L. Godwin, Water Co., Bay Minette.  
39. Forrest Newton, Mill Man, Bay Minette.

P IIII IIII II  
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3/24

Specky

Almond Clark

~~8779~~  
1602  
1200  
051

State of Georgia, )  
 )  
 Chatham County. )  
 )

THIS INDENTURE made this *30<sup>th</sup>* day of *March*  
 in the year of our Lord one thousand nine hundred and one (1901),  
 between James K. Clarke, of the first part, and James K. Clarke Jr.,  
 of the second part, each of said parties being of the County of  
 Mc Intosh, State of Georgia;

W I T N E S S E T H that for and in considera-  
 tion of divers valuable and good considerations him thereunto moving  
 and in consideration of the sum of ten dollars (\$10) to him in hand  
 paid at or before the execution of these presents, the receipt where-  
 of is hereby acknowledged, the said party of the first part has  
 bargained, sold, aliened, remised and conveyed and by these presents  
 does bargain, sell, alien, remise and convey unto the said party  
 of the second part all an undivided one-half (1/2) interest, of, in  
 and to all those certain lots, tracts or parcels of land conveyed by  
 deed of William M. Carney and Adaline Carney to the said party of  
 the first part, and recorded in the office of the Judge of Probate,  
 Baldwin County, Alabama, in Book "L", pages 740, 741 and 742, and  
 more particularly described as follows, to-wit - all those certain  
 lots, tracts or parcels of land situate in the County of Baldwin,  
 State of Alabama, and in the sections herein below placed opposite  
 each piece of land:-

	<u>Section/</u>
<del>S.1/2 S.W.1/4 and N.W.1/4 S.W.1/4</del> <i>SE 1/4 of SW 1/4</i>	1-
<del>(S.1/2 S.E.1/4) and N.E.1/4 S.E.1/4</del> <i>SW 1/4 of SE 1/4</i>	2-
S.1/2 S.W.1/4 and N.E.1/4 S.W.1/4 and N.1/2 Sec.	2-
East 1/2 of	3-
S.1/2 S.W.1/4 and S.W.1/4 S.E.1/4	5-
West 1/2 of	8-
W.1/2 N.E.1/4 and N.E.1/4 N.E.1/4	8-
S.1/2 S.E.1/4 and N.W.1/4 S.E.1/4	8-
W.1/2 N.W.1/4 and S.W.1/4 (and S.1/2 S.E.1/4)	9-

N.1/2 of-----	- 10 -
All of-----	- 11 -
N.W.1/4 and S.1/2 of-----	- 12 -
All of-----	- 13 -
N.1/2 N.E.1/4 and S.1/2 S.E.1/4-----	- 14 -
W.1/2 N.W.1/4 and W.1/2 S.W.1/4-----	- 15 -
S.1/2 Section and S.W.1/4 N.E.1/4-----	- 17 -
S.1/2 N.W.1/4 and N.W.1/4 N.W.1/4-----	- 17 -
Lots 1, 8, 9 and 10 (E.1/2 E1/2)-----	- 18 -
Lots 1, 2 and 3 (E.fraction)-----	- 19 -
All of-----	- 20 -
All of-----	- 21 -
(W.1/2 N.W.1/4) and W.1/2 S.W.1/4-----	- 22 -
N.1/2 N.E.1/4 and N.1/2 S.E.1/4-----	- 23 -
N.1/2 of-----	- 24 -
(E.1/2 Section) and N.1/2 N.W.1/4----- <i>W 1/2 of E 1/2</i>	- 28 -
Lot 2 (N.W.1/4 N.E.1/4)-----	- 29 -
Lot 1 (N.E.1/4)-----	- 31 -
Lots 3, 4, 5 and 6 (N.W.1/4)-----	- 32 -
S.W.1/4 N.E.1/4 and N.E.1/4 S. W. 1/4-----	- 32 -
S.E.1/4 of-----	- 32 -
S.1/2 of-----	- 33 -
S.E.1/4 N.W.1/4 and N.E.1/4-----	- 33 -
S.W.1/4 of-----	- 34 -
S. <del>X</del> .1/2 N.W.1/4-----	- 34 -

Also all of lots (two (2) and) seven (7) East of Bon Secours River, being a portion of W.1/2 N.E.1/4 Section eighteen (18); also all of the Augustine Lacoste Tract (Section 30) that is East of Bon Secours River; also all of Thomas Johnson Tract (Section 37) that is North of Boggy Branch; all of the above named and described lands lying and being in Township eight (8) South, Range four (4) East in said county; also N.1/2 S.W.1/4 Section three (3) and N.E.1/4 S.E.1/4 and N.1/2 N.E.1/4 and N.E.1/4 N.W.1/4 of Section four (4) in Township nine (9) South, Range four (4) East; also fractions one (1), three (3), four (4) and five (5) of Section eighteen (18) Township eight (8) South, Range five (5) East, in said Baldwin County

Alabama, (all of said lands containing nine thousand four hundred and eighty-six (9486) acres more or less;

Also (an undivided one-half (1/2) interest of, in and to all those certain lots, tracts or parcels of land conveyed by deed of Joseph T. Stone to the party of the first part, and recorded in the office of the Judge of Probate, Baldwin County, Alabama, in Book "N", pages 57 and 58, and more particularly described as follows, to-wit - all those certain lots, tracts or parcels of land situate in the County of Baldwin, State of Alabama, namely - ) E.1/2 of N.E.1/4 and S.E.1/4 of Section number twenty-nine (29), in Township number five (5), South of Range number five (5) East, containing two hundred and forty-one (241) acres and 56/100 of an acre; W.1/2 of S.W.1/4 and S.W.1/4 ~~of S.W.1/4~~ of N.W.1/4 of Section number twenty-one (#21), in Township number five (5) South of Range number five (5) East containing one hundred and twenty (120) acres; N. W. 1/4 of Section twenty-eight (28) in Township number five (5) South of Range number five (5) East, containing one hundred and fifty-nine acres and 94/100 of an acre; N.W.1/4 of N.E.1/4 of Section number ten (10) in Township number eight (8) South of Range number five (5) East, containing forty (40) acres and 8/100 of an acre; S.W.1/4 of N.E.1/4 of Section number thirty-five (35) in Township number seven (7) South of Range number five (5) East, containing forty (40) acres and 80/100 of an acre; N.1/2 of Section number thirty-two (32) in Township number five (5) South of Range number five (5) East, containing three hundred and eleven (311) acres and 56/100 of an acre; N.1/2 of S.W.1/4 of Section number twenty-eight (28) in Township number five (5) South of Range number five (5) East, containing seventy-nine (79) acres and 97/100 of an acre; and S.E.1/4 of S.W.1/4 of Section number twenty-seven (27) in Township number five (5) South of Range number five (5) East, containing thirty-nine (39) acres and 90/100 of an acre;

Also (an undivided one-half (1/2) interest of, in and to all those certain lots, tracts or parcels of land conveyed by deed of Joseph T. Stone to the party of the first part, and recorded in the office of the Judge of Probate, Baldwin County, Ala-

bama, in Book "N", pages 58, 59 and 60, and more particularly described as follows - N.W.1/4 of N.W.1/4, S.E.1/4 of N.W.1/4 and S.1/2 of N.E.1/4 of Section number four (4) Township number nine (9) South of Range number four (4) East, containing one hundred and fifty-nine (159) acres and 93/100 of an acre; N.E.1/4 of N.E.1/4, S.W. of N.W.1/4 of Section number three (3) in Township number nine (9) South of Range number four (4) East, containing eighty (80) acres and 5/100 of an acre; N.W.1/4 of S.E.1/4 and S.E.1/4 of S.W.1/4 of Section number twenty-one (21) in Township number five (5) South of Range number five (5) East, containing eighty (80) acres; East 1/2 of Section number twenty-three (23) in Township number five (5) South of Range number four (4) East, containing two hundred and forty (240) acres and 8/100 of an acre; N.W.1/4 of Section number twenty-four (24) in Township number five (5) South of Range number four (4) East, containing one hundred and fifty-nine (159) acres and 36/100 of an acre; W.1/2 of N.W.1/4 of Section number thirty-three (33) in Township number five (5) South of Range number five (5) East containing eighty (80) acres and 40/100 of an acre; N.W.1/4 of N.W.1/4 and S.1/2 of N.W.1/4 of Section number thirty (#30) in Township number five (#5) South of Range number five (#5) East, containing one hundred and twenty (120) acres and 21/100 of an acre; E.1/2 of S.E.1/4, N.W.1/4 of S.W.1/4 and S.E.1/4 of S.W.1/4 of Section number twenty (#20) in Township number five (#5) South of Range number five (#5) East, containing one hundred and sixty (160) acres; S.E.1/4 and E.1/2 of S.W.1/4 of Section number thirty-two (#32) in Township number four (#4) South of Range number five (#5) East, containing two hundred and forty (240) acres and 66/100 of an acre; N.1/2 of S.E.1/4 of Section number thirty-five (#35) in Township number five (#5) South of Range number five (#5) East, containing eighty (80) acres and 69/100 of an acre; S.1/2 of S.W.1/4 of Section number thirty-six (#36) in Township number five (#5) South of Range number five (#5) East, containing eighty (80) acres and 58/100 of an acre; N.W.1/4 of N.W.1/4 of Section number three (#3) in Township number nine (#9) South of Range number four (#4) East, containing forty (40) acres and 3/100 of an acre; S.1/2 of S.E.1/4 of Section number twelve

(#12) in Township number five (#5) South of Range number five (#5) East, containing eighty (80) acres and 8/100 of an acre; S.E.1/4 and E.1/2 of S.W.1/4 of Section number thirty-four (#34) in Township number four (#4) South of Range number five (#5) East, containing two hundred and twenty-nine (229) acres and 54/100 of an acre; N.1/2 of N.W.1/4 of Section number four (#4) in Township number five (#5) South of Range number five (#5) East, containing eighty (80) acres and 7/100 of an acre; N.E.1/4 of N.E.1/4 of Section number five (#5) in Township number five (#5) South of Range number five (#5) East, containing thirty-nine (39) acres and 86/100 of an acre; S.W.1/4 of Section number thirteen (#13) in Township number five (#5) South of Range number four (#4) East, containing one hundred and sixty-one (161) acres and 42/100 of an acre; W.1/2 of N.W.1/4 and S.W.1/4 of Section number twelve (#12) in Township number five (#5) South of Range number four (#4) East, containing two hundred and thirty-nine (239) acres and 49/100 of an acre; S.1/2 of N.E.1/4 and S.E.1/4 of Section number eleven (#11) in Township number five (#5) South of Range number four (#4) East, containing two hundred and thirty-nine (239) acres and 91/100 of an acre; and Section number sixteen (#16) in Township number eight (#8) South of Range number four (#4) East, containing six hundred and forty (640) acres;

Said last named Section number sixteen (#16) in Township number eight (#8) of Range number four (#4) East, containing six hundred and forty (640) acres being also conveyed to the said party of the first part by grant of the State of Alabama, dated the thirteenth (13th) day of September, A.D., 1880.

TOGETHER WITH all and singular <sup>an undivided one half interest in</sup> the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. AND ALSO all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part of, <sup>an undivided one half interest in</sup> in or to the above described premises, and every part and parcel thereof, with the appurtenances.

containing about 13352 acres.

*an undivided one half interest of and in*

TO HAVE AND TO HOLD all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF the said party of the first has hereunto set his hand and seal the day and year first above written, and Mrs. Ellen Clarke, the wife of the party of the first part, joins with him in this conveyance for the purpose of relinquishing any dower rights in the lands above described to which she may be entitled, and hereunto sets her hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of - the following words being first interlined on page 4, line 12: "containing 320 acres & 8/100 of an acre - S.E. 1/4 and N. 1/2 of N.W. 1/4 of Sec #14 in T. #5, S. of R. 4, East";

*James K. Clarke* (L.S.)

*Ellen Clarke* (L.S.)

*an undivided one half interest in" interlined page 5 line 27 and 33 and "an undivided one half interest of and in" interlined page 6 line 1*

As to James K. Clarke  
*John O. Clarke*  
*L. O. Stubbs*

*as to J. K. Clarke and*

As to Mrs. Ellen Clarke  
*John O. Clarke*  
*L. O. Stubbs*



State of Georgia,  
County of McIntosh.

I, *J. A. Britt*, Ordinary in and for the County of McIntosh, State of Georgia, and Judge of the Court thereof, which is a court of record of the State of Georgia, certify that James K. Clarke, whose name is signed to the foregoing conveyance, is known to me, acknowledged before me on this date that being informed of the contents of the conveyance, he executed the same voluntarily on the date the same bears date.

Given under my hand this *30<sup>th</sup>* day of *March*, 1901.

*J. A. Britt*  
Judge of the Court of Ordinary  
McIntosh County, Georgia.



State of Georgia,

County of Mc Intosh:

I, *J. A. Britt*, Ordinary in and for the County of Mc Intosh, State of Georgia, and Judge of the Court thereof, which is a court of record of the State of Georgia, certify that Mrs. Ellen Clarke, whose name is signed to the foregoing conveyance and is known to me, acknowledged on a private examination before me, separate from her husband, before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand, this *30<sup>th</sup>* day of *March*,

A.D., 1901.

*J. A. Britt*  
\_\_\_\_\_  
Judge of the Court of Ordinary, McIntosh  
County, Georgia.



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

Your Orators, James G. Allen and Sarah E. Allen, bring this their Bill of Complaint against James K. Clarke, Jr., and Henry Talmadge and Company, a Co-Partnership composed of Henry P. Talmadge and Jacob H. Van Deventer, and thereupon your Orators complain and show unto the Court as follows:

1. Your Orators are each over twenty-one years of age and each reside in Baldwin County, Alabama; the Defendant, James K. Clarke, Jr., is over twenty-one years of age and a resident of Baldwin County, Alabama; the Defendant, Henry Talmadge and Company, is a Co-Partnership composed of Henry P. Talmadge and Jacob H. Van Deventer, who are each over twenty-one years of age, which is a non-resident of the State of Alabama with its principal place of business and address at New York City, New York.

2. Your Orators are the owners of the following described land situated in Baldwin County, Alabama, to-wit: East Half of the Southeast Quarter; Southwest Quarter of the Southeast Quarter, and the Southeast Quarter of the Southwest Quarter of Section 34, Township 4 South Range 5 East.

3. Your Orators claim to own the said land in their own right and are in the actual, quiet and peaceable possession of the said land.

4. The Defendants, <sup>X</sup> James K. Clarke, Jr., and Henry Talmadge and Company, a Co-Partnership composed of Henry P. Talmadge and Jacob H. Van Deventer, are reputed to claim some right, title or interest in or encumbrance upon the said land; no suit is pending to enforce or test the validity of such title, claim or encumbrance, and your Orators bring this their Bill of Complaint against the said Defendants to settle the title to the said land and clear up all doubts and disputes concerning the same, and your Orators here and now make call upon the said Defendants and each of them to set forth and specify their title, claim, interest or encumbrance to or upon the said land or any part thereof and how

and by what instrument the same is derived and created.

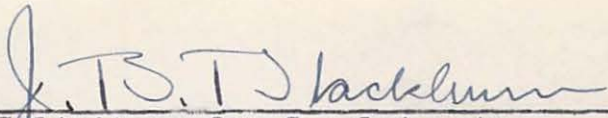
PRAYER FOR PROCESS.

Your Orators pray that the said James K. Clarke, Jr., and the said Henry Talmadge and Company, a Co-Partnership composed of Henry P. Talmadge and Jacob H. Van Deventer be made parties defendant to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to them and each of them.

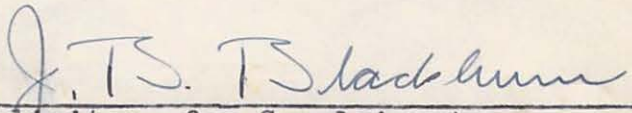
PRAYER FOR RELIEF.

Your Orators further pray that upon a final hearing of this cause your Honor will grant and enter a decree against the said Defendants, James K. Clarke, Jr., and Henry Talmadge and Company, a Co-Partnership composed of Henry P. Talmadge and Jacob H. Van Deventer, quieting title to the said land and adjudging and decreeing that your Orators are the owners of the said land in their own right; that title to the said land is in your Orators, forever quieting your Orators' title against the said Defendants, James K. Clarke, Jr., and Henry Talmadge Company, a Co-Partnership composed of Henry P. Talmadge and Jacob H. Van Deventer, and adjudging that the said Defendants are without right, title or interest in the said land and have and hold no encumbrance upon the same.

Your Orators further pray for such other, further and general relief as they may be equitably entitled to the premises considered.

  
Solicitors for Complainants.

FOOT NOTE: The Defendants and each of them are required to answer each and every paragraph of the foregoing Bill of Complaint numbered 1 to 4 both inclusive, but not under oath, the benefit whereof is hereby expressly waived.

  
Solicitor for Complainants.

Your Orators will and hereby demand  
a Jury for the trial of the issues in  
said cause as provided in and by Section  
9908 of the 1923 Code of Alabama.

J. B. Blackburn

Solicitor for Complainants.

8.

I charge you, gentlemen of the jury, that if you are reasonably satisfied from the evidence in this case that James G. Allen and Sarah E. Allen were in the actual possession of the real property described in the Bill of Complaint continuously for a period of twenty years next before the filing of this suit, claiming to own said premises during all of said period of time and without recognizing, during that period, any claim of title or ownership on the part of the Defendants, John D. Clarke, James K. Clarke, Jr., and Henry Talmadge and Company, a Co-Partnership composed of Henry P. Talmadge and Jacob Van Deventer, and those under whom they claim, then the Complainants are entitled to a verdict in their favor at your hands.

Refused  
J. W. Hare  
Allurclaw - Judge

no 10

The Court charges the Jury that if you believe the evidence in this case that you will find for the defendant as to the Southeast quarter of Southeast quarter of Section 34, Township 4 South, Range 5 East.

Refused  
J. W. Hare  
Judge  
Allen & Clark

No 12

The Court charges the Jury that if you believe the evidence in this case that you will find for the defendant as to the Southeast Quarter of Southwest Quarter of Section 34, Township 4 South, Range 5 East.

Alm 2 clau. Refused  
J. W. Hare  
Judge