TO THE HONORABLE A. E. GAMBLE,

JUDGE OF THE SECOND JUDICIARY CIRCUIT:

Your Oratrix, Mrs. Craggie Clark, brings this her bill of complaint against George M. Clark, Edna Grace Mathers and Louise M. Riley, and humbly complaining shows unto your Honor as follows:

FIRST:

That your Oratrix is over the age of twenty-one years and resides at Columbia, Missouri; that George M. Clark is a minor over the age of fourteen years and resides with and is in the charge of his father, George L. Clark, of Columbia, Missouri; that Edna Grace Mathers is over the age of twenty-one years and resides at ~~Bay Minette, Alabama~~ Williamsburg, Penn; that Louise M. Riley is over the age of twenty-one years and resides at Mobile, Alabama, at 354 Montgomery Street

SECOND:

That your Oratrix owns and is in actual peaceable possession of the following described lands in Baldwin County, Alabama, to-wit:

Lots numbered six & eight in Block numbered seven of Powell Heights, addition to the town of Bay Minette, Alabama, as per plat of said addition recorded in the office of the Judge of Probate of Baldwin County, Alabama, April 17th, 1914, in miscellaneous Book one, page 338-9.

And the South half of lot numbered eight in Block numbered one hundred eight in Hand Land Company's addition to the town of Bay Minette, Alabama.

THIRD:

That your Oratrix's title to said lands is denied or disputed in this, that the said defendants above named claim or are reputed to claim some right or title or interest in the said lands or they are reputed to claim or hold some lien or incumbrance thereon; that there is no suit pending to enforce or to test the validity of any claim or incumbrance of any of the said defendants to said lands or any part thereof.

FOURTH:

Your Oratrix calls upon the said defendants and each of them to set forth and specify their title or titles to said lands and to set forth and specify whether or not they or either of them claim any right, title or interest in the said lands of any part thereof, or whether or not they or either of them claim to have or hold any lien or incumbrance thereon, and if so, to set forth and specify how and by what instrument or instruments the same is derived or created.

FIFTH:

To the end, therefore, that equity may be done in the premises, your Oratriz prays that the said George M. Clark, Edna Grace Mathers and Louise M. Riley be made parties defendant to this bill of complaint and by appropriate process be directed to plead, answer or demur to this bill of complaint within the time and under the penalties prescribed by law and the practice of this Honorable Court.

That upon the final hearing of this cause your Honor will decree that the said defendant, George M. Clark, Edna Grace Mathers and Louise M. Riley, and each of them, have no estate, right, title or interest in or have or hold any lien or incumbrance upon the lands described hereinabove and that as to said defendants and as to each of them your Oratrix has a good and perfect title; Oratrix prays for such other, further or different lief as in the premises she may be entitled to have in equity and good conscience.

Richards, Frazer & Burke
Solicitors for Complainant.

FOOT NOTE:

The defendants are each required to answer the alligations of this bill of complaint, paragraphs, one to four inclusive, but not under oath, oath is expressly waived.

Richards, Frazer & Burke
Solicitors for Complainant.

No 184

Original Bill

Filed July 31st 1919
D. W. Richmond
Register

State of Alabama,)
)
Baldwin County.)

Before me, T.W.Richerson, clerk of Circuit Court, Baldwin County, Alabama, this day personally appeared W.C. Beebe, who being by me first duly sworn, deposes and says that he is one of the solicitors for Mrs. Craggie Clark, ~~xx~~ Complainant in the suit of Mrs. Craggie Clark against George M.Clark, et al, Circuit Court,Baldwin County,Alabama, in Equity, and that he has read the bill of clmplaint and that the facts therein stated are true to the best of his knowledge and belief, that the said defendants George M.Clark and Edner Grance Mathers are non residence of the State of Alabama, residing at the places specified in said bill and that the said George M.Clark is a minor over the age of fourteen years and in the custody of his father, Geotge L.Clark, Columbia,Missouri.

W C Beebe

Sworn to and subscribed before me, this the 13st day of July, 1919.

T.W.Richerson

Clerk Circuit Court,Baldwin Co.Ala.

Filed Jul 31, 1916
G. H. McCimmon
Receiver

1-112

CRAGGIE CLARK,	)	
	)	In the Circuit Court, Baldwin
Complainant,	)	County, Alabama.
	)	
-Vs-	)	
	)	
GEORGE M. CLARK, et al.	)	

Comes the Complainant in the above styled cause, and amends her original bill of complaint by striking out Louise M. Riley as a defendant therein.

Rickarby Frazer & Burke

Solicitor for Craggie Clark.

2 — R

Filed Nov 18, 1919
T. D. McCarron
Register

8572 CERTIFICATE OF REGISTER AS TO NOTICE BY REGISTERED MAIL. FOR SALE BY GEO. D. BARNARD & CO., ST. LOUIS. S

Mrs. Maggie Clark

vs.

George M Clark et-al

CIRCUIT COURT OF Baldwin COUNTY, IN EQUITY.

I, T W Rickman Register of said Court. do hereby certify that I did, on the 19 day of Sept 1919, send to Geo M Clark Defendant whose address was Columbus Missouri 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 24th day of Sept 1919.

Witness my hand, this 1 day of Oct 1919.

T W Rickman
Register.

Acts 1915, Page 604.

3 R

No. 184

CIRCUIT COURT OF

Baldwin COUNTY,

IN EQUITY.

Mrs. Maggie Clark

vs.

Geo M Clark

et al

CERTIFICATE OF REGISTER AS TO NOTICE BY REGISTERED MAIL.

Filed in office on this 1

day of Oct 1919

T W Richmond

Register.

8572 CERTIFICATE OF REGISTER AS TO NOTICE BY REGISTERED MAIL. FOR SALE BY GEO. D. BARNARD & CO., ST. LOUIS. S

Mrs Maggie Coles,

vs.

Geo M Coles et-al

CIRCUIT COURT OF Baldwin COUNTY, IN EQUITY.

I, T W Richerson, Register of said Court. do hereby certify that I did, on the 15 day of Sept 1919, send to Miss Edna Grace Mathews Defendant whose address was Williamsburg Penn.

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 20th day of Sept 1919

Witness my hand, this 1st day of Oct 1919

T. W. Richerson

Register.

Acts 1915, Page 604.

4 R

No. 184

CIRCUIT COURT OF

Baldwin COUNTY,

IN EQUITY.

Mrs Maggie Clark

vs.

Geo M Clark.

et al

CERTIFICATE OF REGISTER AS TO NOTICE BY REGISTERED MAIL.

Filed in office on this 1st

day of Oct 1919

T. W. Peterson

Register.

RETURN RECEIPT.

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

(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery, _____, *191*

Form 3811 c 5—6116

Post Office Department

OFFICIAL BUSINESS

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

REGISTERED ARTICLE No. 161

INSURED PARCEL No. _____

Postmark of Delivering Office

and Date of Delivery.

Return to T. W. Richerson
(Name of sender.)

Street and Number, or Post Office Box, _____

Post Office at Bay Minette

State Ala

C 5—6116

THE STATE OF ALABAMA, Baldwin *County.* — *No.* 184

CIRCUIT COURT, IN EQUITY.

Mrs. Craggie Clark *Complainant*

vs.

George M. Clark, et al *Defendant*

In this cause it is made to appear to the Register by the affidav it of W. C. Beebe attorney for complainant *that the Defendant* George M. Clark, in the belief of affiant is a minor

in ~~the belief of affiant, infant~~ over *the age of* 14 *years; and that a summons on the Bill of Complaint in this cause was served upon the* father of said infant, George L. Clark and upon said infant George M. Clark, by registered mail, as required by law *said* ~~infant~~, *on the* 24th *day of* September *19*19, *and that as* no *one has been nominated by the said* George M. Clark *to act as Guardian ad Litem for said infant*; *and it further appearing that* Henry D. Moorer *is in all respects a suitable person to act as Guardian ad Litem for said infant*; *and having filed his consent in writing to act as such, it is now ordered by the Register that he is hereby appointed Guardian ad Litem in this cause for the said infant Defendant*

Witness my hand, this 28th *day of* November *19*19

D. D. Richerson
Register.

ACCEPTANCE.

I, Henry D. Moorer *hereby accept the above appointment as Guardian ad Litem, and consent to act as such in the above cause.*

Witness my hand, this 28th *day of* November *19*19

Henry D. Moorer
Guardian ad Litem.

5 R

No..... Page.....

THE STATE OF ALABAMA,

.....County.

CIRCUIT COURT, IN EQUITY.

Maggie Clark

vs.

Geo M Clark

APPOINTMENT AND ACCEPTANCE OF GUARDIAN AD LITEM.

Filed Nov 28 1919

D M Reamer

Register.

Recorded in.....Record,

Vol.....Page.....

Register.

Craggie Clark, Complainant, -Vs- George M. Clark, et al, Defendants.	)	In the Circuit Court, Baldwin County, Alabama.

Comes George M. Clark, a minor, over fourteen years of age, by his duly appointed guardian ad litem, Henry D. Moorer, and for answer to the original bill of complaint in the above styled cause jointly and severally deny each and every allegation contained in said bill and demand strict proof of same.

And this defendant respectfully represents that he is entitled to relief against the following named Craggie Clark, Complainant, in the above styled cause, by virtue of the last will and testament of Newton B. Mathers, a copy of which is hereto attached and made a part of this record as thoughtfully set out herein, and marked exhibit "A" with leave of reference as often as may be necessary.

And this defendant prays that this answer may be taken as a cross-bill and that your Honor will issue or cause to be issued the necessary writ or subpoena as may be necessary to make Craggie Clark respondent to this his cross-bill and cause all proper decrees to be issued necessary to protect the interest of said minor.

That your Honor will decree that George M. Clark is owner of the remainder fee of the property described in the original bill of complaint; that if the said minor is mistaken in the relief prayed then your Honor will grant unto him such other different and general relief as he may in justice and equity be entitled.

George M. Clark,
By H. D. Moorer, Guardian ad litem.

LAST WILL AND TESTAMENT OF
NEWTON E. MATHERS.

I, Newton E. Mathers, being of lawful age and of sound mind and disposing memory, do make, publish and declare this my last will and testament.

ITEM ONE. I direct that as soon after my decesae as possible all my just debts shall be fully paid and satisfied.

ITEM TWO. To my beloved wife, Edna Grace Mathers, I give, devise and bequeath my farm near Bay Minette, Baldwin County, Alabama, to be hers for and during the period her natural life and at her decease I give, devise and bequeath my said farm in fee to my grandson, George M. Clark. And to my siad wife, I give and devise also all of the persoanl property of whatever kind or character upon my said farm, the same to be for her use and benefit as long as she lives, and, at her decease, so far as said personalty, or any of it, may be then in existence, I desire the same to go to my said grandson, George M. Clark; provided and excepting that certain old quilts, heirlooms in the family, I give to my daughter, Mrs. Louise M. Riley, and my big leather chair I give to my daughter, Mrs. Craigie Clark, and my watch and case I give to my grandson, George M. Clark.

ITEM THREE. To my beloved daughter. Louise M. Riley, I give, devise and bequeath the North lot of the two I own on Hand Avenue and the North lot of the two I own on Powell Heights, with all improvements thereon, in Bay Minette, Alabama, for and during her natural life, it being my wish that my said daughter have the rents and profits of said two ~~lots~~ properties as long as she lives, and, at her decease, I give, devise and bequeath, the said two properties in fee to my daughter, Mrs. Craggie Clark, or, if at that time she should also be deceased, to my said grandson, George M. Clark.

ITEM FOUR. To my beloved daughter, Mrs. Craggie Clark, I give, devise and bequeath the south lot of the two I own on

Hand Avenue (Hand Avenue and Fourth Street), and the South lot of the two I own on Powell Heights, with all improvements thereon, in the Town of Bay Minette, Alabama.

ITEM FIVE. To my beloved grandson, George M. Clark, I give, devise and bequeath all and singular the items of property named above as and for his own, together with a certain promissory note, or proceeds thereof, which note, in the sum of one thousand dollars (1000) dollars, was made to me by George L. Clark. My wish is, and I hereby direct, that this be paid George M. Clark, my grandson, on his twenty-first birthday, but that he accept only five (5) per cent interest thereon from date of my decease to his twenty-first birthday. And I charge my executor to carry out explicitly this provision of my will.

ITEM SIX. I hereby name, constitute and appoint George L. Clark as executor of this my last will and testament, and I direct that he serve without bond.

Witness my hand and seal this eighteenth day of September, A. D. 1916.

(Signed) Newton E. Mathers.

Subscribed by Newton E. Mathers in our presence and declared by him to be his last will and testament, and subscribed by us as witnesses at his request and in his presence and in the presence of each other, this 18th day of September, 1916.

Wm. A. Foster.
Miss N. L. Sinclair.

5 1/2 R

ied Dec 29th/919
T M Reicmer
Register

8600 MOTION FOR DECREE PRO CONFESSO ON PERSONAL SERVICE. 3107 Code. FOR SALE BY GEO. D. BARNARD & CO., ST. LOUIS. S

THE STATE OF ALABAMA,
Baldwin County. } No. ..... CIRCUIT COURT IN EQUITY.

Craggie Clark ..... Complainant

vs.

Geo M Clark, et al ..... Defendant

Motion is hereby made for a Decree Pro Confesso against Edna Grace Mathers ..... Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service ~~of summons~~ by registered mail upon said Defendant.....; and that said summons was duly served according to law, and that said Defendant.....has.....failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 8 day of December 1919

Rickarby Frazer & Buche
Solicitor.

6 R.

No. ..... Page .....

THE STATE OF ALABAMA,

..... County,

CIRCUIT COURT, IN EQUITY.

Craggie Clark

vs.

Geo M Clark, et al

MOTION FOR DECREE
PRO CONFESSO ON
PERSONAL SERVICE.

Filed Nov 28 1919

T O Meiemon
Register.

Recorded in ..... Record

Vol. ..... Page .....

Register.

8602 DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL.

Craggie Clark

vs.

Geo M Clark, et al

CIRCUIT COURT OF

COUNTY.

IN EQUITY.

On this cause it being made to appear to the Register that on the 15 *day of* Sept *19*19 *a copy of the Bill of Complaint filed in this cause was sent to* Mrs Edna Grace Mathews

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 22 *day of* September *19*19*, such receipt was duly received and filed in this cause:*

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged 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 Mrs Edna Grace Mathews

Defendant.

This the 28 *day of* November *19*19

D J Rainwater

Register.

Acts 1915, Page 604.

7 R

No.....

CIRCUIT COURT OF

..... COUNTY,

IN EQUITY.

Maggie Clark

vs.

Geo M Clark

et al

DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL.

Filed in office this 28 day of November 1919

R M Nicholson

Register.

Entered in O. B. ..... Page .....

8564 APPLICATION FOR ORAL EXAMINATION.

THE STATE OF ALABAMA, Baldwin County. } CIRCUIT COURT, IN EQUITY.

Gragie Clark Complainant

vs.

Geo. M Clark et al Defendant

No.

Now comes the Complainant by Rickarby Fryer & Burke Solicitor of Record, and makes application to the Register of said Court to issue a Commission to take the testimony in said cause, or oral examination, of the following named witness....., who reside within the State of Alabama:

NAME OF WITNESS.	RESIDENCE OF WITNESS.
Herbert Weston	Bay Minette Ala

And she suggests the name of Irma Pope who resides at Bay Minette Ala as a suitable person to be appointed Commissioner to take the testimony of said witness.....

This 20 day of February 1920

Rickarby Fryer & Burke

Solicitor for Complainant

The Applicant for said Oral Examination is hereby required to give in writing 3 days notice thereof, before the examination is taken, to the adverse party, or to Henry O'Mara Guardian ad litem ~~Solicitor~~ of Record, if either reside in this District, but if neither reside therein, the notice may be given by entry on the Order Book of the Clerk.

T M Reinecke

Register.

7½ R

No.....

THE STATE OF ALABAMA,

.....County.

CIRCUIT COURT, IN EQUITY.

APPLICATION FOR ORAL EXAMINATION.

Craggie Clark

vs.

Leo M Clark et al

Filed in office this 20 day of February 1930

T W Reirmon

Register.

8565 **NOTICE FOR ORAL EXAMINATION.**

THE STATE OF ALABAMA,
Baldwin *County.*

CIRCUIT COURT, IN EQUITY.

Craggie Clark

~~Geo. M. Clark~~

Complainant

vs.

Geo M Clark, et al

Defendants.

Notice of application to be made before the Register for Oral Examination of witnesses for Complainant

To Henry D. Mosser, Guardian ad litem for Geo M Clark a minor, defendant

Take notice that Richardy Frazer & Burke *Solicitor of record for the* Craggie Clark complainant *in said cause, desire the evidence of* Herbert Weston

material witness *for the* Complainant *in said cause, to be taken orally before the Register; and you are further notified that on the* 20 *day of* February *19* 20, *application will be made before the Register, at his office in* Bay Minette *Alabama, to appoint a* commissioner to take the testimony of said witness ~~*time for the taking of testimony of said witness*~~ *orally before* ~~*the Register, at his office in*~~

~~*Alabama, to-wit: on the* ..... *day of* ..... *19* ....., *beginning at* ..... *o'clock* ..... *M., and to be continued from day to day, if necessary, until the testimony of said witness* ..... *is fully taken and completed as aforesaid.*~~

Witness this 16 *day of* February *A. D. 19*20

Richardy Frazer & Burke

Solicitor for Complainant

8 R

No.....

THE STATE OF ALABAMA,

.....County.

CIRCUIT COURT OF

.....COUNTY.

Notice for Oral Examination of Witness.....for Complainant

Maggie Clark

Complainant.....

vs.

Geo M Clark, et al

Defendants

Filed in office this 16 day of Feb A. D. 19 22

T W Rimmer

Register.

Witnesses for.....

Herbert Weston

I hereby accept and acknowledge legal and sufficient service of the within notice.

Dated this 16 day of February 19 22

Henry F Moore

Solicitor for Guardian ad litem for Geo M Clark, a minor

DEPOSITION TAKEN BEFORE REGISTER ON INTERROGATORIES, Code 3150. (Box 716.) 89602—M. & B. Co., Nashville

The State of Alabama, ... County.

CIRCUIT COURT, IN EQUITY.

Craggie Clark ..... Complainant

vs.

Geo M Clark, et al ..... Defendant

Deposition of Herbert Weston

By virtue of the ~~appointment to~~ commission issued in said cause by the register to take the Deposition, ~~indorsed in writing, on 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 .....

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:

By virtue of the attached commission in the above styled cause, to take the oral deposition of said witness, I Irma Pope, Commissioner duly appointed have caused said Herbert Weston to come before me, and having first sworn said witness to speak the truth, the whole truth and nothing but the truth, W C Burke, Solicitor for complainant be present and conducting the examination on behalf of the complainant, Henry D Moore being present and acting as guardian ad litem for Geo M. Clark, a minor. Counsel for the cross examination for said defendant, Geo M Clark, the said witness deposes and says as follows.

Direct Examination:

My name is Herbert Weston, I reside at Bay Minette. I know Cragie P. Clark, the complainant. She resides in Columbia Missouri. She is the mother of Geo. M. Clark defendant. She is the daughter of Newton E. Mathers, now dead. She is in peaceable possession of the lots described in the complaint.

Newton E. Mathers at the time of his death owned only one lot on Hand Avenue. He never owned any other lots on said avenue. Said lot is described as lot 8, in Blk 108 Hand Land Company's addition to Bay Minette. Prior to his death he devided this lot into two lots. Division line running East and West, so that it became two lots, one lying south of the other. In Pomeroy Heights addition he owned four small lots adjoining. He built two houses on them and fenced them off separately so that two of the lots were with each house. He purchased all four of these lots at the same time and owned them until his death. Lots 6 & 8 in Blk 7 of said addition were with one house and lots 2 & 4 said blk being with the other. These were all the lots he ever owned in said addition. Lots 6 & 8 are south of lots 2 & 4.

Cross Examination: The possession of Cragie Clark as to Lots 6 & 8 in Pomeroy Heights consists in renting them out and collecting the monthly rentals. She also has 2/20 of lot 8 Blk 108 Hand Land Co addition rented out. There are two houses on this lot, one on south half and the other on north half.

Herbert R. Weston

I, Irma Pape, the said ~~Register~~ Commissioner, hereby certify that the foregoing testimony was taken down in writing by me in the words of the witness, and were read over to me, that he assented, swore to and subscribed the same in my presence, the 26 day of February, 1970, 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 deposition, together with the Interrogatories, Direct and Cross, and the documents which were deposed to, in an envelope properly endorsed and sealed and placed the same on file in my office.

Given under my hand and seal this the 26 day of February, 1970

Irma Pape, ~~Register~~ Commissioner

WITNESS FEES.

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

Herbert Weston 1 days' attendance at $1.50 per day $1.50

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 $

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 $

days' attnedance at $1.50 per day $

Court ~~REGISTER'S~~ FEES.

1 days at $1.50 per day $1.50

530 words at 20 cents per hundred 1.00

No. ..... Page .....

The State of Alabama,

..... COUNTY.

IN CIRCUIT COURT, IN EQUITY.

Craggie M Clark

vs. Complainant,

Geo M Clark

et al

Defendant.

Deposition Taken Before Register on Interrogatories.

Deposition of Herbert Heston

for Complainant

Filed 26 day of Feb, 1922

Published by ~~order of the Court~~ consent of Counsel, this Feb 26, 1922

Register.

MARSHALL & BRUCE CO., NASHVILLE

ice of Time and Place to Take Deposition.

THE STATE OF ALABAMA, Baldwin County. } CIRCUIT COURT, IN EQUITY.

No. ..... Term, 19 .....

Crazie Clark Complainant

vs.

~~H~~ Geo M Clark Defendant

To: Geo M Clark a minor or Henry D Moore his Guardian ad litem

of ..... ~~Solicitors~~ of Record:

You are hereby notified that, having been appointed Commissioner to take the deposition of Herbert Hesler

witness for the Complainant in the above stated cause, I will commence to take said deposition at Bay Minette at 10 o'clock A M., on the 26 day of February 1920

Witness my hand, this 23 day of February 1920

Irma Pope.

Commissioner.

59 Rules of Practice.

No. ..... Page .....

THE STATE OF ALABAMA,

..... County.

CIRCUIT COURT, IN EQUITY.

TO.

Henry D Moore Esq
Guardian ad litem
for Leo McClark, Minor
~~Solicitors.~~

NOTICE OF TIME AND PLACE TO TAKE DEPOSITION.

Issued Feb 23 1920

Irma Pope
Commissioner.

I hereby certify that a copy of this Notice was ~~[illegible]~~ Henry D Moore, Esq to Henry D Moore Esq Guardian ad litem on the 23 day of Feb 1920

Irma Pope
Commissioner.

COMMISSION TO TAKE DEPOSITION. [redacted] (Box 649.) MARSHALL & BRUCE CO., NASHVILLE

The State of Alabama, Baldwin COUNTY. | **CIRCUIT COURT.** Equity Division.

To Irma Pope

or such of you as may act herein, of Baldwin County, State of Alabama, Greeting:

KNOW YE, That we, reposing confidence in your integrity, skill, and ability have appointed you Commissioners to take the testimony of Herbert Heston

material witness in a suit now pending in our Circuit *Court of* Baldwin *County, wherein* Maggie C. Bagh

Plaintiff, and Geo. W. Clark, et al are

Defendants, and we hereby authorize and empower you to call and cause to come before you Herbert Heston

the said witness and his *deposition on the Holy Evangelists to take, as well for the* Complainant *as for the* Defendant *touching* his *knowledge of the matters and things in controversy in said suit, which deposition, when so taken, shall be signed by said witness and certified by such of you Commissioners as may act herein; and you are further commanded, the deposition, when so taken, with this commission, to return under your hands and seals to the Clerk of said Court, with all convenient speed, and any one or more of you Commissioners, are authorized to act alone in the premises.*

Witness my hand, this 22 *day of* February *191*8

Witness' Fees, - - - $

Commissioners' Fees, $ T. W. Pickington *Clerk.*
Register

No. .....

The State of Alabama, ... County.

CIRCUIT COURT, ... DIVISION.

Cragin Clark

vs. Plaintiff,

Geo M Clark et al Defendant.

COMMISSION TO TAKE DEPOSITION ON SET INTERROGATORIES.

Issued this 20 day of February 1918

T. McCleskey Clerk.

WITNESSES:

Quincel Cox

Joseph T

T. Williams

Feb 1920 Register

MARSHALL & BRUCE CO., NASHVILLE

DIRECTIONS:

TO THE COMMISSIONERS IN EXECUTING AND RETURNING THE COMMISSION.

1. If the time and place of executing the commission are not named therein, the Commissioners will subpoena the witness to appear before them at such time and place as they may appoint, and administer the oath to witness.

2. Either the Commissioners, witness, or some impartial persons, must reduce the answer of witness to writing, as near as may be in the language of the witness.

3. State the caption of the cause at the beginning, and then the following heading or title:

By virtue of the Commission hereto annexed, issued from the office of the Clerk of the Circuit Court of_____County, State of Alabama, we, the Commissioners therein named, have called and caused to come before us the said A B, the witness named in said commission, on this_____day of_____191__, at the_____; and having duly cautioned and sworn the said witness to speak the truth, the whole truth, and nothing but the truth, A B, the said witness, deposeth and saith as follows:

First.—To first interrogatory he saith:

Second.—To second interrogatory he saith:

First.—To first cross-interrogatory he saith:

4. When the deposition is finished, it must be subscribed by the witness and certified as follows:

We, C D and E F, the Commissioners in said commission named, do hereby certify that the foregoing testimony and answers, taken down and written by us in the words of the witness, A B, were read over to him; that he assented, swore to, and subscribed the same in our presence, at the time and place herein mentioned; that we have personal knowledge of the personal identity of said witness [or, if unacquainted with the witness, that proof hath been made before us of the identity of the said witness]; that we are not of counsel or kin to either of the parties to said cause, nor interested in the event thereof. And we inclose the said testimony, together with said commission and the interrogatories, direct and cross, to the said Clerk of the Circuit Court whence the same emanated, as our full execution of said commission.

Given under our hands and seals, this_____day of_____191__

_____[L. S.]

_____[L. S.]

Next unite the commissions, interrogatories, and answers together, with wafers or tape; second, envelope all, sealed with three seals; third, write each Commissioner's name across each seal; and, fourth, write on the envelope the names of the parties and witnesses, and direct it thus:

C D *v.* E F — DEPOSITION OF A B	*To*.....*Esq.*, CLERK OF THE CIRCUIT COURT. ....*County, Ala.*

☞ **The package may by sent by mail or private conveyance.**

CRAGGIE M. CLARK,	)	Circuit Court, Baldwin County, Alabama.
-Vs-	)	
GEORGE M. CLARK et al.	)	

The undersigned, hereby consents that the deposition of Herbert Weston on behalf of complainant be published this day without prejudice, this the 26th day of February, 1920.

Rickarby Fizer Wiche

Solicitor for Craggie M. Clark.

Henry D. Moore

Guardian ad litem for George M. Clark, a minor.

9

Filed Feb 26, 1938
R W Richmond
Register

CRAGGIE M. CLARK	)	Circuit Court, Baldwin County,
-Vs-	)	Alabama.
GEORGE M. CLARK et al	)	

The undersigned hereby consent that the above styled cause be submitted for final decree forthwith, without further notice to the said parties, this the 26th day of February, 1920.

Reickarly Frazer & Beche

Solicitor for Craggie M. Clark.

Henry D. Lemmon

Guardian ad litem for George M. Clark, a minor.

9½ R

Agreement
to
Submission

Filed Feb 26, 1928
T. A. Nicholson
Recorder

8550 REQUEST FOR DECREE IN VACATION.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. .... Term, 191.....

Maggie Clark ..... Complainant.....

vs.

Geo M Clark et al ..... Defendant.....

To T. W. Richerson ....., Register:

In the above stated cause a Decree Pro Confesso having been taking 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 Complaiant, by Rickarby Frazer & Burke 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.

Rickarby Frazer & Burke
Solicitor for Complainant.

10 R

No..... Page .....

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

.....

.....

vs.

.....

.....

REQUEST FOR DECREE IN

VACATION.

Filed 2/26 1920

D. M. Richerson

Register

Recorded in .....Record

Vol.....Page.....

.....

Register

8581 NOTE OF TESTIMONY.

Maggie Clark

vs.

Geo M Clark, et al

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, Decree pro confesso against Edna Grace Mathews and testimony of Herbert Weston, witness for Complainant

and in behalf of Defendant upon Answer of Guardian ad litem for Geo M Clark, Minor

D W Richerson

Register

11 R

No.....

THE STATE OF ALABAMA,

BALDWIN COUNTY

IN EQUITY,

CIRCUIT COURT OF BALDWIN COUNTY.

.....

.....

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v.

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NOTE OF TESTIMONY.

Filed in Open Court this 26

day of Feb 1928

D M Richmond

Register

RICKARBY, FRAZER & BEEBE
LAWYERS
HALL BUILDING

ELLIOTT G. RICKARBY
MELL A. FRAZER
W. C. BEEBE

BAY MINETTE, ALA.

February 26th, 1920.

Hon. John D. Leigh,

Brewton, Alabama.

Dear Judge Leigh,-

Mr. T. W. Richerson, Register, is sending you with this file in the case of Craggie Clark Vs. George M. Clark for final decree.

Newton E. Mathers, who is the father of the complainant, and of Louise M. Riley, also the husband of Edna Grace Mathers, and Grandfather of George M. Clark, ~~He~~ died owning four Lots in Powell Heights, and one Lot in Hand Land Company's Addition to the town of Bay Minette, as well as a farm. The four Lots in Powell Heights are small Lots, and on them he built two houses, and fenced in two Lots with each house. One house is north of the other. The Lot on Hand Avenue was a large Lot and on it he built two houses, and divided the Lot, alloting one-half to each house. The dividing line runs East and West, one house being North of the other one. This will appear from the deposition of witness for complainant. In his will Mr. Mathers gave the farm to his widow, Edna Grace Mathers, and gave to one of his daughters, Mrs Riley, the North Lot of the two Lots on Hand Avenue and the North Lot of the two Lots in Powell Heights, for her life, with the remainder to his grand-son, George M. Clark. The

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LAWYERS
HALL BUILDING

ELLIOTT G. RICKARBY
MELL A. FRAZER
W. C. BEEBE

BAY MINETTE, ALA.,

#2.

farm was given to his widow, Edna Grace Mathers for life with the remainder to George M. Clark. These gifts will appear in items two and three of the will. Item four gave to his daughter Craggie Clark, the South Lot of the two Lots on Hand Avenue, and the South Lot of the two Lots in Powell Heights. This item, unlike the two preceeding, does not limit the estate to life. Mrs. Clark construed this will to give her a fee in the South half of the Lot on Hand Avenue(for he only owned one full Lot on Hand Avenue, which he subdivided into two) and the two South Lots in Powell Heights (for he owned four Lots and had them subdivided into two) She attempted to sell the property, and the attorney passing on the title raised the question as to whether or not paragraph five of the will would not limit her estate to life, hence the bill to quiet title against her from George M. Clark. You will notice that the guardian ad litem has asked a construction of the will, giving him a remainder in the property subject to a life estate in his mother, the complainant.

The question was also raised as to the identity of the property, that is, was it the intention of the will to convey the South half of Lot on Hand Avenue and the two South Lots in Powell Heights. If it was not his intention

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HALL BUILDING

ELLIOTT G. RICKARBY
MELL A. FRAZER
W. C. BEEBE

BAY MINETTE, ALA.,

#3.

to devise the two South Lots in Powell Heights, then he died intestate as to the two center lots in Powell Heights. One of these Lots Mrs. Clark claims, hence the bill to quiet title was originally filed, not only against George M. Clark, but against the widow, Edna Grace Mathers, and against the daughter, Louise Riley. Pending the suit Louise Riley gave a deed to Mrs. Clark and the bill was dismissed as to her, which left them as defendant, George M. Clark, a minor, and the widow, Edna Grace Mathers. The widow has not dissented from the will. The twelve months have now elapsed, but we have thought it best not to eliminate her from the bill, since decrees pro con fesso has been taken.

If it is your construction of the will that Mrs. Mathers took a fee simple in the property described in the complaint, then if I am correct, a decree quieting title against Edna Grace Mathers and against George M. Clark would be proper. If you should construe the will that she took only a life estate, with the remainder to George M. Clark, then I think possibly a decree quieting title against Edna Grace Mathers, and that the will ~~to~~ gave the complainant a life estate and the minor defendant the remainder would be proper.

Yours very truly,

W C Beebe

WCB:P

Filed Sept 22/1919
Dorothy Richmond
Registrar

RETURN RECEIPT.

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

Edna Grace Mathers

(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery, Sept. 20, 1919

Form 3811

C 5—6116

Post Office Department

OFFICIAL BUSINESS

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

REGISTERED ARTICLE No. 389

INSURED PARCEL No. _____

Postmark of Delivering Office

WILLIAM ... SEP 20 ... 1919

and Date of Delivery.

Return to J. W. Bulsser

(Name of sender.)

Street and Number, or Post Office Box, _____

Post Office at Bessemer

State Ala.

...s re-
...er to
bill
the

C 5—6116

RETURN RECEIPT.

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

George M. Colvocoresses

(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery, 9-24, 1919

Form 3811

C 5—6116

Post Office Department

OFFICIAL BUSINESS

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

Postmark of Delivering Office and Date of Delivery.

Received 9/26-1919 Northeastern Registry

REGISTERED ARTICLE No. 38 8

INSURED PARCEL No. _____

Return to J. P. Richardson
(Name of sender.)

Street and Number, or Post Office Box, _____

Post Office at Bryanville

State Ohio

C 5—6116

8572 CERTIFICATE OF REGISTER AS TO NOTICE BY REGISTERED MAIL.

Mrs. Craggie Clark

vs.

George M. Clark, et al

CIRCUIT COURT OF

Baldwin COUNTY,

IN EQUITY.

I, T. W. Richerson Register of said Court. do hereby certify that I did, on the 19th day of September 19 19, send to George L. Clark ~~and~~ father of George M. Clark Defendant whose address was Columbia, Missouri 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 24th day of September 19 19

Witness my hand, this 1st day of October 19 19

T W Richerson

Register.

Acts 1915, Page 604.

No.....

CIRCUIT COURT OF

..... COUNTY,

IN EQUITY.

Maggie Clark

vs.

Geo M Clark

CERTIFICATE OF REGISTER AS TO NOTICE BY REGISTERED MAIL.

Filed in office on this 1 day of October 1919

T M Rieman

Register.

Craggie Clark, Complainant.)
vs)
George M Clark, et al,)
Respondents.)

Circuit Court of Baldwin County.
No.184. In Equity.

- - - - - - - - - - - - - - -

This cause, by agreement of parties, is submitted out of term time for final decree on mertits, on pleadings, decrees procon-fesso and proof as noted by the Register, and the same being con--sidered and understood by the Court, the Court is of the opinion that Complainant is entitled to the relief prayed:

It is therefore ordered, adjudged and decreed by the Court that Complainant owns in fee the following described lands in Baldwin County, Alabama, to-wit: Lots numbered six (6) and eight (8) in Block numbered seven (7) of Powell Heights Addition to the town of Bay Minette, Alabama, as per plat of said addition recorded in the office of the Judge of Probate of Baldwin County, Alabama, April 17, 1914, in Miscellaneous Book One (1), page 338-9.

And the South half(S½) of Lot numbered eight (8) in Block numbered One hundred eight (108) in Hand Land Company's Addition to the town of Bay Minette, Alabama.

It is further ordered, adjudged and decreed that the Respondents, George M Clark and Edna Grace Matthews, have no right or title or interest of an nature or kind in said land, nor have they , or either of them, any lien or encumbrance thereon, but that all of said lands are held by Complainant free of any interest, claim or title of the said named Respondents or eithere of them.

It is further ordered and decreed that Complainant pay all of the cost of this proceeding for which let execution issue.

Ordered and decreed this the 13th, day of March, 1920.

John D Leigh

Judge Twenty first Judicial Circuit of
Alabama.

The State of Alabama

Baldwin County.

Circuit Court, in Equity.

I.T.W.Richerson, Register, of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the 13th day of March, 1920, in the cause of Mrs. Craggie M Clark, Complainant, vs George M Clark et al, Respondents, as appears of record in sadd Court.

Witness my hand and the seal of said Court, this the 16th, day of March, 1920.

T W Richerson -----Register.

Craggie Clark, Complainant.	)	Circuit Court of Baldwin County.
vs.	)	No. 184 In Equity.
George M. Clark, et al, Respondents.	)	

This cause, by agreement of parties, is submitted out of term time for final decree on merits, on pleadings, decrees pro confesso and proof as noted by the Register, and the same being considered and understood by the Court, the Court is of the opinion that Complainant is entitled to the relief prayed:

It is therefore ordered, adjudged and decreed by the Court that Complainant owns in fee the following described lands in Baldwin County, Alabama, to-wit: Lots numbered six (6) and eight (8) in Block numbered seven (7) of Powell Heights Addition to the town of Bay Minette, Alabama, as per plat of said addition recorded in the office of the Judge of Probate of Baldwin County, Alabama, April 17, 1914 in Miscellaneous Book One (1), page 338-9.
And the South half (S½) of Lot numbered eight (8) in Block numbered One hundred eight (108) in Hand Land Company's Addition to the town of Bay Minette, Alabama.

It is further ordered, adjudged and decreed that the Respondents, George M. Clark and Edna Grace Mathers, have no right or title or interest of any nature or kind in said land, nor have they, or either of them, any lien or encumbrance thereon, but that all of said lands are held by Complainant free of any interest, claim or title of the said named Respondents or either of them.

It is further ordered and decreed that Complainant pay all of the cost of this proceeding for which let execution issue.

Ordered and decreed this the 13th. day of March, 1920.

John D Leigh
Judge Twenty-first Judicial
Circuit of Alabama.

Final Decree

Cravgie M Clark
vs
Geo M Clark
et al

Filed March 10 - 1920
Geo Rieman
Register

Recorded in Minutes