

The State of Alabama, }
Baldwin County.

No. 388.

CIRCUIT COURT, IN EQUITY

Eliza Thomas,

Complainant

vs.

Pinkney Thomas,

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.

Voluntary abandonment,

It is further ordered, that the said Eliza Thomas,

be, and she is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Eliza Thomas,

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 Pinkney Thomas,

It is further ordered, adjudged and decreed that said Eliza Thomas,

shall not again marry except to said Pinkney Thomas,

until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said Pinkney Thomas, during the pendency of said appeal

This 30 day of November, 1923

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 192, 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 192

Register.

No. 388.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.
BALDWIN COUNTY, ALA.

Eliza Thomas,

vs.

Pinkney Thomas,

DECREE OF DIVORCE.

Filed in office this

30th

day of

November, 1923

D. W. Richardson

Register.

E. O. M.

RECORDED

RECORDED

RECORDED

THE STATE OF ALABAMA

CIRCUIT COURT IN EQUITY

Handwritten notes and signatures in the center of the page, including a signature that appears to be "Pinkney Thomas" and some illegible text.

ELIZA THOMAS,
Complainant,
-vs-
PINKNEY THOMAS,
Respondent.

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

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA. IN CHANCERY SITTING.

Your Oratrix ELIZA THOMAS respectfully represents unto
your Honor as follows:

FIRST

That she is a resident of Baldwin County, Alabama, and
has been for more than three years ^{past} preceding the filing of this
bill, and that she is over twenty-one years of age, and that the
respondent PINKNEY THOMAS when last heard from was living at
Springhill, Mobile County, Alabama, and that he is over twenty-
one years of age.

SECOND

That your Oratrix and respondent were married in Gulf-
port, Mississippi on October 16th, 1907, and that they lived to-
gether as man and wife until July 17th, 1919.

THIRD

That on to-wit, July 17th, 1919, more than two years
ago the said PINKNEY THOMAS voluntarily abandoned your Oratrix's
bed and board, and that since that time he has remained away vol-
untarily and continuously.

PRAYER FOR PROCESS

WHEREFORE, the premises considered, Complainant prays
that your Honor will take jurisdiction of the cause made by this
bill and by appropriate process make the said PINKNEY THOMAS, re-

spondent to this bill of complaint and require him to plead, answer or demur to this bill of complaint within the time and under the penalties prescribed by law and the practice of this Honorable Court.

PRAYER FOR RELIEF

Complainant further prays that upon the consideration of the cause your Honor will grant your Oratrix a decree of absolute divorce from the said PINKNEY THOMAS, and that Complainant may have such other, further, different and general relief as the facts in equity and good conscience may entitle her to receive. And as in duty bound, Complainant will ever pray.

H M Hall
Solicitor for Complainant.

Respondent is required to answer each paragraph of the foregoing bill of complaint numbered from one to three, inclusive, but not under oath. Oath is hereby expressly waived.

H M Hall
Solicitor for Complainant.

ELIZA THOMAS,
COMPLAINANT,
VS
PINKNEY THOMAS,
RESPONDENT.

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)
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)
)
)
)

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

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN CHANCERY.

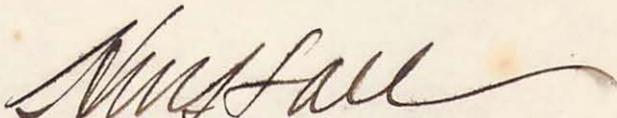
Comes the Complainant in the above styled cause, and
by leave of the court first had and obtained amends the
original bill of complaint in this case, so that paragraphs
FIRST and SECOND shall read as follows:

FIRST

That she is a resident of Baldwin County, Alabama,
and has been for more than three years next preceding the
filing of this bill, and that she is over twenty-one years
of age, and that the respondent Pinkney Thomas is over the
age of twenty-one years, and a non-resident of the state
of Alabama, and his address is unknown, and that Complainant
has made diligent inquiry and search and has been unable to
ascertain the place of his residence.

SECOND

That your Oratrix and respondent were married in Gulf-
port, Mississippi on October 16th, 1907, and that they lived
together as man and wife until July 17th, 1919, when respond-
ent abandoned Complainant; that they were living in Baldwin
County, Alabama, at the time respondent abandoned your Oratrix.


Solicitor for Complainant.

ELIZA THOMAS,
Complainant,

-vs-

PINKNEY THOMAS,
Respondent.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

IN EQUITY

STATE OF ALABAMA)

BALDWIN COUNTY)

Personally appeared before me, Chas. Lenoir,
a Notary Public in and for said state and county, ELIZA THOMAS,
Complainant in the above styled cause, and who, being duly sworn
deposes and says, that she is informed and believes that PINKNEY
THOMAS, respondent in the above styled cause, is a non-resident
of the state of alabama, but that she has made diligent inquiry
and search and has been unable to ascertain the place of his res-
idence and that said respondent in the belief of affiant is over
twenty-one years of age.

Eliza Thomas

Sworn to and subscribed before me this the 9th day of
July, 1923.

Chas. Lenoir
Notary Public, Baldwin Co., Ala.



THE BALDWIN TIMES

ABNER J. SMITH, PROPRIETOR

DEVOTED TO THE INTEREST OF BALDWIN COUNTY AND HER PEOPLE

PUBLISHED EVERY THURSDAY

SUBSCRIPTION: \$1.00 PER YEAR IN ADVANCE

ADVERTISING RATES ON APPLICATION

TELEPHONE NO. 7, LOCAL AND LONG DISTANCE

BAY MINETTE, ALA.,

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

R. B. Vail, being duly sworn, deposes and says that he is the FOREMAN of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Eliza Thomas vs Pinkney Thomas

Notice To Non-Resident.
Eliza Thomas vs. Pinkney Thomas, The State of Alabama, Baldwin County, Circuit Court, in Equity. This the 3rd day of August, 1923. No. 388.
In this cause it being made to appear to the Clerk of this Court by the affidavit of Eliza Thomas, that the Defendant Pinkney Thomas, is a non-resident of Alabama and that affiant has made diligent inquiry and search and has been unable to ascertain his place of residence, and further, that, in the belief of said Affiant the Defenedant is over the age of 21 years; it is therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks requiring the said Pinkney Thomas, to answer or demur to the Bill of Complaint in this cause by the 10th day of September, 1923, or after thirty days therefrom a decree Pro Confesso may be taken against him.
T. W. Richerson,
Register.
H. M. Hall, Atty. for Complainant.
26-4t

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

Date of first publication	<u>Aug 9 - 1923</u>	Vol. <u>34</u>	No. <u>26</u>
“ “ second “	<u>16</u>	Vol. <u>34</u>	No. <u>27</u>
“ “ third “	<u>23</u>	Vol. <u>34</u>	No. <u>28</u>
“ “ fourth “	<u>30</u>	Vol. <u>34</u>	No. <u>29</u>

Subscribed and sworn to before the undersigned

this 1st day of Oct 1923.

T. W. Richerson
Clerk Circuit Court

R. B. Vail
Foreman.

The State of Alabama, }
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. 588. Vacation Term, 1923

Eliza Thomas,

Complainants

vs.

Pinkney Thomas,

Defendants

Motion is hereby made for a Decree Pro Confesso against

Pinkney Thomas,

Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 1st day of October, 1923

746 Code.

H.M.Hall.

Solicitor.

3

No. 388.

Page

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Eliza Thomas,

Complainants.

Vs.

Pinney Thomas,

Defendants.

MOTION FOR DECREE PRO
CONFESSO ON PUBLICATION.

Filed Oct 1st 1923

T. W. Rice

RECORDED

Register.

RECORDED

Recorded in Record,

Vol. Page.....

Register.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

} CIRCUIT COURT, IN EQUITY.
No. 588 Vacation Term, 19 23

Eliza Thomas Complainant
vs. Pinkney Thomas, Defendant

In this cause it appears to the Register T.W. Richerson, that the order of publication here-
tofore made in this cause, was published for four consecutive weeks, commencing on the 9th day of
August, 1923, in the Baldwin Times,
a newspaper published in Bay Minette, Ala., Alabama, that a copy of said order was posted at the Court
House door in Baldwin County, on the 9th day of
Aug 1923, 19, and

And it now further appearing to the Register T.W. Richerson, that the said
Pinkney Thomas

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it is now, there-
fore, on motion of Complainant, ordered and decreed by the Register T.W. Richerson, that the
Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said

Pinkney Thomas,

This 1st day of October, 19 23

T.W. Richerson

Register.

4th

No. 500 Page _____

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Eliza Thomas,

vs.

Pinkney Thomas,

RECORDED

DECREE PRO CONFESSO ON
PUBLICATION.

Issued Oct 1st, 19 23

J. W. McIlwain
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Eliza Thomas,

vs.

Pinkney Thomas,

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 and testimony Eliza Thomas, Wiley Carter, and
S.H. Carter.

and in behalf of Defendant upon.....

J. W. Peterson

Register

5th
No. 388.

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Eliza Thomas,

vs.

Winkney Thomas,

NOTE OF TESTIMONY.

Filed in Open Court this 5th,
day of October, 1923. 191

D. M. Rice
Register

RECORDED

ELIZA THOMAS,
Complainant,
-vs-
PINKNEY THOMAS,
Respondent.

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

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA. IN CHANCERY SITTING.

Your Oratrix ELIZA THOMAS respectfully represents unto
your Honor as follows:

FIRST

That she is a resident of Baldwin County, Alabama, and
has been for more than three years preceding the filing of this
bill, and that she is over twenty-one years of age, and that the
respondent PINKNEY THOMAS when last heard from was living at
Springhill, Mobile County, Alabama, and that he is over twenty-
one years of age.

SECOND

That your Oratrix and respondent were married in Gulf-
port, Mississippi on October 16th, 1907, and that they lived to-
gether as man and wife until July 17th, 1919.

THIRD

That on to-wit, July 17th, 1919, more than two years
ago the said PINKNEY THOMAS voluntarily abandoned your Oratrix's
bed and board, and that since that time he has remained away vol-
untarily and continuously.

PRAYER FOR PROCESS

WHEREFORE, the premises considered, Complainant prays
that your Honor will take jurisdiction of the cause made by this
bill and by appropriate process make the said PINKNEY THOMAS, re-

spondent to this bill of complaint and require him to plead, answer or demur to this bill of complaint within the time and under the penalties prescribed by law and the practice of this Honorable Court.

PRAYER FOR RELIEF

Complainant further prays that upon the consideration of the cause your Honor will grant your Oratrix a decree of absolute divorce from the said PINKNEY THOMAS, and that Complainant may have such other, further, different and general relief as the facts in equity and good conscience may entitle her to receive. And as in duty bound, Complainant will ever pray.

J. M. Hall

Solicitor for Complainant.

Respondent is required to answer each paragraph of the foregoing bill of complaint numbered from one to three, inclusive, but not under oath. Oath is hereby expressly waived.

J. M. Hall

Solicitor for Complainant.

LOUISVILLE & NASHVILLE RAILROAD COMPANY

G. A. PARK, GENERAL IMMIGRATION AND INDUSTRIAL AGENT
120 SOUTH FOURTH STREET, LOUISVILLE, KY.

AGRICULTURAL DIVISION

M. L. MCCRACKEN } ANIMAL HUSBANDRY
 } GENERAL AGRICULTURE
PARIS, TENN.

CARL B. JAMES } HORTICULTURE
 } GENERAL AGRICULTURE
MONTGOMERY, ALA.

H. B. HOLROYD } FORESTRY
 } GENERAL AGRICULTURE
LOUISVILLE, KY.

H. E. EVANS } ANIMAL HUSBANDRY
 } AGRONOMY
ETOWAH, TENN.

E. J. HODDY } HORTICULTURE
 } ENTOMOLOGY
KNOXVILLE, TENN.

WILLIAM JAMES } DAIRYING
 } AGRONOMY
BILOXI, MISS.

W. C. STILES } ANIMAL HUSBANDRY
 } FARM MANAGEMENT
BREWTON, ALA.

C. J. HAYDEN } HORTICULTURE
 } PLANT PATHOLOGY
ATHENS, ALA.

S. W. WESTBROOK } MARKETING
 } PERISHABLES
PENSACOLA, FLA.

As the bill is drafted the
Count is without jurisdiction
as the bill states the respondent
is a non resident of the State of Alabama
and that his place of residence is unknown
and cannot be ascertained after diligent
search and inquiry and that respondent
is over the age of 21 years.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

}

CIRCUIT COURT, IN EQUITY.

No. 388. Vacation Term, 1913.

Eliza Thomas,

Complainant.....

vs.

Pinkney Thomas,

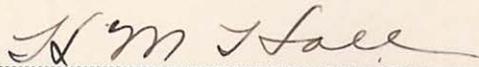
Defendant.....

To T W. Richerson, 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.M. Hall,

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



Solicitor for Complainant.

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

Eliza Thomas,

vs.

Pinkney Thomas,

REQUEST FOR DECREE IN
VACATION.

Filed Oct 5th, 1913

T. W. Peterson

Register

Recorded in Record

Vol. Page

Register

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 Pinkney Thomas,

of Mobile County, 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 a Bill of Complaint lately exhibited by

Eliza Thomas,

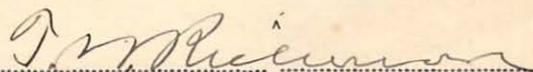
against said

Pinkney Thomas,

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 15th day of May

1923.



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

Eliza Thomas,

vs.

18

Linkney Thomas

Spring Hill

Ala.

Not paid in my County

P. S. Cavalas Sheriff

By G. B. B. 0.18

W. M. Hall,

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this _____

day of _____ 192 _____

Sheriff

Executed this _____ day of

192 _____

by leaving a copy of the within summons with

Defendant

Sheriff

By _____

Deputy Sheriff

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 Pinkney Thomas,

of Mobile County, 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 a Bill of Complaint lately exhibited by

Eliza Thomas,

against said Pinkney Thomas,

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 15th, day of May,
3.
.....192.....

T. W. Richerson

Register.

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

Serve on.....

Circuit Court of Baldwin County
In Equity

No.

SUMMONS

~~Eliz. Thomas,~~

vs.

~~Pinkney Thomas~~

Spring Hill

*not found in my
county*

H.M. Hall,

Solicitor for Complainant

Recorded in Vol. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this
day of 192.....

Sheriff

Executed this day of
..... 192.....

by leaving a copy of the within summons with

Defendant

Sheriff

By
Deputy Sheriff

Depositions of Mrs. Eliza
Thomas, S. H. Carter and
Wiley Carter, witnesses in the
matter of Eliza Thomas against
Pinkney Thomas.

Hon. T. W. Richerson, Register,

Bay Minette, Alabama.

*Checked
Nov 30/923
T. W. Richerson
Register*

IN THE CIRCUIT COURT, Baldwin COUNTY, IN EQUITY.

Eliza Thomas Complainant.

vs.

Pinkney Thomas Respondent.

I Chas Lenoir, a Notary Public and Ex-officio Justice of Peace
as Commissioner

have called and caused to come before me Mrs. Eliza Thomas, S. H. Carter and
Wiley Carter

witness ss named in the Requirement for Oral Examination, on the 4th day of October
1923, at the office of my office in Foley, Alabama,
in Foley, Alabama, and having first sworn said witness ss to speak the truth, the
whole truth, and nothing but the truth, the said Eliza Thomas
doth depose and say as follows:

My name is Eliza Thomas, I am Complainant in the case of Eliza
Thomas against Pinkney Thomas. I have lived in Baldwin County ^{four} ~~three~~
years previous to the filing of this Bill, I am now a resident of Foley
Alabama, Baldwin County. I am over the age of twenty-one years. I was ^{married} ~~4~~
to Pinkney Thomas on October 16th, 1907, in Gulfport, Miss. and we lived
together as man and wife until July 17th, 1919. Pinkney Thomas and my-
self moved to Baldwin County, Alabama, March 5th, 1919, and lived together
as man and wife until
July 17th, 1919, when Pinkney Thomas voluntarily left me and he has re-
mained away continuously and voluntarily since that time. During our
whole married life, at no time did I give him any cause for going away
and leaving me, and all through our married life, I was a dutiful and
obedient wife. When I last heard from Pinkney Thomas, he was living at
Springhill, Mobile County, Alabama. After due diligence I have been unable
to ascertain his present address. Pinkney Thomas is over the age of twe
nty-one years

Eliza Thomas

S. H. Carter a witness for the Complainant being duly sworn, tes-
tifies as follows:

My name is S. H. Carter, I am a resident of Baldwin County, Alabama, and have lived here for the past ~~three~~^{four} years. I am now a resident of Foley, Baldwin County, Alabama. I have known Mrs. Eliza Thomas for the past fifteen years, and have been living near her during these years. She is over the age of twenty-one years of age. Mrs. Thomas has been living in this county for the past ~~three~~^{four} years. I knew Mrs. Thomas and Pinkney Thomas during their married life. I lived near them a part of the time. I visited their house often. At no time did I ever see or hear of Mrs. Thomas given Pinkney Thomas any cause for running away and leaving her. They were living in Baldwin County, when he went away and left her. I have lived right near Mrs. Thomas during her residence in Baldwin County, and at no time since Pinkney Thomas went away and left her has ^{he} been back to see her. I do not know where Pinkney Thomas is now living nor have I heard of any one that knows his present address. Pinkney Thomas went away and left Mrs. Thomas during the month of July, 1919. Pinkney Thomas is over twenty-one years of age.

S H Carter

Wiley Carter a witness for the complainant being duly sworn, testifies as follows:

My name is Wiley Carter, I live at Foley, in Baldwin County, Alabama, where I have lived for the past ~~three~~^{four} years. I have known Mrs. Eliza Thomas for the past fifteen or twenty years. She is over the age of twenty-one years. I knew her and Pinkney Thomas while he was living with Mrs. Eliza Thomas as man and wife, and visited their house pretty often, and was around them a great deal. At no time did I ever hear Mrs. Thomas give Pinkney Thomas any excuse for going away and leaving her. I remember when they moved to Baldwin County, Alabama about ~~three~~^{four} years ago. They lived together here as man and wife until during the year 1919, when Pinkney Thomas went away and left Mrs. Thomas, and since that time he has never been around her, and I have been living near ~~them~~ her ever since he went away. I do not know now where Pinkney Thomas lives, nor have

I heard from him for several years

ORAL EXAMINATION.

I, Chas Lenoir, N.P. & Ex-Off. J. & P. Commissioner

hereby certify that the foregoing deposition s on Oral Examination were taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself and each of the witnesses

at the time and place herein mentioned; that I have personal knowledge of the 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 in 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 4th day of October, 1923

Chas. Lenoir (L. S.)
N. P. Ex off J of Peace

No. Page

The State of Alabama

County

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant,

Respondent.

ORAL DEPOSITION.

Filed 192...

Register.

Recorded in

Record

Vol. Page

Register.

The State of Alabama, }
Baldwin County

CIRCUIT COURT.

To Hon. Chas Lenoir

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Eliza Thomas, S.H. Carter, Wiley Carter,

as witnesses in behalf of Complainant, in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Eliza Thomas

Complainant

and Pinkney Thomas,

Defendant,

on oath to be by you administered, upon ~~interrogatories~~ Oral examination to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 3rd day of October, 1923

T. W. Pickens
Register.

Commissioners Fee \$

Witness Fee's \$

No. 388

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT.

Eliza Thomas

Complainant

vs.

Pinkney Thomas,

Defendant

COMMISSION TO TAKE DEPOSITION
ON INTERROGATORIES.

COMMISSIONER:

Hon. Chas Ienoir

WITNESSES:

Eliza Thomas,
S. H. Carter

Wiley Carter

STATE OF ALABAMA,
COUNTY OF BALDWIN.

*
*
*

IN THE CIRCUIT COURT OF SAID COUNTY.
IN EQUITY

TO THE HONORABLE JOHN D. LEIGH, JUDGE:

Humbly complaining your orators and oratrices, J. L. Harris, Agnes Toulmin, Mary Dolive, James A. Harris, Alice Motz, Francis Hays, Jr., Randolph McGowan and T. P. Tunstall bring this bill of complaint against T. Lee Ferguson, Virginia Ferguson, Luella Ferguson, Angus M. Ferguson, Lavelle B. Ferguson and Jessie M. Smith, and respectfully show:

FIRST

Complainants are each over the age of twenty-one years and their residences are as follows: Complainants J. L. Harris and Agnes Toulmin reside in Mobile County, Alabama; Complainant Mary Dolive resides at Orlando, Florida; Complainant James A. Harris resides at Moss Point, Mississippi; and Complainants Alice Motz and Francis Hays, Jr., reside at Beaumont, Texas. Complainant Randolph McGowan resides at Latham, in Baldwin County, Alabama, and complainant Thomas P. Tunstall resides at Bay Minette, Baldwin County, Alabama.

Respondents are each over the age of twenty-one years and all of them except the Respondents Angus M. Ferguson and Jessie M. Smith reside at Latham, in Baldwin County, Alabama, and the said Angus M. Ferguson resides at Bermuda, Conecuh County, Alabama, and the said Jessie M. Smith resides at Bay Minette, in Baldwin County, Alabama.

SECOND

Complainants and Respondents are tenants in common in, and are in possession of, that certain land in Baldwin County, Alabama, known as the James Carpenter Tract, being section thirty-seven, township two north, range two east, and also the north

half of section seventeen, township two north, range two east, the interest of each of the parties named being as follows:

Complainant J. L. Harris	owns a 1/25 undivided interest
Complainant Agnes Toulmin	owns a 1/25 undivided interest
Complainant Mary Dolive	owns a 1/25 undivided interest
Complainant James A. Harris	owns a 1/25 undivided interest
Complainant Alice Motz	owns a 1/50 undivided interest
Complainant Francis Hays, Jr.	owns a 1/50 undivided interest
Complainant Randolph McGowan	owns a 5/50 undivided interest
Complainant T. P. Tunstall	owns a 5/50 undivided interest
Respondent Lee Ferguson	owns a 2/25 undivided interest
Respondent Virginia Ferguson	owns a 2/25 undivided interest
Respondent Luella Ferguson	owns a 2/25 undivided interest
Respondent Angus Ferguson	owns a 2/25 undivided interest
Respondent Lavelle Ferguson	owns a 2/25 undivided interest
Respondent Jessie M. Smith	owns a 5/25 undivided interest

THIRD

Complainants further show that the said property is for the most part what is known as swamp and overflowed lands and complainants are informed and believe and upon such information and belief state that it cannot be equitably divided or partitioned between the parties without a sale thereof and that a sale of said land and a division of the proceeds among the several tenants in common, in proportion to their respective shares, will promote the interests of said tenants in common, and for this reason complainants now apply to the Court for a sale of said property for division under the statutes of Alabama.

PRAYER FOR PROCESS

Wherefore complainants pray that by the State's writ of subpoena the said Lee Ferguson, Virginia Ferguson, Luella Ferguson, Angus M. Ferguson, Lavelle B. Ferguson, and Jessie M. Smith be made parties respondent to this bill of complaint and be commanded to demur to, plead to, or answer this bill of complaint in all things as required by the rules and practices of this court.

PRAYER FOR RELIEF

Complainants further pray that upon the hearing of this cause Your Honor will ascertain whether the property above described can be equitably divided among the said tenants in common, and if such can be done, will order a partition or division of said property in proportion to the respective interests of each complainant and respondent in the same in the manner and according to the practice of this Honorable

Court; but should Your Honor decide that an equal division of said property cannot be made, then complainants pray that the said entire property be decreed to be sold at public outcry, for cash, to the highest bidder, and that the proceeds of the sale of said property be divided between the parties hereto in proportion to their respective interests in the same.

Complainants further pray for such other, further or different relief as complainants may be entitled to and to Your Honor may seem meet and proper.

J. P. Zunstall
Brooks & Williams
 Solicitors for Complainants.

NOTE:

The Respondents are required to answer all of the allegations of each paragraph of the foregoing bill of complaint from first to third, inclusive, but not under oath, answer under oath being hereby expressly waived.

Brooks & Williams
 Solicitors for Complainants.

STATE OF ALABAMA * Before me, GRACE A. SMITH, a Notary Public
 *
 COUNTY OF MOBILE * in and for said State and County, personally
 appeared Randolph M. Gossett, who is known to me,
 and who being sworn says that he is informed and believes and
 upon such information and belief states that the allegations in
 the foregoing bill of complaint are true.

Randolph M. Gossett

Sworn to and subscribed before me this 1st day of May, 1925.

Grace A. Smith
 Notary Public Mobile County, Ala.