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Daniel etals vs Mead etals.

Original Bill

Be it remembered that heretofore, to-wit: On the 8th day of April 1874 a Bill of Complaint was filed in the office of the Register in Chancery for the Ninth district of the Northern Chancery Division of Alabama in words and figures following, to-wit;

To the Honorable Henry C. Speake, Chancellor of the Northern Chancery Division of the State of Alabama, 9th District Jackson County.

The bill of Complaint of Melvina Adaline, Emily Brown Elizabeth Harrison, Mary L. M. Doyle all married women, and James Daniel Kibble P. Daniel, and William Daniel, all of whom are over the age of twenty one years, and residents in the County of Madison in the State of Alabama, exhibited against Lemuel H. Lewis as the Trustee of Mont Mead, and Mary F. Mead, the widow of Lemuel G. Mead, both over twenty one years of age, and residents of said Chancery District, Jackson County State of Alabama, Par 1. Humbly complaining complainants show unto your honor that they are the heirs at law of Kibble P. Daniel deceased, who departed this life in the County of Madison on the 8th day of August 1868, intestate that they are also the only heirs at law of their Sister Susan M. Mead who departed life on the day of A.D. 18_ intestate.

Par. 2 That on the day of A.D. 18 Lemuel G. Mead intermarried with their Sister Susan M. Daniel.

Par 3. That during their Coverture the said Mead was appointed Administrator on the estate of said Kibble P. Daniel, and continued to act in that Capacity till the 25th day of December 1869, at which time he resigned.

Par 4. That while said Mead was said Administrator, he made a partial distribution of the assets of said estate between the Complainants and his wife their Sister Susan.

Par 5. That said Mead retained of the assets of said estate, as the share of said

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Susan his wife, and as her Curator and husband under the laws of the State of Alabama the sum of fifteen hundred dollars, which said sum of fifteen hundred dollars was her statutory separate estate, under the laws of said State of Alabama, of said Susan.

Par 6. That said Lemuel G. Mead was seized in certain lands situate in Jackson County State of Alabama, and being particularly described, said sum of fifteen hundred dollars, that is to say. The East West as the South East quarter of land in all about four hundred acres, said lands bounded on the North and West by C.C. Delays land, on the East and South by the lands belonging to the estate of Robert Coles.

Par. 7- That although said lands were conveyed by said C.C. Outenbridge and his wife Ellen Outenbridge to Lemuel H. Lewis, said conveyance was made for the benefit of said Lemuel G. Mead who was the equitable owner of said Lewis; that said Lemuel G. Mead furnished the money for the purchase money therefor to the amount of four thousand dollars which was the consideration of said purchase, and of which sum said fifteen hundred dollars composed a portion. A copy of said deed is made an Exhibit hereto and is marked "Exhibit A."

Par 8. That afterwards to wit on the 28th day of May 1875 said Lemuel H. Lewis conveyed said lands by his deed of conveyance to said Lemuel G. Mead. A copy of said deed is made an Exhibit hereto and is marked Exhibit B.

Par. 9. That on the 22th day of February 1876 the said Lemuel G. Mead by his deed of conveyance conveyed a portion of said lands back to Leymuel H. Lewis in trust for Mary F. Mead, who was the second wife of said Lemuel G. Mead and was his wife at the time of his death, and said Mary F. Meads by possession of said lands.

Par 10. That the portion of said lands thus conveyed by said L.G. Mead to said L.H. Lewis do trustees as aforesaid is desir

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bed as follows, to-wit:- The East half of the South West Quarter, the North West Quarter of the South West Quarter of Section eighteen, Township four, Range three East of the Huntsville Meridian, and all that part of the South West Quarter of the South East Quarter of Same Section, Township and Range, which lies West of the Memphis and Charleston Rail Road, and containing about one hundred and thirty five acres more or less. A Copy of said deeds made an exhibit hereto and is marked "Exhibit C."

Par 11. Complainants aver that they have an interest in said land as the heirs at law of said Susan M. Mead their Sister; that they are entitled to a decree of this Honorable Court ascertaining and declaring any sum or sums coming to them as heirs at law of said Susan M. Mead, and that said Lemuel H. Lewis as Trustee of said Mary F. Mead, and Mary F. Mead may be required to answer the premises and make full discovery touching the matters and things hereinafter inquired of, and that said Lemuel H. Lewis as Trustee as aforesaid and Mary F. Mead be made parties defendants to this bill and that the most gracious writ of Subpoena may issue from your Honors Court, addressed to said Lemuel H. Lewis as Trustee of said Mary F. Mead and to Mary F. Mead requiring them to be and appear before your Honors Court on a day therein mentioned and then and there to plead, answer or demur to this bill, or the same will be taken as confessed by them.

Complainants further pray that your Honor will decree a decree in their favor ascertaining the amount due them as the heirs at law of said Susan M.

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Mead on account of said receipt, and inasmuch by said Lemuel G. Mead of said fifteen hundred dollars, that your Honor will ascertain and declare a resulting trust in favor of said Complainants, in said land, conveyed by said Lemuel G. Mead to said Lemuel H Lewis Trustee for Mary E Mead, and that said land be sold to satisfy the amount found to be due to Complainants on account of said trust.

Complainants pray for such other and further relief, as unto your Honor may seem meet and proper.

Brandon & Jones,
Solicitors for Complainants.

Note= Each defendants is required to answer all the allegations contained in this bill in paragraphs numbered 1 to 11 inclusive, but answer under oath is waived.

Brandon Jones
Solicitors for Complainants.

Filed April 8th 1879.
W. L. Martin, Register

Exhibit A.

Exhibit "A"

This Indenture made and entered into this the 27th day of October 1873, between James G. G. Outbridge & Ellen Outbridge of the first part and Lemuel H Lewis of the County of Jackson, State of Alabama, witnesseth: That the said parties of the first part for and in consideration of the sum of four thousand dollars to them in hand paid & the receipt whereof is hereby acknowledged hath this day given, granted, bargained, sold, conveyed and confirmed and by these presents doth give, grant, bargain sell convey and confirm unto the said Lemuel H Lewis all that certain tract or parcel of land lying and being in the County of Jackson State of Alabama, except a small portion which lies cut off to Madison County by the line between Jackson and Madison. Containing in all about four

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hundred and two acres three hundred acres of which is tilable and one hundred and Eighty acres of which is Cleared, said tract of land is bounded on the North west by Kelly and Cundy, on the East by the Cole's place, and on the South by the Cole's place and Kule's mountain it being the place upon which the parties of the first part reside and will be more fully and particularly described hereafter in the Deed hereby executed for that purpose as follows to wit:-

To have and to hold the above described tract or parcel of land, with the tenements and appurtenances thereunto belonging or in any wise appertaining unto the said Samuel H Lewis his heirs and assigns forever and the said parties of the first part for themselves their heirs executors administrators and assigns do hereby and in Consideration of the premises warrant and will forever defend the title to the above described and hereby granted premises unto the said Samuel H Lewis his heirs and assigns from and against them and all and any person or persons claiming or holding under the said parties of the first part and against the lawful title claim or demand of all and every person or persons whomsoever.

In testimony hereof the said parties of the first part hereunto subscribe their names and affix their Seals the day and year first above written.

James L.C. Outerbridge (Seal)
Ellen A Outerbridge (Seal)

The State of Alabama }
Jackson County } I, Henry E. White, an acting Justice of the peace within and for said County hereby Certify that James L.C. Outerbridge and Ellen A. Outerbridge, whose names are signed to the foregoing Conveyance and who are known to me, acknowledged before me on this day that being informed of the Contents of the Conveyance they executed the same Voluntarily on the day the same bears date.

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David Cals vs Mead & Lewis-

Exhibit A- Concluded-

Given under my hand this the 27th day of October A.D 1873.

Heyn E. White,
Justice of the Peace-

The State of Alabama } I David Fate Judge of
Jackson County } the Court of Probate in and for said
County and State hereby certify that the
foregoing deed of conveyance was filed
in my office for registration on the 12
day of February 1874, and was duly re-
corded and compared-

David Fate
Judy- Probate Court-

Certificate to Transcript A-

The State of Alabama } I, Wilson Kyle, Judge
Jackson County } of the Probate Court
in and for the County and State aforesaid
do hereby certify that the above and fore-
going is a correct copy of the deed of con-
veyance from James C Outenbridge & Ellen A Outenbridge to Lemuel W Lewis
as shown by the records of this Court-
Given under my hand this the 4th day of
April 1879-

Wilson Kyle
Judge of Probate-

Filed April 8th 1874- W M L Martin, Register-

Exhibit B-

Exhibit B-

Lemuel W Lewis } The State of Alabama
To } Deed Madison County
Lemuel G. Mead } Know all men by these
presents that in consideration of the sum
of three thousand dollars to me in hand
paid by Lemuel G. Mead, the receipt where-
of is hereby acknowledged, I do grant, bar-
gain sell and convey to the said Lemuel
G. Mead, the following described real estate
to wit: the tract of land upon which
the said Mead now (?) is living the tract
purchased by me from Jas C & Outen
bridge (?) his wife which place is known
as the old Sam Geron tract of land in
all about four hundred acres, said lands
are bounded on the North West by C. C.
Clays land on the South and East by

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Exhibit B. to Bill.

the lands belonging to the estate of Robert Coles said lands are situate in Jackson County Alabama, the Nos of which are not Consecutive consequently a more accurate discription cannot be given here. Also the North East quarter of the South East Quarter of Section One Township four Range three East of the Huntsville Meridian. Also the South west quarter and South West Quarter of the North East Quarter of Same Section Township and Range Also the SE 1/4 of the SE 1/4 and the NE 1/4 of the NE 1/4 of Same Section Township and Range containing in all about two hundred acres more or less all situate in said County of Jackson and State of Alabama.

To have and to hold the above discribed tracts or parcels of land with the tenements and appurtenances thereto belonging or in any wise appertaining unto the said Lemuel G. Mead his heirs and assigns forever and the said Lemuel H Lewis for him self his heirs Administrators assigns and executors do hereby and in consideration of the premises warrant and will forever defend the title to the above discribed and hereby granted premises unto the said Lemuel G. Mead his heirs and assigns forever against the lawful till claim or demands of all and every person or persons whomsoever.

In testimony whereof the said Lemuel H Lewis hereto subscribes his name and affixes his seal the day and year herein written.

This the 28th day of May 1870.

Lemuel H Lewis (Seal)

The State of Alabama } I, Robert M. Figg, an
Madison County. } acting Justice of the
Peace in and for said County hereby certify that Lemuel H Lewis whose name is signed to the foregoing Conveyance and who is known to me acknowledged before me on this day that being informed of the contents of the Conveyance he executed the same voluntarily on the day the same bears

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vs
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Lewis -
Exhibit
B,
concluded -

date- Given under my hand this the 28th day of May 1875.
Robt W Figg, J.C.

I, Nelson Kyle, Judge of the Probate Court for Jackson County, do hereby certify that the above Deed was filed in my office for registration on the 1st day of June 1875, and duly recorded and Examined.
Filed the 1st day of June 1875-
Nelson Kyle
Judge-

Certificate
to
transcript -

The State of Alabama }
Jackson County. } I, Nelson Kyle,
Judge of the Probate Court in and
for the County and State aforesaid
do hereby certify that the above and
foregoing is a correct Copy of the Deed
of Conveyance from Leonard H Lewis
to Lemuel G. Mead as shown by the
records of this office.
Given under my hand this the 4th
day of April 1879.
Nelson Kyle
Judge of Probate -

Filed April 8th 1879
J W Martin, Register -

Exhibit
"C"
to bill -

Exhibit C.

L. G. Mead
To
L H Lewis

The State of Alabama
Jackson County
This Indenture made and
entered into this the 20th day of March 1876
between Lemuel G. Mead of the first
part and Lemuel H Lewis as Trustee for
Mary F Mead of the 2nd part all of the
County of Jackson State of Alabama
Witnesseth: That whereas the said L G.
Mead has this day sold and deeded to
said Lewis as Trustee as aforesaid the
tracts of land one in Madison County
containing one hundred and twenty five
acres to N W ¼ Sec 8 Township and one in Jackson
County containing two hundred acres
to James E Daniel as trustee for Mrs
Mary Daniel which lands are more particu-
larly described in deeds executed
even date with this, and whereas the
said Mary F Mead the wife of L G.

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Exhibit "C"

Read her refusal to join in said Conveyance to said Mead & said Daniel thereby relinquishing her right of dower in said lands & Conveyed unto her compensation be made her for her said dower and whereas the said L.G. Mead as a compensation of His relinquishment of dower by his wife the said Mary F Mead faithfully promised & convey and in Consideration of the premises and the further Consideration of Ten dollars in hand paid by the said D.H. Lewis as Trustee as aforesaid the receipt whereof is hereby acknowledged, I do grant, bargain sell, and convey to the said D.H. Lewis in trust for the said Mary F. Mead, the following described Real Estate, to wit: The East half of the South West Quarter, the North West Quarter of the South West Quarter of Section Eighteen Township 4 Range 3 East of the Huntsville Meridian and all that portion of the South West 1/4 of the South East quarter of Same Section Township and Range, which lies west of the Memphis and Charleston Railroad Containing in all about one hundred and thirty five acres be the same more or less, all of said land being situated lying in Jackson County- To have and to hold to the sole and Separate use of the said Mary F Mead and Assigns forever. Witness my hand and Seal this 20th day of March 1876.

L.G. Mead, (Seal)

The State of Alabama }
Madison County } I, Wm. M. Gormley, an acting Justice of the Peace within and for said County hereby certify that L.G. Mead whose name is signed to the foregoing Conveyance and who is known to me acknowledged before me on this day that being informed of the Contents of the Conveyance he executed the same voluntarily on the day the same bears date- Given under my hand, this the 23rd day of March A.D. 1876.

William M. Gormley,
Justice of the Peace.

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v
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Lewis.

I, Nelson Kyle, Judge of the Probate Court for Jackson County do hereby certify that the above deed was filed in my office for registration on the 27th day of March 1876 and duly recorded and Compared.
This the 27th day of March 1876.
Nelson Kyle,
Judge P.C.

Certificate to Exhibit "C" to Bill.

The State of Alabama } I, Nelson Kyle Judge
Jackson County } of the Probate Court in and for the County and State aforesaid do hereby certify that the above and foregoing is a correct copy of the deed of Conveyance from L.G. Tyler to L.H. Lewis Trustee as shown by the records of this office.
Given under my hand this the 4th day of April 1875.

Nelson Kyle,
Judge of Probate.

Filed April 8th 1879
Wm Lellantin, Register

Subpoena for defendants.

The State of Alabama } Ninth District Nor-
Jackson County } thern Chancery Division
To any Sheriff of the State of Alabama
Greeting:

We Command you that you summon Lemuel H Lewis as Trustee of Mary F Mead, and Mary F Mead, wife of Jackson County, to be and appear before our Chancellor in our Court of Chancery at Scottsboro within thirty days after the Service of this Summons upon them and then to make answer upon oath to a Bill of Complaint lately exhibited by James E. Daniel Charles Hals against said Lemuel H Lewis as Trustee as aforesaid, and said Mary F Mead and further to do and perform what our Chancellor shall direct and order in that behalf and this the said defendants shall in no wise omit under pain of Contempt. And have you then Command that you have this Writ with your endorsement thereon at our said Court of Chancery to be holden at Scottsboro on

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Lewis-
Denico-

7th Monday after the fourth Monday in April
present Hiram McMartin Register of said
Court of Chancery at office in Salisbury
this 8th day of April 1879

Hiram McMartin, Register.

Endorsements- Thereby deputize Sylvester Kenyamore to act as Special Deputy Sheriff to execute the within Summons-
Done this 10th day of April 1879
W. McGrider, Sheriff.

Executed by handing each of the defendants herein named a copy of the within on the 19th day of April 1879,

W. McGrider, Sheriff
by Sylv. G. Kenyamore
Special Deputy Sheriff.

Answer of defts-

The joint answer of Lemuel H. Lewis, as Trustee of Mary F. Mead, and Mary F. Mead in her own right, to the Bill of Complaint heretofore filed in this Honorable Court by Melvina A. Lacey, Emily Brown, Elizabeth Harrison, Mary L. McDowell, James E. Daniel, Kibble T. Daniel, and William Daniel, against these respondents. Answering the allegations of said bill, or so much thereof as they are advised to answer, these respondents answering say;

1. They believe the allegations of the 1st paragraph of said bill to be true in the main.

2. They believe it to be true that the said Lemuel G. Mead did intermarry with the said Susan M. Daniel, but when and where these respondents do not know and cannot say.

3rd. Respondents know nothing of the allegations of the 3d paragraph of complainants bill, and if material the same must be proved.

4th. Respondents know nothing of the allegations of the 4th paragraph of complainants bill, and if material the same must be proved.

5th Respondents deny the allegations of the 5th paragraph of said bill.

6th- Respondents deny the allegations of the 6th paragraph of said bill, and aver that said Lemuel G. Mead neither invested

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the said sum of $1500, or any other Sum in the purchase of said lands, which belonged to, or was the Separate estate of his former wife, the said Susan M. Mead.
7th It is true, as alleged in the 7th paragraph of said bill, that the money which purchased the lands therein referred to was the money of the said Lemuel G. Mead, and not the money of the said Lemuel H. Lewis; but it is wholly untrue, as alleged by Complainants in said paragraph that the sum of $1500, or any portion of said $4000 ever belonged to said Susan M. Mead, or ever came to the said Lemuel G. Mead as the Separate estate of the said Susan M. Mead. On the contrary respondents aver, that all of said purchase money was the individual property of the said Lemuel G. Mead.
8th Answering the allegations of the 8th paragraph of said bill, respondents say the said Lemuel H. Lewis did convey said lands on the 28th day of May 1875, to the said Lemuel G. Mead, without any pecuniary consideration therefor, having purchased the same from said Outerbridge as the agent of said Mead.
9th The allegations of the 9th paragraph of said bill are true.
10th The allegations of the 10th paragraph of said bill are true. Exhibit C. is not filed with said bill, and respondents therefore cannot say whether it is or not a true Copy of said deed.
11th Answering the allegations of the 11th paragraph of said bill, respondents say that said Complainants are not entitled to a decree of this Honorable Court, declaring a resulting trust in their favor to the extent of $1500, or any other sum in said lands. They deny that any portion of the purchase money of said lands was ever the separate estate of said Susan M. Mead, or that she ever had any interest or right therein.
And having fully answered defendants pray to be hence dismissed with their proper costs.
Walker & Shelby for Respondents.

Filing. Filed May 10th 1879. Wm L. Martin Register.

[See p. 438-439]

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Vals.

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Be it remembered that on the 8th day of April 1879 a bill of Complaint was filed in the office of the Register in Chancery for the 9th District of the Northern Chancery Division of the State of Alabama, in words and figures following, to wit:

To the Honorable Henry C. Speake, Chancellor of the Northern Chancery Division of the State of Alabama, 9th District Jackson County Alabama.

The bill of Complaint of Melvina A. Lawler, Emily Brown, Elizabeth Harrison, Mary E. McDowell, all of lawful women, and James E. Daniel, Kibble T. Daniel and William Daniel, all of whom are over the age of twenty one years and reside in the County of Madison, and State of Alabama, exhibited against Mary F. Mead and Mary F. Mead Jr. and Lemuel G. Mead, all of whom reside in Jackson County State of Alabama, the said Mary F. Sr being over twenty one years of age, and Mary F. Jr, and Lemuel G. under 14 years.

Par. 1. Your Complaining Complainants show unto your Honor, that they are the heirs at law of Kibble T. Daniel deceased, who departed this life on the 8th day of August 1863 in the County of Madison and State of Alabama intestate; that they are also the heirs at law of their Sister Susan M. Mead, who departed this life on the day of A.D. 18 intestate,

Par. 2. That on the day of A.D. 18 Lemuel G. Mead intermarried with their Sister Susan M. Daniel,

Par. 3. That during their Coverture the said Lemuel G. Mead was appointed Administrator on the estate of said Kibble T. Daniel.

Par. 4. That said Lemuel G. Mead on a partial distribution of said estate of Kibble T. Daniel, obtained in his hands as a part of the distributive share of his said wife Susan M. Mead who was a daughter of said Kibble T. Daniel deceased and also the Sister of Complainants, the Sum of fifteen hundred dollars which Constituted the Separate estate of said Susan M. Mead, under

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the Statute laws of Alabama.
Par. 5- The said Lemuel G. Mead invested said fifteen hundred dollars in a tract of land lying and being in the County of Jackson, State of Alabama, and known as the South East quarter of land in all about four hundred acres, and bounded on the North & West by C.C. Delay's lands on the East & South by the lands belonging to the estate of Robert Doles.
Par. 6. Complainant charges and avers that although James C Outerbridge and Ellen M Outerbridge his wife conveyed said lands to Lemuel H Lewis who is the nephew of said Lemuel G. Mead the said Mead furnished the purchase money therefor amounting to about four thousand dollars, and that said sum of fifteen hundred dollars constituted a part of said purchase money, and was actually used in the purchase of said lands. A copy of said deed is made an exhibit to this bill & is marked "Exhibit A."
Par. 7. That said Lewis afterwards on the 28th day of May 1875 by deed of conveyance, conveyed said land to Lemuel G. Mead upon what consideration complainants do not know of their own knowledge, but they are informed, and believe and upon such information and belief state the facts to be that said deed was made upon a consideration that is fictitious and not real, that no money nor any thing else of value was paid by said Mead to said Lewis for said lands. A copy of said deed is marked Exhibit B.
Par. 8. That said Mead on the 20th day of March 1876 conveyed to said Lewis as trustee for Mary F Mead the following portion of said land to wit: The East half of the South West Quarter, the North West Quarter of the South West Quarter of Section eighteen Township four, Range three East of the Huntsville Meridian, and all that part of the South West Quarter of the South East Quarter of same Section, Township

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and Range which lies west of the Memphis & Charleston Rail Road, containing about one hundred and thirty five acres, more or less; that the widow of said Mead, Mary E. Mead, his second wife, is in possession of said land under said deed, and is in possession of the remaining portion of said land and receiving the rents issues and profits thereof. A particular discription of which will be furnished at the final hearing hereof.

Par 9. That said Lemuel G. Mead left surviving him two Children named Mary F. Mead and Lemuel G. Mead and both of whom reside with their mother the said Mary A. Mead, one of tender years, and under the age of fourteen years.

Par. 10. Complainants further show unto your Honor that heretofore, to wit on the 8th day of April 1879 Complainants exhibited their bill in this Honorable Court against the said Mary F. Mead and Lemuel H. Lewis, to have a resulting trust declared in their favor, against the land convyed, &c as aforesaid by said Mead to said Lewis in trust for his said wife Mary F. Mead. They charge and aver that the remainder of said land is also liable and subject to the same trust in their favor, and that they are entitled to a decree, ascertaining the amount due them, on account of said receipt of said money by said Mead, and to a decree declaring a resulting trust in their favor under the facts of the case, and for a sale of so much of said land as may be necessary to satisfy amount thus ascertained to be due.

Par 11. That said Children of said Mead have no general guardian.

The premises considered Complainants pray your Honor to order the most gracious writs of Subpoenas to issue from your Honors Court directed to said Mary F. Mead, Mary F. Mead Jr. and Lemuel G. Mead requiring them to be and appear before this Honorable Court at a day therein mentioned to plead answer or demur to this bill or the

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same will be taken as confessed and to this and that said Mary F Mead and Mary F Mead Jr. and Lemuel G. Mead be made parties defendants to this bill,

And Complainants further pray that Your Honor will render a decree in this favor for the said sum of fifteen hundred dollars from the time of said receipt + investment by said Mead or at least from the death of said Susan M. Mead; that your Honor will render a decree in their favor ascertaining and establishing a resulting trust in their favor against said land to the extent of said investment with the interest thereon; that said land may be sold for the satisfaction of the same, or for such other or further relief as unto your Honor may seem meet and proper.

Brandon & Jones
Solicitors for Complainants.

Note Defendants are required to answer all the allegations in this bill comprised in paragraphs from 1 to 11 inclusive but answer under oath is waived

Brandon & Jones,
Solicitors for Complainants.

Filed April 8th 1879.

W M L Martin, Register.

Exhibits A.B.& C—

[Exhibits A.B.& C. are the same as Exhibits A B & C to No 283, and reference is here made to them as recorded ante pp 4-10 Reg]

Subpoenas for defendants—

The State of Alabama } Ninth District Northern
Jackson County } Chancery Division

To any Sheriff of the State of Alabama,
Greeting— We Command you that you
Summon Mary F Mead, Mary F Mead
Jr and Lemuel G. Mead of Jackson County
to be and appear before Our Chancellor
in our Court of Chancery at Scottsboro
within thirty days after the service of
this Summons then and there to make
answer without oath to a bill of com-
plaint lately exhibited by James & Daniel
etals, against said Mary F Mead,
Mary F Mead Jr. and Lemuel G. Mead,

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and further to do and perform what our Chancellor shall direct and order in that behalf and this the said defendants shall in no wise omit under penalty &c. And we further Command that you have this writ with your endorsement thereon at our said Court of Chancery to be holding at Scottsboro on 7th Monday after the fourth Monday in April next. Witness W. L. Martin Register of said Court of Chancery at office in Scottsboro on this the 8th day of April 1879

W. L. Martin,
Register.

Served. Endorsements: I hereby deputize Lile C. Kennamore to act as Special deputy Sheriff to execute the within Summons. Done this 10th day of April 1879.

W. M. Snider, Sheriff.

Executed by handing the defendant Mary F. Mead a copy of the within for herself and Mary F. Mead & Lemuel G. Mead each, on the 19th day of April 1879.

W. M. Snider, Sheriff.
by Lile C. Kennamore,
Special Deputy Sheriff.

Answer of Mary F. Mead.

The Separate answer of Mary F. Mead to the bill of Complaint heretofore filed in the 9th Chancery District of the Northern Chancery Division of the State of Alabama, by Melvina A. Lawler, Emily Brown, Elizabeth Harrison, Mary L. McDowell, Laura E. Daniel, Kibble V. Daniel and William Daniel against this respondent and others.

Answering said bill or so much thereof as she is advised it is material for her to answer, this respondent says:

1st She believes the allegations of the 1st paragraph of said Bill are true.

2nd She believes it to be true that the said Lemuel G. Mead did intermarry with the said Susan M. Daniel, but when and where she does not know and cannot say.

3rd She knows nothing of the allegations

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of the 3d paragraph of Complainants bill and if material the same must be proved.
4th Respondent believes it to be true as alleged in the 4th par. of said bill, that the said Susan M. Mead was the wife of the said Lemuel G. Mead, the daughter of the said Kibbe T. Daniel and the sister of Complainants. But respondent denies the truth of the other allegations in said paragraph.
5th Respondent denies the allegations of the 5th paragraph of said bill, and says that they are wholly untrue.
6th Is true as alleged in the 6th paragraph of said bill, that the money which purchased the lands therein referred to, was the money of the said Lemuel G. Mead, and not the money of the said Lemuel H Lewis; but it is wholly untrue, as alleged by Complainants in said paragraph that the sum of fifteen hundred dollars or any portion of said $4000, ever belonged to the said Susan M. Mead, or ever came to the said Lemuel G. Mead as the separate estate of the said Susan M. Mead.
On the contrary, Respondent avers that all of said purchase money was the individual property of the said Lemuel G. Mead.
7th Answering the allegations of the paragraph of said bill, respondent says, that without having personal knowledge upon the subject, she believes it to be true, that the said Lemuel H Lewis conveyed said lands on the 28th day of May 1875, to the said Lemuel G. Mead, without any pecuniary consideration therefor, having purchased the same from said Outenbridge, as the agent for said Mead. No exhibit accompany said bill and therefor said respondent cannot say whether "Exhibit B" is a true copy of said deed or not.
8th Respondent admits the allegations of the 8th paragraph to be true.
9th Respondent admits the allegations of the 9th paragraph of said bill to be true.

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vals

Answer
of
Mary F Mead,
Concluded.

10th Answering the allegations of the 10th paragraph of said bill, respondent says that this and as therein alleged, that Complainant did, on the 8th day of April, 1879, exhibit their bill in this Honorable Court against this respondent and the said Samuel H. Lewis to have a resulting trust declared in their favor against the land & conveyed by the said Reynolds. Mead in trust for this respondent, to the said Samuel H Lewis. But respondent denies that there is a resulting trust in either of said tracts of land in favor of said Complainants, for the said sum of fifteen hundred dollars, or any other sum, and respondent denies that Complainants are entitled to any decree in any sum, or for any purpose.

And having fully answered, defendant prays to be hence dismissed, with her proper costs,

Walker & Shelby
for Respondent,

Filed May 10th 1879.
Wm L Martin, Register.

Affidavit
of
infancy
&c.

In Chancery Northern Division of the State of Alabama — 9th District.

James E. Daniels vals
vs
Mary F Mead, et als
5th Chancery district

Before me Robert H Wilson, Register in Chancery for the Northern Division personally appeared Jno D Brandon one of Solicitors of record for complainants in said cause who after being duly sworn says that the following named persons, defendants to said cause, are who reside in Jackson County State of Alabama, are infants under the age of fourteen years and reside with their mother the said Mary F Mead in said County, to wit; Mary F Mead Jr, and Samuel G. Mead.

Sworn to & subscribed before me this 9th day of June A D 1879.

Jno D Brandon

R H Wilson, Regr

Filed June 9th 1879.
Wm L Martin, Register

[See page 20]

No. 285.

Buchanan
vs
Buchanan

Original
Bill.

Be it remembered that heretofore on the 11th day of April 1879 a bill of complaint was filed in the office of the Register in Chancery for the Ninth District of the Northern Chancery Division of the State of Alabama in words and figures following, to-wit:

To the Honorable Henry C Speake, Chancellor of the Northern Division of Alabama, holding Court for the Ninth District thereof at Scottsboro Jackson County Alabama:

Martha A Buchanan, a married woman suing by her next friend Thomas M Farland brings this her bill of complaint against James M. Buchanan, and complaining says:

1. That the complainant, and her next friend reside in Madison County Alabama and that the defendant resides at Scottsboro in Jackson County Alabama

2. That the complainant Martha A, and the defendant James M. Buchanan intermarried in Fayetteville, Lincoln County Tennessee on the 20th day of November 1870, and that they lived together as husband and wife till the month of February 1875.

3. In the month of February of the year 1875, the defendant, without assigning any reason for so doing, abandoned the complainant and has not lived with her since.

4. He abandoned her without cause the complainant having been to him a faithful wife.

5. The complainant alleges that she has been a bona fide resident of the State of Alabama for more than two years next before the filing of this bill.

6. The complainant alleges that the defendant in the County of Madison in the State of Alabama, on the 22nd day of August 1877, went through the form of a marriage with one Mary Dyer, who is now called Mary Buchanan, and since that time he has lived with her as her husband, and claimed her to be his wife, and that since said pretended marriage they have occupied the same house, room and bed.

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Buchanan
vs
Buchanan

Original
Bill

7, The Complainant alleges that the said defendant has since his intermarriage with the Complainant committed adultery with the said Nancy Dyer, at various times during the year 1878 in Jackson County Alabama, and that he is now living with her in adultery in said County, for the marriage between the defendant and said Nancy Dyer is wholly illegal and void.

8, The Complainant is in ill-health and has no estate. She is dependant upon her labor for her daily bread, and is so unwell as to be unable to work much of the time, and has no means with which to pay her Solicitors for Conducting this Suit.

9. The defendant is a physician and druggist doing a lucrative business, making not less than $300 a month, and he is seized and possessed of much personal property and several hundred acres of real estate situated in Jackson County Alabama, Complainant is informed that he pretends that he has sold said real estate, but Complainant alleges that he has not done so. His estate is worth not less than $10.000.00.

10, Complainant alleges that pending this Suit for divorce the Court should make her a reasonable allowance for Counsel fees to be paid by the defendant, and an allowance for her support out of the estate of the said defendant suitable to his estate; and that said allowance should be not less than $100 per month during the pendency of this Suit; and on the termination of this cause the Court should make an allowance for her out of the estate of the defendant which allowance should be not less than $3000.00; and that the defendant should be required to pay all the costs of this suit.

11, There was no child born of the marriage between the Complainant and the defendant.

To the end therefore that the said James M. Buchanan may if he can show why the Complainant should not have the relief herein prayed and may according to the usual and ordinary course of this Court be required to make full true discovery and perfect answer to such of the allegations of this bill as

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Buchanan
vs
Buchanan

Original
Bill
Concluded

by not hereunder written he is required to answer, without oath, Complainant prays that summons may issue to him and that he, the said James M. Buchanan may be made a party defendant to this bill,

The Complainant further prays that the bonds of matrimony existing between him and the said James M. Buchanan may be dissolved, and that she may be divorced from the said James M. Buchanan.

And for all other necessary and proper relief general and special to which in equity she is entitled on the facts as herein stated, And she will ever pray.

Walker & Shelby,
Sols for Complainant.

Note: The defendant is required to answer all the allegations of this bill commenced from and to close both inclusive - but to answer the same without oath.

Walker & Shelby,
Sols for Complainant.

Filed April 11th 1879.
W. L. Martin, Regr.

Subpoena for defendant.

The State of Alabama } In the District Nor-
Jackson County } thern Chancery Divisin
To any Sheriff of the State of Alabama,
Greeting: We Command you that you
summon James M. Buchanan of Jackson
County, to be and appear before our Chan-
cellor in our Court of Chancery at Scotts-
boro, within thirty days after the Service of
this summons, then and there to make
answer without oath to a bill of Complaint
lately exhibited by Martha A. Buchanan
against said James M. Buchanan,
And further to do and perform what our
Chancellor shall direct and order in
that behalf, and this the said defendant
shall in no wise omit under penalty of.
And we further Command that you
have this writ with your endorsement
thereon at our said Court of Chancery
to be holden at Scottsboro on Seventh Mon-
day after the fourth Monday in April
inst.

Witness W. L. Martin Regr. of said

No 285 Buchanan vs Buchanan

Court of Chancery at office in Scottsboro this 11th day of April 1879.
W^m L Martin, Regist.
Ordered by Martin & Skelton to act as Special Deputy Sheriff to execute the within Summons.
Done this 12th day of April 1879.
W^m Walstrider, Sheriff.

Service

Executed by handing the defendant James M Buchanan a copy of the within, on the 12th day of April 1879.
W^m Walstrider, Sheriff
by A W Skelton,
Special Deputy Sheriff

Answer of defendant.

The answer of James M. Buchanan to the bill of complaint filed in the 9th Chancery District for the Chancery Division of the State of Alabama to the bill of complaint filed by Martha A Buchanan by her next friend &c for answer to so much and such parts thereof, as he is advised it is material for him to answer Saith:

Sec 1. So much of Section one as is material and for the purposes of this trial and not otherwise he admits the allegations to be true except as to the residence of Complainant.

In answer to Section 2, Defendant admits the said allegations to be true.

In answer to the 3rd & 4th

Respondent denies the allegations contained in Sections three and four of said bill of Complaint and avers that said defendant did not abandon the Complainant without cause — but that Complainant by her many refusals to perform her conjugal relations towards defendant forced defendant against his will to the desertion of which she now complains Complainants mild & thoughtless disposition her indisposition to live in accordance with the diminished fortune and humble condition in life of defendant, her constant alienation of her affections in finding that defendant was not a man of affluence but a poor man — that if she had known his true condition she would not have married him her interference with and attempts to control

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Buchanan
vs
Buchanan.

Answer
of
defendant.

guide and govern defendants business who at the time was in Copartnership with another man conducting the hotel business at Tullahoma Tenn- was so interfering and annoying to both of the firm, - that defendant in order to retain his business offend to Complainant to rent and furnish her a house independent of her rooms at the hotel and then offered him with Complainant.

Complainant declined this offer and insisted that defendant should allow Complainant to become his business Co-partner- insisting that she had money means and effects derived from some former business in which she had been engaged- defendant by reason of the manifestly indiscreet and improper interference of Complainant in his joint business with another was forced to surrender business which was remunerative and abandon the same to his partner or at his bidding- and to look out other point where he could practice his profession and thereby make support for his dependant infant children and his then wife- defendant will not descend to recriminations or to charges of infidelity against Complainant, but defendant avers that of all miseries and tortures that could be inflicted on him he knows nor can conceive of none more harrowing than the reminiscences of that marital life the said Complainant is without affection for defendant or any of the human Kind- She was a spoiled old maid at the time of their intermarriage, scheming cold calculating- obstinated to the representations of others or rumor as to defendants fortune and position in life- and when the truth broke in on her and she found in fact that defendant was poor and dependent upon his industry and professional skill to make subsistance for his children and her and that the life of Complainant would be up hill labor to them her ill founded hopes had induced her to believe and

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Buchanan
vs
Buchanan

Answer.

life so than the former pseudo fortunate condition she had held as the inmate of the house or houses of the wealthy and fashionable her indifference her coldness her resentments her acerbity of temper her bitterness her imbecilities and failings had no bounds. She tongued them to all she met and she strictly enphasised them in the case of this unfortunate defendant; yet when defendant left her it was to better his condition in getting a locality where he could practice his profession and make support for her as well as his children by a former wife with the hope that her methods and manners would undergo change for the better or some reasonable abatement but she broke forth afresh into new furies misrepresentations vituperations and abuses of defendant.

5. Defendant denies the allegations contained in Section five of said bill.

6. Defendant says it is true that at the time mentioned he intermarried with Mrs Dyer and that since that time he has lived with her as his wife and claimed her to be his wife that long prior to said intermarriage defendant had obtained a divorce from the bonds of matrimony subsisting between complainant and him, all of which was duly certified by the Courts under certificates and seals of the Courts and defendant was advised by Competent Attorneys and Counsellors at law eminent and skilled in their profession that defendant was and is lawfully divorced from the said Complainant and so believing understood advices which he trusted and had a right to trust, he obtained from the proper Court a license and publickly celebrated the rites of matrimony with said Mary Dyer who has been to him a tender and considerate wife faithful and devoted to him and his Children.

7. Respondent for answer to Section seven says that the allegations thereof are unnecessary to Complainants Relief in the Case made by his bill. that the same

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Answer.

is scandalous - but in keeping with and
apart and parcel of the noisy, blustering
that the old maidish character has dogged
in the case of defendant and public ear
ever since their honey moon clapsed -
if there was indeed any period of their
conjugal relation when joy was robin
eclipse - all the residue of said section
and allegation is a conclusion of law
which the pleader draws - and the
facts are not set up in accordance
with the rules of this Court - Complt
should state facts; but the Court concludes
5. The allegations of Section 5. are untrue
Complainant had goods & Chattels money
effects constituting a separate Statutory
Estate - if not this the fraud of the defend-
ants further - moneys and things of value
which she claimed in a dishonorable way
prior to her intermarriage with Complainant
by engaging in merchandise as a trader
and defaulting upon her creditors - She
had two large trunks of valuable mer-
chandize the contents of which she
never permitted defendant to see during
said intermarriage - they were of the rea-
sonable value of six hundred dollars -
She kept and retained all defendants
household goods of value two hundred
and fifty dollars, and defendants Cash
one hundred and fifty dollars - was
furnished her. She made two hundred
dollars during bonden - and all this
she managed to conceal
9. Defendant is a physician with limited
practice which is not remunerative -
his annual income is not alone two hun-
dred dollars from this source - he has a
Copartnership half interest in a drug
store it has invoice not exceeding five
hundred dollars some household goods,
bedding, tables chairs & for the comfort
of himself and children of the value of
about one hundred dollars, one horse
1 cow & calf three hogs - some uncollected
accounts of no great value - this contra
that defendant owns real estate in Jackson

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Answer.

County or else where amounting to hundreds of acres and any of value $10000: he owns none at all. his whole estate will not exceed one thousand dollars in value. defendant has dependent upon him three minor children infants- Letitia Buchanan, aged 17 years John Buchanan aged fifteen years Elizabeth aged thirteen years.

Defendant denies the right of complainant to have an allowance of alimony pendente lite made to her from his estate for her counsel fee or any other purpose and avers that complainants estate is of greater value than complainant she can have in defendants which dependent has dependent upon him the said minor children above named Complainant voluntarily brought about the state or condition of things of which she now complains- her whole conduct has been that of the vampire- she wants money and she wants it to flit on to still be seen as a woman of fashion- culture and refinement- she can work- but she will not do so- at those things for which she is fitted- she has an aversion to doing common things or useful things in a common way- she wants to be as she formerly was a djin satellite of the great people of the land- forgetting that wealth has departed this Country- As to the costs they are in the keeping of the Chancellor- defendant is "more sinned against than sinning"

11- The eleventh Section is true.

"God be praised for it!"

And defendant having fully answered prays to be hence discharged with his reasonable costs.

Robinson & Brown,
Solicitors for Defts.

Filed May 27th 1879
Wm L Martin, Register.

[See page 354]

No. 287.

Ex parte

Annie E. Tidwell.
Nonage.

Petition.

Be it remembered that on the 16th day of April 1879 a bill of complaint, or petition was filed in the office of the Register in Chancery for the Ninth district of the Northern Chancery Queens of Alabama, in words and figures following, to-wit:

To the Honorable H. C. Speake, Chancellor of the Northern Chancery Division of the State of Alabama, sitting for the Ninth Chancery district at Scottsboro:

Your petitioner, Missouri Scott, a resident of said Chancery district respectfully shows to your honor that she is the mother and only surviving parent of one Annie E. Tidwell, a minor over the age of eighteen years and the wife of one Columbus C. Tidwell, who also resides in said Chancery district, and that one James P. Skelton is the general guardian of said minor.

Your petitioner further represents and alleges that it will be to the interest of said minor - Annie E. Tidwell, to be relieved by a decree of said Chancery Court from the disabilities of nonage, and that the said husband and said guardian of said minor and said minor have expressed their assent and willingness to the removal of said disabilities of said minor.

The premises considered, petitioner prays that this her petition may be heard by your honor and that a decree be made removing the disabilitys of non-age of the said Minor, And as in duty bound petitioner will ever pray.

Norwood & Norwood,
Sols for Petitioner.

Chancellor's Order as to proof.

It is ordered that in this case the allegations of the petition be proved by affidavit of witnesses taken ex parte. Done in vacation, on this the 14th day of April 1879.

H. C. Speake,
Chancellor 1 C.

Filing -

Filed April 16th 1879.
Wm L. Martin, Regist

Decree removing Non-age.

Ex parte
Annie E. Tidwell

In Chancery - At Chambers
In Vacation - April 18th 1879.

This petition having been submitted for decree upon the ex parte affidavits of

No 287

Ex parte Annie E. Tidwell-

Decree removing Nonage-

Missouri Scott, Columbus C. Tidwell & John Snodgrass Jr. and it appearing to the satisfaction of the Chancellor that the prayer of said petition should be granted, It is therefore ordered adjudged and decreed by the Chancellor that Annie E. Tidwell be and she hereby is relieved of the disabilities of nonage, & petitioner pay the Costs of this proceeding to be taxed by the Register for which let execution issue.

A. C. Speake
Chancellor

Filed and Enrolled.
Minute Book "C." p 224.
April 25th 1879.
Wm L Martin, Register.

Certificate to Record.

I, Wm L Martin, Register in Chancery for Jackson County Alabama, do hereby certify that the foregoing pages 28 and 29 contain a full and Complete record of the petition of Missouri Scott for the removal of the disabilities of nonage of Annie E. Tidwell, and the decree thereon. The affidavit of Missouri Scott, Columbus C Tidwell and John Snodgrass Jr are on file with the petition R.
Witness my hand, this 31st May, 1879,
Wm L Martin
Register.

[Resumed from page 19]

No 284
Danl Stals
vs
Mead, Stals.

Appointment of Guardian ad litem for infant defts.

James E. Daniel Stals
vs
Mary F. Mead
Mary F. Mead Jr
Lemuel G. Mead
} In Chancery at Scottsboro 9th District Northern Chancery Division of Alabama Monday, June 9th 1879.

In this cause it is made to appear to the Register by the affidavit of Complainants Solicitor that the defendants Mary F. Mead Jr and Lemuel G. Mead are infants under the age of fourteen years and are in the care custody and control of their mother the said Mary F. Mead who resides in Jackson County Alabama; and it further appearing that a summons on the bill of complaint in this cause, was served upon the said Mary F. Mead the mother of said infant, for each of said infants respectively, by the Sheriff of Jackson County Alabama on the 19th day of May 1879, And it now further appearing that Joseph H. Gregory Esq is in all respects a suitable person to act as guardian ad litem for said infants, and the said Gregory having filed his consent in writing to act as such; It is now, therefore, ordered by the Register that the said Joseph H. Gregory be and he hereby is appointed Guardian ad litem in this cause for the said infant defendants Mary F. Mead Jr and Lemuel G. Mead. Granted June 9th 1879.

W. L. Martin,
Register

Consent of Guardian ad litem

James E. Daniel Stals
284 vs
Mary F. Mead
Mary F. Mead Jr
Lemuel G. Mead
& Joseph H. Gregory
} In Chancery at Scottsboro 9th District Northern Division of Alabama

I Joseph H. Gregory, do hereby consent in writing to act as guardian ad litem in this cause for Mary F. Mead Jr and Lemuel G. Mead, infant defendants therein. June 9th 1879. Joseph H. Gregory.

Filed June 9th 1879. W. L. Martin
Register

No 284

David
vs
Mead

Answer of Guardian ad litem.

James E. David, Trustee
vs
Mary F. Mead
Mary F. Mead for
Lemuel G. Mead

In Chancery at
Scottsboro 9th District
Northern Division
of Alabama.

The answer of Joseph H. Gregory as Guardian ad litem for Mary F. Mead Jr. and Lemuel G. Mead, infant defendants in said cause.

This respondent as such Guardian ad litem, answering says: that his said wards are infants of tender years and know not their interest, and he denies all and singular the allegations in said bill contained, from Section 1 to Section 11 both inclusive; and requires full and satisfactory evidence of the truth of said allegations.

June 9th 1879.

Joseph H. Gregory
Guardian ad litem

Filed June 9th 1879.

W. L. Martin, Register.

[See p. 438-440]

No 286
Dolliver
vs
Guilford
1
Original
Bill.

Be it remembered that on the 14th day of April 1879 a bill of complaint was filed in the office of the Register in Chancery for the 9th District of the Northern Chancery Division of Alabama, in words and figures following to wit:

To the Honorable Henry C. Speake Chancellor for the Northern Chancery Division of the State of Alabama, presiding for the County of Jackson in said State:

William C. Dolliver, a citizen of Gloucester, in the County of Essex, and the State of Massachusetts, who sues of full age, brings this his bill of complaint against George P. Guilford who resides in the State of Georgia, and as complainant is informed and believes in the City of Atlanta and the County of Fulton, who is of full age. And complaining your Orator says:

1st That on the 21st day of January 1871 George P. Guilford, then a citizen of the City of Macon in the County of Bibb, and State of Georgia, and of full age, executed to one Thaddeus E. Friend, a citizen of full age of the City of Boston, and State of Massachusetts, his promissory note for the sum of Eight hundred dollars, borrowed money, which note is hereto appended and prayed to be taken as a part of this bill of complaint and marked "Exhibit A". And that the said Thaddeus E. Friend advanced to the said George P. Guilford, the further sum of twenty-five hundred dollars, to be invested in Music and musical instruments to be kept in the City of Macon Georgia, and sold by the said George P. Guilford as merchandize, one half of the profits of which arising therefrom to be paid over by George P. Guilford to the said Thaddeus E. Friend. And to secure the payment of the aforesaid note for Eight hundred dollars borrowed money, and also to secure the payment of Friends half the profits arising from the sale of the aforesaid musical merchandize, the said George P. Guilford did on the 21st day of January 1871 execute

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Dolliver
vs
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—
Original
Bill.

to the said Thaddeus E. Friend one mortgage on certain real estate of which the said George D. Guilford was seized and possessed, situate in Jackson County Alabama and described as follows, to wit;
"All that certain tract or parcel of land, situated lying and being in the County of Jackson, and State of Alabama, designated numbered and known as the north half of the South west quarter, Section Thirteen, and the East half of the North west Quarter of Section Thirteen, and the North West quarter of the North West Quarter of Section Thirteen, all in Township One, and Range Nine, containing in the whole Two Hundred acres and forty nine one hundredths of an acre - be the same more or less."
which said original mortgage not being in Complainants possession, a certified Copy is hereto attached, and marked "Exhibit A" and prayed to be taken as a part of this bill of Complaint

2nd. Complainant avers that on the 20th day of April 1874, the said Thaddeus E. Friend, for a valuable consideration transferred and assigned to Complainant the said promissory note, together with the aforesaid mortgage, and Complainant is now the sole and absolute owner of the same. The said assignment is in writing, and is hereto attached and marked "Exhibit B", and is prayed to be taken as a part of this bill of complaint. That soon thereafter Complainant went into the peaceable possession of said mortgaged premises, under the aforesaid transfer and assignment, and has ever since held, and now holds the uninterrupted possession of said mortgaged premises.

3rd. Complainant further avers, That said debt so secured by said mortgage both as to the note for Eight hundred dollars borrowed money, and the said Thaddeus E. Friend's interest in said musical merchandize remains unpaid in whole. Notwithstanding payment demands therefor has been made upon the said George D. Guilford. Complainant further avers that he is informed and believes that the said George D. Guilford in

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Original Bill.

wholly insolvent- and that the mortgaged premises are not of greater value than Four Hundred dollars- and that the same could not be sold for a greater sum of money than Four Hundred dollars.

To the end therefore, that the defendant may if he can, show why your Orator should not have the relief herein prayed, and may according to the rule and method of this Kourt, fully, true, direct, and perfect answers make (both on oath) to the interrogatories hereunder written, that is to say;

Complainant prays that said George P. Guilford be made party defendant to this bill of complaint, and for this purpose, that publication may be had against him as required by the laws of Alabama in such cases.

That on the final hearing of this cause complainant be decreed a foreclosure of said mortgage and an order of sale of said mortgage premises, and that the proceeds of said sale be applied to the payment of complainants debt, and for such other and further relief as the facts and justice may require, and for full and general relief and as in duty bound will ever pray.

Donaldson & Donaldson
Solicitors for Complainant

Note - Note; The party intended as defendant in this bill is required to answer each section in the foregoing bill of complaint from one to three inclusive, but without oath.

Donaldson & Donaldson
Solicitors for Complt

Security for Costs - The plaintiff being non resident of the State of Alabama he hereby acknowledges himself security for the Costs of this Suit.
This April 14th 1879.

Donaldson & Donaldson
Saml B Donaldson

Affidavit of non-residence. The State of Alabama } Before me William
Jackson County } L Martin Register in
Chancery for said County personally

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Dollier
vs
Guilford

Affidavit
of
nonresidence
Concluded.

appeared Samuel B Donaldson, Esqr Solicitor for the Complainant in the foregoing bill of Complaint, who after being duly sworn says that the name age and residence of the defendant George P Guilford is correctly set forth in the said bill, from the best of affiants Knowledge, information and belief.

Sworn to subscribed before me, this 14th April 1879.

Samuel B. Donaldson

W^m L Martin
Register

Filed April 14th 1879, W^m L Martin
Register.

Order
of
Publication.

W^m C. Dollier
vs
Geo P Guilford

In Chancery at Scottsboro Alabama
At Rules before the Register, this Monday July 1879.

the 14th day of

On this cause it is made to appear to the Register, by affidavit of the Complainants Solicitor that the defendant George P Guilford is a non resident of this State and that his particular place of residence is Atlanta, in the County of Fulton in the State of Georgia; and further that in the belief of said affiant the said defendant is over the age of twenty one years. It is therefore ordered by the Register that publication be made in the Scottsboro Citizen, a newspaper published in the town of Scottsboro Jackson County Alabama, for thirty days, requiring him the said George P Guilford to answer or demur to the bill of complaint in this cause, by the 13th day of May 1879, or thirty days thereafter decree pro confesso may be taken against him. It is further ordered that a copy of this order be posted at the Court House door for twenty days, and that a copy of said paper containing said order be forwarded by mail to the said defendant at his post office address.

Done at office on Monday April 14th 1879.

W^m L Martin, Register.

[Order Book No 2, p. 37]

No 286
Dolliver
vs
Guilford
Exhibit
B. to
O.B.
being
Mortgage.

Exhibit B. to Bill.

L.P. Guilford } State of Georgia
No 3 Mortgage } Bibb County
T.E. Friend. } This Indenture made

this Twenty first day of January in the year of Our Lord One Thousand Eight Hundred and Seventy one between L.P. Guilford of the County of Bibb and State of Georgia of the one part and T.E. Friend of the City of Gloucester and State of Massachusetts of the other part, Witnesseth, That the said L.P. Guilford having borrowed of the said T.E. Friend Eight hundred Dollars and the said T.E. Friend having invested the sum of Twenty five hundred dollars with the said L.P. Guilford in a stock of Musical Merchandise in the City of Macon which said business is now being conducted under the personal supervision of the said L.P. Guilford and the said T.E. Friend not living at all times present to mix the said interest in said Stock of goods and the said L.P. Guilford agreeing to pay to the T.E. Friend one half of the profits of said business and the aforesaid sum of Eight hundred dollars borrowed money for value received now for and in consideration of the sum of Five dollars by the said party of the second part to the said party of the first in hand paid the receipt whereof is hereby acknowledged as well as for the better securing the payment of the aforesaid sum of Eight hundred dollars and the interest of the said T.E. Friend in said profits the said L.P. Guilford hath bargained and sold and doth by these presents grant bargain and sell unto the said T.E. Friend his heirs and assigns the following property to wit: All that certain tract or parcel of land situated lying and being in the County of Jackson and State of Alabama designated numbered and known as the North half of the South West Quarter Section

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Dollner
vs
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Exhibit
B.
to Bill.

thirteen and the east half of the North West Quarter of Section thirteen and the North West Quarter of the North West Quarter of Section thirteen all in Township one and Range Nine containing in the whole Two Hundred Acres and Forty Nine one hundredths of an acre Two 49/100, be the same more or less.
To have and to hold said bargained property to the said F. E. Friend his heirs and assigns to his own proper use benefit and behoof forever, And the said G. P. Guilford for his heirs executors and administrators the said bargained property unto the said F. E. Friend will warrant and forever defend against the claims of himself and his heirs and against the claims of all other persons whatsoever, Provided Nevertheless that the said G. P. Guilford his heirs executors administrators shall and do well and truly pay or cause to be paid unto the said F. E. Friend when demanded of the said G. P. Guilford the interest of the said F. E. Friend in said business or to his heirs and assigns the sum of eight hundred dollars that may accrue thereon at the time demanded for the payment thereof of the said profits or Eight hundred dollars borrowed money with lawful interest for the same according to the tenor and effect of this agreement thereupon from thenceforth as well this present Indenture and the right to said property hereby conveyed shall cease determine and be void to all intents and purposes.
In witness whereof The said G. P. Guilford has hereunto set his hand and affixed his seal the day and year above written.
{Three Stamps One Dollar Cancelled}

G. P. Guilford
G. P. Guilford

Colton B. Cole.
Judge Supreme Court of Georgia

Certificate of Probate -

I David Tate Judge of the Court of Probate in and for Jackson County in the State of Alabama hereby certify that the foregoing Conveyance was filed in my office for

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vs
Guilford

registration on the 19th day of April AD 1871 & was duly recorded & composed
David Laty.
Judge of Probate.

The State of Alabama
Jackson County } I Wilson Kyle Judge of the Court of Probate in and for said County and State aforesaid do hereby certify that the foregoing instruments attached is true and correct as shown by the records of this Court.
Given under my hand at office this the 19th day of May A.D. 1877.
Wilson Kyle
Judge of Probate

Filed April 21st 1879.
Wm L Martin, Register.

Exhibit C.

Exhibit C. to Bill. being Assignment.

Know all men by these presents, That I. Thaddeus E. Friend of Boston in the County of Suffolk and Commonwealth of Massachusetts the mortgagee named in a certain mortgage given by George P Guilford County of Bibb Georgia to me said Friend dated January 21st A.D 1871. and recorded in the office of the Probate Judge of Jackson County Alabama libro 5 folio 123, in consideration of one thousand dollars paid by William C. Dolliver of Gloucester in said Commonwealth the receipt whereof is hereby acknowledged, do hereby assign, transfer and set over unto the said William C. Dolliver the said mortgage and, the real estate thereby conveyed, and the note and claim thereby secured.
To have and to hold the same to the said William C Dolliver and his heirs and assigns, to their own use and behoof forever; subject nevertheless to the conditions therein contained and to redemption according to law.
In witness whereof I hereunto set my hand and seal this twentieth day of April AD 1874.
Signed Sealed in the presence of Wm B. Durant. } Thaddeus E. Friend (Seal)

Acknowledgment

Commonwealth of Massachusetts.
Suffolk S. S. April 21st 1874. Then personally appeared the above named Thaddeus E. Friend and acknowledged the foregoing instrument to be his

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Dolliver
vs
Guilford

free act and deed before me.

Wm B Durant
Justice of the Peace.

I Nelson Ryle Judge of the Probate Court for Jackson County in the State of Alabama do hereby certify that the within assignment of mortgage was filed in my office for registration on the 28th day of September 1875, and was duly recorded and compared in Mortgage Book No 2 Page 488 & 489.

Given under my hand this the 28th day of September 1875.

Nelson Ryle
Judge P.C.

Decree pro confesso on publication.

Wm C. Dolliver } In Chancery at Scottsboro Ala
vs } At Rules before the Register,
Geo P Guilford } This Monday, the 21st day of July, 1879.

In this cause it appears to the Register that the order of publication heretofore made in this cause was published for four consecutive weeks, commencing on the 18th day of April 1879, in the Scottsboro Citizen a newspaper published in the town of Scottsboro that a copy of said order was posted at the Court House door in the County of Jackson on the 18th day of April 1879, and that another copy was deposited in the postoffice on the 18th day of April 1879, directed to the defendant Geo P Guilford Atlanta, Fulton County, Georgia.

And it now further appearing to the Register that the said George P Guilford has to the date hereof, failed to plead answer or demur to the bill of complaint in this cause; this, therefore, on motion of complainant ordered and decreed by the Register that the said bill of complaint be, and hereby is in all things, taken as confessed against him the said George P. Guilford, defendant aforesaid.

Granted Monday July 21st 1879.

[Order Book No 2. p 485.]

Wm L Martin, Register

[See page 82]

No. 289.

Oliver
vs
Oliver

Original Bill.

Be it remembered that on the 20th day of April 1879 a bill of complaint was filed in the office of the Register in Chancery for the 9th district of the Northern Chancery Division of Alabama in words and figures following, towit:

To the Honorable Chancellor ~~of the 9th Chancery District~~ of the Northern Chancery Division of the State of Alabama:

Jacob Oliver a citizen of said Chancery District of the full age of twenty one years brings this his bill of complaint against Charlotte Oliver who is likewise a resident of said district of full age

And thereupon your Orator complains and says:

1st That both he and defendant were born and raised in said Chancery district in Jackson County State of Alabama and have never had any other residence

2nd That complainant and defendant were intermarried in the County of Jackson State of Alabama about the year 1876. And after said marriage lived together as man and wife for about twelve months during which time complainant done all in his power to make his said wife happy and contented in her revolution deporting himself at all times towards her as a true loyal and dutiful husband.

3. Complainant avers and charges that after he and defendant had lived together as man and wife for about the space of twelve months he began to have reason to suspect and did suspect the fidelity and chastity of his said wife defendant and soon afterwards it became certainly and definitely known to him that said defendant was committing acts of adultery with men with whom she was associated, and so soon as this fact became known to complainant, he packed away his said wife and refused and ever since has continuously refused to associate with her as his wife and never has pardoned or condoned said acts of adultery or recognized or associated with defendant as his wife. She is now a confirmed prostitute and an abandoned woman, void of chastity and female honor associating with and having

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Oliver
vs
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Original
Bill.

sexual "Comunion" with men frequently and promiscuously.

To the end therefore that said defendant may show cause, if she can, why Orator should not have the relief hereby prayed, and may to the best and utmost of her knowledge information remembrance, full true direct and perfect answer make to each of the foregoing statements and allegations herein contained as by the rule hereunder written she is respectfully required to answer.

That is to say that complainant prays that Charlotte Oliver may be made a party defendant to this bill and that all needful process ~~of~~ and ~~or~~ said purpose may issue in accordance with the rules of practice in this Court that Complainant may be allowed to take proof to sustain the allegations in said bill - that on the final hearing the Court may grant to Complainant a decree for a divorce from said defendant severing the bonds of Matrimony subsisting between them leaving Complainant at free to marry again and for full and general relief and such special relief as the fact and bill may warrant for which Complainant will ever pray.

Robinson & Brown,
Solicitors for Complainant.

Defendant is required to answer Sections ~~one~~ two ~~if~~ ~~foregoing~~ bill ~~first~~ one ~~to~~ three inclusive (Without oath)

Robinson & Brown
Solo for Complk

Filed April 20th 1879.
M L Martin, Register.

Subpoena for defendant

The State of Alabama, } Ninth District Northern Chan-
Jackson County } cery Division.

To any Sheriff of the State of Alabama Greeting:

We Command you that you Summon Charlotte Oliver of Jackson County, to be and appear before our Chancellor, in our Court of Chancery, at Scottsboro, within thirty days after the Service of this Summons, then and there to make answer without oath, to a Bill of Complaint lately exhibited by Jacob Oliver against said

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Oliver
vs
Oliver

Subpoena for defendant.

Charlotte Oliver, and further to do and perform what our Chancellor shall direct and order in that behalf, and this the said defendant shall in no wise omit under penalty &c. And we further command that you have this writ, with your endorsement thereon, at our said Court of Chancery, to be holden at Scottsboro, on Sixth Monday after the 4th Monday in April, next Witness W L Martin Register of said Court of Chancery, at office in Scottsboro, this 30th day of April, 1879.

W L Martin, Register.

Deputation. I hereby depute S. George Grimmett Esq as Special Deputy Sheriff to Execute the within Summons.
Done this 1st day of May, 1879.

W M Grider, Sheriff.

Service. Executed by handing the defendant Charlotte Oliver a copy of the within, on the 10th day of May 1879.

W M Grider, Sheriff
by S. G. Grimmett
Special Deputy Sheriff.

Decree pro confesso on personal Service.

Jacob Oliver
vs
Charlotte Oliver

In Chancery at Scottsboro, the Northern Division of Alabama
At Rules held by the Register of said district at his office on Monday June 23, 1879.

In this cause it being made to appear to the Register that a Summons requiring the defendant Charlotte Oliver to appear and plead to or answer the bill of complaint in this cause within thirty days from the service of said Summons upon her, was served upon her by the Sheriff of Jackson County, on the 10th day of May 1879, and the said defendant having failed to plead answer or demur to the said bill to the date hereof: It is now therefore on motion of Complainants Solicitors, ordered and decreed by the Register that the said bill of complaint in this cause be, and it hereby is in all things taken as confessed against the said Charlotte Oliver defendant aforesaid.

Granted Monday June 23rd 1879.

[Order Book No. 2. p 43]

W L Martin, Register

No 289

Oliver
vs
Oliver
ord pub. test.

Minute Entries, Extra Aug. Term 1879.

Jacob Oliver
vs
Charlotte Oliver

Aug 25th 1879 (C. 6 232)
Comes the complainant by his Solicitor and on motion it is ordered by the Court that the testimony be published that has been taken in this cause.

Order allowing amendt

Jacob Oliver
vs
Charlotte Oliver

Aug 26, 1879. ("6" p 247.)
Comes the complainant by his solicitor and on motion it is ordered by the Court that the complainant have leave to amend his bill by interlineation in red ink, which said amendment is accordingly inserted, in open Court.

Order of Submission

And on motion it is further ordered that this cause be submitted for decree on Bill Decree pro confesso and testimony noted by the Register. And the Complainant read to the Court and relied on as evidence the depositions of Robert Reid and Thomas Prince.

Decree of Divorce

Jacob Oliver
vs
Charlotte Oliver

In Chancery of the District Northern Division of Alabama.
This cause having been submitted at this term of the Court for decree upon Bill, Decree pro confesso and testimony noted by the Register and it appearing upon consideration that Complainant is entitled to the relief by him prayed and should be divorced by reason of adultery upon the part of defendant his wife.
It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony now and heretofore existing between the Complainant Jacob Oliver and the defendant Charlotte Oliver be and the same are hereby forever dissolved and that the defendant be allowed the privilege of marrying again.
It is further ordered that Complainant pay the costs of this suit to be taxed by the Register for which execution may issue and upon payment of said costs by Complainant it is ordered that he be allowed the privilege of marrying again.

Aug 27/79. H. C. Speake,
Chancellor.

Filed & Enrolled, (Minute Book "6," p 263)
August 27th 1879,
Wm L Martin, Register

Complete-
Wm L Martin Register.

No 288

Parks, adm
vs
Johnson -

Petition
to
Correct
discription
of lands
sold
&c.

Be it remembered that on the 29th day of April 1879 a petition was filed in the office of the Register in Chancery for the Ninth district of the Northern Chancery Division of Alabama in words & figures following, to-wit:

To the Honorable Henry C. Speake Chancellor of the Northern Chancery Division of the State of Alabama presiding for the County of Jackson in the State of Alabama:

The petition of Sallie M. Parks, by her next friend William D Parks, and of Sallie E Bumpus a married woman over the age of twenty one years and the wife of John F. Bumpus bring this their petition against Montgomery T. Johnson a citizen of said Chancery district, of lawful age.

Petitioners show that on the 27th day of April 1878 a proceeding was had in this Honorable Court and in which a decree was rendered allowing the said Sallie M Parks and the said Sallie E. Bumpus then to make an election whether they would accept certain lands purchased by the said William D Parks as the administrator of Hugh L Parks deceased - and aftemards by the said Parks & W. H Robinson sold to said Montgomery T. Johnson at and for the sum of Eight Hundred dollars or whether they would elect to take the money the proceeds of said sale; and the said Sallie M. Parks and Sally E. Bumpus - having elected to take the money for which the same sold; and the Court having rendered a decree at said June Term 1878 of the Court of Chancery confirming and ratifying the said election. In said petition and proceedings this mistake was made - it was represented and believed to be true that the said Montgomery T. Johnson had purchased the South East Quarter of the North East Quarter and N.E. 1/4 of S.E. 1/4 Section 34, Township 3, Range 6, East; whereas in truth and in fact the said Parks & Robinson had sold to said Johnson and said Johnson had purchased and was in the possession of North West Quarter of the South East Quarter, and North East Quarter of the South West Quarter Section 34 T. 3 R 6, and had fully paid for said last mentioned lands.

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Parks &al
vs
Johnson
—
Petition

And it was by said proceedings intended to have the said title to the last-mentioned lands divested out of them upon their election to take the money if his mistake occurred by inadvertance and the result of a confusion about the proper description of the land actually sold Johnson by said Parks & Robinson. A Survey has since been made by the County Surveyor and it is thus ascertained that there was a misdiscription of the lands so sold Johnson, the said Johnson is in the possession of said last described lands - and desires or is not unwilling to have said correction made -

Petitioners pray the Court that said Montgomery T. Johnson be made a party to this petition and that a subpoena issue to him answer the same - that your Honor will on a hearing of this cause direct the said error and mistake herein before pointed out and alleged be corrected so that said Johnson purchaser shall have the lands he actually purchased - and said persons - complainants be divested of the title to the lands for which they actually received the purchase money.

And that Equity be done and that complainants shall have full relief according to the nature of their case.

Robinson & Brown
Hunt & Pally
Solicitors for Complts.

Filed April 29, 1879.
Wm L Martin, Register.

Answer of Deft Johnson.

In the Chancery Court 9th District Northern Chancery Division - Alabama

The Separate Answer of Montgomery T. Johnson to the petition filed in this Court by Sally M. Parks by her next friend and Sallie E. Bump wife of John W Bump for answer to so much and such parts thereof as he is advised it is material for him to answer saith; that he admits the allegations of said petition to be true - and having fully answered he prays to be hence dismissed with his reasonable costs - and says that said mistake arose from the inadvertance of petitioners and that he is in no wise responsible for the costs -

M. T. Johnson -

Filed May 27, th 1879. Wm L Martin, Register.

Minute Entry - Extra Term, Aug 25, 1879.
("C" 232)

No. 288.

Parks et al vs Johnson - ord. Subm.

Sallie McParks by next friend & Sallie E. Bumps 288 vs Montgomery T. Johnson } Come the parties by Solicitors and on motion this Cause is submitted for decree on petition and answer and original papers in file No. 254.

Decree.

Sally McParks by next friend & Sallie E. Bumps 288. vs M. T. Johnson } In Chancery 9th District Northern Division of Alabama. This cause having been submitted on petition of Complainants and Exhibits thereto and answer of defendant thereto and it appearing that the facts of said petition as alleged are true,

Discription of lands vested.

It is now therefore ordered adjudged and decreed by the Court that the decree described in said petition be and the same is hereby vested so as to show that the defendant M. T. Johnson purchased and was placed in possession of the North West fourth of the South East fourth and North East fourth of the South West fourth Section Thirty four Township three Range Six East, instead of the South East Quarter of the North East Quarter and North East fourth of South East fourth of Section Thirty four Township Three Range Six East.

Title divested out of Complts + vested in Johnson.

It is further ordered that all the right title and interest that Complainants have in and to the North West fourth of the South East fourth and North East fourth of South West fourth of Section Thirty four Township Three Range Six East be and the same is hereby divested out of them and invested in the defendant M. T. Johnson.

It is further ordered that Complainants pay the Costs of this proceeding to be taxed by the Register for which let execution issue.

Aug 26/79.

I. H. Shields
Chancellor

Filed & Enrolled, in B "C" pp 246-7
Aug 26th 1879.

Wm L. Martin, Register.

Complete = Wm L. Martin Register

No. 293

Loveladay
vs
Loveladay.

Original
Bill.

Be it remembered that on the 12th day of July 1879 a Bill of complaint was filed in the Office of the Register in Chancery for the Ninth District of the Northern Chancery Division of Alabama in words and figures following, to-wit:

Hon Henry Clay Speake Chancellor for the Northern Chancery Division of the State of Alabama sitting for the Ninth District in said Division:

Marion Loveladay, Complainant

vs

Sarah E. Loveladay, defendant.

The original bill of Complaint brought by Marion Loveladay against Sarah E. Loveladay and said Complainant humbly complaining saith:

Sec (1) Your Orator represents that he is a citizen of the County of Jackson State of Alabama, and has so resided for more than three years next before the filing of this bill

Sec (2) Your Orator further shows that said Sarah E. Loveladay is also a citizen of said County and State and has been for more than three years before the filing of this bill, that Orator and Orating are more than twenty one years of age, of sound mind.

Sec (3) Your Orator further represents that heretofore to wit prior to the 17th day of September 1874, Orator and Orating were intermarried in the County of Jackson Alabama and lived together as such with the said 17th day of September 1874.

Sec (4) Your Orator further shows that on about the said 17th day of September 1874 Orating abandoned his bed and board, and has continually remained away, though often requested to return which she refuses to do.

Sec 5. Your Orator further shows that said respondent abandoned his bed and board, more than two years before the filing of this bill, to-wit: on the 17th day of September 1874, and still refuses to live with orator.

Sec (6) Your Orator further shows that he and said Orating have not lived together since said Separation in 1874.

The facts considered orator prays that the said Sarah E. Loveladay be made party de-

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Lovelady
vs
Lovelady

fendant to this bill and for that purpose that
Subpoena and all other needful process issue
to the Sheriff to notify said respondent to ap-
pear in said Chancery Court and plead
demur or answer this bill of Complaint
within thirty days after notice hereof- or the
same will be taken as confessed. Orator
further prays that the facts considered
that your Honor grant him a divorce a
vinculo matrimonii from said respond-
ent and that they be permitted to marry
again- and do "whatever" else may (be) nec-
essary that a permanent divorce may be
granted- And as in duty bound will ever
pray &c

Coulson for Complt

Note:

Respondent is required to answer plead
or demur to the foregoing bill within thirty days after service, from sec-
tion one to six both inclusive.

Coulson for Complt.

Filed July 12th 1879.

Wm L Martin Register.

Subpoena for defts Sarah E Lovelady

The State of Alabama } Ninth District Nor-
Jackson County } thern Chancery Division
To any Sheriff of the State- Greeting:

You are hereby commanded to Summon
Sarah E. Lovelady of Jackson County to ap-
pear and plead to or answer within thirty
days after service hereof, the bill of com-
plaint filed in the Chancery Court for
the Ninth District of the Northern Chancery
Division of Alabama, at Scottsboro, against
the said Sarah E. Lovelady by Morion Lovelady
to a copy of which said defendant is entitled
on application to the Register.

Witness, Wm L Martin Register of said
Court of Chancery at office in Scotts-
boro on this the 12th day of July 1879.

Wm L Martin,
Register.

Deputation

I hereby deputize A W Shelton to act as Special
Deputy Sheriff to execute the within Summons.
Done this 12th day of July, 1879.

W. M. Gridin, Sheriff.

Service

Executed by handing the defendant Sarah

No 293
Loveladay
vs
Loveladay

E. Loveladay a copy of the within outten 12th day of July 1879.

W. M. Snider Sheriff
by A. W. Skelton, Sh. Deputy Sheriff

Marion Loveladay
vs
Sarah E. Loveladay
} In Chancery at Scottsboro Monday 18th day of August 1879.

Decree pro confesso on personal service.

In this cause it being made to appear to the Register that a Summons requiring the defendant Sarah E. Loveladay to appear and plead or answer the bill of complaint in this Cause, within thirty days from the Service of this Summons upon her, was served upon her by the Sheriff of Jackson County on the 12th day of July 1879, and the said defendant having failed to plead answer or demur to the said bill to the date hereof; It is now, therefore, on motion of Complainant's Solicitor, ordered and decreed by the Register that the said bill of Complaint in this Cause be and it hereby is in all things taken as confessed to the said Sarah E. Loveladay, defendant aforesaid.
Granted Monday August 18th 1879.
(Order Book No. 2. p)

W. L. Martin,
Register.

Minute Entries, Extra Aug Term 1879.

Order submitting & Submission Aug 27/79.

Marion Loveladay
293 vs
Sarah E. Loveladay
} Aug 27th 1879.
Comes the Complainant by his Solicitor and ordered by the Court that the testimony heretofore taken in this cause be published. And on motion it is further ordered that this cause be submitted for decree on Bill Decree pro confesso and testimony noted by the Register. And Complainant's Solicitor read and published as evidence the deposition of Lee Loveladay, whereupon the Court rendered the following Decree.

Decree of Divorce

Marion Loveladay
293 vs
Sarah E. Loveladay
} In Chancery 9th District Northern Division of Alabama.
This cause having been submitted at this term of the Court for decree upon bill, decree pro confesso and testimony noted by the Register, and upon consideration it

No 293

Loveladay
vs
Loveladay

Decree of Divorce

appearing to the satisfaction of the Court that Complainant is entitled to the relief by him prayed and should be divorced by reason of abandonment, It is therefore ordered adjudged and decreed by the Court that the bonds of matrimony now and heretofore existing between the Complainant Marion Loveladay and the defendant Sarah E. Loveladay be and the same are hereby forever dissolved.

It is further ordered that the Complainant pay the Costs of this suit to be taxed by the Register for which let execution issue, and upon payment of the Costs herein before taxed against him it is ordered that Complainant be allowed the privilege of marrying again.

It is further ordered that the respondent Sarah E. Loveladay be and she is permitted to marry again.

August 27th 1879. H.C. Shields
Chancellor

Filed & Enrolled, MB "6" p 265,
August 27th 1879,
Wm L Martin,
Register.

Certificate to Record.

The foregoing pages, to wit 47-50 inclusive contain a complete Record of the Case of Marion Loveladay vs Sarah E. Loveladay, No. 293- this Sept 10th 1879. Witness my hand
Wm L Martin,
Register in Chancery.