

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 JAMES K. CLARKE, JR., and  
HENRY TALMADGE & COMPANY, et als., or Beebe, Hall & Beebe,  
their Solicitors of record;

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

JAMES G. ALLEN, Etals.,

against said JAMES K. CLARKE, JR., 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.

original *in equity record*

RECORDED 5-1225  
*John Chason*

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

Circuit Court of Baldwin County  
IN EQUITY

No. 128

Summons

JAMES G. ALLEN, ET ALS.,  
Complainants,

vs.

JAMES K. CLARKE, JR.,  
Respondents.

J. B. BLACKBURN  
Solicitor for Complainant

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

*Sherry*  
JAN 12 1940

THE STATE OF ALABAMA,  
Baldwin County

Received in office this 12th  
day of January, 1940  
*W.R. Stuart*  
Sheriff.

Executed this 12th day of  
January, 1940  
by leaving a copy of the Summons with  
*John Chason*  
*Attorney for Respondent*  
Defendant  
*W.R. Stuart*  
Sheriff

By *M.B. Hamilton*  
Deputy Sheriff

JAMES G. ALLEN and SARAH E. ALLEN,

Complainants,

-vs-

JAMES K. CLARKE JR., and HENRY TALMADGE AND COMPANY, a Co-partnership composed of Henry P. Talmadge and Jacob H. Van Deventer,

Respondents.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Now come the Respondents in the aforesaid cause, and for answer to the Bill of Complaint herein filed, say:-

FIRST:

That they admit that the Complainants and the Defendant James K. Clarke Jr., Henry P. Talmadge and Jacob H. Van Deventer are each over the age of twenty-one years, and that James K. Clarke Jr., and Complainants are residents of Baldwin County, Alabama, and that the other Respondents are residents of New York City, New York.

SECOND:

For answer to the second paragraph of the Bill of Complaint the Defendants most unequivocally deny that the Complainants are the owners of the property therein described, but state the facts to be that said property belongs to James K. Clarke Jr., and the other Respondents hold a Mortgage on the same which was executed to them by James K. Clarke Jr., James K. Clarke Sr., and Ellen Clarke.

THIRD:

Respondents expressly deny that Complainants own any interest in said lands mentioned in said Bill of Complaint, and they deny that said Complainants are in the actual, quiet and peaceable possession of said lands.

FOURTH:

In answer to Paragraph four Respondents say that James K. Clarke Jr., owns the fee simple title to said lands, claims the same under his said ownership, and that the other Respondents hold a Mortgage on said lands which was executed by the parties mentioned.

(page two)

ed in the second paragraph of this Answer.

Now having answered the foregoing Bill of Complaint, Respondents respectfully request that they be discharged with their reasonable costs.

*Hyatt & Rosen*  
Solicitors for Respondents.

RECEIPT FOR REGISTERED ARTICLE No. 650

15 fee paid. 1 class postage paid. 5-11, 1935  
(Date)

Declared value, \$ Legal Notice Surcharges paid, \$ \_\_\_\_\_

From Ralph S. Duesch Co  
(Sender)

Addressed to Mr. Falmadge J. Van Deventer  
(Street and number) (Post office and State)

Comp of Henry Falmadge J. Van Deventer  
(Address) (Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery  
Return receipt fee 3 in person \_\_\_\_\_ Special delivery fee \_\_\_\_\_  
or order \_\_\_\_\_

Delivery restricted to addressee \_\_\_\_\_  
5-6869 Fee paid \_\_\_\_\_ Postmaster, per \_\_\_\_\_



RECEIPT FOR REGISTERED ARTICLE No. 651

15 fee paid. 1 class postage paid. 5-11, 1935  
(Date)

Declared value, \$ Legal Notice Surcharges paid, \$ \_\_\_\_\_

From Ralph S. Duesch Co  
(Sender)

Addressed to Mr. Falmadge J. Van Deventer  
(Street and number) (Post office and State)

Comp of Henry Falmadge J. Van Deventer  
(Address) (Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery  
Return receipt fee 3 in person \_\_\_\_\_ Special delivery fee \_\_\_\_\_  
or order \_\_\_\_\_

Delivery restricted to addressee \_\_\_\_\_  
5-6869 Fee paid \_\_\_\_\_ Postmaster, per \_\_\_\_\_







State of Florida  
City of Pensacola } ss.  
County of Escambia

On the 21<sup>st</sup> day of June in the year one thousand  
eight hundred and Eighty two before me personally came Joseph T Stone to me  
Known

to be the individual described in, and who executed the foregoing instrument, and being informed of the  
contents of the conveyance  
acknowledged that he executed the same. Voluntarily on the day the same bears  
date. -



Given under my hand  
this day and year first  
above written. -

Ed. Gale Quinn  
Commissioner of  
Deeds for the State  
of Alabama

State of  
County of

J. W. A. Stone, wife of Joseph  
T. Stone who signed the foregoing deed, do hereby for  
and in consideration of the sum of one dollar to me  
in hand paid by the grantee therein, relinquish & re-  
nounce all my right of dower in and to the prop-  
erty therein conveyed.

Witness my hand & seal this 26<sup>th</sup> day of March 1883.

Witnesses:

J. J. Judge }

x V. A. Stone 

State of  
County of

J. J. L. Powell Judge of Probate  
do hereby certify that V. A. Stone whose name



is signed to the foregoing relinquishment of dower  
and who is known to me, acknowledged before me  
on this day that being informed of the contents of  
said relinquishment she executed the same vol-  
untarily on the day the same bears date.

Given under my hand & official seal this 26<sup>th</sup>  
day of March A. D. 1883.

J. L. Powell  
Judge of Probate  
Butler Co. Ala



Contains 80 acres + 40/100 of an acre

3551<sup>12</sup> *Northwestern*

(71)

3

Jos. P. Stone

to

Jas. K. Clarke

(7)

---

**Quit-Claim Deed.**

---

Dated June 21 1882

---

Filed for record April 7<sup>th</sup>  
1885, and recorded in  
Book No. pages 59, 59 & 60.

H. H. Gagne  
Judge.

7. The court charges the jury that if you are reasonably satisfied from the evidence that James M. Allen and Sarah E. Allen had actual possession of the property involved in this suit continuously for a period of twenty years next before the filing of this suit claiming to own the said property during all of the said period of time without recognizing during that period of time any claim of title or ownership on the part of the respondents and those through whom they claim, then the Complainants are entitled to a verdict at your hands.

Refused  
J. W. Stare  
Judge

3. 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 continuous peaceable possession of all of the property involved in this suit, claiming to own it for twenty years next preceding the filing of this suit, then the Complainants are entitled to a verdict at your hands.

Refused  
F. W. Ware  
Judge

6. 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 possession of the property described in the Amended Complaint for a period of more than twenty years prior to the filing of this suit, and that such possession was peaceable, undisturbed and continuous under a claim of title to said land and there was no suit pending to try the title to said land, then your verdict should be in favor of the Complainants.

*Refused*  
*L. W. Hare*  
*Judge*

2. The Court charges the Jury that if you are reasonably satisfied from the evidence that James G. Allen and Sarah E. Allen had been in the actual, open, notorious, peaceable, hostile, exclusive and continuous peaceable possession of the lands involved in this suit for a period of more than ten consecutive years next preceding the filing of this suit under claim of ownership, during all of which time they listed the said lands for taxation and paid taxes thereon, and that James G. Allen and the other Complainants are all of the heirs of Sarah E. Allen, Deceased, then the Complainants are entitled to a verdict at your hands.

Refused  
S. W. Stare  
Judge

1. The Court charges the Jury that if you are reasonably satisfied from the evidence that James G. Allen and Sarah E. Allen had actual possession of the property involved in this suit, namely, the following described property in Baldwin County, Alabama, to-wit:

All of the East Half of the Southeast Quarter; Southwest Quarter of Southeast Quarter and Southeast Quarter of Southwest Quarter of Section 34, Township 4 South Range 5 East, except the following described property, to-wit: From the Northwest Corner of the Northeast Quarter of the Southeast Quarter of Section 34, Township 4 South Range 5 East, run thence Southerly 326 feet more or less to a fence corner; thence Easterly 1070 feet more or less along a fence to a fence corner; thence Northerly 326 feet, more or less to the North line of the aforesaid Northeast Quarter of Southeast Quarter; thence ~~West~~ East 1070 feet, more or less to the beginning, containing 8 acres, more or less,

continuously for a period of twenty years next before the filing of this suit, claiming to own the said property during all of the said period without recognizing during that period of time any claim of title or ownership on the part of the Respondents and those under whom they claim, and that the present Complainants are all of the heirs of the said Sarah E. Allen, Deceased, then the Complainants are entitled to a verdict at your hands.

*Respondent  
H. H. H. H. H.  
H. H. H. H. H.*

5. I charge you, gentlemen of the Jury, that if you believe the evidence in this case, you should return a verdict in favor of the Complainants.

Refused  
J. M. Stone  
Judge



R. S. Duck



Circuit Clerk

**BALDWIN COUNTY**

BAY MINETTE, ALA.

Refused Charges  
(Complacants)

16609

D.E. 1/4

E 1/2 of SW 1/4

} Sec 34

T 4 S R 5 E

N.S. a

41

to

23

Joseph S. Stone

12-5-84

State of Alabama,  
Baldwin County.

Probate Court

APR 14 1939

Filed in office this \_\_\_\_\_ day of \_\_\_\_\_

at \_\_\_\_\_ and duly recorded

in ~~Book~~ Book No. 6975 at page 200

and I certify that \$ \_\_\_\_\_ etc. Deb

tax and \$ \_\_\_\_\_ etc. Mtge tax, etc.

has been paid as required by law

*W. T. Butler*

\_\_\_\_\_  
Clerk of Probate

50

50

*J. B. Blackburn*

# THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

CERTIFICATE

No. 16609 }

Whereas Joseph S. Stone of Columbia County Florida

has deposited in the GENERAL LAND OFFICE of the United States a CERTIFICATE OF THE REGISTER OF THE LAND OFFICE at Montgomery Alabama

whereby it appears that Full Payment has been made by the said Joseph S. Stone according

to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for

the south east quarter and the east half of the south west quarter of section thirty four in Township four south of range five east of the Meridian in Alabama containing two hundred and twenty three acres and fifty four hundredths of an acre.

according to the OFFICIAL PLAT of the Survey of the said lands, returned to the GENERAL LAND OFFICE by the SURVEYOR GENERAL, which said Tract has been purchased by the said

Joseph S. Stone

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, Have given and granted, and by these presents Do give and grant, unto the said Joseph S. Stone

and to his heirs, the said Tract above described; To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, therunto belonging, unto the said Joseph S. Stone and to his heirs and assigns forever.

In testimony whereof, I, Chester A. Arthur President of the United States of America,

have caused these letters to be made Patent, and the seal of the GENERAL LAND OFFICE to be hereunto affixed.

Given under my hand, at the City of WASHINGTON, the fifth day of December in the year of our Lord one thousand eight hundred and eighty four, and of the Independence of the United States the one hundred and ninth

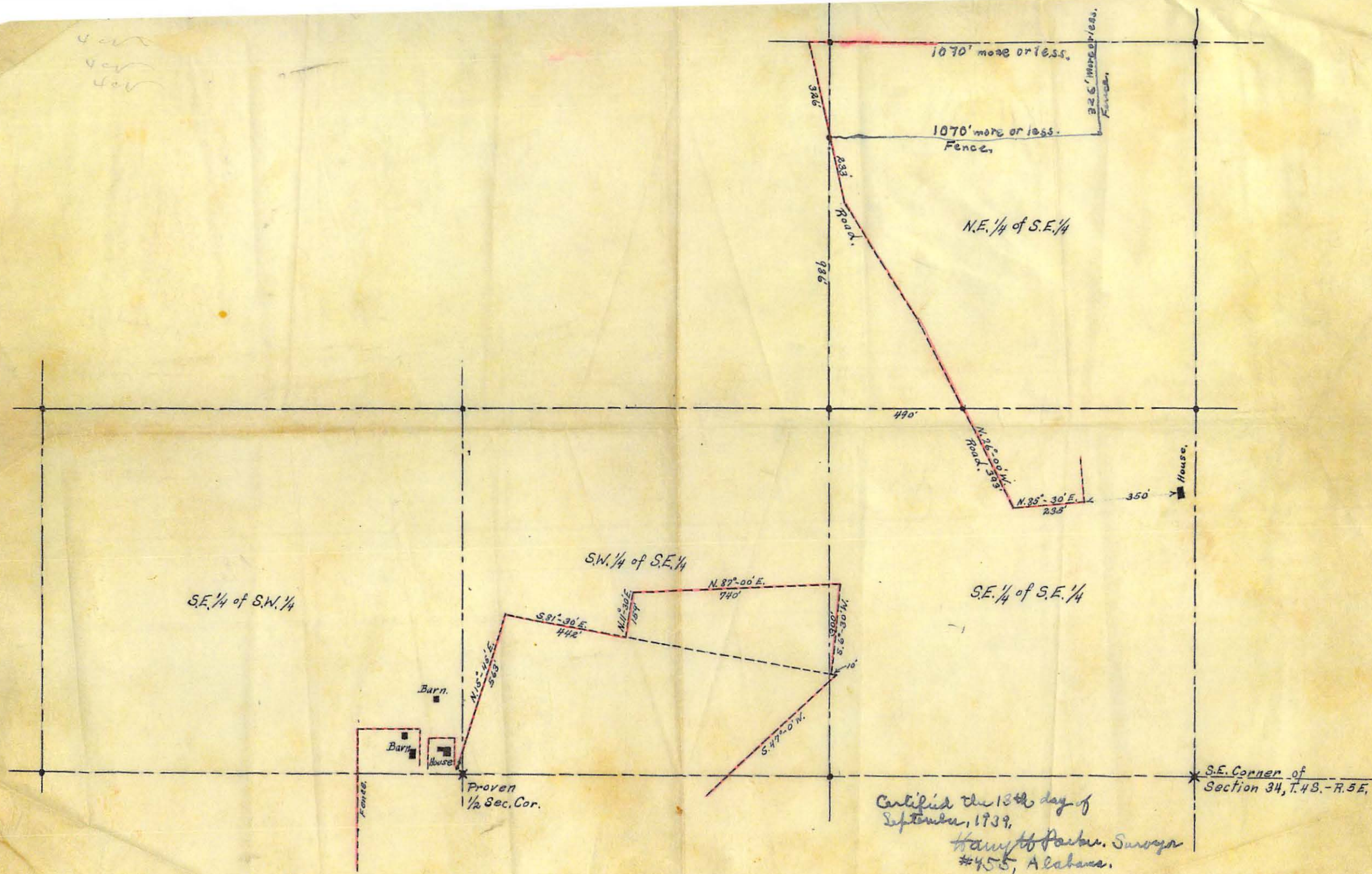
By the President: Chester A. Arthur

By M. McKeen Secretary.

J. H. Decort Recorder of the General Land Office.



400  
400  
400



Certified the 13th day of  
 September, 1939,  
 Harry H. Parker, Surveyor  
 #455, Alabama.

S.E. Corner of  
 Section 34, T.4B.-R.5E.

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-resident 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. Clark 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. T. 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.

IN EQUITY  
 IN THE COUNTY OF COCAH  
 IN THE CIRCUIT COURT OF  
 THE FIRST JUDICIAL DISTRICT  
 OF THE STATE OF ALABAMA  
 BETWEEN  
 GORDON, LEIGH, LEIGH & GORDON  
 PLAINTIFFS  
 AND  
 J. B. T. BLACKBURN  
 DEFENDANT

Gordon, Leigh, Leigh & Gordon

J. B. T. 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. T. Blackburn  
Solicitors for Complainants."





JAMES G. ALLEN, et al,  
Complainants,  
VS.  
JAMES K. CLARK, et al,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 128.

FINAL DECREE

This cause coming on to be heard on this date is submitted for final Decree on behalf of the Complainants on the Original Bill of Complaint; Suggestion of the Death of Complainant, Sarah E. Allen; Amended Bill of Complaint Reviving Cause; Amended Bill of Complaint filed November 4, 1942; Testimony as noted by the Register; Admission dictated into the record on trial of case before jury, and the Verdict of Jury for Complainants; and is submitted on behalf of the Respondents on the Answer filed January 24, 1936; Answer filed April 10, 1940 and refiled November 4, 1942 and the Testimony as Noted by the Register; on consideration of which it appears to the Court that the Complainants are entitled to the relief prayed for in the Bill of Complaint as last amended, WHEREUPON It is Ordered, Adjudged and Decreed by the Court as follows:

1. That the Complainants, James G. Allen, W. H. Allen, Tillman Allen, Thomas L. Allen, Wade Allen, Arthur Allen, Nellie Allen Hastings, as the heirs at law of Sarah E. Allen, Deceased, and James G. Allen are, as against the Respondents, John D. Clark, James K. Clark, Jr., Henry Talmadge and Company, a Co-Partnership composed of Henry Talmadge and Jacob H. Van Deventer, the true and lawful owners in their own right of all of the following described real property situated in Baldwin County, Alabama, to-wit:

All of the East Half of the Southeast Quarter; Southwest Quarter of Southeast Quarter and Southeast Quarter of Southwest Quarter of Section 34, Township 4 South Range 5 East, except the following described property, to-wit: From the Northwest Corner of the Northeast Quarter of the Southeast Quarter of Section 34, Township 4 South Range 5 East, run thence Southerly 326 feet more or less to a fence corner; thence Easterly 1070 feet more or less along a fence to a fence corner; thence Northerly 326 feet, more or less to the North line of the aforesaid Northeast Quarter of Southeast

Quarter; thence West 1070 feet, more or less to the beginning, containing 8 acres, more or less.

2. That title to the said land is in the said James G. Allen, Tillman Allen, Thomas L. Allen, Wade Allen, Arthur Allen, Nellie Allen Hastings, as the heirs at law of Sarah E. Allen, Deceased, and James G. Allen; and title thereto is forever quieted against the Respondents, John D. Clark, James K. Clark, Jr., Henry Talmadge and Company, a Co-Partnership composed of Henry Talmadge and Jacob H. Van Deventer, and the Respondents and each of them are without any right, title or interest in the said land or any part thereof and have and hold no encumbrance on the said property or any part thereof or any interest therein, and they and each of them are hereby perpetually enjoined from asserting or attempting to assert any claim to the said property or any part thereof or any interest therein, or from claiming any lien on the said property or any part thereof, or any interest therein.

3. That the mortgage from James K. Clark, Sr., and James K. Clark, Jr., to Henry Talmadge and Company, a Co-Partnership composed of Henry P. Talmadge and Jacob H. Van Deventer, dated April 28, 1923 and recorded in Book Number 50 of Mortgages at pages 493-4, Baldwin County, Alabama Records be, and it is hereby cancelled in so far as it is a lien or encumbrance on the property described in this Decree.

4. The costs of this proceeding are hereby taxed against the Respondents, for which execution may issue.

Done on this the 20<sup>th</sup> day of April, 1943.

F. W. Hare  
Judge of the Circuit Court, Baldwin  
County, Alabama, Sitting in Equity.

JAMES G. ALLEN, et al,  
Complainants,  
VS.  
JAMES K. CLARK, et al,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 128.

NOTE OF TESTIMONY

This cause is submitted for Final Decree on behalf of  
Complainants on the following:

1. Original Bill of Complaint
2. Suggestion of the death of Complainant, Sarah E. Allen
3. Amended Bill of Complaint Reviving Cause
4. Amended Bill of Complaint filed November 4, 1942
5. Testimony of the following witnesses for the Complainants, taken on the trial of this cause before jury on to-wit, November 4, 1942: James G. Allen, Harry H. Parker, Tom Allen, G. F. Oglesby, Henry Allen, Marvin Fillingame, Peter Morris, Tillman Allen
6. The following exhibits introduced in evidence by the Complainants on trial of cause before jury on to-wit, November 4, 1942:
  - (a) Original Patent from the United States to Joseph T. Stone dated December 5, 1884 and recorded in Deed Book Number 69 N. S. at page 200, Baldwin County, Alabama Records;
  - (b) Plat of land involved in litigation prepared by Harry H. Parker
  - (c) Photograph of home place of James G. Allen and Sarah E. Allen
  - (d) Photograph of field and Allen home place
  - (e) Photograph of field
7. The following admission dictated in the record on trial of the said cause before jury:

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

8. Certified copies of 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.

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

10. Verdict of Jury for Complainants.

B. S. Siler  
Register.

Gordon & Gordon

J. B. Blackburn  
Attorneys for Complainants.

JAMES G. ALLEN, et als,  
Complainants,

VS.

JAMES K. CLARKE, JR., et als,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 128.

DECREE DENYING MOTION FOR NEW TRIAL

This cause coming on to be heard on this date, being a date heretofore set by the rules of this Court for calling the Equity Docket thereof, is submitted upon the Respondents' Motion for a New Trial, filed in this cause on May 13, 1943, which has been considered and understood by the Court and upon the consideration thereof, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the said Motion for a New Trial, filed in this cause by the Respondents on May 13, 1943, be and it is hereby denied and overruled.

ORDERED, ADJUDGED AND DECREED this 11<sup>th</sup> day of April, 1944.

J. W. Hare  
Judge.

DECREE DENYING MOTION FOR  
NEW TRIAL.

JAMES G. ALLEN, et als,

Complainants,

VS.

JAMES K. CLARKE, JR., et als,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 128.

*Filed April 10 1944*  
*Roelck*

JAMES G. ALLEN, et als,  
Complainants,

IN EQUITY. NUMBER 128.  
BALDWIN COUNTY, ALABAMA.  
IN THE CIRCUIT COURT OF

ORDERED, ADJUDGED AND DECREED this 14 day of April, 1944.  
Judge.



**RECORDED**

RESPONDENTS NOTE OF TESTIMONY

JAMES G. ALLEN, ET AL;  
Complainants,

VS.

JAMES K. CLARKE, ET AL,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

FILED MARCH 5<sup>th</sup>, 1943.

A.S. Ruck  
Register.

*Alice J. Ruck*  
Deputy

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

*James K. Clarke*  
*Respondent*