

State of Alabama, )  
Baldwin County. )

IN THE CIRCUIT COURT.  
IN EQUITY.

TO THE HONORABLE J.D. LEIGH, JUDGE OF THE CIRCUIT COURT, BALDWIN COUNTY, ALABAMA.-----IN EQUITY.

Your Oratrix, Emma E. Matthews, respectfully represents and shows unto Your Honor as follows:

FIRST.

That she is a bona fide resident citizen of the County of Baldwin, State of Alabama, residing at Rabon, Alabama. That she has been a resident of the State of Alabama for a period of more than the last three preceeding years next before the filing of this bill, and that she is over the age of twenty-one years.

That Charles J. Matthews is over the age of twenty-one years and is a resident of the State of Alabama, residing at Montgomery, Montgomery County, Alabama, his address being Moulton Street, Post Office box number, 548.

SECOND.

That your Oratrix and Charles J. Matthews were married in Alabama, about the year 1912, Feb 18<sup>th</sup>; that the said Charles J. Matthews voluntarily abandoned <sup>the bed & board of</sup> your Oratrix more than two years ago and has not lived with her since. Said abandonment taking place in Baldwin County, Alabama.

THIRD.

That seven children were born to your Oratrix and the said Charles J. Matthews they being respectively nineteen, eighteen, fifteen, thirteen, eleven, eight, and six years of age. That your Oratrix is able to care for the said children, having had the custody of them since separation, and that she is morally fit to have the care of the said children, and that it is the wishes of said children that they be left with their mother, your Oratrix.

Prayer for Process.

The premises considered, your Oratrix respectfully prays

that the said Charles J. Matthews be made party respondent to this bill of Complaint by the usual process of this honorable court, and that he be required to demur, plead to, or answer the same within the time allowed by law, and under the penalties provided by law, or that the same be forever confessed, and will make all necessary orders and decrees to grant the relief prayed.

PRAYER FOR RELIEF.

That upon the final hearing of this cause Your Honor will grant unto Oratrix an absolute divorce from the said Charles J. Matthews, and will grant unto Oratrix the right to again contract marriage, that Your Honor will grant unto her the care and custody of her said children, as set out in count three of this bill of complaint. *And grant unto her sufficient alimony to care for and support the said minor children.*

That if your Oratrix is mistaken in the relief prayed for, Your Honor will grant unto her such other, further, different, and general relief as she may in justice and equity be entitled, she will ever pray, etc.

PAGE AND MOORE,  
Solicitors for Complainant.

FOOT NOTE:

The defendant, Charles J. Matthews, is required to answer each and every allegation of the foregoing bill of complaint, numbered from FIRST to THIRD, both inclusive, but not under oath, answer under oath being hereby expressly waived.

PAGE AND MOORE,  
Solicitors for Complainant.

The State of Alabama, Baldwin County.

CIRCUIT COURT, IN EQUITY.

Emma A. Matthews Complainant

vs.

Charles J. Matthews Defendant

Deposition of Emma A. Matthews and Fletcher Little.

By virtue of the appointment to take the Deposition, on oral examination ~~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,

T. W. Richerson, Register of said Court of said County, have called and caused to come before me Emma A. Matthews and Fletcher Little

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:

Testimony of Emma A. Matthews:

My name is Emma A. Matthews. I was over the age of twenty-one years at the time this suit was filed and have been a resident of Baldwin County, Alabama for the last Twenty-five years, and was living with the said Charles J. Matthews in Baldwin County, Alabama at the time he abandoned my bed and board. Charles J. Matthews and myself were lawfully married on to-wit: Feb. 18th, 1912; that the said Charles J. Matthews voluntarily abandoned my bed and board ~~in October~~ before the month of October, 1919, and we were living in Baldwin County, Alabama at the time of said Separation. Charles J. Matthews lives on Moulton Street, Montgomery, Alabama, and his Post Office Box No. is 348.

I am the mother of seven children and have cared for them since the said separation as best I could and often we were in need of food and clothing. I have managed to keep the children in school. All the children are under the age of 21 years. It is the wishes of the children that they be allowed to stay with me as their father shows no interest in them.

Emma A. Matthews

Sworn and subscribed to before me this 19th day of Jan. 1922.

T. W. Richerson  
Register.

Testimony of Fletcher Little:

I have known Mrs. Emma Matthews for more than the last three years and know that her husband, Charles J. Matthews have not lived with her during this time. I know Mrs. Matthews and know her to be a suitable person for the care and custody of the children. I have seen her often during the last two years and

know of my own knowledge that Charles J. Matthews has not lived  
with her during the last two years preceeding the filing of  
this bill ~~xxxxxxx~~ two years before the month of October, 1921.

*Fletcher F. Little*

Subscribed and sworn to before me this 19th, day of

January, 1922.

*J. W. Nicolson*

Clerk Circuit Court Baldwin County, Alabama.

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 them, that th ey assented, swore to and subscribed the same in my presence, the 19th, day of January, 1922. 191, 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 19th, day of January, 1922, ~~191~~  
T.W. Richerson, Register.

WITNESS FEES.

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

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

REGISTER'S FEES.

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

**The State of Alabama,**

\_\_\_\_\_ COUNTY.

**IN CIRCUIT COURT, IN EQUITY.**

*Emma R. Matthews*

vs. Complainant,

*Charles J. Matthews*

Defendant.

**Deposition Taken Before Register on Interrogatories.**

Deposition of *Witness*

for *Complainant.*

Filed *19th* day of *Jan*, 19*22*

Published by order of the Court \_\_\_\_\_

\_\_\_\_\_, 191\_\_\_\_

*J. M. Richmond*  
Register.

MARSHALL & BRUCE CO., NASHVILLE

**RECORDED**



Box 348  
Montgomery, Ala.

March 24, 1922

Hon. A.E. Gamble

Bay Minette? ALA

Dear Sir,

In the suit of Emma A. Matthews against me I am willing for the decree to provide for the payment by me of \$25.00 a month for ten years and \$12.50 a month for ten years thereafter for the support and maintenance of our children, this to be the full amount I am to pay.

Yours Respectfully

*Charles J. Matthews*  
( Charles J. Matthews )

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

}

CIRCUIT COURT, IN EQUITY.

No. 326 Spring Term, 1912

Emma Matthews

Complainant.....

vs.

Charles Matthews

Defendant.....

To D. W. Keenan, 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 P. J. Moore

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.

P. J. Moore

Solicitor for Complainant.



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No. 326

Page .....

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

*Emma A. [unclear]*

vs.

*Charles J. [unclear]*

REQUEST FOR DECREE IN  
VACATION.

Filed Dec 25th 1912

*D. W. [unclear]*  
Register

Recorded in ..... Record

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

Register

*Emma A Matthews*

vs.

*Charles Matthews*

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 of Deft, and Testimony of Emma A  
Matthews and Fletcher L. Gode.*

and in behalf of Defendant upon

*J. W. Beemer*

Register

No. 326

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

*Emma Chace*

vs.

*J. H. ...*

NOTE OF TESTIMONY.

Filed in Open Court this 20th

day of Feb 19122

*J. M. ...*

Register

EMMA A. MATTHEWS )  
: )  
v. : )  
: )  
CHARLES J. MATTHEWS )

Number 326

To the Honorable John D. Leigh, Judge of said court:

Your petitioner, Charles J. Matthews, defendant in the above styled cause, respectfully prays that the decree of divorce granted to the complainant, Emma A. Matthews, from this petitioner on account of voluntary abandonment dated May 25, 1922, may be amended so as to give to this petitioner the right to marry again at any time after sixty days from the date of said decree if no appeal is taken and at any time after sixty days from the final determination of said cause in event an appeal is taken, and he prays for such other relief as may be proper in the premises.

CHARLES J. MATTHEWS

By Bace-Burrows

His Solicitors

1871

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 Charles J Matthews,

of Montgomery, 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 Emma E Matthews,

against said Charles J Matthews,

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, T. W. Richerson, Register of said Circuit Court, this 12th, day of December,

1921 --- --- 191 ---

*T. W. Richerson*  
Register.

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

*Original*

Alias.

Serve on.....

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

No.....

SUMMONS.

*Emma E Matthews.*

vs.

*Charles J Matthews.*

*Faye and Hooper.*  
Solicitor for Complainant.

Recorded in Vol..... Page.....

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

Received in office this.....

day of ..... 191.....

Sheriff.

Executed this..... day of

191.....

by leaving a copy of the within Summons with

Defendant

Sheriff

By .....

Deputy Sheriff.

I hereby accept service  
of the within summons and  
complaint and wive service  
of same by the sheriff, and  
waive the 30 dats service of  
same.

*Charles Matthews*

Witness:

*Frank J. Love*

RECORDED

DECREE OF DIVORCE

THE STATE OF ALABAMA  
BALDWIN COUNTY

Emma A. Matthews.....Complainant

vs

Charles J. Matthews .....Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the 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 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 Complainant is forever divorced from the Defendant.

On account of voluntary abandonment.

It is further ordered adjudged and decreed that Charles J. Matthews pay to the said Emma A. Matthews the sum of \$25.00 per month for the maintenance, education and support of the said minor children mentioned in said bill for a period of ten years from this date and, to pay the sum of \$12.50 per month beginning at the expiration of the first ten years after date hereof for a period of another term of ten years, said payments to be made on the first day of each month hereafter. This decree, so far as same relates to the alimony in this case, the same is made at the request of the respondent in writing and with assent and consent of respondent orally expressed.

It is further ordered, that the said Emma A. Matthews be, and she is hereby permitted to again contract marriage, upon the payment of costs of Court in this cause.

It is further ordered, that the said Emma A. Matthews 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 Charles J. Matthews.

It is further ordered, adjudged and decreed that said Emma A. Matthews, shall not again marry except to said Charles J. Matthews, until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except



to said Charles J. Matthews, during the pendency of said appeal.

This 25th day of May 1922.

/s/ John D. Leigh  
Judge of the Circuit Court  
of Baldwin County

Emma B. Matthews. )  
Complainant. )  
vs. )  
Charles J. Matthews. )  
Defendant. )

In the Circuit Court, Baldwin, County,  
Alabama---In Equity.

Comes Charles J. Mathews, named as defendant in this cause and for answer denies each and every allegation of the Bill of Complaint and demands strict proof of same. He waives service by the Sheriff of Subpoena on said bill, notice of the filing of interrogatories, or any proceeding to take testimony on oral examination, as well as the right to cross examine, and consents that this cause be submitted for decree on note of testimony made by the Register either in term time or vacation.

Date of this 17 day of December, 1921.

\* Charles J. Mathews

Witnesses, Frank J. Love

IN THE CIRCUIT COURT OF BALDWIN COUNTY

In Equity

EMMA A. MATTHEWS )

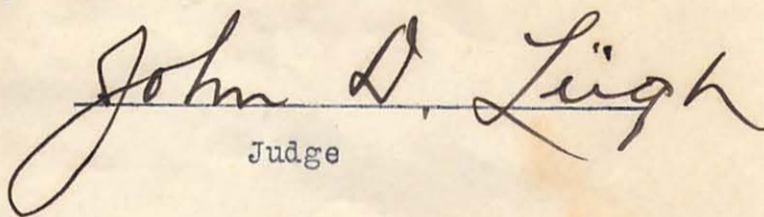
v. )

CHARLES J. MATTHEWS )

Number 326

Upon petition of Charles J. Matthews duly filed in said cause on June 12 1922, praying for an amendment to the decree made in said cause on May 25, 1922 so as to give to him the right to marry again, it is ordered, adjudged and decreed that said decree be amended so as to insert therein immediately before the date thereof the following words: "It is further ordered, adjudged and decreed that said Charles J. Matthews may marry again at any time after sixty days from the date of this decree if no appeal is taken therefrom and if an appeal is taken therefrom, then at any time after sixty days from the final determination of this cause." Let the said Charles J. Matthews pay the costs incident to his petition and this decree for which execution may issue.

This June 12, 1922.

  
Judge

The State of Alabama, }  
Baldwin County.

No. 326. CIRCUIT COURT, IN EQUITY

Emma A Matthews, Complainant.....

vs.

Charles J Matthews, Defendant.....

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the 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 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 Complainant is forever divorced from the Defendant.

On account of voluntary abandonment,

It is further ordered adjudged and decreed that Charles J. Matthews pay to the said Emma A. Matthews the sum of \$25.00 per month for the maintenance, education and support of the said minor children mentioned in said bill for a period of ten years from this date and, to pay the sum of \$12.50 per month beginning at the expiration of the first ten years after date hereof for a period of another term of ten years, said payments to be made on the first day of each month hereafter.

*decreed so far as same relates to the alimony in this case, the same is made at the request of the respondent in writing and with absent and consent orally expressed*  
Emma A Matthews,

It is further ordered, that the said Emma A Matthews, be, and S. 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 Emma A Matthews, 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 Charles J Matthews

It is further ordered, adjudged and decreed that said Emma A Matthews, shall not again marry except to said Charles J Matthews, until sixty days after this date, and that if an appeal is taken within sixty days ...he shall not marry again except to said Charles J Matthews, during the pendency of said appeal.

This 25<sup>th</sup> day of May 1922

*John D. Leigh,*  
Judge of the Circuit Court of Baldwin County.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

I, \_\_\_\_\_ 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 \_\_\_\_\_ day of \_\_\_\_\_ 1922, in the cause of \_\_\_\_\_ Complainant.....

vs.

\_\_\_\_\_ Defendant.....  
as appears of record in said Court.

Witness my hand and the seal of said Court, this the \_\_\_\_\_ day of \_\_\_\_\_ 1922

Register.

No. 326.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.  
BALDWIN COUNTY, ALA.

Emma A Matthews.

Vs.

Charles J Matthews.

DECREE OF DIVORCE.

Filed in office this 26th

day of May, 1922.

D. W. Richardson

Register.

E. O. M.

RECORDED

HAMMERSMILL  
BOND

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 Charles J. Matthews

of Montgomery, 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

Emma E Matthews,

against said

Charles J Matthews,

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, T. W. Richerson, Register of said Circuit Court, this 25th day of November,  
192.

*T. W. Richerson*

Register.

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

Original

Serve on \_\_\_\_\_

Circuit Court of Baldwin County  
In Equity

No. \_\_\_\_\_

SUMMONS

Emma E Matthews

vs.

Charles J Matthews,

Montgomery, Montgomery,  
Alabama  
Montgomery, Ala  
Page and Moorer. 348

Solicitor for Complainant

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

Received in office this 25th  
day of November, 1921

Sheriff

Executed this \_\_\_\_\_ day of  
1921

by leaving a copy of the within summons with

Defendant

Sheriff

By \_\_\_\_\_  
Deputy Sheriff

11/12/1921  
returned for  
action  
W.R. Stuard  
Sheriff  
by R. B. Weigand  
AS

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 Charles J. Matthews

of Montgomery, 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

Emma E Matthews,

against said

Charles J Matthews,

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, T. W. Richerson, Register of said Circuit Court, this 25th, day of November, 1926.

*T. W. Richerson*

Register.

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



*Robey*

Serve on \_\_\_\_\_

Circuit Court of Baldwin County  
In Equity

No. \_\_\_\_\_

SUMMONS

Emma E. Matthews

vs.

Charles J. Matthews,

Page and Moorer,

Solicitor for Complainant

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

Received in office this 28th,  
day of November, 1921

Sheriff

Executed this \_\_\_\_\_ day of  
\_\_\_\_\_ 192\_\_\_\_  
by leaving a copy of the within summons with

Defendant

Sheriff

By \_\_\_\_\_  
Deputy Sheriff

LAW OFFICES

RODRIGUE & PIERSON

804 EAST RUTLAND STREET

GOVINGTON, LOUISIANA 70433

JULIAN J. RODRIGUE

CLINT L. PIERSON, JR.

TELEPHONE 892-3171

May 5, 1976

Register of Circuit Court  
P. O. Box 489  
Bay Minette, Alabama 36507

Attn.: Mrs. Eunice Tindeal

Re: Divorce decree of  
Emma Kitchens

Dear Mrs. Tindeal:

Enclosed please find a check for \$1.25 for costs to secure a divorce decree rendered in Baldwin County, Alabama in the year 1922, dissolving the bonds of matrimony between Charles Justin Mathews and Emma Kitchens.

Please forward a certified copy of the decree to this office as soon as possible, to the attention of A. Wayne Buras.

Thanking you for your assistance in this matter, we remain,

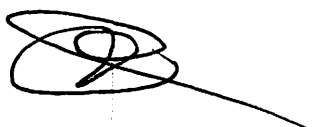
Sincerely yours,

RODRIGUE & PIERSON

BY:

  
A. WAYNE BURAS

AWB:lm  
Encl.

*Paid ck. 5650  
7/17/76  
*

*no check enclosed  
Denton, Joseph A.*

LAW OFFICE  
**JULIAN J. RODRIGUE**  
604 EAST RUTLAND STREET  
COVINGTON, LOUISIANA 70433

July 12, 1979

TELEPHONE 892-3171

Ms. Eunice Tindal  
Clerk of Court  
P.O. Box 489  
Bay-Minnette, Alabama 36507

ATTENTION: DIVORCE RECORDS

Re: Our File: L-4129

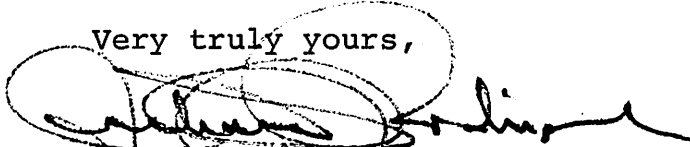
Dear Ms. Tindal:

Enclosed herewith please find our certified check # 2091 in the amount of \$1.50, which will cover the cost of a certified copy of a divorce decree in the names of Charles Justin Matthews and Emma Kitchens Matthews.

Please send the copy of the divorce decree to the above address.

Thanking you in advance for your cooperation, I am,

Very truly yours,



JULIAN J. RODRIGUE

JJR:bms

Enclosure

*mailed 7/16/79  
JJR*

# Gertrude Gardner, Inc.

7934 MAPLE STREET, NEW ORLEANS, LA. 70118 . . . . .	861-7575
4509 VETERANS MEMORIAL HIGHWAY, METAIRIE, LA. 70002 . . . . .	887-3054
1860 SHIRLEY DRIVE, NEW ORLEANS, LA. 70114 . . . . .	366-4511
8903 JUDGE PEREZ DRIVE, CHALMETTE, LA. 70043 . . . . .	279-4333
7037 CANAL BOULEVARD, SUITE 204, NEW ORLEANS, LA. 70124 . . . . .	288-7561
1819 N. CAUSEWAY APPROACH, MANDEVILLE, LA. 70448 . . . . .	525-8306

June 29, 1976

Enrice D. Lindal  
Register, Baldwin County Circuit Court  
P. O. Box 489  
Bay Dnette, Alabama  
36507

Dear Mrs. Lindal:  
Would you please send me a copy of the judgment of divorce between Charles Justin Matthews and Emma Kitchens. They were allegedly divorced in 1922 in Baldwin County, Alabama.

I am enclosing a money order in the amount of \$1.25 as per your telephone instructions as of this date.

Thank you.

Shirley Hocutt  
1819 N. Causeway Approach  
Mandeville, La. 70448

326

**A. LESTER SARPY**

ATTORNEY AND NOTARY  
2601 CANAL STREET

NEW ORLEANS, LA. 70119

ADELE LAMB  
NOTARY PUBLIC  
PHONE: 822-7381

December 28, 1981

Ms. Eunice G. Tindal,  
Clerk,  
P. O. Box 489,  
Bay Minette, Alabama 36507

RE: Divorce - Baldwin County - Year 1922  
between  
Charles Justin Matthews  
and  
Emma Kitchens

Dear Ms. Tindal:

I would appreciate your forwarding to me, at the earliest opportunity, a certified true copy of the divorce decree in connection with the above-captioned.

money order

I enclose a ~~check~~ in the amount of \$1.25 to cover the cost. If additional funds are required please advise and same will be forwarded immediately.

Thank you.

Yours very truly,



ADELE LAMB  
Notary Public

Enc.

HOWELL HALL AND G.W.ROBERTSON,  
AS EXECUTORS UNDER THE LAST WILL  
AND TESTAMENT OF A.M.THOMPSON,  
DECEASED,

COMPLAINANTS,

vs.

ADAMS MOTOR COMPANY,  
A CORPORATION,

DEFENDANT.

( . IN THE CIRCUIT COURT OF  
( BALDWIN COUNTY, ALABAMA.  
( IN EQUITY. No.326.  
)  
)  
)  
)  
)  
)

This cause coming on to be heard, was submitted for final decree upon the original bill of complaint as amended, and the decree pro confesso against the defendant, which decree pro confesso was rendered on the 12th,day of February,1923.

And, upon consideration, the Court is of the opinion that the complainants are entitled to the relief prayed for in their said amended bill of complaint:

It is therefore ordered, adjudged and decreed by the Court that the Adams Motor Company, a corporation, its officers, agents, attorneys, representatives, successors or assigns are hereby enjoined and restrained from using for its private use that portion of First Street and the sidewalk abutting the property belonging to the estate of A.M.Thompson,deceased, in the Town of BayMinette, Baldwin County,Alabama, within ten days from the date of this decree, and to remove from said Street and Sidewalk, at said place, that covered shed or roof about twelve feet wide and about twenty feet long resting on pillars or post about ten feet high above the level of the top of the ground and about eight inches square, and also remove that concrete floor about four feet wide and about eighteen feet long under the aforesaid shed or roof, and also remove that certain tank or receptacle under the ground at said place, with the galvanized iron pipe leading to said tank or receptacle and which stands about ten inches above the level of the street at said point, and to leave said street and sidewalk for the free and unobstructive use of the public.

It is further ordered, adjudged and decreed by the court, that the Adams Motor Company, a corporation, pay the costs of this

suit, to be taxed by the Clerk and Register, for which execution  
may issue.

Signed this 1<sup>st</sup> day of March, 1923.

*John D. Leigh*  
JUDGE OF CIRCUIT COURT, IN EQUITY.

RECORDED

"The complaint alleges fraud upon the part of the defendant's representatives and agents. I do not feel that fraud has been proved. Nor could the plaintiff recover, therefore, under the theory of constructive fraud. But the plaintiff may prevail, it seems to me, although he fails in his proof as to fraud, and that is under the doctrine that equity will aid to rescind a transaction which has been consummated through misrepresentation of material facts not amounting to fraud."

A. M. THOMPSON

VS.

ADAMS MOTOR

BE

PUBLIC NUISANCE

A

Page 1350; F

133 Ala. 459,

highway is a

ed or abated

Tyson 133 AL

Right of City to Prohibit Installation of Gasoline Filling Station. Clyde S. Wertz, a citizen of North Adams, Mich., who owned a building on the main street, decided to install a gasoline filling station on his property and to use the sidewalk for his filling pumps. Wertz owned the fee to the land upon which the sidewalk was situated, and there had never been a dedication to the village. The public, however, had used the walk for 40 years, and when a cement walk was constructed to replace the original boardwalk the village and Wertz each contributed to the cost of its construction. For some time Wertz's property was used as a hotel, and during that period chairs were placed on the sidewalk for the use of his guests. The village objected to the erection of the station. Wertz began the construction, and was enjoined, then appealed to the Supreme Court of Michigan, which affirmed the lower court's action. In Village of North Adams v. Wertz, 188 Northwestern Reporter, 527, Judge Clark said: "Clearly the sidewalk was a public one, user, and of which the village had control. \* \* \* The intention to dedicate is shown positively. \* \* \* The having of the chairs upon the sidewalk would afford no ground for claiming prescriptive rights as against the village, \* \* \* and is of no weight as against the clear and unequivocal evidence of dedication. And there has been full and complete acceptance by the village. \* \* \* In conformity to its plan, the village had the right to refuse and to prohibit the installing of the filling station and the conducting of the business in and upon such public street of which the sidewalk is a part."

JUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

AN INDIVIDUAL TO ABATE A

part of the street, 28 CYC,

State Rept. 412; Bank vs. Tyson,

obstruction upon a street or

Page 1177, which may be enjoined

the property owner, Bank vs,

municipality holds its avenues,

streets and alleys in trust for the general public, and has no general or implied power to convey them or pervert them to other uses, 28 CYC, Page 624. In the instant case the nuisance complained of is a continuous one. Injunction is the proper remedy to prevent an improper use of the streets by the municipality, 28 CYC, P. 854; L. & N. R. R. Co., vs. Mauter, 74 So. Rept. Page 932; South and North Ala. R. Co., vs. Schaufler, 66 So. 502; 189 Ala. 50. A Municipality has no power to grant to an abutting owner the right to so construct his buildings as to encroach on the street, nor use the street for stands or booths for business purposes, 28 CYC, P. 872; Costello vs., State 108 Ala, Page 45; 18 So. Rept. P. 820, and a Court of Equity has jurisdiction, upon the proper information filed to restrain the erection or continuance of a public nuisance in a street, City Council of Augusta vs. Reynolds, 106 Amr. State Repts, Page 147-151; Bank vs., Tyson 133 Ala., 459; 32 So. Rept. Page 144.

Judge Haralson in his decision says: "It may be stated broadly, since it seems to be everywhere settled in this country, that a building or other structure of like nature, erected on a street, - which includes its sidewalks, - without the sanction of the Legislature, is a nuisance; that public highways belong from side to side and from end to end to the public; and they are entitled to a free passage along any portion of it, not in use by some other traveler, and that



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ETCHED BRASS  
AND CAST BRONZE  
ATTORNEY

A.M. THOMPSON,

VS.

ADAMS MOTOR COMPANY.

:  
:  
:  
:  
:

IN CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

BRIEF ON A BILL IN EQUITY BY AN INDIVIDUAL TO ABATE A  
PUBLIC NUISANCE.

A sidewalk is regarded as a part of the street, 28 CYC, Page 1350; Frankfort vs, Coleman, 65 Am. State Rept. 412; Bank vs, Tyson, 133 Ala. 459, 32 So. Rept. 144, and any obstruction upon a street or highway is a public nuisance, 29 CYC, Page 1177, which may be enjoined or abated in equity at the suit of the property owner, Bank vs, Tyson 133 Ala. 459, 32 So. Rept. 144. A municipality holds its avenues, streets and alleys in trust for the general public, and has no general or implied power to convey them or pervert them to other uses, 28 CYC, Page 624. In the instant case the nuisance complained of is a continuous one. Injunction is the proper remedy to prevent an improper use of the streets by the municipality, 28 CYC, P. 854; L. & N. R. R. Co., vs, Mauter, 74 So. Rept. Page 932; South and North Ala. R. Co., vs. Schaufler, 66 So. 502; 189 Ala. 50. A Municipality has no power to grant to an abutting owner the right to so construct his buildings as to encroach on the street, nor use the street for stands or booths for business purposes, 28 CYC, P. 872; Costello vs., State 108 Ala, Page 45; 18 So. Rept. P. 820, and a Court of Equity has jurisdiction, upon the proper information filed to restrain the erection or continuance of a public nuisance in a street, City Council of Augusta vs. Reynolds, 106 Amr. State Repts, Page 147-151; Bank vs., Tyson 133 Ala., 459; 32 So. Rept. Page 144.

Judge Haralson in his decision says: "It may be stated broadly, since it seems to be everywhere settled in this country, that a building or other structure of like nature, erected on a street, - which includes its sidewalks, - without the sanction of the Legislature, is a nuisance; that public highways belong from side to side and from end to end to the public; and they are entitled to a free passage along any portion of it, not in use by some other traveler, and that

there can be no rightful permanent use of the way for private purposes. Elliott, Roads & S. paragraph 645. This Court has said: 'The public have a right to passage over a street, to its utmost extent, unobstructed by any impediments, and any unauthorized obstruction which necessarily impedes the lawful use of a highway is a public nuisance at common law.' Costello vs., State, 108 Ala. 45, 18 So. 820, 35 L.R.A. 303. " Again it is said: ' Any permanent obstruction to a public highway, such as would be caused by the erection of a fence or building thereon, is, of itself, a nuisance, though it should not operate as an actual obstacle to travel, or work a positive inconvenience to any one. It is an encroachment upon a public right, and as such, is not permitted to be done by the law, with impunity." State v. Edens, 85 N.C., 526. " It is again well settled that a municipal corporation cannot license the erection or commission of a nuisance in or on a public street."

The law in regard to streets look to the betterment of the streets for the public purposes for which they were dedicated or acquired. They do not empower the City to permit the streets to be diverted from their public use to private purposes, by suffering individuals to obstruct and appropriate them to their private use. Such a thought was never in the legislative mind. An individual has no right to appropriate a part of the street to his exclusive use in carrying on his business, even though enough space be left for the passage of the public, nor has a storekeeper any right to use the sidewalk in front of his store as a sort of annex to his place of business. If a man's premises are not sufficiently extensive for the transaction of his business, without encroaching upon the street or sidewalk, he is bound to seek more spacious quarters elsewhere, Costello vs. State, 18 So. Rept. 820; 108 Ala. 45; West v. Brown, et al., 21 So. Rept. 452; 114 Ala. 118; Ala. G.S.R.R., v. Barclay, 59 So. 169, 170 and 171; 178 Ala. Page 124.

In the case of Highland Realty Company vs., Avondale "and Company 56 So. Rept. 716; 174 Ala., 326, Judge Somerville in discussing the

rights of an owner of a lot abutting on a street, says: "Without undertaking any extended discussion of the subject, we unqualifiedly approve the reason and justice of the rule as stated by Mr. Elliott; "it is not only those who buy land or lots abutting on a street or road laid out on a map or plat that have a right to insist upon the opening of the street or road; but, where streets and roads are marked on a plat, and lots are bought and sold with reference to the plat or map, all who buy with reference to the general plan or scheme disclosed by the plat or map acquire a right in all the public ways designated thereon, and may enforce the dedication."

There is no such thing as the rightful, private, permanent use of a public highway, and any person who uses a public highway for his own private use commits an indictable public offense notwithstanding it may be so used with the permission of the municipal authorities.- City of Troy v. Watkins, 78 So. Rept. 50; 201 Ala., 274; First National Bank of Montg. vs. Tyson, 144 Ala. 457; 39 So. 560. A public highway "cannot be used in a manner foreign to its dedication, and any encroachment thereon or use thereof which is inconsistent with such purpose will constitute a nuisance which may be enjoined", City of Troy, v. Watkins 78 So. Rept. 50; 201 Ala., 274. The obstruction or encroachment may consist in anything which renders the highway less commodious, 37 Cyc, 247; State vs. Mobile 5 Port, 279, 311.

The exclusive use of a street or highway cannot, by a municipal corporation, be granted to any one person or corporation, Sherlock v. Kansas City Belt Railway Co, Am. State Reports 64, Page 551.

The owner of land abutting on a public street is presumed to own the soil and freehold to the center of the street, encumbered only by the easement and right of passage in the public.

The fact that no actual damages can be proved, so that in an action at law the jury could award nominal damages only, often furnishes the very best reason why a court of equity should interfere in cases where the nuisance is a continuous one. 32 So. Rept. Page 148; 133 Ala. Page 474.

In the case of Mrs. Mary McLaughlin against the Sloss-Sheffield Steel and Iron Co, from a decree over-ruling a demurrer to the bill, defendant appeals, we find this expression: "No doubt, if the complainant had recovered a judgment against the defendant for damages, on account of the nuisance alledged, and had laid her damages at the whole injury to her property, past and prospective, she would be estopped to deny the adequacy of her legal remedy \* \* \* \*; for she is entitled to have, not only the value of her property as it was, but to have the unimpaired and undisturbed use of it and of the street in connection with it. If, then, the owner refuses to treat as permanent a nuisance which in law and in fact is abatable, he can have no adequate redress at law; for he would be put to repeated suits, and his compensation could not be measured and ascertained with any degree of precision." Sloss-Sheffield Steel and Iron Co. vs. McLaughlin, 55 So. Rept. 522; 173 Ala., page 76.

Since examining the authorities hereinabove mentioned, we are of the opinion that the demurrer or demurrers filed in this cause by the defendant's attorneys should be over-ruled, and that the injunction prayed should be granted and the nuisance complained of removed from the street and sidewalk, and that the defendant should be taxed with the costs of this suit, including the attorney's fees paid by the complainant to his attorneys for prosecuting this suit.

Respectfully submitted,

*Chas. Hall & Gordon & Edington*  
Solicitors for Complainant.

This is not an action for damages caused by the creation of the nuisance, but is a proceeding merely to abate the nuisance. See Alabama Great Southern railroad co., vs. Barclay, 59 So. Rept. Page 171; 178 Ala. Page 124.

Howell Hall and G.W. Robertson, as  
 Executors under the last will and )  
 testament of A.M. Thompson, Deceased. )  
 Complainants. ) In the Circuit Court of  
 --vs-- )  
 Adams Motor Company, a Corporation. ) Baldwin County, Alabama,  
 Defendant. ) In Equity. No. 326

This cause coming on to be heard, was submitted for final decree upon the original bill of complaint as amended, <sup>and the decree pro confesso against the defendant.</sup> which decree pro confesso was rendered on the 12th, day of February, 1923.

And, upon consideration, the Court is of the opinion that the complainants are entitled to the relief prayed for in their said amended bill of complaint.

It is therefore ordered, adjudged and decreed by the Court that the Adams Motor Company, a Corporation, its officers, agents, attorneys, representatives, successors or assigns are hereby enjoined and restrained from using for its private use that portion of First Street and sidewalk abutting the property belonging to the estate of A.M. Thompson, deceased, in the Town of Bay Minette, Baldwin County, Alabama, within ten days from the date of this decree, and to remove from said Street and Sidewalk, at said place, that covered shed or roof about twelve feet wide and about twenty feet long resting on pillars or post about ten feet high above the level of the top of the ground and about eight inches square, and also remove that concrete floor about four feet wide and about eighteen feet long under the aforesaid shed or roof, and also remove that certain tank or receptacle under the ground at said place, with the galvanized iron pipe leading to said tank or receptacle and which stands about ten inches above the level of the street at said point, and to leave said street and sidewalk for the free and unobstructive use of the public.

It is further ordered, adjudged and decreed by the Court, that the Adams Motor Company, a Corporation, pay the costs of this suit to be taxed by the Clerk and Register, for which execution may issue.

Signed this 1st day of March, 1923. John D. Leigh,  
 Judge of Circuit Court in Equity.

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 1st day of March, 1923, in the cause of Howell Hall and G.W. Robertson, as Executors under the last will and testament of A.M. Thompson, deceased, Complainants. ---versus--- Adams Motor Company, a Corporation, Defendant, as appears of record in said Court.

Witness my hand and the seal of said Court, this the 2nd, day of March, 1923.

T. W. Richerson Register.



H. HALL AND G.W.ROBERTSON, )  
Executors of the last will )  
and testament of A. M. Thomp- )  
son, deceased, Complainants. )

CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA. IN EQUITY.

VS )

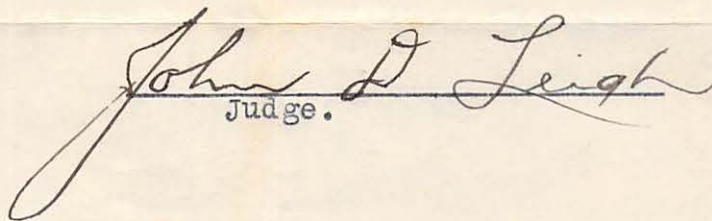
ADAMS MOTOR COMPANY, a corpo- )  
ration, Defendant )

This cause coming on to be heard on the joint motion of the parties hereto that the decrees heretofore rendered in this cause on February 12, 1923 and March 1st, 1923, be annulled and set aside and that said cause be dismissed, and it appearing that the parties to this cause have reached an amicable agreement therein and file their joint motion in pursuance therewith, and the Court being constrained to look with favor on the amicable adjustment of suits, and said motion and agreement being considered by the Court,

It is therefore ordered, adjudged and decreed by the Court that the decree pro confesso rendered in this cause February 12th, 1923, and the final decree rendered therein March 1st, 1923, be and the same each is set-aside and annulled, and this cause be and the same is hereby dismissed.

It is further ordered, adjudged and decreed that the defendant pay the costs accrued in this cause, for which let execution issue.

Done this the 30<sup>th</sup> day of March, 1923.

  
Judge.

Howell Hall and  
G. W. Robertson, as  
executors under last  
will and testament of  
A. M. Thompson,  
deceased. Complainant,  
vs.

Adams Motor Company,  
a Corporation  
Respondent

In the Circuit Court  
of Baldwin County,  
Alabama. In  
Equity  
# 326.

This cause, coming on to be  
heard, by agreement between the  
parties <sup>is</sup> submitted upon the demurrers  
to the original bill as amended  
and upon consideration of same, the  
Court is of the opinion that said  
demurrers are not well taken.

It is therefore ordered, adjudged  
and decreed that said demurrers be,  
and they are hereby overruled.

Done at Chambers, at Brewton, Ala,  
this the 11<sup>th</sup> day of January 1923.

John D. Leigh  
Judge of 2<sup>nd</sup> Judicial  
Circuit

A.M.THOMPSON, COMPLAINANT, :  
VS. : CIRCUIT COURT OF BALDWIN COUNTY,  
ADAMS MOTOR COMPANY, a : ALABAMA.  
corporation, DEFENDANT. :  
IN EQUITY.

TO THE HONORABLE JOHN D.LEIGH, JUDGE OF THE TWENTY-FIRST  
JUDICIAL CIRCUIT OF THE STATE OF ALABAMA:

Your complainant, A.M.THOMPSON, respectfully represents unto  
your Honor, as follows:

FIRST. That he is a resident citizen of and a qualified elector  
of the TOWN OF BAYMINETTE, in the County of Baldwin, in the State  
of Alabama, is over twenty-one years of age and owns property in  
said Town and pays taxes thereon.

SECOND. The defendant is a corporation doing business in the Town  
of BayMinette,Alabama.

THIRD. Said Town has been duly incorporated under the general laws  
of the State of Alabama, as a municipal corporation, and is now  
exercising corporate powers or functions by its duly authorized  
officers, and has a population of not less than eight hundred nor  
more than two thousand inhabitants residing therein.

FOURTH.Said Town has within the corporate limits thereof for the  
use of the general public streets, avenues, alleys, highways and  
sidewalks, all of which have been duly designated, accepted and  
declared to be public highways by the duly authorized officers of  
said Town.

FIFTH. The defendant has without lawful authority permanently  
and unlawfully appropriated to its private uses and enjoyment a  
portion of first street and the sidewalk abutting thereon next to  
Hoyle Avenue and extending along and abutting the property of the  
complainant, on the North side of said first street by constructing,  
building and erecting on and in said street and sidewalk a covered  
shed or roof about twelve feet wide and about twenty feet long  
resting on pillars or post about ten feet high above the level of



the top of the ground and about eight inches square, and a concrete floor about four feet wide and about eighteen feet long under the aforesaid shed or roof, and said defendant has also dug a hole in the street on the south side of said covered shed or roof and very near thereto, and in said hole said defendant buried a tank or receptacle of some kind with a three or four inch galvanized iron pipe leading to said tank or receptacle which pipe stands about ten inches above the level of the street, to receive and hold therein not less than five hundred gallons of gasoline, all within the limits of said first street, all of which constitutes a public nuisance, and all to the entire deprivation of the public of the space so appropriated by the defendant, all of which is an encroachment upon public rights.

SIXTH. The Charter of the Town of BayMinette does not empower the town to permit the streets and sidewalks to be diverted from the public use to private purposes by suffering individuals or corporations to obstruct and appropriate them to their own use.

SEVENTH. The streets, avenues and sidewalks referred to in this bill of complaint have been dedicated to the Town of BayMinette, and belong to the public from side to side and from end to end for the use of the public, and an individual or corporation has no right to appropriate a part of the street or sidewalk to his or its exclusive use in carrying on his or its business, even though enough open space be left for the passage of the public, and the town and its officers has no power to appropriate them for the use and benefit of private persons or corporations, or in any way divert them from the uses to which they were originally dedicated.

P R A Y E R.

COMPLAINANT prays that the ADAMS MOTOR COMPANY, a corporation, be made a party defendant to this bill of complaint, and that it be served with notice of the filing of same, as provided by law in such

cases, and it be required to plead, answer or demur to said bill of complaint under the rules or practice in this court, and that your Honor will grant a writ of injunction against defendant, its agents, attorneys or representatives and restrain and enjoin them and each of them from maintaining, obstructing and using said sidewalk and street for its private uses, enjoyment and gain, and order and decree that the structure described in the fifth paragraph of this bill of complaint be removed from said sidewalk and street by the defendant within ten days after the hearing of this bill of complaint. And complainant prays for such other relief as may be just. And so will ever pray, etc.

Chas Hall, Gordon Edington  
Attorneys for Complainant.

FOOT NOTE.

Complainant requires defendant to answer each and every material allegation in this bill of complaint from paragraphs one to seven inclusive, but without oath.

Chas Hall & Gordon Edington  
Attorneys for complainant.

THE STATE OF ALABAMA, :  
:  
BALDWIN COUNTY. :

Before me, Cornelia Hall, a Notary Public in and for said County and State, personally appeared A.M.Thompson, the complainant in this cause, who being duly sworn says on oath, that the allegations and facts set out in the foregoing bill of complaint are true, to the best of his knowledge, information and belief.

A M Thompson

Sworn to and subscribed before me  
this 19<sup>th</sup> day of December, 1921.

Cornelia Hall  
Notary Public, Baldwin County, Alabama.



HOWELL HALL AND G.W. ROBERTSON  
AS EXECUTORS UNDER THE LAST WILL  
AND TESTAMENT OF A.M. THOMPSON,  
deceased. Complainants.

Vs.

ADAMS MOTOR COMPANY, A CORPORATION .  
Defendant.

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

)  
( IN EQUITY.  
(

Now comes Howell Hall and G.W. Robertson, as executors under the last will and testament of A.M. Thompson, deceased, by leave of the Court first had, and revives the said cause in the name of Howell Hall and G.W. Robertson as Executors under the last will and testament of A.M. Thompson, deceased, as parties complainant, in lieu of the name of A.M. Thompson, who is now deceased.

Howell Hall & G.W. Robertson

Solicitors for Complainants.

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 Adams Motor Company, a Corporation,

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

A. M. Thompson,

against said

Adams Motor Company, a Corporation,

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, T. W. Richerson, Register of said Circuit Court, this 19th, day of December,

1921, 191.....



Register.

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

2nd Original

Serve on.....

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

No.....

SUMMONS.

A.M. Thompson

vs.

Adams Motor Co, A Corporation.

Solicitor for Complainant.

Recorded in Vol..... Page.....

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

Received in office this 19th

day of Dec 1921

W.R. Stuart

Sheriff.

Executed this 19th day of

December 1921

by leaving a copy of the within Summons with

W.H. Fletcher as

agent and manager of

the Adams Motor Company  
a corporation of Baldwin County

Ala. Sheriff

By W.R. Stuart,

Deputy Sheriff.

by  
B. Wiggins Deputy Sheriff

RECORDED

The State of Alabama, }  
BALDWIN COUNTY.

No. 326 ..... CIRCUIT COURT IN EQUITY.

Howell Hall, and G.W. Robertson, as Executors under the last will and testament of A.M. Thompson, deceased, ..... Complainant<sup>S</sup>

vs.

Adams Motor Company, a Corporation, ..... Defendant

Motion is hereby made for a Decree Pro Confesso against the Adams Motor Company, a

Corporation, Respondent, .....

the demurrers filed in this cause was overruled.

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons was made on

Respondent

and that said Respondent ..... has failed to

plead to or answer the Bill of Complaint in this cause to this date.

This 12th day of February, 1923.

Chas. Hall & Gordon & Edgington  
Solicitor.<sup>S</sup>  
for Complainants,

212

No. 326 Page .....

STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

*Howell Hall and Ger Robertson*  
*As Executors under the last*  
*Will and Testament of A. M. Thompson*  
*deceased.* Vs.

*Adams Motor Co.,*  
*A Corporation,*

MOTION FOR DECREE PRO  
CONFESSO ON PERSONAL SERVICE

Filed Feb 12th 1923

*D. M. Ricerson*  
Register.

Recorded in ..... Record,

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

Register.

Baldwin Times Print, Bay Minette.

RECORDED

*Faint bleed-through text from the reverse side of the page, including words like 'Motion for decree pro confesso' and 'personal service'.*

The State of Alabama, }  
Baldwin County.

No. 326. CIRCUIT COURT, IN EQUITY

Howell Hall and G.W. Robertson, as Executors under the last will and testament of A.M. Thompson, deceased, Complainant. 'S  
vs.

Adams Motor Company, a Corporation. Defendant.....

In this cause it appears to the Register  
that a Summons requiring the Defendant ~~----~~ the Adams Motor Company, a Corporation

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said  
Summons upon the said Adams Motor Company,

was served upon ~~-----~~ by the Sheriff of Baldwin County, Alabama, on the  
19th, day of December, 1921 by leaving a copy of the  
summons issued in this case with W.F. Fletcher, as Agent and Manager  
of the said Adams Motor Company, a Corporation,

demurred to  
And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint as amended  
and said demurrers having been overruled by the Judge of this Court,  
& it is now, therefore, on motion of and no appeal having been taken from the decree  
rendered on the demurrers within thirty days from the rendition, it is  
~~therefore~~ thereof, and the defendant having failed to answer said  
bill of complaint, It is  
ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed  
against the said Adams Motor Company, defendant as aforesaid.

This 12th, day of February, 1923.

*J.M. Richardson*  
Register.



No. 326. Page

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.

Howell Hall and G.W. Robertson,  
as Executors under the last  
will and testament of A.M.  
Thompson, deceased.

Vs.

Adams Motor Company, a  
Corporation.

DECREE PRO CONFESSO ON  
PERSONAL SERVICE.

Issued February 12th, 1923.

*J.M. McIlwain*  
Register.

RECORDED

BOND  
HARRISBURG

.....  
A. M. THOMPSON,  
COM PLAINTIFF

-VS-

ADAMS MOTOR COMPANY,  
A CORPORATION ?  
DEFENDANT.

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY

.....  
Now comes the defendant, Adams Motor Company, and demurs to the Bill of Complaint filed against it in this cause and for grounds of demurrer assigns separately and severally the following:

FIRST

There is no equity in said bill.

SECOND

Complainant does not show that he will suffer irreparable damage.

THIRD

For aught that appears complainant has a complete and adequate remedy at law.

FOURTH

For aught that appears from said bill of complaint the obstructing, building and erecting on a public street in the town of Bay Minette of the shed or roof and the burying of a tank or receptacle of some kind with a three or four gallon iron pipe leading to the said tank or receptable, may have been lawfully done under lawful authority of the Town of Bay Minette.

FIFTH

For aught that appears in said bill the said defendant did not at the time of the filing of the Bill of Complaint in this cause maintain the structure complained of on a public

highway in the town of Bay Minette.

SIXTH

No injury, special or peculiar, to complainant and not common to the public generally is shown.

SEVENTH

For aught that appears complainant has not been injured specially and in a manner peculiar to him and not common to the general public.

*Rickards & Peche*  
*Law. Chamberlain & Chamberlain*  
SOLICITORS FOR DEFENDANT.

A. M. THOMPSON,  
Complainant.  
vs  
ADAMS MOTOR COMPANY,  
A Corporation  
Respondent.

CIRCUIT COURT OF BALDWIN COUNTY  
ALABAMA  
IN EQUITY.

Comes the respondents in the above styled cause  
and demurs to Complainant's bill of complaint and as grounds  
of demurrer says:

FIRST: There is no equity in the bill.

*Sydney Chamberlain Courtney*  
*Richardus G. Ghee*  
Solicitors for Respondent.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. 326. Spring Term, 191<sup>23</sup>

Howell Hall and G.W. Robertson, as Executors under the last will  
and testament of A.M. Thompson, deceased. Complainant.

vs.

Adams Motor Company, a Corporation. Defendant.

To T.W. Richerson, Register:

In the above stated cause a Decree Pro Confesso having been taking against the Defendant, and ~~evidence hav-~~  
~~ing been taken~~, and the cause being ready for submission for final decree, and no defense having been interposed, the

Chas. Hall and  
Complainant, by Messers Gordon and Eddington.

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.

*Chas. Hall & Gordon Eddington*  
Solicitor for Complainant

4  
No. 326.

Page .....

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

Howell Hall and G.W. Robertson,  
as Executors of the last will  
and testament of A.M. Thompson,  
deceased.

vs.

Adams Motor Co.,

REQUEST FOR DECREE IN  
VACATION.

rk

Filed February 19th, 191<sup>23</sup>

*J.W. [Signature]*

Register

Recorded in ..... Record

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Register

RECORDED

A.M. THOMPSON, COMPLAINANT,

Vs. #326.

ADAMS MOTOR COMPANY, a  
CORPORATION, DEFENDANT.

CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.  
In EQUITY.

We the undersigned Solicitors of record for the parties  
in the above stated cause, hereby agree to submit the cause  
to the Judge of this Court for his decree on the demurrers  
filed by the respondent in the above styled cause.

*Chas Hall &  
Walter G. R. Myton*  
Solicitors for Complainant.

*Raymond Chariblain Courtney  
R. C. Kirby & Beebe*  
Solicitors for Defendant.

# NOTE OF TESTIMONY

The State of Alabama,

*Howell Hall & G. W. Robertson as execs under the last will and testament of A. M. Thompson, decd.*  
Complainant

No. 326

In Circuit Court,

In Equity

VS.

*Adams Motor Co., a corporation*  
Respondent

IN THIS CAUSE comes the *Complainant* by *Chas Hall and Gordon Edgington* solicitors and submits the same for *final decree*

*as amended* decree upon the Original Bill, and exhibits thereto: *decree overruling demurrers to the original bill as amended and motion for decree pro-confesso on personal service and decree pro-confesso on personal service*, and upon the following testimony, to-wit:

I hereby certify that the above note of Testimony is correct.

This ..... day of *February*, 19 *23*

*J. W. [Signature]*  
Register.



5 1/2 #

No. 326

The State of Alabama

Baldwin County

Circuit Court in Equity

Hornell Hall & W.  
Robertson, as execs

Complainant

vs.

Adams Motor Co.  
a corp.

Respondent

NOTE OF TESTIMONY

Filed 9th day of Feb, 1923

D. M. Reiver Register

Record Page

RECORDED

H. HALL AND G.W. ROBERTSON,  
Executors of the last will  
and testament of A. M. Thompson,  
Deceased, Complainants.

VS

ADAMS MOTOR COMPANY, a corpo-  
ration, Defendant.

CIRCUIT COURT OF BALDWIN COUNTY  
ALABAMA. IN EQUITY.

Come the parties to the above styled cause and show to  
the Court that an amicable agreement has been reached between  
the parties hereto, a copy of their agreement being attached hereto,

Wherefore, said parties move the Court that the decree  
pro confesso rendered February 12, 1923, and the final decree  
rendered March 1st, 1923, in this cause be set aside and said cause  
be dismissed upon the payment of the costs therein accrued, and  
that defendant be taxed with the said costs.

H. Hall ) Complain-  
G. W. Robertson ) ants.

~~Defendant~~  
Lewis C. Hankel  
Richard & Behe  
attorneys for defendant

at the request of our clients, Howell  
Hall and G. W. Robertson, as Executors  
of the estate of A. M. Thompson, deceased  
by virtue of his will ~~He joins~~ in this  
motion above set out.

This Mch 9, 1923.

Thomas Hall &  
Orlando E. King  
Attorneys for said  
Executors,

H. HALL AND G. W. ROBERTSON,  
Executors of the last will  
and testament of A. M. Thompson,  
deceased, Complainants.

CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA. IN EQUITY.

VS

ADAMS MOTOR COMPANY, a corporation,  
Defendant.

WHEREAS, this cause having been instituted during the life of A. M. Thompson, now deceased, whose executors complainants are, and the same having been revived by the complainants aforesaid in pursuance of their duties as such executors;

AND WHEREAS, the defendant is the renter of the premises adjoining the filling station sought to be removed in this cause, and the devisees of said estate of said A.M. Thompson, deceased, being desirous that the suit not be prosecuted by that the decrees pro confesso and final heretofore rendered therein be vacated, and set aside and this cause dismissed; and said filling station being between the sidewalk and the graded or used part of the street, distant about ten feet from the sidewalk and about the same distance from graded and used part of the street and on an unused part of the street and in no way interferes, obstructs or inconveniences the free and easy travel in the street or sidewalk, and in no way damaging the said property of the said devisees of said A.M. Thompson or hindering the free access to said building on the said property, but rather being an addition to said property by way of ornamentation and use and a convenience to the public as a filling station for gasoline,

THEREFORE it is agreed by and between the parties hereto that said suit be and is hereby amicably adjusted, and that the parties join in a motion to the Court to set aside the decrees heretofore rendered February 12, 1923, and March 1st, 1923, in said cause and that said cause be dismissed upon the payment of the costs therein by defendant.

WITNESS WHEREOF this agreement is executed by the parties hereto this the 8th day of March, 1923.

A. Hall )  
G. W. Robertson ) Complainants.  
Dyann Chamberlain & Company  
Richardley Beebe  
For Defendant.

RECORDED

HOWELL HALL AND G.W.ROBERTSON,  
AS EXECUTORS UNDER THE LAST WILL  
and testament of A.M.THOMPSON,  
deceased. Complainants,

Vs.

ADAMS MOTOR COMPANY, A CORPORATION,  
Defendant.

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

Now comes Howell Hall and G.W.Robertson, as Executors under the last will and testament of A.M.Thompson, deceased, and by leave of the Court, first obtained, amends the bill of complaint as originally filed in this cause by the said A.M.Thompson, by adding as complainants thereto, the names of the said Howell Hall and G.W.Robertson, executors as aforesaid.

*Chas Hall & Gordon Edington*  
Solicitors for Complainants.

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 Adams Motor Company, a Corporation

of Baldwin County, to be and appear before the Judge of the Circuit Court of Bald-

win County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer,

plead or demur, without oath, to <sup>Amended</sup> Bill of Complaint lately exhibited by

Howell Hall and G.W. Robertson, as Executors under the last will and testament of A.M. Thompson.

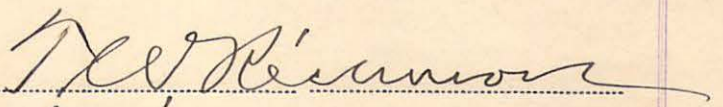
against said

Adams Motor Compayn a Corporation.

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, T. W. Richerson, Register of said Circuit Court, this 5th day of July,

1922.

  
Register.

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

7th Original

Serve on \_\_\_\_\_

Circuit Court of Baldwin County  
In Equity

No. \_\_\_\_\_

SUMMONS

Howell Hall  
And G.W. Robinson  
Executors

vs.

Alabama Motor Co.

Howell Hall  
& Gordon H. Redington

Solicitor for Complainant

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

Received in office this \_\_\_\_\_

day of \_\_\_\_\_ 1922

Sheriff

Executed this 5<sup>th</sup> day of

July 1922

by leaving a copy of the within summons with

W. C. Baker Atty  
for Defendant

Defendant

M. R. Stewart

Sheriff

By \_\_\_\_\_

Deputy Sheriff

RECORDED

RECORDED

State of Alabama, | In the Circuit Court of Baldwin County  
Baldwin County. | Alabama, Spring Term---In Equity.

To the Honorable J.D. Leigh, Judge of the Circuit Court of  
Baldwin County Alabama-----In Equity.

Your Orator, Henry Lewis, respectfully represents and shows  
unto Your Honor as follows:

FIRST.

That your Orator is a bona fide resident citizen of Ala-  
bama, and is over the age of twenty-one years, and that your  
Orator has resided in Baldwin County, State of Alabama, for a pe-  
riod of more than the last preceeding <sup>three</sup> years next before the fi-  
ling of this bill of complaint.

That Fredrica Lewis is the wife of your Orator, and is over  
the age of twenty-one years, and is a resident of Baldwin County  
Alabama, residing at Little River, Baldwin County, Alabama.

SECOND.

That your Orator and Fredrica Lewis are lawfully married  
and that the said Fredrica Lewis voluntarily <sup>the bed and board of</sup> abandoned /your  
Orator more than two years ago, and has not lived with him  
since. We were living in Baldwin County, Ala. at the time of said  
separation.

Prayer for Process.

The premises considered, your Orator respectfully prays  
that the said Fredrica Lewis be made party respondent to this  
bill of Complaint by the process of this honorable court, and  
that she be required to plead to, answer, or demur to the same  
within the time and under the penalties as provided by law,  
or that the same be forever confessed, and ~~that~~ will make all  
necessary orders and decrees to grant the relief prayed.

Prayer for Relief.

That upon the final hearing of this cause Your Honor  
will grant unto your Orator an absolute divorce from the

said Fredrica Lewis, and will grant unto Orator the right to  
again contract marriage;

That if your Orator is mistaken in the relief prayed,  
Your Honor will grant unto him such other, ~~rather~~ further,  
different, and general relief as he may in justice and equity  
be entitled, he will ever pray, etc.

T. P. Tunstall.

Solicitor for Complainant.

FOOT NOTE:

The Defendant, Fredrica Lewis, is required to answer  
each and every allegation of the foregoing bill of complaint,  
numbered from FIRST to SECOND, both inclusive, but not under  
oath, answer under oath being hereby expressly waived.

T. P. Tunstall.

Solicitor for Complainant.