

IN PARTE.)
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)
Hattie Durant Wilson)
and)
Mathew Clarence Durant,)
by his next friend)
Hattie Durant Wilson.)

IN CIRCUIT COURT,
BADLWIN COUNTY, ALABAMA.
IN EQUITY.

This cause, coming on to be heard was submitted, upon the petition and testimony as noted by the Register; and, upon the consideration thereof, the court is of the opinion that the Petitioners are entitle to the relief prayed for, in their said petition.

IT IS, THEREFORE, Ordered, adjusted and decreed by the Court, that the Register sell the land and dower interest therein, for division between the said parties, at a public out cry to the highest bidder for cash, at the front door of the Court House, in Bay Minette, Baldwin County, Alabama, between the legal hours of sale, after advertising notice of time and place and term of said sale, together with a description of the property to be sold, once a week for three successive weeks in a News Paper Published in Baldwin County, Alabama.

The Register is directed to make due report of his actions hereunder, and the report filed should lay over ten days, for any exception, and when all exceptions are in, or said time has expired, he will forward his report together with all exceptions thereto and any motion concerning same to the Judge of the Courts ^{for} action thereon.

Dated this _____ day of June, 1919.

THE STATE OF ALABAMA, Baldwin COUNTY.

IN CIRCUIT COURT, IN EQUITY.

Ex Parte Mrs. Robadough Durant Wilson. Complainant

vs.

Defendant

Oral examination before the Register of the following witnesses:

W. J. Hobbs and Riley Johnson.

who reside in Alabama, said examination being conducted in Bay Minette, Alabama,

on this the 19th day of April, and there being present

O. B. Richerson,

The said witnesses being first sworn to speak the truth, the whole truth and nothing but the truth, testified as follows:

My name is W. J. Hobbs I reside at Bay Minette Baldwin County, Ala.

I know Mathew Clarence Durant, he is a minor and live with his mother Hattie Durant Wilson at Hurricane, Ala, his father Robadough Durant died intestate less than ten years ago leaving at the time of his death as his sole heirs at law, Mrs Hattie Durant who is now Mrs Hattie Durant Wilson, and one child Mathew Clarence Durant, that both of them were living with said Robadough Durant at the time of his death in Baldwin County, Ala, that the estate of said Robadough Durant is insolvent and there is no personal representative of deceased that the said Robadough Durant owned the real estate described in this bill.

said real estate described in this bill is all the real estate owned by said Robadough Durant at the time of his death and was not the homestead of the said Robadough Durant and at any time during during his life so far as I know nor is it now nor has been the homestead of his widow and the minor child since the death of Robadough Durant.

This land is located so that it is not likely to enhance in value and it is to the best interest of the child that it be sold and a division of the proceeds be had.

W. J. Hobbs

My name is Riley Johnson, I am over 21 years of age and reside in Baldwin County, Ala. Mathew Clarence Durant is a minor and lives with his mother Hattie Durant Wilson at Hurricane Ala. Robadough Durant died intestate less than ten years ago, leaving at the time of his death as his only and sole heirs at law, Mrs. Hattie Durant who is now Mrs. Hattie Durant Wilson, and one child Mathew Clarence Durant that both of them were living with him at the time of his death & the estate of Robadough Durant is insolvent and there is no person ^{al} representative of deceased. he owned the real estate described in this bill which was all the real estate owned by him at the time of his death, and was not the homestead of himself or his wife and child at any time.

Said property is of no rental value bringing in no income and a burden in the way of paying taxes and is so located that it is not likely to enhance in value/

Mathew Clarence Durant has no income at all nor any other property and that it is to the best interest of the said minor that the property be sold and a division of the proceeds be had.

Riley Johnson

I, T.W. Richerson, as Register

hereby certify that the foregoing deposition.... on oral examination was taken down by me in writing in the words of the witness es. and read over to them and they signed the same in the presence of Myself, at the time and place herein mentioned; that I have personal knowledge of the personal identity of the said witness..., or had proof made before me of the identity of said witnesses.; that I am not of counsel or of kin to any of the parties to said cause; or in any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court, and placed the same on file in my office.

Given under my hand and seal this the 19th day of April, 1919

T.W. Richerson (L. S.)

WITNESS FEES.

I hereby certify that the following named witnesses are entitled to the amounts stated below:

.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$
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.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$
.....	days' attendance at \$1.50 per day	\$

REGISTER'S FEES.

.....	days at \$1.50 per day	\$
.....	words at 20 cents per hundred	

No. _____ Page _____

The State of Alabama,

_____ COUNTY.

IN CIRCUIT COURT, IN EQUITY.

_____ vs. Complainant,

_____ Defendant.

Deposition Taken Before Register on Oral Examination.

Deposition of _____

for _____

Filed _____ day of _____, 19__

Published by order of the Court, _____

day of _____, 19__

_____ Register.

Ex parte Hattie Durant Wilson
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.....
.....
vs.
.....
.....
.....

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,
and testimony of Hattie Durant Wilson, W.J. Hobbs, and
Riley Johnson.
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.....

and in behalf of Defendant upon.....
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.....
.....

[Handwritten Signature]
.....
Register

153.
No.

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

.....
Ex parte Hattie Durant Wilson.
.....

.....
vs.
.....
.....
.....

NOTE OF TESTIMONY.

Filed in Open Court this 14th

day of June 1919

D. W. Robinson
.....
Register

Ex Parte Hattie Durant Wilson. } In the Circuit Court of Baldwin County,
 }
 } In Equity.

The allegations of the Bill show that Robadough Durant died leavinn his Widow, Petitioner, and on child who is now of the age of six years; that at the time of his death he owned the lands described in the petition consisting of twenty acres, which was all of the real-estate owned by him at the time of his death, his estate is insolvent and that there has been no administration thereof. The Bill prays for a sale of this lands for the purpose of dividing the proceeds thereof between said Widow and Child. There is no Statute authorizing a sale under these circumstances. This land is exempt to the Widow and Minor Child in lieu of homestead examptions as provided by Art. 3 of Chap 86 of the Code when so set aside and exampted by judicial action. Sec. 4196 declares that the lands must not be sold except for certain purposes named in the Section. See also sections 4197 and 4198. The Register will enrroll the following decree.

This cause is submitted for final decree upon the pleadings and the proof and on consideration,

It is ordered, adjudged and decreed that the Original Petition in this cause be and the same is hereby dismissed.

It is further ordered, adjudded and decreed that Petitioner Mrs. Hattie Durant Wilson pay the costs hereof, for which execution may issue.

This June 16th 1919.

A. B. ...
 Judge.

TO HONORABLE A. E. GAMBLE, JUDGE OF THE CIRCUIT COURT, BALDWIN COUNTY, ALABAMA,-----In Equity.

Your petitioners, Mrs. Hattie Durant Wilson and ^{Matthew}~~Clarence~~
^{Clarence}~~Mathew~~ Durant, by his next friend Mrs. Hattie Durant Wilson, respectfully represents and shows unto your Honor as follows:

1. That Mrs. Hattie Durant Wilson is over the age of twenty one years of age and that ^{Matthew Clarence}~~Clarence Mathew~~ Durant is a minor of the age of six years; that both are bona fide resident citizens of the County of Baldwin and State of Alabama, residing at Hurricane in said County.

2. That Robadough Durant died intestate some several years ago, ^{less than ten years,} leaving at the time of his death as his sole and only heirs at law, his wife, Mrs. Hattie Durant, who is now Mrs. Hattie Durant Wilson, and one child ^{Matthew Clarence}~~Clarence Mathew~~ Durant; that both wife and child was living with the said Robadough Durant at the time of his death in Baldwin County, Alabama; that the estate of the said Robadough Durant is insolvent. *And there is no personal representative of deceased.*

That Robadough Durant owned the following described real estate, situated, lying and being in Baldwin County and State of Alabama, to-wit:

The South half of Northeast quarter of Southeast quarter, Section Thirty-four, Township Two South, Range Two East, except a small portion on the East side thereof this day conveyed to my daughter Laura Durant.

That the above described property was conveyed by George W. Durant to Robadough Durant, his son, by deed dated August 1st, 1914.

3. That the said above described property is all the real estate owned by the said Robadough Durant at the time of his death, and that the said above described property was not the homestead of the said Robadough Durant at any time during his life, nor is it now, nor has it been the homestead of the said widow and minor child since the death of Robadough Durant.

4. That Hattie Durant Wilson owns a life interest in one third interest as her dower interest, and that the said Clarence Mathew Durant owns the remainder in fee. That said property can-

not be equitably divided, and that the said property is of no rental value, bringing in absolutely no income and in fact a burden in the way of having to pay taxes upon same, nor is the property so located that it is likely to enhance in value at all. That said minor, Clarence Mathew Durant has no income whatever, nor any other property; that it is to the best interest of said minor that the property be sold and division of the proceeds be had.

The premises considered, your petitioners pray that Your Honor will take jurisdiction of this cause and will make such orders and decrees and cause such proceedings as may be necessary to sell said property; and that Your Honor will order a sale thereof and decree and equitable division of the proceeds derived from said sale between the said Petitioners..

That Your Honor will grant such other, further, different and general relief as Petitioners may in justice and equity be entitled, etc.

P A G E & M O O R E R,

Solicitors for Petitioners.

also

111 .. 106

State of Alabama,
Baldwin County.

Before me, Henry D. Moorer, a Notary Public
in and for said County and State, personally appeared Mrs.
Hattie Durant Wilson, who, being by me first duly sworn
doth depose and say:

That the allegations contained in the fore-
going petition are true, and consents to said sale.

Dated this 14 day of Feb, 1919.

Mrs Hattie Durant Wilson

Sworn and subscribed to before me this ~~26~~

18 day of Feb, 1919.

Henry D. Moorer
Notary Public.

THE STATE OF ALABAMA, Baldwin COUNTY.

IN CIRCUIT COURT, IN EQUITY.

Ex parte Mrs. Hattie Durant Wilson, Complainant
vs.
Defendant

Oral examination before the Register of the following witnesses:

Mrs. Hattie Durant Wilson,

who reside in Alabama, said examination being conducted in Bay Minette, Alabama ---Alabama,
on this the 8th day of April 1919., and there being present

The said witness being first sworn to speak the truth, the whole truth and nothing but the truth,
testified as follows:

Mrs.
My name is/Hattie Durant Wilson , I reside in Hurricane Baldwin
County,Alabama,and am over 21 years of age .

Mat hew Clarence Durant is a minor six years of age and resides
with myself at Hurricane Baldwin County,Ala.

Robadough Durant died intestate less than ten years ago
and only
leaving at the time of his death as his sole/heirs at law,

Mrs. Hattie Durant ,who is now Mrs. Hattie Durant Wilson and one
child Mathew Clarence durant, that both of us were living with
the said Robadough D urant at the time of his death in Baldwin
County,Alabama. that the estate of the said Robadough Durant is
insolvent and there is no personal representative of deceased.
that the said Robadough durant owned the realestate described in
this Bill,

That the above-des said real estate was conveyed ^{by} George W Durant
to Robadough Durant his son deed dated Aug 1st 1914.

Said realestate is all the real estate owned by said Robadough
Durant at the time of his death and was not the the homestead
of the said Robadough durant at any time during his life

nor is it now nor has been the homestead of the myself the(widow)
and minor child since the death of Robadough Durant.

That I own a life interest in one third as my dower interest and
Mathew Clarence Durant owns the remainder in fee.

and that said property is of no rental value bringing in no income
and a burden in the way of paying taxes and it is located so
that it is not likely to enhance in value.

Mathew Clarence Durant has no income at all nor any other property
that it is to the best interest of the said minor that the
property be sold and a division of the proceeds be had,

Mrs Hattie Durant Wilson

I, T. W. Richardson, as Register
 hereby certify that the foregoing deposition.... on oral examination was taken down by me in writing
 in the words of the witness..... and read over to her and her signed the same in the presence
 of myself, at the time and place herein mentioned; that I have
 personal knowledge of the personal identity of the said witness....., or had proof made before me of the identity
 of said witness.....; that I am not of counsel or of kin to any of the parties to said cause; or in any manner
 interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court, and placed the same on
 file in my office.

Given under my hand and seal this the 8 day of April, 1919
T. W. Richardson (L. S.)

WITNESS FEES.

I hereby certify that the following named witnesses are entitled to the amounts stated below:

- days' attendance at \$1.50 per day \$
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REGISTER'S FEES.

- days at \$1.50 per day \$
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_____ Register.