

CENTRAL REAL ESTATE AGENCY

BALDWIN COUNTY FARMS

LAND IN ANY QUANTITY

"IN THE HIGHLANDS OF THE GULF"

OFFICE LOCATED ON THE MAIN HIGHWAY

BETWEEN

ROBERTSDALE,
SUMMERDALE, ALABAMA

Robertsdale, Ala.,

May 6th. 1943.

To the Clerk of the Circuit Court,

at Bay Minette, Ala.

to H.C.Peterson.

For services in the appraisal of the numerous propert^es of
the late Oscar Johnson of Silverhill, which report was
submitted to Hybart & Chason and Beebe & Hall under date
of February 26th. 1940, to-wit:

\$25.00

AGNES E. UTTER,
Complainant,

vs.

PHILIP G. ARMSTRONG,
as Administrator, et al.,
Defendants.

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

Come BEEBE, HALL & BEEBE and file their appearance for
the defendants in the said cause, with leave to file further plead-
ings.

Beebe Hall & Beebe
Attorneys for Defendants.

AGNES E. UTTER,

Complainant,

vs.

PHILIP G. ARMSTRONG,
As Administrator, et al.,

Defendants.

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

Come the defendants in the above styled cause, and demurring to Complainant's bill of complaint, say:

FIRST:

There is no equity in the bill.

SECOND:

Said bill shows on its face that the complainant is not entitled to the relief prayed for.

THIRD:

Said bill shows on its face that the complainant has not such interest in the real property described in the said complaint as authorizes her to partition the same.

FOURTH:

Said bill of complaint shows on its face that the real property described in the bill of complaint is impressed with a trust and that said property is not subject to partition.

FIFTH:

Said bill is multifarious.

Bebe Hall Bebe
Solicitors for Defendants.

OSCAR JOHNSON,
Deceased,

ESTATE OF.

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

This cause coming on for hearing is submitted upon the Petition of Mrs. Agnes E. Utter, one of the Legatees under the Will of Oscar Johnson, Deceased, said Petition setting forth that an Order was issued by this Court on June 26th, 1939 in which it was decreed by this Court that unless Phillip G. Armstrong, as Executor of the Estate of Oscar Johnson, Deceased, filed in the Circuit Court of Baldwin County, Alabama, in Equity, a full, true and complete accounting of all moneys and effects belonging to the Estate of Oscar Johnson, Deceased, which had come into his hands as such Executor, together with all vouchers, if any, of payments that he might have made of any claims, together with a list of the assets received by him as such Executor, together with a list of the assets of said Estate that were then in his hands, within five days from the date that a copy of said Decree was served upon him, then then Register of the Circuit Court of Baldwin County, Alabama was directed to issue an attachment for the body of the said Phillip G. Armstrong, commanding the Sheriff of Baldwin County, Alabama, to have the said Phillip G. Armstrong in person and present before me on the 8th day of July, 1939, for the purpose of his filing a full, true and complete accounting of all moneys and effects belonging to said Estate which had come into his hands as such Executor of said Estate, together with all vouchers, if any, of any payments that he might have made of any claims, together with a list of the assets received by him, as such Executor, together with a list of the assets of said Estate that were then in his hands and for the further purpose of ascertaining whether the said Phillip G. Armstrong was in contempt of this Court.

And it appearing to this Court that a copy of said Decree was served upon the said Phillip G. Armstrong, as Executor

(page two)

of the Estate of Oscar Johnson, Deceased, on June 30th, 1939.

And it further appearing to this Court that the said Phillip G. Armstrong, as Executor of the Estate of Oscar Johnson, Deceased, has not complied with the Order of this Court, dated June 26th, 1939, and has not filed his accounts as set out therein.

And it further appearing to this Court that the said Register of said Court failed to issue the attachment directed against the said Phillip G. Armstrong, as set out in said Decree.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT the Register of this Court shall issue an attachment instanter against the body of Phillip G. Armstrong, commanding the Sheriff of Baldwin County, Alabama, to have the said Phillip G. Armstrong in person and present before me on the 14th day of October, 1939, for the purpose of his filing a full, true and complete accounting of all moneys and effects belonging to said Estate, together with all vouchers, if any, of any payments he might have made of any claims, together with a list of the assets received by him as such Executor, together with a list of the assets of said Estate that are now in his hands, and for the purpose of ascertaining whether the said Phillip G. Armstrong is in contempt of this Court, and then and there to abide the penalty and punishment as this Court may see fit to fix, for his failure to comply with its Orders and Decrees.

Dated at Bay Minette, Alabama, this 20th day of September, 1939.


JUDGE

ESTATE OF
OSCAR JOHNSON,
Deceased.

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

TO PHILLIP G. ARMSTRONG, AS EXECUTOR OF THE ESTATE OF OSCAR JOHNSON,
Deceased:

In accordance with a decree rendered in the Circuit Court of Baldwin County, Alabama, on May 5, 1939, on the petition of Agnes E. Utter, one of the legitees under the will of Oscar Johnson, deceased, petitioning the Court to require you to make a settlement in this Court as such executor of said estate -

Therefore, in accordance with said decree, you are hereby cited, as Executor of the estate of Oscar Johnson, deceased, to file, in the Register's Office of this Court, within thirty days from the date of this decree above referred to, a full, true and complete accounting of all monies and effects belonging to said estate, which has come into your hands as such Executor, together with your vouchers, if any, of any payments that you might have made of any claims, together with a list of the assets received by you as such Executor, together with a list of the assets of said estate that are now in your hands. That said account is to be filed for the purpose of a settlement of said estate.

Dated at Bay Minette, Alabama, this 6th day of May, 1939.

R. S. Duch

Register.

By: Nauline Thompson
Dputy

OSCAR JOHNSON, Deceased,
ESTATE OF.

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

This matter coming on to be heard upon the Motion of Phillip Armstrong, the Executor of the Estate of Oscar Johnson, Deceased, as one of the parties Respondent in said cause, to vacate, set aside and hold for naught the Decree of this Court rendered May 5th, 1939, requiring the said Phillip Armstrong to file his accounts, as such Executor, within thirty days from the date of said Decree, and it appearing to the Court that said Motion should be overruled;

It is therefore ORDERED, ADJUDGED AND DECREED by the Court that the Motion of Phillip Armstrong be, and the same hereby is, overruled.

Dated this 3rd day of June, 1939.



Judge.

ESTATE OF OSCAR JOHNSON,
Deceased.

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

This cause coming on for hearing is submitted upon the petition of Mrs. Agnes E. Utter, one of the legatees under the will of Oscar Johnson, deceased, said petition setting forth that on May 6, 1939, a citation was issued by the Circuit Court of Baldwin County, Alabama, to Phillip G. Armstrong, as Executor of the estate of Oscar Johnson, deceased, commanding him to file in the Register's office of said Court within thirty days from the date of said decree a full, true and complete accounting of all monies and effects belonging to said estate, which has come into his hands as such Executor, together with all vouchers, if any, of any payments that he might have made of any claims, together with a list of the assets received by him as such Executor, together with a list of the said assets that are now in his hands, and that said accounting was to be filed for the purpose of a settlement of said estate.

And it appearing to the Court that the said Phillip G. Armstrong, as Executor of said estate has failed to comply with the aforesaid order of said Court by filing a full, true and complete accounting of all monies and effects belonging to said estate which has come into his hands as such Executor, together with his vouchers, together with the other information required by said order.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that unless the said Phillip G. Armstrong files in the Circuit Court of Baldwin County, Alabama, in equity, a full, true and complete accounting of all monies and effects belonging to the estate of Oscar Johnson, deceased, which has come into his hands as such Executor, together with all vouchers, if any, of payments that he might have made of any claims, together with a list of the assets received by him as such Executor, together with a list of the assets of said estate that are now in his hands, within five days from the date that a copy of this decree is served upon him, then the Register of the

Circuit Court of Baldwin County, Alabama, is directed to issue an attachment for the body of the said Phillip G. Armstrong, commanding the Sheriff of Baldwin County, Alabama, to have the said Phillip G. Armstrong in person and present before me on the 8th day of July, 1939, for the purpose of his filing a full, true and complete accounting of all monies and effects belonging to said estate, which had come into his hands as such Executor of said estate, together with all vouchers, if any, of any payments that he might have made of any claims, together with a list of the assets received by him as such Executor, together with a list of the assets of said estate that are now in his hands, and for the further purpose of ascertaining as to whether the said Phillip G. Armstrong is in contempt of this Court, and then and there to abide such penalties or punishment as this Court may see fit to fix.

IT IS FURTHER ORDERED that the Register of this Court shall cause the Sheriff of Baldwin County, Alabama, to serve a copy of this decree upon the said Phillip G. Armstrong, individually, and as Executor of the estate of Oscar Johnson, deceased.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this decree also be served upon the Solicitor of record of the said Phillip G. Armstrong, as Executor of the estate of Oscar Johnson, deceased.

Dated at Monroeville, Alabama, this 26th day of June, 1939.


JUDGE

IN RE: THE ESTATE OF
OSCAR JOHNSON, DECEASED.

)
(
)
)
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 544.

ATTACHMENT INSTANTER.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA-----GREETING:

Under and by virtue of an Order issued by the Honorable
F. W. Hare, Judge of the Circuit Court of Baldwin County, Alabama,
in Equity,
on the 27th day of September, 1939, commanding me, as Register of
of said Court, to issue an Attachment Instanter against the body
of PHILLIP G. ARMSTRONG, requiring him to appear in person before
the Judge of said Court on the 14th day of October, 1939,;

You are therefore commanded to arrest the said PHILLIP
G. ARMSTRONG, and him safely keep, so that you have him before
the Honorable F. W. Hare, Judge of said Circuit Court, on the
14th day of October, 1939.

Herein fail not, and show by your return how you have
executed this process.

R. S. DUCK, Register of the
Circuit Court of Baldwin
County, Alabama, in Equity.

By: Harold Thompson
Deputy Register.

OSCAR JOHNSON,
Deceased,

ESTATE OF.

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

TO PHILLIP G. ARMSTRONG, AS EXECUTOR OF ESTATE
OF OSCAR JOHNSON, DECEASED, ELVIRA C. ARMSTRONG, MRS. JOSEPHINE
JOHNSON AND AGNES E. UTTER.

Phillip G. Armstrong, as Executor of the Estate of the above named Decedent, having filed his Petition and Accounts for partial settlement of such Estate, and the Honorable F. W. Hare, as Judge of the Circuit Court of Baldwin County, Alabama, in Equity, having issued a Decree dated December 11th, 1939 in and by which Decree, I, R. S. Duck, as Register of said Court have been ordered to set a day for the hearing of such Petition, and have been ordered to state an account between the Executor and the respective Distributees of said Estate.

YOU WILL THEREFORE TAKE NOTICE, that such Petition and Account will be heard before me as such Register in my Office in the Courthouse in Bay Minette, Alabama, at ten o'clock A. M. on January 11th, 1940, at which time you may produce any legal evidence for the purpose of proving or contesting said Petition and account.

Dated this 19th day of December, 1939.

R S Duck
As Register.

By H E Smith
Deputy

OSCAR JOHNSON,
Deceased,
ESTATE OF.

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

Come PHILIP G. ARMSTRONG, as Executor of the estate of Oscar Johnson, deceased, ELVERA C. ARMSTRONG and MRS. JOSEPHINE JOHNSON, and move the Court to vacate, set aside and hold for naught its decree rendered May 5, 1939, requiring the said Philip G. Armstrong to file a full, true and complete accounting of all monies and effects belonging to said estate, which has come into his hands as such Executor, together with his vouchers of any payments that he might have made of any claim, together with a list of the assets received by him as such Executor, together with a list of the assets of said estate that are now in his hands for a settlement of said estate, and as grounds therefor says:

FIRST:

That the Last Will and Testament of the said Oscar Johnson, deceased, provided that said Philip G. Armstrong should not be required to file bond or to make a schedule of the property or be required to file final report to the court.

SECOND:

The facts alleged in the petition of the said Agnes E. Utter are insufficient to authorize the issuance of such decree.

THIRD:

Such decree was issued contrary to law.

FOURTH:

That the petition of said Agnes E. Utter shows on its face that she has not such interest in the property involved to authorize her to cause the issuance of the said decree.

Becke Hall & Becke
by W. C. Becke
Solicitors for Philip G. Armstrong,
Executor, Elvera C. Armstrong and Mrs.
Josephine Johnson.

ESTATE OF
OSCAR JOHNSON,
Deceased

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 544.

STIPULATION

It is stipulated and agreed by and between the undersigned Philip G. Armstrong, individually and as Executor of and under the Last Will and Testament of Oscar Johnson, Deceased, Elvera C. Armstrong and Agnes E. Utter, being the parties and all of the parties to this cause as follows:

1. That all of the pleadings filed herein by any and all of the parties to this cause be and they are hereby amended by striking therefrom the following described property situated in Baldwin County, Alabama, to-wit:

Beginning at the Northwest Corner of the Northwest Quarter of Section 31, Township 5 South Range 3 East, and run thence South along the West line of the said Section 14.85 chains to a point on the North side of public road; thence South $67\frac{1}{2}$ degrees East along the North line of said road 28 chains to a point which is the Southwest corner of the Thilda Newport property; thence North and parallel with the West line of the said Section 26 chains more or less to a point on the North line thereof; thence West 26 chains to the place of beginning, containing 58 acres, more or less, in Baldwin County, Alabama.

2. The said parties consent and agree that a Decree be immediately rendered by this Court releasing and discharging the above described property from the effect of any and all decrees heretofore rendered in this cause and from any decrees that may be hereafter rendered in this cause.

3. The said parties desire that the said property be eliminated from this proceeding in every respect in order that it may be conveyed by them to W. E. Newport, to whom Oscar Johnson contracted and agreed to sell the said property by written contract which is now in existence.

Executed in triplicate on this the 15 day of January, 1943.

Witness to signature
of Philip G. Armstrong:

Harry Warden

Philip G. Armstrong
Individually and as Executor of and
under the Last Will and Testament of
Oscar Johnson, Deceased.

Elvera C. Armstrong
Elvera C. Armstrong.

Witness to signature of
Elvera C. Armstrong:

L. Mather Robertsdale Ala

Agnes E. Utter
Agnes E. Utter.

Witness to signature of Agnes
E. Utter:

L. Mather Robertsdale Ala

APR 15 1947
L. Mather Robertsdale
Ala

OSCAR JOHNSON, Deceased,
ESTATE OF.

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

Phillip G. Armstrong, as Executor of the Estate of Oscar Johnson, Deceased, having filed a Petition for Partial Settlement of the Estate of the above named Decedant on October 12th, 1939, to which Petition is attached a statement of his receipts and disbursements, covering that period of time since his appointment as such Executor, and it appearing to the Court that the said Phillip G. Armstrong was appointed as such Executor on November 11th, 1929, and no partial settlement having ever been had in said Estate, that it is to the benefit of said Estate that such settlement now be made.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Register of said Court shall set a day for such partial settlement, and shall notify the said Executor and the beneficiaries of said Estate of the day set, a copy of which notice shall be served upon them by the Sheriff of Baldwin County, Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that on the day set for such hearing that the said Register shall state an account between the said Executor and the respective distributees of said Estate, and shall charge the said Executor with all sums of moneys which have come into his hands, as such Executor and shall credit him with all lawful expenditures and shall determine what amounts have been expended by said Executor in payment of claims or a partial distribution, setting out the amount paid to each respective distributee, and shall determine what sums of money, if any, belonging to said Estate are now in the hands of such Executor.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register of this Court shall take and reduce to writing any testimony that said Executor may see fit to produce for the purpose of proving his said accounts, or that any beneficiary may see fit to produce for the purpose of contesting any items of said

account.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Register shall make a report in writing to me of his findings in the premises.

Dated at Monroeville, Alabama, this 11th day of December, 1939.

F. W. Hare
Judge.

OSCAR JOHNSON, DECEASED

ESTATE OF

) IN THE CIRCUIT COURT OF BALDWIN

) COUNTY, ALABAMA.

) IN EQUITY.

This cause coming on to be heard is submitted on motion of Phillip G. Armstrong, as Executor of the estate of Oscar Johnson, deceased, Elvira C. Armstrong and Mrs. Joseph^y Johnson, to set aside, vacate and hold for naught the Court's decree rendered May 5, 1939, requiring the said Phillip G. Armstrong to file a full, true and complete account of all monies and effects belonging to said estate which has come into his hands as such Executor, together with his vouchers of any payments that he might have made of any claims, together with a list of the assets received by him as such executor, together with a list of the assets of said estate that are now in his hands, for a settlement of said estate -

And the same being understood by the Court,
IT IS ORDERED, ADJUDGED AND DECREED that the same be and is overruled.

Dated this 3rd day of June, 1939.



JUDGE.

Served
with Beckler 6-29

Shaw

Execute this order
by handing a copy
to Mrs. Beckler on
June 29th and a
copy to Phillips
June 30th 1939
W.C. Shaw
Atty

By John P. Lewis
J.S.

Served on
W.C. Beckler
of Phillips County

6/28/39

PROPER

OSCAR JOHNSON,
Deceased,

ESTATE OF.

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

Issued June 28, 1939

R.S. Beckler
Register.

By - Franklin Thompson,
Deputy

Received in office
Sept 2nd 1939
W.R. Stewart

ESTATE OF OSCAR JOHNSON,
DECEASED.

ATTACHMENT INSTANTER

Issued September 27th, 1939
R. S. DUCK, Clerk-Register,
By: Walter E. Lawrence
Deputy Register.

entered this 5th day of 24 1939

By arresting the within

named Defendant

Philip S. Armstrong

and placing him under Bond

for Appearance

W.R. Stewart

B.H. Lawrence

544
Rec'd DEC 19 1939
Wm. Stewart Sharp

NOTICE

OSCAR JOHNSON,
Deceased,

ESTATE OF.

RECORDED

8-118 B

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

Filed Dec 19 1939

Wm. Stewart Sharp

By W. Stewart Sharp

By W. Stewart Sharp

Executed this 23rd day
of Dec. 1939 by
Leaving a copy of
within notice on
Philip S. Armstrong
Eliava C. Armstrong
Mrs Josephine Johnson
and Agnes & Betty

Wm. Stewart Sharp
By W. Stewart Sharp

MOTION TO SET ASIDE DECREE

Filed May 22, 1937
R. S. DUCK
clerk, - register

By William Thompson

DECREE

OSCAR JOHNSON,
Deceased,

ESTATE OF.

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

Filed Dec 15, 1939

*R. S. Mark
Reporter*

ORDER OVERRULING MOTION.

OSCAR JOHNSON,
Deceased,

ESTATE OF.

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

Issued June 28, 1939.

R. S. Dingle
Register.

By - Wallace Thompson,
Deputy

Bill
Linn

~~At P. P. Linn~~
P. P. Linn

IN THE UNITED STATES OF AMERICA
DISTRICT COURT OF THE SOUTHERN DISTRICT OF NEW YORK
FILED

CHORINA OVERHILLING MOTION

Filed June 7/939
R. S. DUCK
clerk - register

R. S. Duck
Deputy

There is a motion to be made on the part of the defendant, Chorina Overhilling, to set aside the verdict of the jury in the within entitled case, and to grant a new trial. The motion is supported by the following facts and legal authorities: The defendant, Chorina Overhilling, was charged with the crime of conspiracy to defraud the United States, and was convicted by the jury on June 7, 1939. The defendant claims that the verdict is against the weight of the evidence, and that she was not properly instructed by the court. The defendant claims that the jury was misled by the evidence and the instructions of the court, and that the verdict is manifestly unjust. The defendant claims that the evidence is so conflicting and uncertain that a new trial is necessary. The defendant claims that the court erred in its instructions to the jury, and that the jury was misled by the evidence and the instructions of the court. The defendant claims that the verdict is against the weight of the evidence, and that she was not properly instructed by the court. The defendant claims that the jury was misled by the evidence and the instructions of the court, and that the verdict is manifestly unjust. The defendant claims that the evidence is so conflicting and uncertain that a new trial is necessary. The defendant claims that the court erred in its instructions to the jury, and that the jury was misled by the evidence and the instructions of the court.

[Handwritten signature]

Philip S. Armstrong
574939

CITATION

Entered this 11th day of
May 1939 by returning
a copy of written
citation on Philip S. Armstrong
W. P. Stewart Sheriff
By A. P. Hunt R.S.

Filed May 6, 1939
R.S. Hunt, Register

AGNES E. UTTER,
Complainant,

vs.

PHILIP G. ARMSTRONG,
as Administrator, et al.,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

DEMUPTER.

Filed

June 24 1939

R. S. Dault
Register.

*By: Haroldie Thompson,
Deputy*

AGNES E. UTTER,
Complainant,

vs.

PHILIP G. ARMSTRONG, as
Administrator, et al.,
Defendants.

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

APPEARANCE.

Filed June 22, 1939.

R. S. Dyer, Clerk
~~Attorney's Office~~

By: [Signature] Deputy

OSCAR JOHNSON, Deceased,
ESTATE OF

) IN THE CIRCUIT COURT OF BALD-
WIN COUNTY, ALABAMA. IN EQUITY.

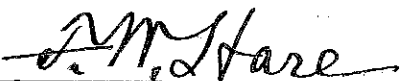
This matter coming on to be heard is submitted upon the sworn bill of complaint and petition of Agnes E. Utter, setting forth that Oscar Johnson, deceased, died on September 13, 1929, and that his will was probated in the Probate Court of Baldwin County, Alabama, on November 11, 1929, and that Phillip G. Armstrong, as Executor of said Estate was appointed as such by the Probate Court of Baldwin County, Alabama, on, to-wit: November 11, 1929, and that as such Executor the said Phillip G. Armstrong took over the assets of said estate, which consisted of a large acreage of land, cash and personal property, said estate, consisting of a considerable sum in value.

And it appearing further to the Court the said Phillip G. Armstrong as such Executor, has not rendered an accounting as to his handling of the assets of said estate, or the disposition of the same.

And it further appearing to the Court that the said Agnes E. Utter is entitled to an accounting by the said Executor as to the handling of the monies and property in which she is interested.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Register of this Court issue a citation to the said Phillip G. Armstrong, as Executor of the estate of Oscar Johnson, directing him to file with the Register of this Court, within thirty days from the date of this decree, a full, true and complete accounting of all monies and effects belonging to said estate, which has come into his hands as such executor, together with his vouchers of any payments that he might have made of any claim, together with a list of the assets received by him as such Executor, together with a list of the assets of said estate that are now in his hands for a settlement of said estate.

Dated at Monroeville, Alabama, this 4th day of May, 1939.


Judge.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ELOYCE LEWIS, Complainant

VS.

ANDY JEFFERSON LEWIS Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decress Pro Confesso on Service by Registered Mail. 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 Defendant be, and the same are hereby, dissolved, and that the said ELOYCE LEWIS is forever divorced from the said

ANDY JEFFERSON LEWIS

for and on account of

Cruelty

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

It is further ordered that ELOYCE LEWIS be, and she is hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that ELOYCE LEWIS, the Complainant pay the cost herein to be taxed, for which execution may issue.

This 22nd day of July, 19 39.

J. W. Hare Judge Circuit Court, in Equity.

I, _____, Register of the Circuit Court for Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the _____ day of _____, 19 _____

Register of Circuit Court, in Equity.

CHANCERY EXECUTION

BILL OF COSTS

No. 545

Eloyce Lewis,
Complainant

VS.

Andy Jefferson Lewis
Respondent
PLAINTIFF
DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward		
Filing each bill and other papers	\$ 10	40	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.		\$ 6 55
Issuing each subpoena	50	50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Issuing each copy thereof	40	40	Each notice sent by mail to creditor ...	15	
Entering each return thereof	15	15	Filing receipting for and docketing each claim, etc.	25	
For each order of publication	1 00		For all entries on subpoena docket, etc.	50	
Issuing Writ of injunction	1 50		For all entries on commission docket, etc.	50	
For each copy thereof	50		Making final record, per 100 words....	15	2 00
Entering each return thereof	15		Certified copy of decree	1 00	1 00
Issuing Writ of Attachment	1 00		Report of divorce to State Health Office (Acts 1915)	50	50
Entering each return thereof	15		TOTAL FEES OF REGISTER..		10 05
Docketing each case	1 00	1 00	FEES OF SHERIFF		
Entering each appearance	25	25	Serving and returning subpoena on deft. \$1	50	
Issuing each decree pro confesso on per ser.	1 00	1 00	Serving and returning subpoena for witness	65	
Issuing each decree pro confesso on publica	1 00	1 00	Levyng attachment	3 00	
Each order appointing guardian	1 00		Entering and returning same	25	
Any other order by Register	50		Selling property attached	75	
Issuing Commission to take testimony	50	50	Impaneling Jury	2 50	
Receiving and filing	10	10	Executing Writ of possession	1 50	1 50
Endorsing each package	10	10	Collecting execution for costs	65	
Entering order submitting cause	50	50	Serving and returning sci. fa., each	65	
Entering any other order of court.....	25		Serving and returning notice	65	
Noting all testimony	50		Serving and returning writ of injunction	1 50	
Abstract of cause, etc.	1 00	75	Serving and returning writ of exeat....	1 50	
Entering each decree	75	75	Taking and approving bonds, each	75	
For every 100 words over 500.....	15	15	Collecting money on execution	2 50	
Taking account, etc.	3 00	3 00	Making Deed	1 00	
Taking testimony, etc	15	15	Serving and returning application, etc..	1 50	
Each report, 500 words or less	2 50	2 50	Serving attachment, contempt of court..	1 50	
For every 100 words over 500	15	15	TOTAL FEES OF SHERIFF..		1 50
Amount claimed less than \$500, etc	2 00	2 00	RECAPITULATION		
Issuing each subpoena	25	25	Register's Fees	10 05	
Witness certificate, each	25	25	Sheriff's Fees	1 50	
Issuing execution, each	75	75	Commissioner's Fees		
Entering each return	15	15	Solicitor's Fees		
Taking and approving bond, each	1 00	1 00	Witness Fees		
Making copy of bill, etc	15	15	Guardian Ad Litem		
Each notice not otherwise provided for ..	50	50	Printer's Fees		
Each certificate or affidavit, with seal ..	50	50	Trial Tax	3 00	3 00
Each certificate or affidavit, no seal	25	25	Recording Decree in Probate Court....		
Hearing and passing on application, etc. .	3 00	3 00	TOTAL.....		14 55
Each settlement with Receiver, etc.	3 00	3 00			
Examining each voucher of Receiver, etc. .	10	10			
Examining each answer, etc.	3 00	3 00			
Recording resignation, etc.	75	75			
Entering each certificate to Supreme Court	50	50			
Taking questions and answers, etc	25	25			
For all other ser relating to such proceedings	1 00	1 00			
For services in proceeding to relieve minors, etc., same fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per cent; all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent					
Sub Total Carried Forward					

The State of Alabama, {
Baldwin County

No. 545
Circuit Court, In Equity Oct. Term, 1939

To any Sheriff of the State of Alabama—GREETING:
You are hereby commanded, That of the goods and chattels, lands and tenements of _____
Eloyce Lewis Defendant
you cause to be made the sum of \$ 14.55 Dollars,
which _____ Plaintiff
recovered of _____ on the 22 day of July 1939
by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____ Dollars,

costs o' suit, and have the same to render to the said _____
and make return of this Writ and the execution thereof, according to law.

Interest from _____ 193 to date of collection.

Witness my hand, this 20 day of Oct. 1939

R.S. Duch Register

ELOYCE LEWIS,
Complainant,
VS.
ANDY JEFFERSON LEWIS,
Respondent.

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

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT:

Now comes Eloyce Lewis, as Complainant, and brings this her bill of complaint against Andy Jefferson Lewis, as respondent, and respectfully alleges and represents unto your Honor and the Court as follows:

1. That she, Complainant, is over the age of twenty-one years and is now and has been for more than one year next preceding the filing of this her Bill of Complaint a bona fide resident of Baldwin County, Alabama. The Respondent is over twenty-one years of age and is a resident of the State of Alabama, but the Respondent is and has been absent from the State of Alabama for more than six months next prior to the institution of these proceedings. ~~misapprehended~~
~~misapprehended~~ The post office address of the Respondent is Box 9267, Fort Riley, Kansas.

2. That Complainant and Respondent were lawfully married to each other in Baldwin County, Alabama, on to-wit, the seventh day of September, 1937, ^{and} when they separated for the reasons hereinafter set out, and they have not lived together as man and wife or otherwise since said ~~last~~ date.

3. That on ~~said~~ date of to-wit, the twenty-fifth day of September, 1937, the Respondent committed actual violence on the person of Complainant, attended with danger to her life or health, and from his conduct there was reasonable apprehension of further acts of violence. The Respondent was quarrelsome and of ungovernable temper, threatened her on several occasions prior to said last date, and on said last date struck her, so that Complainant feared for her life or health and she refused to live longer with him as his wife.

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 ANDY JEFFERSON LEWIS

Box 9267, Fort Riley, Kansas
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

ELOYCE LEWIS

against said ANDY JEFFERSON LEWIS

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 6th day of May, 1939.

R. S. DUCK
clerk, - register

By [Signature], Register
Deputy

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

No. 545-

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

Elyce Burt

vs. *Complainant*

Only [unclear] [unclear]
Respondent

CHANCERY EXECUTION
Fi. Fa.

\$ 14.55-

Total \$ 14.55-

Fee Book *Grand* Page 545-

Execution Docket 11 Page 11

W. E. Smith

Complainant's Solicitor

THE STATE OF ALABAMA
Baldwin County.

ha _____ duly waived _____ right
to the exemption of personal property as to
the collection of the debt for which this execu-
tion is issued.

Register.

Received in office this _____

day of _____ 193 _____

Sheriff

Execution Docket _____ Page _____

*Returned not today
of December 1933
no property of the
Complainant found in
Baldwin County
W. E. Smith
by M. J. [unclear]*

The State of Alabama, }
Baldwin County

By virtue of the within execution I have levied _____

No. 545 Page

The State Of Alabama
Baldwin County

In Circuit Court, In Equity

ELOYGE LEWIS,

vs. Complainant.

ANDY JENKINSON LEWIS
Respondent.

DIVORCE DECREEE

Filed this 14 day of
July, 1939.

R. S. Dault, Register
By - *Mullie Thompson*
Deputy Register

[Faint, mostly illegible text, likely the body of the divorce decree]

Order to Research

Filed May 6, 1939
R.S. Dault, Register

RECORDED

BILL OF COMPLAINT.

FLOYCE LEWIS,

Complainant,

VS.

ANDY JEFFERSON LEWIS,

Respondent.

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

Filed May 6, 1959
R. S. DUCK

clerk, registered

By *Walter Stinson*
Deputy

No.

CIRCUIT COURT OF BALDWIN
COUNTY, ALA.

In Equity.

VS.

Decree Pro Confesso After
Notice By Registered Mail.

Filed in office this 20 day of

June, 1939

R. S. Daniels Register

Filed in O. B. Page

I, R. S. DUCK, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that I have this day mailed to the Respondent, Andy Jefferson Lewis, a copy of the bill, together with Summons in this cause, at the address given in the complaint, postage prepaid, by registered mail, marked for delivery to addressee only, and with return receipt requested.

DATED this 9th day of May, 1939.

R. S. DUCK, Register.
By: *Harold Lee Thompson*
Deputy Register.

(original)
RECORDED

Serve On _____
Circuit Court of Baldwin County
IN EQUITY

No. 545 _____
Summons

ELOYCE LEWIS,
Complainant,

vs.
ANDY JEFFERSON LEWIS
Respondent

H. E. SMITH
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in office this _____
day of _____, 193

Sheriff.

Executed this _____ day of _____, 193
by leaving a copy of the Summons with

Defendant

Sheriff

By _____
Deputy Sheriff

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 545 July Term, 1939

ELOYCE LEWIS, Complainant

Vs.

ANDY JEFFERSON LEWIS, Defendant

To R. 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 H. E. Smith

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.

H. E. SMITH
Solicitor for Complainant.

The State of Alabama,
Baldwin County.

No. _____ CIRCUIT COURT IN EQUITY.

..... ELOYCE LEWIS Complainant

vs.

..... ANDY JEFFERSON LEWIS Defendant

Motion is hereby made for a Decree Pro Confesso against ANDY JEFFERSON LEWIS

..... Defendant

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

This 20th day of June 19 39

..... *H. E. Smith* Solicitor.

ELOYCE LEWIS,
 Complainant,
 vs.
 ANDY JEFFERSON LEWIS,
 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, _____
 Decree Pro Confesso after Service by Registered Mail; Testimony of
 Eloyce Lewis and M..G. Brantley;

and in behalf of Defendant upon _____

By: R. S. Kuch Register,
Pauline Thompson Deputy Register

RECORDED

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

ELOYCE LEWIS,

Complainant,

vs.

ANDY JEFFERSON LEWIS,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 22nd

day of July 1939

R. S. Duck

REGISTER

No. _____ Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

vs.

**MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE**

Filed June 20, 1939

R. S. Duch
Register.

Recorded in _____ Record,

Vol. _____ Page _____

Register.

No. _____ Page _____

The State of Alabama,
Baldwin County.
CIRCUIT COURT, IN EQUITY

ELOYCE LEWIS,
Complainant,

Vs.

ANDY JEFFERSON LEWIS,
Respondent.

**REQUEST FOR DECREE IN
VACATION**

Filed July 22, _____, 1939

R. S. Duck
By: [Signature] Thompson, Deputy Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

[Faint, illegible text, likely bleed-through from the reverse side of the page]

The State of Alabama }
Baldwin County

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

ELOYCE LEWIS _____ COMPLAINTANT

VS.

ANDY JEFFERSON LEWIS, _____ RESPONDENT

I, _____ R. S. DUCK,

as Register and Commissioner _____

have called and caused to come before me _____ ELOYCE LEWIS, M. G. BRANTLEY.

witness _____ named in the Requirement for Oral Examination, on the 20th day of _____ June

19 39, at the office of _____ R. S. DUCK, Register.

in _____ Bay Minette _____, Alabama, and having first sworn said witness^{es} to speak the

truth, the whole truth, and nothing but the truth, the said _____

_____ doth depose and say as follows:

TESTIMONY OF ELOYCE LEWIS:

My name is Eloyce Lewis and I am the complainant in this cause, against Andy Jefferson Lewis. I am over twenty-one years of age, and was, at the time of the filing of the Bill of Complaint in this cause, and had been for more than one year, next preceding, the filing of said Bill of Complaint, a bona fide resident of Baldwin County, Ala., and Andy Jefferson Lewis, the Respondent, was at the time of the filing of said Bill of Complaint, over twenty-one years of age, and was at said time a resident of the State of Alabama, but was and had been at the time of the filing of said Bill of Complaint, absent from the State of Alabama for more than six months next prior to the filing of said Bill of Complaint. His post office address was at the time of the filing of said bill of complaint, and is now, Box 9267, Fort Riley, Kansas.

I and the said Andy Jefferson Lewis were lawfully married to each other in Baldwin County, Alabama, on the 7th day of September, 1937, and lived together as man and wife until the 25th day of September, 1937, when we separated for thereason hereinafter set out, and we have not lived together as man and wife, or otherwise, since said day of September 25th, 1937. The Respondent, Andy Jefferson Lewis, committed actual violence on my person, attended with danger to my life or health, and from his conduct there was and is now, reasonable apprehension ~~###~~ of further acts of violence. The Respondent, Andy Jefferson Lewis, was quarrelsome and of ungovernable temper; threatened me on several occasions prior to September 25th, 1937, and on this last date, struck me, so that I then feared for my life or health and I refused to live longer with him as his wife, and returned to my home at Stockton, Alabama. The Respondent, is now, and has been for a long number of years, for about ten years, in the United States Army, and was stationed at Fort Riley, Kansas. He was a private in the United States Army and did not make, and does not

ORAL EXAMINATION

I, R. 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 witnesses and read over to them and they signed the same in the presence of myself H. E. Smith at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es; 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 20th day of June 1939.

R. S. Duck (L. S.)

RECORDED

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

Filed June 20, 1939

R. S. Duck, Register

RECORDED IN

Record

Vol. _____ Page _____

Register

now make, enough money from this to take care of a wife at an Army post.

For all of the above reasons, I was forced to leave him, and return to my folks.

Mrs Eloyce Lewis

TESTIMONY OF M. G. BRANTLEY:

My name is M. G. Brantley, I am in business at Bay Minette, Ala. and own a grocery store in Bay Minette, and also run a "store on wheels". I have known Mrs. Eloyce Lewis for over three years, and have had occasion to stop by her home on an average of twice a week. She lives at Stockton, Alabama, and she and her folks were regular customers of mine. I know that she and her husband have been separated for the past year and a half, and have not lived together during this time. She is a good woman and I do not think the separation from her husband was her fault.

M. G. Brantley

RETURN RECEIPT

Postmaster: This receipt is required on Registered Articles. The original receipt and this copy are the property of the U.S. Post Office.

Postmaster: This receipt is required on Registered Articles. The original receipt and this copy are the property of the U.S. Post Office.

RECEIPT FOR REGISTERED ARTICLE No. 818

11 fee paid, 1 class postage paid, 5 9, 1959

Declared value, \$ 100.00, Surcharges paid, \$ 0.00

From R. W. Smith - Republican Club, PAT MURPHY, Ky.

Addressed to W. H. Nelson, 9267 1/2 Forest Hill, Kansas

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

Return receipt fee 3, in person or order checked, Special delivery fee, Delivery restricted to addressee, Postmaster, per 11

