

Circuit Court, Baldwin County, Ala.,

IN EQUITY.

#170

#3-290

C. L. Mix
vs.
Ellen Fair Mix

PLAINTIFF

DEFENDANT

BILL OF COST

	Dollars	Cts.		\$	Cts.
Fees of Register					
Filing each bill and other papers <i>48</i> <i>4-D</i>					
Issuing each Subpoena <i>S</i>					
Issuing each copy thereof <i>S</i>					
Entering each return thereof					
For each Order of Publication					
Issuing Writ of Injunction					
For each Copy thereof					
Entering each return thereof					
Issuing Writ of Attachment					
Entering each return thereof					
Docketing each case <i>S</i>					
Entering each Appearance <i>D</i>					
Issuing each Decree Pro Confesso on personal service					
Issuing each Decree Pro Confesso on publication					
Each Order Appointing Guardian					
Any other order by Register					
Issuing Commission to Take Testimony					
Receiving and Filing <i>D</i>					
Endorsing each package <i>R</i>					
Entering Order Submitting Cause <i>D</i>					
Entering any other Order of Court					
Noting all Testimony <i>D</i>					
Abstract of Cause, etc.					
Entering each Decree <i>D</i>					
For Every Hundred Words Over Five Hundred					
Taking Account on Reference					
Taking Testimony, etc.					
Each Report, Five Hundred Words or less					
For every Hundred Words Over Five Hundred					
Amount Claimed, Less than Five Hundred Dollars, etc.					
Issuing each Subpoena					
Witness Certificate, each					
Issuing Execution, each					
Entering each Return					
Taking and Approving Bond, each					
Making Copy of Bill, etc.					
Each notice not otherwise provided for					
Each Certificate or Affidavit, with Seal					
Each Certificate or Affidavit, no Seal					
Hearing and passing on application for Receiver or Trustee					
Each Settlement with Receiver or Trustee					
Examining each Voucher of Receiver or Trustee					
Examining each Answer on Exception					
Recording Resignation or Suggestion of Death of Trustee					
Entering each Certificate to Supreme Court					
Taking Questions and Answers, etc.					
For all other service relating to such proceedings					
For service in proceeding to relieve minors, etc. same fee as in similar cases.					
Commission on sales, etc.: 1st \$100, 2 percent; all over \$100, and not exceeding \$1000, 1 1/2 per cent; all over \$1,000 and not exceeding \$20,000, 1 per cent; all over \$20,000, 1-4 of 1 per cent.					
Sub Total Carried Forward	4	90			
AMOUNT BROUGHT FORWARD					
For receiving, keeping and paying out or distributing money, etc. 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.					
Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received.					
Each Notice Sent by Mail to Creditors			15		
Filing, Receipting for and Docketing each Claim, etc			25		
For all entries on Subpoena Docket, etc.			50		
For all entries on Commission Docket, etc.			50		
Making Final Record, per hundred words <i>25</i>			15		
Certified Copy of Decree <i>D</i>			1 00		
Report of Divorce to State Health Office <i>D</i> Acts 1915			50		
Total Fees of Register					8 80
FEEES OF SHERIFF					
Serving and Returning Subpoena on Deft.			\$1 50		
Serving and Returning Subpoena for Witness			65		
Levying Attachment			3 00		
Entering and Returning same			25		
Entering and Returning Execution			25		
Selling Property Attached			25		
Impanelling Jury			75		
Executing Writ of Possession			2 50		
Collecting Execution for Costs			1 50		
Serving and Returning Sci. Fa., each			65		
Serving and Returning Notice			65		
Serving and Returning Writ of Injunction			1 50		
Serving and Returning Writ of Exeat			1 50		
Taking and Approving Bonds, each			1 00		
Collecting Money on Execution					
Making Deed			2 50		
Serving and Returning Application			1 00		
Serving Attachment, Contempt of Court			1 50		
TOTAL FEES OF SHERIFF					8 80
Recapitulation					
Register's Fees <i>S-2.95 - D-5.85</i>					8 80
Sheriff's Fees					5 00
Commissioner's Fees <i>Quik</i>					
Solicitor's Fees					
Witness Fees					
Guardian Ad Litem					
Printer's Fees					
Trial Tax			3 00		3 00
Recording Decree in Probate Court					
Total	4	90			16 80

Received payment this 30 day of July 1935 *Robert J. Quirk*
Register.

NOTE: Unless the above costs in this cause are paid within ten days of the present date, execution will be issued and placed in the hands of Sheriff for collection, creating more costs.

C. L. Nix, Jr.,
Complainant,
VS.
ELLA FAIR NIX,
Respondent.

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

This cause coming on to be heard was submitted upon the original Bill of Complaint on behalf of the Complainant, Answer and Agreement of the Respondent, and Testimony as noted by the Register, and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in said bill.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Complainant and the Respondent be, and the same are hereby dissolved, and the Complainant is forever divorced from the Respondent on the ground of voluntarily abandonment.

IT IS FURTHER ORDERED that the said C. L. NIX, JR. be, and he is hereby permitted to again contract marriage, upon the payment of the costs of court in this cause.

IT IS FURTHER ORDERED that the said C. L. NIX, JR. pay the costs herein taxed, for which execution may issue.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the said C. L. NIX, JR. shall not again marry, except to the said ELLA FAIR NIX until sixty (60) days after this date, and that if an appeal is taken within sixty (60) days, he shall not marry again, except to the said ELLA FAIR NIX during the pendency of the appeal.

IT IS FURTHER ORDERED that the said ELLA FAIR NIX be, and she is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said ELLA FAIR NIX shall have the custody, care and control of the three minor children: Maxine Nix, Ned Nix, and Barbara Jean Nix; subsequent to the further orders and jurisdiction of this court.

Dated at Monroeville, Monroe County, Alabama, on this the 2nd day of Aug, 1935.

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

The State of Alabama, }
Baldwin County. } Circuit Court of Baldwin County, In Equity.

To Any Sheriff of the State of Alabama--GREETING:

WE COMMAND YOU, That you summon Mrs. Ella Fair Nix,

1506 West Larue Street, Pensacola, Florida,

of _____ 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

G. L. Nix, Jr.,

against said Mrs. Ella Fair Nix,

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, M. A. Stone, Register of said Circuit Court, this 16th day of July 1934

M. A. Stone Register

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

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

Comes your complainant, C.L. Nix, Jr., and humbly complaining against the respondent, Ella Fair Nix, respectfully represents and shows unto your Honor as follows:

1. That your complainant is a bona fide resident of Baldwin County, Alabama, and has been for more than twelve months preceding the filing of this bill of complaint; that your respondent, Ella Fair Nix, is a non-resident of the State of Alabama, her post office address being 1506 West, Larue Street, Pensacola, Florida; that both the complainant and respondent are over the age of twenty-one years of age.

2. That the complainant and respondent are husband and wife, being married in Pensacola, Florida, on the 15th day of November, 1925.

3. That the complainant and respondent lived together as husband and wife until the 1st day of February, 1932, when the respondent voluntarily abandoned the bed and board of the complainant and has remained away voluntarily and continuously since that time;

WHEREFORE, the premises considered, complainant prays that your Honor will by proper procedure make the said Ella Fair Nix party respondent to this bill of complaint, requiring her to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practices of this Honorable Court.

Complainant further prays that your Honor will, upon the final hearing of this case, give and grant unto him a decree of absolute divorce, forever barring the bonds of matrimony between him and the respondent.

Complainant further prays that your Honor will give and grant

unto him such other, further, different and general relief as he may in equity and good conscience be entitled to receive. And as in duty bound he will ever pray.

Beebe & Hall
Solicitors for complainant.

FOOT NOTE.

The respondent is requested to make due answer to each and every allegation contained in the foregoing Bill of complaint, in paragraphs First to Third, inclusive, but not under oath. Oath being hereby expressly waived.

Beebe & Hall
Solicitors for complainant.

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

C. L. NIX, JR.,
Complainant,

VS.

ELLA FAIR NIX,
Respondent.

Comes now the respondent, Ella Fair Nix, and for answer to the Bill of Complaint says:

1.

That she denies that the complainant is a bona fide resident of Baldwin County, Alabama, and further denies that he has been for more than twelve months preceding the filing of the Bill of Complaint a bona fide resident of Alabama. That on the contrary she affirmatively alleges that the complainant is a resident of Escambia County, Florida.

2.

That she admits the contents of Paragraph 2.

3.

That the respondent denies the allegations of Paragraph 3 of the Bill of Complaint but on the contrary affirmatively alleges that the complainant, C. L. Nix, Jr., voluntarily deserted the respondent and has been successfully prosecuted for the same in Escambia County, Florida, and is now under a charge pending in Escambia County, Florida, for such desertion and non-support of the respondent and her minor child.

4.

And the respondent further alleges that she is without means to prosecute her defense to this suit, to pay solicitor's fees, Court costs and charges and therefore prays this Court that the complainant be required to pay her solicitor's fees, Court costs and charges and that she be dismissed with her costs expended.

R. A. Merrill
Solicitor for respondent.

Ella Fair Nix
Respondent.

The State of Alabama }
Baldwin County }

Circuit Court of Baldwin County, Alabama,
(In Equity)

C. L. Nix, Jr.,

COMPLAINANT

VS.

Ella Fair Nix,

RESPONDENT

I, Robert S. Duck

as Register and Commissioner

have called and caused to come before me C. L. Nix, Jr. and Henry Dieffenbach

witnesses named in the requirement for Oral Examination, on the 30th day of July

1935, at the office of the Clerk of the Circuit Court

in Baldwin County, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said C. L. Nix, Jr. and

Henry Dieffenbach

doth depose and say as follows:

My name is C. L. Nix, Jr. I am the Complainant in the above styled cause. I am a bona fide resident of Baldwin County, Alabama, and have been for more than twelve months preceding the filing of the Bill of Complaint in this cause. The Respondent, Ella Fair Nix, is a non resident of the State of Alabama, her address being Pensacola, Florida. That both the Complainant and Respondent are over the age of twenty-one years.

That the Complainant and Respondent were married in Pensacola, Florida on the 15th day of November, 1925, and that they lived together as husband and wife until or about the first day of February, 1932, when the Respondent voluntarily abandoned the bed and board of the Complainant and has remained away voluntarily and continuously since that time; that the Complainant has since the Respondent went away, continuously maintained a home, and evidenced his readiness and willingness to provide for and contribute to the support of the Respondent, but that she refused and continues to refuse to continue to live with him; that the Complainant has, on various occasions, discussed the matter with the Respondent and the Respondent has repeatedly refused to come back and live with him, and has repeatedly stated that she will not live with him again.

That the Complainant and Respondent have three minor children: Maxine, Ned and Jean, ages eight, six and three, respectfully; that these children have lived with and been with their mother all their lives; that the Complainant has contributed to their support from time to time, so far as he could; that the Complainant is willing for the Respondent to have the custody, care and control of said children, and that he will contribute to their support from time to time as much as he can.

C. L. Nix, Jr.

ORAL EXAMINATION

I, Robert S. Duck as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witnesss and read over to them and they signed the same in the presence of myself and _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesss. or had proof made before me of the identity of said witnesss; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 30th day of July 1935.

Robert S. Duck (L. S.)

70

No. 70 Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

C. L. Nix, Jr.,

COMPLAINANT

vs.

Ella Fair Nix

RESPONDENT

ORAL DEPOSITION

Filed July 30, 1935

Robert S. Duck, Register.

RECORDED IN

Record

Vol. _____ Page _____

Register

C. L. Nix Jr.,

vs.

Mrs. Ella Fair Nix

CIRCUIT COURT OF

Baldwin COUNTY.

IN EQUITY.

I, M. A. Stone, Register of said Court, do hereby certify that I

did, on the 16th day of July 1934, send to Mrs. Ella Fair

Nix Defendant.

whose address was 1506 West, Larue Street, Pensacola, Fla.

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 21 day of July 1934.

Witness my hand, this 21 day of July 192 34

M. A. Stone

Register.

~~RECORDED~~
08/11

79

No. 69

CIRCUIT COURT OF
BALDWIN COUNTY.
IN EQUITY.

C. L. Nix, Jr.,

vs.

Mrs. Ella Fair Nix

CERTIFICATE OF REGISTER AS TO NOTICE
BY REGISTERED MAIL.

Filed in office on this 16th

day of July 30 1923

M. A. Stone

Register.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 70 Summer Term, 1935

C. L. Wray, Complainant

vs.

Ella Fair, Defendant

To Robert S. Duck, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Beebe & Hall

..... Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Beebe & Hall
.....
Solicitor for Complainant.

RECORDED
Quick

70

No. *71*

Page

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

C. L. Mix

VS.

Ella Fair

REQUEST FOR DECREE IN
VACATION

FILED *July 30* 19*33*
Robert J. Neak
Register

RECORDED IN RECORD

VOL. PAGE

Register

8581 NOTE OF TESTIMONY

C. L. NIX, JR.

Complainant,

vs.

ELLA FAIR NIX,

Respondent.

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,
.. Answer and Waiver of the Respondent and Testimony of C. L. Nix, ...
.. Jr. and Henry Dieffenbach

and in behalf of Defendant upon

Robert S. Duck

Register.

RECORDED
Buck

70

No. 70

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

G. L. NIX, JR.

Complainant.

VS

ELLA FAIR NIX,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this

30

day of

July

1935

Robert S. Buck

Register

RETURN RECEIPT

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

Signature of addressee

Signature of addressee

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 35

INSURED PARCEL

No.

REMARKS FOR PRIVATE USE TO POST OFFICE USE



POSTMAN OF DELIVERING OFFICE

Return to Mrs. Mary Alice Stone

Street and Number or Post Office Box Redden, Ohio

Post Office at



70

35

RECEIPT FOR REGISTERED ARTICLE No.

1984

(Date)

class postage paid

fee paid

Declared value, \$

insurance paid

From

(Sender)

Handwritten text and scribbles, including "1-16" and "15".

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

Comes your complainant, LILLIAN REALTY CORPORATION, a corporation organized under the laws of Alabama, and respectfully exhibits this bill of complaint against J.A. BALDWIN, AGENT, who is over the age of twenty-one years and is a resident citizen of Baldwin County, Alabama; and respectfully shows unto Your Honor as follows:

ONE

That it is in the peaceable possession of the following described tracts of land in the County of Baldwin, State of Alabama:

<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Description</u>	<u>Acres</u>
1	7 S	6 E	All of Fractional Section	99.85
2	7 S	6 E	Ditto	422.75
3	7 S	6 E	E $\frac{1}{2}$, N $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{2}$ of SW $\frac{1}{4}$)	459.76
3	7 S	6 E	E $\frac{1}{2}$ of SE $\frac{1}{2}$ of SW $\frac{1}{4}$)	518.83
10	7 S	6 E	E $\frac{1}{2}$, N $\frac{1}{2}$ of NW $\frac{1}{4}$, SE $\frac{1}{2}$ of NW $\frac{1}{4}$)	
10	7 S	6 E	N $\frac{1}{2}$ of SW $\frac{1}{4}$)	
11	7 S	6 E	All	640.00
12	7 S	6 E	All Fracl. E $\frac{1}{2}$	279.53
13	7 S	6 E	N $\frac{1}{2}$, N $\frac{1}{2}$ of S $\frac{1}{2}$, S $\frac{1}{2}$ of SE $\frac{1}{2}$	560.70
14	7 S	6 E	N $\frac{1}{2}$, N $\frac{1}{2}$ of S $\frac{1}{2}$, S $\frac{1}{2}$ of SW $\frac{1}{4}$	559.72
15	7 S	6 E	NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$) E $\frac{1}{2}$ of SE $\frac{1}{4}$)	299.25
15	7 S	6 E	N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$)	159.60
23	7 S	6 E	NW $\frac{1}{4}$	
24	7 S	6 E	NE $\frac{1}{2}$ and Fracl. S $\frac{1}{2}$	318.20
7	7 S	7 E	All of Fractional	145.90
8	7 S	7 E	" " "	34.85
17	7 S	7 E.	" " "	18.50
19	7 S	7 E.	" " "	293.50
				<u>4810.94</u>

All of Block Ten (10) except lots twelve, thirteen and fourteen;
All of Block Eleven (11), except Lots one, two, three, ten,
eleven, thirteen, fourteen, twenty, twenty-one and twenty-two;
All of Block "A"; All in Town of Lillian, Alabama, being a
subdivision of part of Sections 23 and 26, Township 7 South,
Range 6 East

5800 acres.

Lots eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen in Block Three (3) in the Town of Lillian, Alabama, as per plat thereof, of record in the office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book #1, pages 294-5.

TWO

That complainant owns said lands in its own right (subject only to certain rights or claims of J.C. Prine, Frank W. Boykin and Frank W. Boykin, as Administrator of the Estate of John Everett, deceased, to the timber on said lands,) and that its title thereto is denied or disputed by the respondent to this bill of complaint, and said respondent claims, or is reputed to claim or own, the same, or some part thereof, or some right, title or interest in, or incumbrance upon, said lands; and complainant now calls upon said respondent to set forth and specify his title, claim, interest or encumbrance, and how and by what instrument the same is derived and created.

THREE

Complainant further shows unto Your Honor that no suit is pending to enforce or test the validity of such title, claim or encumbrance of the said respondent, and this complainant now brings this, its suit, to settle the title to said land and to clear up all doubts or disputes concerning the same.

FOUR

Complainant further shows unto Your Honor that said respondent has within the last sixty days obtained a tax deed to him from some official of the State of Alabama, purporting to convey to him the above described land, and complainant is informed and believes that respondents sets up some right, claim or interest to said lands by virtue of said tax deed.

STATE OF ALABAMA |

MOBILE COUNTY |

Before me, Mary B. Prados,
a Notary Public in and for said State and County,
personally appeared Frank W. Boykin, who being by me
first duly sworn, on oath says that he is Vice-Presi-
dent of Lillian Realty Corporation, and that he has
authority to make this affidavit; that the allegations
contained in the foregoing bill of complaint are true
to the best of his knowledge, information and belief.

[Handwritten signature of Frank W. Boykin]

Subscribed and sworn to
before me this 1st
day of August, 1934.

Mary B. Prados
Notary Public, Mobile County,
Alabama.

NOTARY PUBLIC FOR THE STATE OF ALABAMA
Mary B. Prados, Notary Public, Mobile County, Alabama
My Commission Expires August 1, 1935

LILLIAN REALTY CORPORATION,
Complainant,

vs.

J. A. BALDWIN, AGENT,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

WHEREAS, heretofore on the 13th day of June, 1934, J. A. Baldwin, Agent, purchased from the State Tax Commission of Alabama a Certificate of Sale of the lands described in the bill of complaint in said cause, and has a lien on said property thereby, and E. Gest Hodge advanced to the said J. A. Baldwin the funds with which to purchase the said Tax Certificate; and

WHEREAS, said Tax Certificate was delivered to the Probate Judge on the 11th day of August, 1934, and deed was executed for the said property, which said deed is duly recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 55 N.S., at pages 599-600, and the said J. A. Baldwin holds title to the said property for the benefit of E. Gest Hodge; and

WHEREAS, at the time of the sale of the aforesaid property for taxes, the Lillian Realty Corporation was the owner of the said property, and the said Lillian Realty Corporation did on August 2, 1934, file a bill in the Circuit Court of Baldwin County, Alabama, in Equity, to quiet title to the said property, which said suit was by the said J. A. Baldwin contested on behalf of the said E. Gest Hodge; and

WHEREAS, the said parties, J. A. Baldwin, Agent, E. Gest Hodge, and the said Lillian Realty Corporation, have agreed to a settlement of the said suit, by which said settlement the said Lillian Realty Corporation is to pay in full settlement of the said cause, and in full settlement of all lien, claim or demand which the said J. A. Baldwin, Agent, and/or E. Gest Hodge has to the property described in said bill of complaint, the sum of Three Thousand Six Hundred Forty-eight and 84/100 Dollars

(\$3,648.84);

NOW THEREFORE, in partial fulfillment of said agreement of settlement, the said Lillian Realty Corporation has this day paid to W. C. Beebe, attorney of record for the said J. A. Baldwin, Agent, and for the said E. Gest Hodge the sum of One Thousand Dollars (\$1,000.00), leaving a balance of Two Thousand Six Hundred Forty-eight and 84/100 Dollars (\$2,648.84), *with interest at 6%* which said sum shall be paid for when and as the timber is cut therefrom at the rate of Five and 75/100 Dollars (\$5.75) per thousand, the same to be paid every two weeks commencing with November 15th, 1934, and every two weeks thereafter; provided, however, that at least Five Hundred Dollars (\$500.00) shall be paid on or before November 15th, 1934, and Five Hundred Dollars (\$500.00) for each month thereafter, and the said Lillian Realty Corporation will furnish to the said W. C. Beebe with each payment a statement of all timbers cut from the said land during the preceding two weeks; and in the event payments shall not be made as herein provided, or in the event the said statements shall not be furnished, the said W. C. Beebe, as attorney aforesaid, may upon ten (10) days' notice to the Lillian Realty Corporation, or its attorney of record, cause the court to issue an order restraining further cutting of the said timber and an order directing the Register of the Court to sell the property described in the bill of complaint, and the proceeds thereof to be applied, first, to the payment of the balance of the said agreed amount, and the remainder to be held subject to the order of the court. Upon the payment in full of the amount specified above, the court shall issue an order quieting title in favor of the complainant against the said J. A. Baldwin, Agent. The complainant shall pay the costs of the proceeding.

This agreement signed in triplicate, this the 23rd day of October, 1934.

Hybert, Beard & Sons
W. C. Beebe

STATE OF ALABAMA |

MOBILE COUNTY |

Before me, Mary B. Prados
 a Notary Public in and for said State and County,
 personally appeared Frank W. Boykin, who being by me
 first duly sworn, on oath says that he is Vice-Presi-
 dent of Lillian Realty Corporation, and that he has
 authority to make this affidavit; that the allegations
 contained in the foregoing bill of complaint are true
 to the best of his knowledge, information and belief.

[Handwritten signature of Frank W. Boykin]

Subscribed and sworn to
 before me this 1st
 day of August, 1934.

Mary B. Prados
 Notary Public, Mobile County,
 Alabama.

RECORDED IN BOOK 13 PAGE 113
 INDEXED IN BOOK 13 PAGE 113
 AUG 15 1934

IN CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY

~~MAHONEY~~
Elliott Realty Corpora-
tion, a corporation,

Complainant,

vs

J. A. BALDWIN, Agent,

Respondent.

BILL OF
COMPLAINT

Filed August 2nd, 1934

*J. A. Baldwin
Agent*

Galliard & Galliard,
Hybart, Heard & Chason,
Solicitors for Complainant.

LILLIAN REALTY CORPORATION,

Complainant,

vs

J.A. BALDWIN, AGENT,

Respondent.

IN CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

In Equity.

Comes the complainant and cross respondent in the above entitled cause, and demurs to the cross bill filed by J.A. Baldwin, Agent, and for grounds of demurrer, shows:

One: There is no allegation therein that cross complainant is in peaceable possession of the lands described in the bill of complaint.

Two: There is no allegation in said cross bill that cross complainant is in the actual peaceable possession of the lands described in the bill of complaint.

Three: There is no allegation in said cross bill that cross complainant is in the actual possession of the lands described in the bill of complaint and that he has held color of title to said lands for a period of ten years next preceding the filing of said cross bill.

Four: There is no allegation in said cross bill that cross complainant together with those through whom he claims have held color of title and paid taxes on the lands described in the bill of complaint for a period of ten years next preceding the filing of said cross bill.

Five: There is no allegation in said cross bill that cross complainant and those through whom he claims have paid taxes on the lands described in the bill of complaint during the whole of a period of ten years next preceding the filing of said cross complaint and that no other person has paid taxes thereon during any part of said period.

Saunders & Saunders
Robert Wood Peckham
Solicitors for complainant and
cross respondent.

The State of Alabama, }
Baldwin County. } Circuit Court of Baldwin County, In Equity.

To Any Sheriff of the State of Alabama--GREETING:

WE COMMAND YOU, That you summon J. A. BALDWIN

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

LILLIAN REALTY CORPORATION, a Corporation

against said J. A. Baldwin

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, M. A. Stone, Register of said Circuit Court, this 2nd day of August 1934

M. A. Stone Register

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

LILLIAN REALTY CORPORATION,
Complainant,

VS

J.A. BALDWIN, AGENT,
Respondent.

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

Comes the respondent in the above styled cause and answering Complainant 's bill of complaint says:

ONE

It admits that the Lillian Realty Corporation is a Corporation organized under the laws of the State of Alabama; that J.A. Baldwin, Agent, is over the age of twenty-one years and a resident citizen of Baldwin County.

TWO

He denies that the Lillian Realty Corporation is in peaceable possession of the lands described in the bill of complaint; he denies that the complainant owns the land described in the said bill of complaint and denies that J.C. Prine, Frank W. Boykin and Frank W. Boykin, as Administrator of the Estate of John Everett, deceased, have certain rights or claims to the timber on said land. He admits that he claims the said lands and is the holder of the same; that he has a right, title and interest in or encumbrance upon the said lands and respondent says that his claim, right or interest in or encumbrance upon the said lands is as follows:

That the said lands were regularly assessed in Baldwin County, Alabama where the same are situated, and taxes for the year 1931 was against Frank W. Boykin, Trustee; that taxes were unpaid thereon and the Tax Collector of Baldwin County, Alabama in the manner required by law reported to the Probate Judge of Baldwin County, Alabama, that he was unable to collect the taxes

on the said lands without a sale thereof; that due and proper notice of such delinquency was given in the manner required by law; that after the said notice, a decree was made and entered by the Probate Judge of Baldwin County, Alabama, ordering and directing the sale of the said lands for the payment of the taxes owing thereon, which said decree was in all respects in compliance with the statutes and provisions relating thereto; that under and by virtue of, and in conformity with the said decree and at the time and in the manner required by law, and after due and proper notice thereof, the said lands were, by the proper officer, sold on, to-wit, the 13th day of June, 1932, for the taxes owing thereon and at such sale, the said lands were purchased by the State of Alabama for the amount of taxes, fees and costs; that the said lands were not redeemed from the said sale and title under the said sale was in the State of Alabama, on to-wit, the _____ day of _____, 1934, and that on said day, your respondent purchased the said property from the State of Alabama after all due and proper notices and prerequisites required by law were fully complied with and the State of Alabama, acting through and by its proper officer, issued to the said J.A. Baldwin, Agent, a certificate of purchase, which said certificate was by the said J.A. Baldwin Agent, on the 11th day of August, 1934, surrendered to the Probate Judge of Baldwin County, Alabama, and a deed, in the manner and form required by law, was executed by the said Judge of Probate of Baldwin County, Alabama, to this respondent, Agent, which said deed has been duly filed for record and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Record Book 55 NS, page 599-600, copy of which is hereto attached, marked "Exhibit A" and made a part of this complaint.

THREE

And this respondent admits that there is no suit other than this suit pending to enforce or test his title, claim or encumbrances of this respondent to the said lands.

FOUR

said taxes or under said decree, in and to the following described lands hereinafter referred to, to-wit:

All frac'l sec. 1, t7s, r6e, all frac'l sec. 2, t7s, r6e; e $\frac{1}{2}$, n $\frac{1}{2}$ of nw $\frac{1}{4}$, ne $\frac{1}{2}$ of sw $\frac{1}{4}$; e $\frac{1}{2}$ of se $\frac{1}{4}$ of sw $\frac{1}{4}$ sec 3, t7s, r6e; e $\frac{1}{2}$ of nw $\frac{1}{4}$, se $\frac{1}{2}$ of nw $\frac{1}{4}$, n $\frac{1}{2}$ of sw $\frac{1}{4}$ sec. 10, t7s, r6e, all sec 11, t7s, r6e; all frac'l e $\frac{1}{2}$ sec. 12, t7s, r6e; ne $\frac{1}{2}$, n $\frac{1}{2}$ of s $\frac{1}{2}$, s $\frac{1}{2}$ of se $\frac{1}{2}$ sec. 13, t7s, r6e; ne $\frac{1}{2}$, n $\frac{1}{2}$ of s $\frac{1}{2}$, s $\frac{1}{2}$ of sw $\frac{1}{4}$ sec 14, t7s, r6e; ne $\frac{1}{2}$; se $\frac{1}{2}$ of nw $\frac{1}{4}$, e $\frac{1}{2}$ of se $\frac{1}{4}$, s $\frac{1}{2}$ of nw $\frac{1}{4}$ of se $\frac{1}{4}$ sec 16, t7s, r6e; nw $\frac{1}{4}$ sec 23, t7s, r6e; ne $\frac{1}{2}$ and frac'l s $\frac{1}{2}$ sec. 24, t7s, r6e, all frac'l sec. 17, t7s, r7e. All frac'l 8, t7s, r7e. All frac'l sec 7, t7s, r7e. All frac'l sec 19, t7s, r7e; all blk 10, except lots 12,13,14. All blk 11, except lots 1,2,3,10,11,13,14,20, 21,22. All blk A. Lillian; lots 8,9,10,11,12,13,14,15, 16,17, Blk 3, Lillian.

lying and being situate in said county and state, to have and to hold the same, the said rights, titles and interest unto himself, the said J.A. Baldwin, Agent, and his heirs and assigns forever, but no right, title or interest, or any reversioner or remainderman in said lands, conveyed hereby.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, this the 11th day of August, A.D. 1934.

G.W. Humphries, Judge of Probate.

SEAL.

Acknowledged same day before N.P. Baldwin County, Alabama.

Filed August 11, 1934.

Recorded in 55 NS, page 599-600.

on the said lands without a sale thereof; that due and proper notice of such delinquency was given in the manner required by law; that after the said notice, a decree was made and entered by the Probate Judge of Baldwin County, Alabama, ordering and directing the sale of the said lands for the payment of the taxes owing thereon, which said decree was in all respects in compliance with the statutes and provisions relating thereto; that under and by virtue of, and in conformity with the said decree and at the time and in the manner required by law, and after due and proper notice thereof, the said lands were, by the proper officer, sold on, to-wit, the 13th day of June, 1932, for the taxes owing thereon and at such sale, the said lands were purchased by the State of Alabama for the amount of taxes, fees and costs; that the said lands were not redeemed from the said sale and title under the said sale was in the State of Alabama, on to-wit, the ____ day of _____, 1934, and that on said day, your respondent purchased the said property from the State of Alabama after all due and proper notices and prerequisites required by law were fully complied with and the State of Alabama, acting through and by its proper officer, issued to the said J.A. Baldwin, Agent, a certificate of purchase, which said certificate was by the said J.A. Baldwin Agent, on the 11th day of August, 1934, surrendered to the Probate Judge of Baldwin County, Alabama, and a deed, in the manner and form required by law, was executed by the said Judge of Probate of Baldwin County, Alabama, to this respondent, Agent, which said deed has been duly filed for record and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Record Book 55 NS, page 599-600, copy of which is hereto attached, marked "Exhibit A" and made a part of this complaint.

THREE

And this respondent admits that there is no suit other than this suit pending to enforce or test his title, claim or encumbrances of this respondent to the said lands.

FOUR

"EXHIBIT A".

STATE OF ALABAMA.

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS, THAT WHEREAS, on the 9th day of May, A.D., 1932, a decree was rendered by the Probate Court of said county for the sale of the lands hereinafter described and conveyed for the state and county taxes then due, from Frank W. Boykin, Trustee, the owner of said land, for the cost and expenses thereof and thereunder,

AND WHEREAS, thereafter, on to-wit, the 13th day of June, A.D. 1932, said lands were duly and regularly sold by the Tax Collector of said county for said taxes, costs and expenses and at the said sale, State of Alabama became the purchaser of said lands, it, for the sum of said taxes, costs and expenses, and forthwith paid said sum to said Tax Collector, and received from said Collector, a certificate of purchase,

AND WHEREAS, the time for the redemption of said land by said owner or other persons having an interest therein has elapsed and said certificate of purchase has been returned to the Probate Judge of said County, J.A. Baldwin, Agent, who is the legal assignee of the state of Alabama,

NOW THEREFORE, I, G.W. Humphries, as Probate Judge of said county of BALDWIN, under and by virtue of the provisions of Section 266 of an act of the Legislature of 1919, to provide for the general revenues of the state of Alabama, approved September 15, 1919, and in consideration of the premises above set out, and in further consideration of the sum of one dollar to me in hand paid, I have this day granted, bargained and sold, and by these presents do grant, bargain, sell and convey unto J.A. Baldwin, who is the present owner and holder of said certificate of purchase, all the right, title and interest of the said Frank W. Boykin, Trustee, owner as aforesaid of said lands, and the right, title, interest and claim of the state and county on account of

Cross respondent is required to answer each and every allegation in each paragraph of this cross bill, but not under oath. Oath being expressly waived.

Biehe & Hall
Attorneys for J.A. Baldwin, Agent.

Respondent further alleges that under and by virtue of the aforesaid tax deed and proceedings relating thereto, this respondent is the owner of the said lands; that he is in the peaceable possession of the same; that his title to the said lands is denied or disputed by the complainant and the said complainant claims, or is reputed to claim all or some part thereof, and to have or to claim to have some right, title or interest in or encumbrance upon the said lands, or some part thereof.

This respondent calls upon the said complainant to specify its right, title, claim or interest in the said lands, or encumbrance upon the said lands, or any part thereof, and how and by what instrument or instruments the same is derived or created.

Respondent prays that this complaint may be taken as a cross bill; that the said complainant be made cross respondent hereto and by appropriate proceedings be required to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practise of this Honorable Court.

Respondent and cross complainant further prays that upon the final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the title to the aforesaid property is in this cross respondent and cross complainant, and that the cross respondent, Lillian Realty Corporation has no right, title, claim or interest in or encumbrance upon the said lands or any part thereof and that the said cross respondent be forever enjoined, against claiming any right, title or interest in or encumbrance upon the said lands or any part thereof, and from trespassing on the said lands or in any manner interfering with or obstructing this respondent in his exercise and ownership and possession of the said lands and each and every part thereof. And Respondent and cross complainant prays for such other, further or different relief as he shall be entitled to.



Attorneys for J.A. Baldwin, Agent

10-11

11

William Kelly Corp.

J. C. Pearson

Lawrence
and

Crossfield

Filed August 29th 1939

W. J. Stone

W. J. Stone

BEEBE & HALL

LAWYERS

BAY MINETTE, ALA.

71 RECORDED
2/28/94

71

Filed & Recd. 3-10-1994
COP. D. STEWART
Birmingham

BEEBE & HALL
LAWYERS
BAY MINETTE, ALA.

72

SUMMONS--ORIGINAL.

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 W. Clyde Gordon,
(Foley, Ala)

of Foley, 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 Charles H. Price, Jr.,

against said W. Clyde Gordon,

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, M. A. Stone, Register of said Circuit Court, this 9th day of August 1934

M. A. Stone Register

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

12

~~ACCOUNT~~ / Equity

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

C. H. PRICE, Jr.,
Complainant,

VS--

W. CLYDE GORDON,
Respondent.

ANSWER AND CROSS-BILL OF
RESPONDENT W. CLYDE GORDON

Filed Sept 8th 1934
W. C. Stone
Per signature

Smith & Johnson, Mobile, AL
LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA
Solicitors for Respondent.

Original

RECORDED

72

SERVE ON W. Clyde Gordon, Foley
Circuit Court of Baldwin County
IN EQUITY

THE STATE OF ALABAMA,
BALDWIN COUNTY

No. 72
SUMMONS

Received in office this _____

day of _____ 193__

SHERIFF

Charles H. Price, Jr.,

Executed this 19th day of August 1934
by leaving a copy of the within Summons with

W. Clyde Gordon

Defendant

VS.

W. Clyde Gordon,

Foley, Alabama.

Sheriff

By John B. Allen
Deputy Sheriff

John N. Allen
Solicitor for Complainant

Recorded in Vol. _____ Page _____

CHARLES H. PRICE, Jr.,
Complainant,

-vs-

W. CLYDE GORDON,
Respondent.

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

ANSWER AND CROSS-BILL OF
RESPONDENT W. CLYDE GORDON.

This defendant, reserving to himself all rights of exception to the Bill of Complaint, for answer thereto says:

1: He admits the averments of paragraph One.

2: He admits that complainant and respondent entered into an agreement to engage in the retail automobile business, to buy and sell new and second hand automobiles, automobile parts, tires and all automobile accessories, and to run a general garage and repair shop in connection therewith, and that under and in pursuance of such agreement they acquired for their joint benefit a franchise or permission from the Chevrolet Motor Company to the exclusive right to sell Chevrolet motor cars and trucks in the district of Foley, Baldwin County, Alabama, and vicinity thereof.

He further admits that complainant and respondent on or about the first day of June, 1928, began and conducted said business under the firm name and style of Gordon-Price Motor Company, but the respondent expressly denies that this was under an agreement whereby each was to own a one-half undivided interest in the business and all property belonging to or acquired with the funds of said business, and that each was to bear one-half of the profits, if any, and each to bear one-half of the losses, if any, of said business, but, instead, respondent avers that the agreement between himself and the complainant was that each was to own such part of the business and its property, and each was to bear such part of the profits and losses, as the amount of capital contributed by each bore to the total capital of the business. And respondent further avers that the total capital with which such business was started was the sum of \$6,800.00 in cash, and that of such total capital he contributed the sum of \$4,000.00 and complainant contributed the sum of \$2,800.00, and the agreement between them then was, and has been at all times since said first day of June, 1928,

that respondent was and is the owner of an undivided 40/68 of said business, its property and profits, and that complainant was and is the owner of an undivided 28/68 of said business, its property and profits; that ever since said business was started all profits have been divided on this basis, all dividends declared on this basis and accepted by the complainant, the books have always been kept, by the complainant personally, so as to show the capital account and ownership of the parties on this basis, and for the more than six years the business has been in existence no question has ever been raised by the complainant as to the respective shares of the parties until the filing of his Bill of Complaint when, for the first time, complainant asserted his claim to the ownership of a one-half interest.

3: Respondent admits the allegations of paragraph numbered 3 of the Bill of Complaint, but avers that said real estate is owned by the partnership in the same proportions as all other property of the partnership, viz: the undivided 40/68 thereof is owned by respondent and the undivided 28/68 thereof is owned by complainant.

4: For answer to paragraph numbered 4 of the Bill of Complaint, respondent says that the partnership does own considerable property of the kind set out in said Bill, and that the same is of substantial value but that the amounts as alleged in said Bill are not accurate, there have been changes therein since the filing of the Bill, the exact amounts must, of necessity, be a matter of proof upon the accounting between the parties, and he therefore denies the allegations of said paragraph numbered 4.

5: For answer to paragraph numbered 5 of the Bill of Complaint, respondent denies that he has, through intimidation and otherwise, attempted to change the agreement under which said partnership was organized and conducted so that he would receive a larger share of the net profits of the business than the complainant and avers that ever since said business was started it has always been, and is now, the agreement that complainant was the owner of an undivided 28/68 of said business and entitled to that fractional part of its profits, and that respondent was the owner of an undivided 40/68 of said business and entitled to that fractional

72

part of the profits; that there has never even been any discussion between complainant and respondent of any change in these proportions and there has never been any change made from the day the business started; respondent further denies that he has ever attempted to intimidate the complainant in any way but admits that he has, ever since the business was started, assumed practically the entire control of the management of the business and its affairs for the reason that complainant was and is incompetent to manage a business and had never had any experience in such work whereas respondent had years of experience in the automobile business before this partnership was organized and it was understood and agreed when the business was started that respondent should be the manager and incontrol of the actual business to be done.

Respondent further avers that for the past year there have been disagreements between the complainant and himself; that these have been largely due to the insistence of the complainant that he, rather than respondent, give the orders, decide the policies of the business and exercise the management and control thereof; that because of such disagreements and the demands of complainant that he be permitted to dictate in matters which, because of his lack of experience and business ability, he was incompetent, it was apparent to respondent that the partnership could not continue profitably and he has, on various occasions, suggested to complainant the advisability of dissolving the partnership and has offered either to buy complainant's interest or to sell his interest to complainant or to any one else satisfactory to complainant; he did offer to sell his interest to C. J. Hesse who was produced to respondent, as a buyer, by complainant, for a price which was less than the book value of respondent's interest, as shown by the books of the partnership, but Hesse was either unable or unwilling to pay such reduced price although complainant attempted to induce the said Hesse to do so.

Further answering paragraph numbered 5 of the Bill of Complaint, respondent denies so much thereof as has not been answered and which may be material.

6: For answer to paragraph numbered 6 of the Bill of Complaint, respondent admits the allegations thereof, but further ~~MOTORS ACCEPTANCE CORPORATION, all new cars on hand, they have dis-~~ charged all employees except one man in the shop to make essential, minor repairs for the convenience of former customers and the firm of Gordon-Price Motor Company is no longer a going concern. That it would be very costly to both complainant and respondent should said business be revived and operated by a receiver, and that if and when a receiver is appointed by this Court, his duties should be limited to the conversion of the property of the partnership into cash for division between the parties on such basis as the Court

LLOYD A. MAGNEY
LAWYER
FOLEY, ALABAMA

September 8, 1934.

Mrs. Mary Alice Stone,
Register in Chancery,
Bay Minette, Alabama.

RE: C. H. Price Jr. vs. W. Clyde Gordon

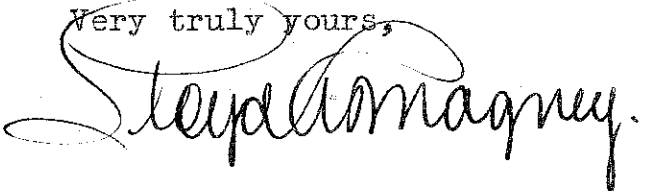
Dear Mrs. Stone:-

I believe that you have just received from Smith and Johnston of Mobile a cross-bill in this matter, with the request that you file the same and issue summons to the plaintiff and deliver the same to the sheriff for service.

The parties have just today, however, settled the matter and you will shortly receive a request from Mr. Allen, attorney for the plaintiff, to dismiss the case, and I wish that you would hold up the issuance of the summons on the cross-bill.

This will be your authority to dismiss cross-bill and upon receipt of Mr. Allen's letter asking you to dismiss the original bill, if you will send me your cost bill, I will see that it is paid at once.

Very truly yours,



LAM:EP

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY.

Complainant, Charles H. Price, Jr., brings this, his bill of complaint, against the respondent, W. Clyde Gordon, and respectfully shows unto your Honor as follows:

1. Complainant and respondent are each over the age of 21 years and each is a resident of the County of Baldwin, State of Alabama.

2. Complainant and respondent heretofore entered into an agreement to engage in ~~the~~ retail automobile business, to buy and sell new and second-hand automobiles, automobile parts, tires, and all automobile accessories, and to run a general garage and repair shop in connection therewith, and under and in pursuance of such agreement they acquired for their joint benefit a franchise or permission from the Chevrolet Motor Company, ~~to~~ the exclusive right to sell Chevrolet motor cars and trucks in the district of Foley, Baldwin County, Alabama, and vicinity thereof.

Complainant and respondent on or about, to-wit, the 1st day of June, 1928, began and conducted said business under the firm name and style of Gordon-Price Motor Company, under an agreement whereby each was to own a one-half undivided interest in the business and all property belonging to or acquired with the funds of said business, and each was to bear one-half of the profits, if any, and each to bear one-half of the losses, if any, of said business.

3. Complainant alleges that the following described real property has been acquired with the funds of said partnership business, and is the property of said partnership, viz.:

That lot of land on the southeast corner of Orange Avenue and Alston Street in the town of Foley, Baldwin County, Alabama, being approximately 50 feet in width and 100 feet in depth.

4. Complainant alleges, further, that the value of the stock of goods of this partnership, consisting of new and second-hand automobiles, tires, automobile parts, accessories, tools, equipment, and all other articles of every kind and description used in conjunction with an automobile sales agency, garage and

general repair shop is approximately Sixteen Thousand Six Hundred Dollars (\$16,600.00), but that the new cars referred to are encumbered by a mortgage in the sum of approximately Five Thousand Eight Hundred Fifty & 00/100 Dollars (\$5,850.00). The face value of the accounts receiveable due said partnership is approximately Nine Thousand Five Hundred & 00/100 Dollars (\$9,500.00).

5. After the formation of said partnership, and during the operation of its business, the respondent, W. Clyde Gordon, ~~has~~ attempted, through intimidation and otherwise, to change the agreement under which said partnership was organized and conducted so that he would receive a larger share of the net profits of said business than the complainant; that he has since the formation of said partnership attempted to intimidate the complainant and to assume practically the entire control and management of the business and affairs of said partnership; that about a year ago when a disagreement arose between complainant and respondent as to the designation of the employment of certain employees, the respondent suggested, and, in fact, insisted that the complainant either sell his interest in the partnership to respondent or that complainant buy out respondent's interest, and that said respondent consulted an attorney, who conferred with complainant and advised complainant that respondent could terminate the partnership at any time he so desired merely by his expressed will, and that said attorney attempted to influence complainant to either buy respondent's interest or to sell his interest to respondent; that at or about the time of said disagreement, respondent authorized and requested a representative of the Chevrolet Motor Company to endeavor to sell his interest in the partnership to any third person who might be interested in purchasing same, and sometime thereafter reiterated his request to this same representative that he endeavor to secure a purchaser of his interest, such latter request resulting from a disagreement between the respondent and said representative, who represented the automobiles which said partnership were handling, as to the business policies of the partnership; that during the past 12 months

said respondent did in fact offer to sell his interest in the partnership to one C. J. Hesse, who was interested in purchasing same, but who refused to purchase respondent's interest because it was considered that the respondent desired to sell same for a price which was unreasonably high.

6. Complainant alleges, further, that on, to-wit, the 1st day of August, 1934, the respondent conferred with complainant regarding the affairs of said partnership and informed complainant that he, respondent, desired to terminate the partnership, and stated to complainant at the time of said conference that it would be better if the complainant should buy out the respondent's interest or the respondent should buy out the complainant's interest, thus avoiding court proceedings incident to terminating and winding up the affairs of their partnership; that at the same time respondent stated to complainant that he would prefer that complainant buy out his, respondent's, interest, as respondent was not in good health and that the climate in and around Foley, Baldwin County, Alabama, did not agree with him; and that on the day following, August 2nd, 1934, the respondent advised the complainant that he had consulted an attorney in Mobile, Alabama, with reference to terminating the affairs of said partnership and requested that the complainant call on this attorney for the purpose of discussing the matter in detail.

7. Complainant, alleges, further, that the personal relations existing between he and the respondent have reached a point where they cannot amicably continue as partners and that to attempt to continue the partnership business of the Gordon-Price Motor Company would result in a loss to both complainant and respondent.

8. Complainant alleges, further, that the respondent has terminated said partnership by advising him that he desired that same be terminated and insisting that complainant buy out respondent's interest, or that complainant sell his interest to respondent.

9. Complainant alleges, further, that he has terminated said partnership, and said partnership has been terminated at his expressed will, by advising the respondent that he desired to and

did terminate said partnership on the 8th day of August, 1934.

PRAYER FOR PROCESS

Wherefore complainant prays that the said W. Clyde Gordon be made a party respondent hereto within the rules and practices of this Court and that he be required to plead, answer or demur to the allegations of this bill of complaint within the time required by law and in accordance with the rules and practices of this honorable Court.

PRAYER FOR RELIEF

Complainant prays, further, that upon the hearing of this cause your Honor will order, adjudge and decree that the business heretofore operated by and between the complainant and respondent under the name and style of Gordon-Price Motor Company, ^{is} a partnership composed of complainant and respondent, in which each of said partners have an equal interest, ^{and} that complainant is entitled to and owns a one-half undivided interest in the real property and all the personal property hereinabove described.

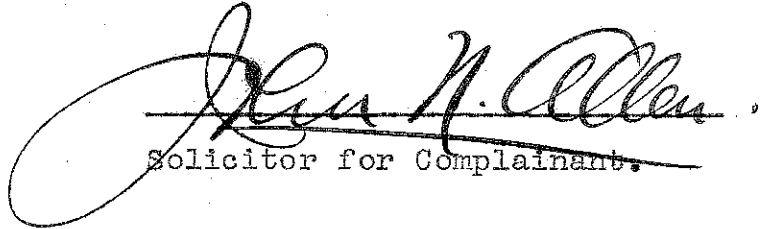
Complainant prays, further, that said partnership business and all of its assets be taken over by this Court and administered, disposed of and accounted for by a competent person to be appointed by this Court as receiver of said partnership business and all of its assets; and that said receiver be authorized and empowered by this Court to employ a competent accountant to examine and audit the books, records and papers of said partnership and that said receiver be authorized to collect all outstanding accounts due the business and to dispose of all of the real and personal property of said business on such terms as the Court may deem to be reasonable and proper.

Complainant prays further for a full accounting ^{being} between complainant and respondent and that your Honor will order a reference for such accounting before the Register of this Court, who shall state an account between them and ~~to~~ report all of his findings to this Court for its further orders and decrees.

Complainant prays further that your Honor will then authorize the receiver to convert all the assets, real and personal, of said partnership into cash, by sale, and that the proceeds thereof, including such cash assets as may be on hand at this time

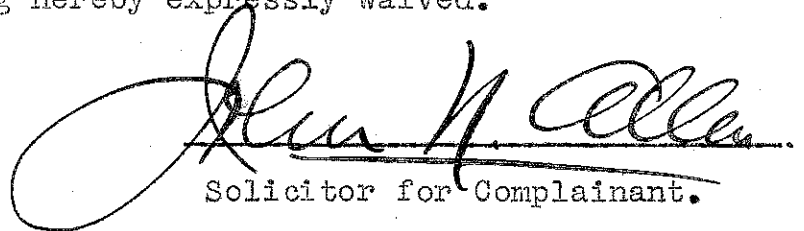
shall be distributed between complainant and respondent as their respective interests and rights in and to said assets may appear, and that said partnership shall be terminated and dissolved.

Complainant prays for such other and further or different relief as he may be in the premises entitled to receive.


Solicitor for Complainant.

FOOT-NOTE:

Respondent is required to answer each and every paragraph of the foregoing bill of complaint from paragraph numbered 1 to paragraph numbered 9, both inclusive, but not under oath, answer under oath being hereby expressly waived.


Solicitor for Complainant.

THE STATE OF ALABAMA,
Baldwin County.

No. 73

CIRCUIT COURT IN EQUITY.

Annie Hanks Powell Complainant

vs.

Berry Powell Defendant

DEPOSITION OF Annie Hanks Powell, Complainant.

application for oral taking of testimony

By virtue of the application for oral taking of testimony and the deposition and answers in writing on the interrogatories by the

Solicitor filing the same, in the above stated cause pending in said Court of said County,

I, T. W. Richerson, Register of said Court of said County,

have called and caused to come before me

Annie Hanks Powell, the complainant in the above styled cause.

application for oral taking of testimony

the witness named in the interrogatories, and having first sworn the said witness to speak the truth, the whole

truth and nothing but the truth, the said witness deposes and says as follows:

My name is Annie Hanks Powell. I am a resident of Baldwin County, State of Alabama and have been for more than three years, ~~from~~ ^{file + preceding} March 14th, 1918. I am over the age of twenty-one years. I am the wife of Berry Powell. He is over the age of twenty-one years and resides at Walnut Hill, Florida.

I was married to the said Berry Powell at Brattm Florida, on December 14th, 1914 and lived with him as his wife until about August, 1915. About August, 1915 Berry Powell voluntarily deserted and abandoned me without just cause. He has never returned to me nor lived with me as my husband.

I know of no reason why he should have left or stayed away.

Annie Hanks Powell.

-----X
ANNIE HANKS POWELL,)
Complainant.)

Number -73-

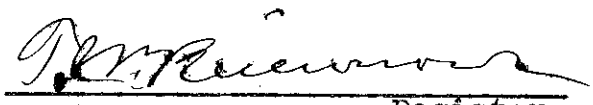
-vs-

BERRY POWELL,)
Defendant.)
-----X

IN THE CIRCUIT COURT-EQUITY SIDE
STATE OF ALABAMA
BALDWIN COUNTY

The Complainant in the above styled cause having this day filed, by her Solicitors of Record, Stone & Stone, her application in writing to have the testimony taken orally of J. J. Thomley, Mrs. Bettie Hanks, who reside at Atmore, Alabama, and Annie Hanks Powell, the Complainant, who resides at Stapleton, Alabama, all of whom reside within one hundred miles of Bay Minette, Baldwin County, Alabama, and said Complainant in said application nominating the Register of this court to take such testimony, as provided by law, it is ordered by the Register that said witnesses, be examined orally before him, at his office in the Court house of Baldwin County after notice has been given respondent by entry on the order book of the Register.

Witness my hand this the 20th day of June, 1918.


Register.

-----X
ANNIE HANKS POWELL,
Complainant.

-vs-

BERYY POWELL,
Defendant.
-----X

Number 73-

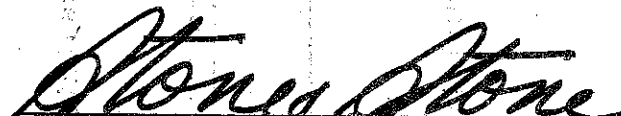
IN THE CIRCUIT COURT-EQUITY SIDE.
STATE OF ALABAMA
BALDWIN COUNTY.

Now comes the Complainant, by her solicitors, Stone & Stone, and makes application to the Register of said Court to issue a commission to take the testimony in said cause, on oral examination, of the following witnesses who reside in the State of Alabama; viz;

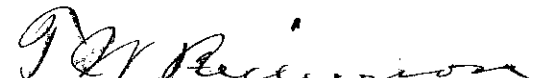
NAME OF WITNESS.	RESIDENCE OF WITNESS.
Annie Hanks Powell.	Stapleton, Alabama.
Mrs. Bettie Hanks,	Atmore, Alabama.
J. J. Thomley,	Atmore, Alabama.

And Complainant suggests the name of T. W. Richerson, Register of this Court, who resides at Bay Minette, Alabama, as a suitable person to be appointed commissioner to take the testimony of said witnesses.

This 20th day of June, 1918.


Solicitor for Complainant.

-----X-----
The Applicant for said Oral Examination is hereby required to give in writing five days notice thereof, before the examination is taken, to the adverse party, or to his Solicitor of Solicitors of Record, if either reside in this district, but if neither reside therein, the notice may be given by an entry on the order Book of the Clerk.


Register.

THE BALDWIN TIMES

ABNER J. SMITH, PROPRIETOR

DEVOTED TO THE INTEREST OF BALDWIN COUNTY AND HER PEOPLE

PUBLISHED EVERY THURSDAY

SUBSCRIPTION: \$1.00 PER YEAR IN ADVANCE

ADVERTISING RATES ON APPLICATION

TELEPHONE No. 7, LOCAL AND LONG DISTANCE

BAY MINETTE, ALA.,

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

ABNER J. SMITH, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

NOTICE TO NON-RESIDENT

Annie Hanks Powell

vs

Berry Powell

Was published in said Newspaper for 4 consecutive weeks in the following issues:

Date of first publication	March 14th, 1918	Vol. 29	No. 4
“ “ second “	March 21st, 1918	Vol. 29	No. 5
“ “ third “	March 28th, 1918	Vol. 29	No. 6
“ “ fourth “	April 4th, 1918	Vol. 29	No. 7

Subscribed and sworn to before the undersigned

this 14 day of May 1918.

T. W. Richardson
Clerk Circuit Court.

Abner J. Smith
Publisher.

(adv fee paid)

Notice to Non-Resident.
Annie Hanks Powell vs. Berry Powell. The State of Alabama, Baldwin County. Circuit Court, In Equity. This the 14th day of March, 1918.
In this cause it being made to appear to the Clerk of this Court by the affidavit of Annie Hanks Powell, that the Defendant Berry Powell is a non-resident of the State of Alabama and further, that, in the belief of said affiant the Defendant is away

MAY 15th, 1918
T. W. Richardson, Clerk, Circuit Court, Baldwin County, Ala.

THE STATE OF ALABAMA,
Baldwin County.

No. 73

CIRCUIT COURT IN EQUITY.

Annie Hanks Powell, Complainant
vs.

Berry Powell. Defendant

DEPOSITION OF J.J. Thomley,

By virtue of the Commission hereto annexed, issued by the Register for said Court of said County, in the above stated cause pending in said Court of said County,

I, T.W. Richerson, the Commissioner named in said Commission, have called and caused to come before me

J.J. Thomley,

the witness named in the Commission, and having first sworn the said witness to speak the truth, the whole truth and nothing but the truth, the said witness deposes and says as follows:

My name is J.J. Thomley, I reside in Atmore Ala, I know both Annie Hanks Powell and her husband Berry Powell, and have known them for many years, they were married several years ago at Bratt Fla, I know that they lived together as man and wife about eight months, I know that Barry Powell deserted and abandoned her about August 1915, and he has never lived with her since, Annie Hanks Powell, is a constant visitor to one of the Churches that I Preach at at Stapleton, Ala,.

J.J. Thomley

THE STATE OF ALABAMA,

No.

Baldwin County.

CIRCUIT COURT IN EQUITY.

Annie Hanks Powell,

Complainant

vs.

Berry Powell

Defendant

DEPOSITION OF

application for oral taking of testimony

By virtue of the application for oral taking of testimony and the Deposition and the Interrogatories by the

Solicitor filing the same, in the above stated cause pending in said Court of said County,

I, Register of said Court of said County,

have called and caused to come before me

Mrs. Bettie Hanks

Application for taking of Oral testimony

the witness named in the Interrogatories and having first sworn the said witness to speak the truth, the whole truth and nothing but the truth, the said witness deposes and says as follows:

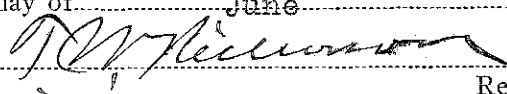
My name is Mrs Bettie Hanks, I reside in Atmore, Ala.

I am personally acquainted with Annie Hanks Powell, and her husband Berry Powell, I was present at their marriage Bratt Fla which took place Dec 14th, 1914, they lived together as man and wife until about August 1915, About August 1915, said Berry Powell left his wife Annie Hanks Powell, and has not returned since. I was visiting her at the time he left her, I know of no cause she gave him for leaving her.

Mrs Bettie Hanks

I, T.W. Richerson the said Register, hereby certify that the foregoing testimony was taken down in writing by myself in the words of the witness, and were read over to her, that she assented, swore to and subscribed the same in my presence, the 20th day of June 1918, at Bay Minette, Alabama; that I have personal knowledge of, or had proof made before me of the identity of the witness, and 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.

And I enclose the said Deposition, together with the Interrogatories, Direct and Cross, and documents which were deposited to, in an envelope properly indorsed and sealed and placed the same on file in my office.

Given under my hand and seal, this 20th day of June 1918.

 (L. S.)
 Register.

WITNESS' FEES.

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

Witness	Days attendance at \$1.50 per day, \$.....
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,

REGISTER'S FEES.

Register	Days at \$1.50 per day, \$.....
	Words at 20c per 100,

73

1335-
50
1385-

No. -73- Page -33-

THE STATE OF ALABAMA,
-Baldwin- County.

CIRCUIT COURT, IN EQUITY.

Annie Hanks Powell,
 Complainant.
 vs.
Berry Powell,
 Defendant.

DEPOSITION TAKEN BEFORE
 REGISTER

DEPOSITION OF
Mrs. Bettie Hanks.

for Complainant.

Filed 19
 Published by order of Court,
19
 Register.

910

I, P. W. Richerson, the said Commissioner, hereby certify that the foregoing testimony was taken down in writing by myself, in the words of the witness, and were read over to him, that he assented, swore to and subscribed the same in my presence, the 20th day of June 1918. at Bay Minette, Alabama; that I have personal knowledge of, or had proof made before me of the identity of the witness, and 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.

And I enclose the said Deposition, together with the Commission and Interrogatories, Direct and Cross, and documents which were deposed to, in an envelope properly indorsed and sealed and returned to the Register for said Court of said County.

Given under my hand and seal, this 20th day of June 1918.

P. W. Richerson (L. S.)
Commissioner.

WITNESS' FEES.

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

Witness.....	Days attendance at \$1.50 per day, \$.....
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,

COMMISSIONER'S FEES.

Commissioner.....	Days at \$1.50 per day, \$.....
	Words at 20c per 100,

73

No. 73 Page 33
 THE STATE OF ALABAMA,
Baldwin County.
 CIRCUIT COURT, IN EQUITY.
 Annie Hanks Powell,
 Complainant.
 vs.
 Berry Powell,
 Defendant.
 DEPOSITION TAKEN BEFORE
 COMMISSIONER
 DEPOSITION OF
J. J. Thomley.
 for Complainant.
 Filed 19
 Published by order of Court,
19
 Register.

THE STATE OF TEXAS
COUNTY OF [unclear]

-v-

vs.

[faint text]

73

Carrie Stewart Powell

B

Number -73-

73

ORDER FOR TAKING ORALLY THE
TESTIMONY FOR COMPLAINANT.

Annie Hanks Powell,
Complainant.

-VS-

Berry Powell,
Defendant.

DIVORCE PROCEEDINGS

CIRCUIT COURT-EQUITY SIDE
STATE OF ALABAMA
BALDWIN COUNTY.

FILED IN HIS OFFICE THIS

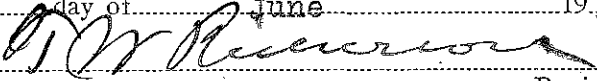
JUNE 20th, 1918.

W. R. Williams
REGISTER.

8

I, T. W. Richerson, the said Register, hereby certify that the foregoing testimony was taken down in writing by me in the words of the witness, and were read over to her, that she assented, swore to and subscribed the same in my presence, the 20th day of June 1918, at Bay Minette, Alabama; that I have personal knowledge of, or had proof made before me of the identity of the witness, and 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.

And I enclose the said Deposition, together with the Interrogatories, Direct and Cross, and documents which were deposited to, in an envelope properly indorsed and sealed and placed the same on file in my office.

Given under my hand and seal, this 20th day of June 1918
 (L. S.)
 Register.

WITNESS' FEES.

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

Witness.....	Days attendance at \$1.50 per day, \$.....
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,
.....	Days attendance at \$1.50 per day,
	Miles traveled at 5 cts. per mile,

REGISTER'S FEES.

Register.....	Days at \$1.50 per day, \$.....
	Words at 20c per 100,

73

No. 73 Page 33
 THE STATE OF ALABAMA,
Baldwin County.
 CIRCUIT COURT, IN EQUITY.
Annie Hanks Powell,
 Complainant.
 vs.
Berry Powell,
 Defendant.
 DEPOSITION TAKEN BEFORE
 REGISTER
 DEPOSITION OF
Annie Hanks Powell.
 for Complainant.
 Filed..... 19.....
 Published by order of Court,
 19.....
 Register.....

STATE OF ALABAMA.
BALDWIN COUNTY.

Before me Frank S Stone, a Notary Public in and for said State and County personally appeared Annie Hanks Powell, who is known to me and who after being by me duly sworn doth depose and say under oath that she is over the age of 21 years, a resident of S Stapleton, Baldwin County Alabama,

That she is the complainant in a certain Divorce suit against Berry Powell now pending in the Equity side of the Circuit Court of Baldwin County State of Alabama, that said Beryy Powell is over the age of 21 years, and is a non resident of the State of Alabama, and when last heard from resided at Walnut Hill in the County of Escambia and State of Florida and that service by publication is necessary to make said B Berry Powell party respondent to said bill of complaint.

Annie Hanks Powell

Sworn to and subscribed before me

this March 9th. 1918.

Frank S Stone

Notary Public Baldwin County, Alabama.

AFFIDAVIT OF NON-RESIDENCE.

POWELL

-v-

POWELL.

Filed in this office this

March 14th, 1918.

D. W. Richardson
CLERK.

2

STONE & STONE
ATTORNEYS
BAY MINETTE, ALABAMA

THE STATE OF ALABAMA,
BALDWIN COUNTY.

No. -73-

CIRCUIT COURT, IN EQUITY.

Annie Hanks Powell, Complainant

vs.

Berry Powell Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso affidavit of non-military service, application for oral examination, and testimony as noted by the Register; and, upon consideration thereof, the Court is of opinion that the Complainant is entitled to the relief prayed for in her said bill.

IT IS, THEREFORE, Ordered, adjudged and decreed by the Court, that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby dissolved, and the said

--Annie Hanks Powell-- is forever divorced from the said

--Berry Powell-- for and on account of

-Voluntary desertion and abandonment-

as alleged in said Bill of Complaint;

It is further ordered, that the said --Annie Hanks Powell-- be, and she is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said --Annie Hanks Powell-- pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said Annie Hanks Powell

It is further ordered, adjudged and decreed that said --Annie Hanks Powell-- shall not again marry except to said Berry Powell. until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said Berry Powell during the pendency of said appeal.

This 2nd day of July 1911
W. G. Hambley
Judge of the Circuit Court of Baldwin County.

Decree "pro confesso."

-----X
ANNIE HANKS POWELL,)
Complainant.)
-vs-)
BERRY POWELL.)
Defendant.)
-----X

No. 73.

In the Circuit Court-Equity Side
State of Alabama
Baldwin County.

b

In this cause, it appearing to the Register, by certificate of Abner J. Smith, Proprietor of the Baldwin Times, a newspaper published in Baldwin County, Alabama, that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 14th day of March, 1918, in the Baldwin Times, a newspaper published in Baldwin County, Alabama; and it now further appearing to the Register that the said Defendant has, to the date hereof, failed to plead, answer or demur to the bill of complaint in this cause;

It is therefore, on motion of Complainant, ordered and decreed by the Register, that the said bill of complaint be, and it hereby is, in all things, taken as confessed against the said defendant.

This the 17th day of June, 1918, being Monday.


Register.

Motion for decree "pro confesso."


-----X
ANNIE HANKS POWELL,)
Complainant.)
-vs-)
BERRY Powell,)
Defendant.)
-----X

No. 73.

In the Circuit Court-Equity Side.
State of Alabama
Baldwin County

Comes the complainant in the above styled cause and shows unto the Court that an order of publication was made on the 14th day of March, 1918, and which was duly published, and which was directed to Berry Powell, defendant in said cause, and which required the said defendant to answer or demur to the Bill of Complaint by the 4th day of May, 1918, and which the said defendant has to this day failed to do, Wherefore the complainant moves the court to grant a decree "pro confesso" against the said defendant.

This the 17th day of June, 1918, being Monday.


Solicitors for Complainant.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, Henry D. Drown a Notary Public in and for said State and County, personally appeared, Mrs. Bettie Hanks, who is known to me and who, after being by me first duly sworn, deposes and says under oath,

That she is personally acquainted with Berry Powell and has known him for the past six years or more. That on Monday, June 17th, 1918, Berry Powell was not in the Military Service of the United States.

Mrs. Bettie Hanks

Sworn to and subscribed before me this June 17th, 1918.

Henry D. Drown

Notary Public-Baldwin County-Ala.

)Note of Testimony and Request for submission.)


-----X
ANNIE HANKS POWELL,
Complainant.
-vs-
BERRY POWELL.
Defendant.
-----X

Number -73-

IN THE CIRCUIT COURT-EQUITY SIDE
STATE OF ALABAMA.
BALDWIN COUNTY.

This cause is submitted in behalf of the Complainant, Annie Hanks Powell, upon the Original Bill of Complaint, return of Sheriff, Order of publication, Affidavit of Publisher, Decree pro confesso, Affidavit of non-military service of Defendant, and testimony by depositions of J. J. Thomley, Mrs. Bettie Hanks and Annie Hanks Powell.

This the 20th day of June, 1918.


Solicitors for Complainant

TO HON. T. W. RICHEYSON, REGISTER.

Application is hereby made that you deliver to the Judge of the Court the foregoing note of testimony, together with all the papers and depositions in said cause.

In the above styled cause a decree "pro confesso" having been taken against the Defendant, and evidence having been taken by the Complainant, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, Annie Hanks Powell, by her Solicitors of Record, Stone & Stone, do file with the Register the above written request to deliver all the papers in this cause to the Judge, and request a final decree in vacation.


Solicitors for Complainant.

-----X
 ANNIE HANKS POWELL,)
 Complainant.)
 - vs -)
 BERRY POWELL,)
 Defendant.)
 -----X

IN THE CIRCUIT COURT-EQUITY SIDE.
 STATE OF ALABAMA
 BALDWIN COUNTY

To the Hon. A. E. Gamble, Judge of the Circuit Court of
 Baldwin County, State of Alabama, Sitting in Equity;

1-----Your Oratrix, Annie Hanks Powell, respectfully represents
 that she is a resident of Baldwin County, Alabama, and has been for more
 than three years next preceding the filing of this bill, and that she is
 over the age of twenty-one years, and that the Defendant, Berry Powell,
 is over the age of twenty-one years and is a resident of the State of
 Florida, residing at Walnut Hill

2-----That on, to-wit; December 14th, 1914, your oratrix was mar-
 ried to Defendant in Bratt Florida, and that they lived to-gether as man
 and wife until on to-wit; August, 1915, more than two years ago, when the
 said Berry Powell voluntarily deserted and abandoned your oratrix and
 since that time he has remained away voluntarily and continuously.

The Premises Considered, your oratrix ~~prays~~ that a summons be
 issued, directed to the said Berry Powell, requiring him to appear and
 plead, answer or demur to this, your oratrix's bill of complaint, within
 the time required by law; and that upon a final hearing your Honor will
 grant your oratrix a decree of absolute divorce from the said Berry Pow-
 ell and that such other relief may be granted to your Oratrix as to your
 Honor may seem proper. And as in duty bound she will ever pray, etc.,

Stave & Stave
 Solicitors for Complainant.

FOOT NOTE- The Defendant is required to answer each and every paragraph
 of the above bill of complaint from "1" to "2", inclusive, but not under
 oath, answer under oath being expressly waived.

Stave & Stave
 Solicitors for Complainant.