

THOMAS J. EARLE,  
Complainant,

VS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

JONAS HARRIS, DAVID HARRIS,  
SARAH HARRIS JAMES, SUSIE  
HARRIS TUNSTALL, LAMB HARRIS,  
ELIZABETH HARRIS CLEMMANS,  
ALICE HARRIS WILLIAMS, LINNIE  
MAE HARRIS OWES and SOLOMON  
HARRIS,

IN EQUITY.

Respondents.

No. 1237

This matter coming on for hearing is submitted on the report of the Register, reporting the sale of the lands involved in this proceeding as directed by a former decree in this cause; and also on the report of the Register on reference to ascertain a reasonable Solicitors' fee to be paid Hybart & Chason as Solicitors for the Complainant; and also on reference to ascertain the curtesy interest of Jonas Harris in said property; and also to ascertain the distributive shares of each of the parties interested in said land after deducting the cost of this proceeding, and all of which is understood by the Court, and the Court is of the opinion that said reports on said references should be confirmed.

It is therefore, ordered, adjudged and decreed by the Court that the sale of said lands involved in this proceedings to Thomas J. Earle who was the highest, best and last bidder for the same, at and for the sum of \$1500.00, said bid being the reasonable market value of said lands and the said Thomas J. Earle having paid said purchase price into the Registry of this Court, be and the same hereby is confirmed in all of its particulars.

It is further ordered, adjudged and decreed by the Court that the Register of this Court execute a Deed to Thomas J. Earle conveying the interest of all of the parties to this proceedings in and to said lands.

It is further ordered, adjudged and decreed by the Court that the report as to the Solicitors' fee to be paid Hybart & Chason,

Solicitors for Complainant, be and the same is hereby confirmed and that the Register of this Court shall pay to Hybart & Chason, Solicitors for Complainant, the sum of \$150.00 as such Solicitors' fee.

It is further ordered, adjudged and decreed by the Court that the report of the Register as to the Court cost in the sum of \$68.33 be confirmed and that the Register of this Court shall deduct out of the moneys in his hand as such Register the sum of \$68.33 in full payment of such Court cost.

It is further ordered, adjudged and decreed by the Court that the report of the Register as to the curtesy interest of Jonas Harris being of the value of \$25.00 be and the same hereby is confirmed and the Register is hereby ordered to pay the said Jonas Harris the sum of \$25.00 out of the money derived from said sale, as such curtesy interest.

It is further ordered, adjudged and decreed by the Court that the report of the Register that Thomas J. Earle would be entitled to the sum of \$1174.83 out of the proceeds of said sale be confirmed and the said Register is hereby ordered to pay the said Thomas J. Earle the sum of \$1174.83 out of the proceeds derived from said sale.

It is further ordered, adjudged and decreed by the Court that the report of the Register that David Harris, Sarah Harris James, Susie Harris Tunstall, Lamb Harris, Elizabeth Harris Clemmans, Alice Harris Williams, Linnie Mae Harris Owes and Solomon Harris would each be entitled to the sum of \$10.23 is hereby confirmed and the Register of this Court is hereby ordered to pay David Harris the sum of \$10.23, to pay Sarah Harris James the sum of \$10.23, to pay Susie Harris Tunstall the sum of \$10.23, to pay Lamb Harris the sum of \$10.23, to pay Elizabeth Harris Clemmans the sum of \$10.23, to pay Alice Harris Williams the sum of \$10.23, to pay Linnie Mae Harris Owes the sum of \$10.23 and to pay Solomon Harris the sum of \$10.23 out of the proceeds derived from said sale.

In the distribution of said funds the Register is directed to take proper receipts from all of said distributees and make them a part of the file in this cause. All other orders are held up awaiting the Register's report as to the distribution of the proceeds of said sale as herein directed.

It is further ordered, adjudged and decreed by the Court that the Sheriff of Baldwin County, Alabama, put the said Thomas J. Earle in possession of said property, immediately upon the execution of the Deed above referred to, and should the Respondents or any of them or anyone holding under any of them be in possession of said property or any part thereof and fail to vacate the same immediately, the sheriff of Baldwin County, Alabama, is hereby authorized and directed to remove them together with any personal effects belonging to them from said property without further order from this Court.

Dated at Bay Minette, Alabama, this 15th day of March, 1946.

  
\_\_\_\_\_  
Judge.

~~RECORDED~~

*Final* DECREE

THOMAS J. EARLE,  
Complainant,

VS.

JONAS HARRIS, et al,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

No. 1237

Filed: March 15, 1946

*R. D. Duck*  
Register.

THOMAS J. EARLE, )  
 Complainant, )  
 VS. )  
 JONAS HARRIS, DAVID HARRIS, )  
 SARAH HARRIS JAMES, SUSIE )  
 HARRIS TUNSTALL, LAMB HARRIS, )  
 ELIZABETH HARRIS CLEMMANS, )  
 ALICE HARRIS WILLIAMS, LINNIE )  
 MAE HARRIS OWES and SOLOMON )  
 HARRIS, )  
 Respondents. )

IN THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA.  
 IN EQUITY.  
 No. 1237.

TO THE HON. F.W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT OF ALABAMA:

In pursuance to a Decree of the Circuit Court of Baldwin County, Alabama, In Equity, made on February 4, 1946, I, R. S. Duck, as Register of said Court, did offer for sale in front of the Court House door of Baldwin County, Alabama, during the legal hours of sale, at public outcry, to the highest bidder for cash, after giving notice of the time, place and terms of said sale by publication in the Baldwin Times, a newspaper published in Baldwin County, Alabama, for three successive weeks, said notice appearing in the issues of said paper dated February 7, 14 and 21, 1946, the following described real property situated in Baldwin County, Alabama, to-wit:-

The South half of the Southeast quarter (S $\frac{1}{2}$  of the SE $\frac{1}{4}$ ) and the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ ), Section seventeen (17), Township three (3) North, Range three (3) East, containing 120 acres more or less.

At said time and place, I first offered such lands for sale in parcels and no person having offered to bid on any smaller part of said land, I then offered the same in one body. The highest, best and last bid that I received for said property was the sum of \$1500.00, which amount was bid by Thomas J. Earle. The said bid of the said Thomas J. Earle being the highest, best and last bid for

said property, I proceeded to sell the same to him, subject to the approval of this Court, and he paid into my hands as Register of said Court the said sum of \$1500.00, which amount I now hold subject to the orders of this Court.

Respectfully submitted this 4th day of March, 1946.

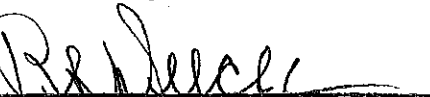
R. J. Decker  
Register.

REPORT OF REGISTER

THOMAS J. EARLE,  
Complainant,  
VS.  
JONAS HARRIS, et al,  
Respondents.

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

FILED: March 4, 1946

  
Register

THOMAS J. EARLE, )  
 Complainant, )  
 VS. )  
 JONAS HARRIS, DAVID HARRIS, )  
 SARAH HARRIS JAMES, SUSIE )  
 HARRIS TUNSTALL, LAMB HARRIS, )  
 ELIZABETH HARRIS CLEMMANS, )  
 ALICE HARRIS WILLIAMS, LINNIE )  
 MAE HARRIS OWES and SOLOMON )  
 HARRIS, )  
 Respondents. )

IN THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA.  
 IN EQUITY.  
 No. 1237.


NOTICE OF SALE

By virtue of a Decree rendered in the above styled cause on February 4, 1946, by F. W. Hare, as Judge of said Court, I, R. S. Duck, as Register of said Court, shall proceed to sell during the legal hours of sale, at public outcry, to the highest bidder for cash, in front of the Court House door of Baldwin County, Alabama, on March 4, 1946, for the purpose of a Partition and Division among the joint owners thereof, the following described real estate situated in Baldwin County, Alabama, to-wit:-

The South half of the Southeast quarter (S $\frac{1}{2}$  of the SE $\frac{1}{4}$ ) and the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ ), Section seventeen (17), Township three (3) North, Range three (3) East, containing 120 acres more or less.

This Notice is given, said sale will be held and the proceeds thereof applied, all in accordance with the Decrees of said Court and the Statutes in such cases made and provided.

Witness my hand and seal as Register of the Circuit Court of Baldwin County, Alabama, In Equity, on this the 5th day of February, 1946.

  
 As Register of said Court.



NOTICE OF SALE

THOMAS J. EARLE,  
Complainant,

vs.

JONAS HARRIS, DAVID HARRIS,  
SARAH HARRIS JAMES, SUSIE  
HARRIS TUNSTALL, LAMB HARRIS,  
ELIZABETH HARRIS-CLEMMANS,  
ALICE HARRIS WILLIAMS, LINNIE  
MAE HARRIS OWES and SOLOMON  
HARRIS,

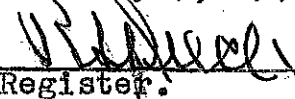
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

No. 1237

FILED: February 5, 1946

  
Register.

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THOMAS J. EARLE )  
 Complainant, )  
 VS. )  
 JONAS HARRIS, DAVID HARRIS, )  
 SARAH HARRIS JAMES, SUSIE )  
 HARRIS TUNSTALL, LAMB HARRIS, )  
 ELIZABETH HARRIS CLEMMANS, )  
 ALICE HARRIS WILLIAMS, LINNIE )  
 MAE HARRIS OWES and SOLOMON )  
 HARRIS, )  
 Respondents. )

IN THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA,  
 IN EQUITY.  
 No 1237.

This matter coming on for final decree is submitted by the Complainant on the Bill of Complaint and the Admission in Answer of Respondents together with the Testimony of Thomas J. Earle as noted by the Complainant and it appearing to the Court that the property is properly described in the Complaint and the interest of the respective parties are therein set out. The Court is of the opinion that the Complainant is entitled to the relief prayed for.

It is therefore ordered, adjudged and decreed that the Register of this Court after advertising the same three successive weeks in some newspaper published in Baldwin County, Alabama, giving the time, place and terms of said sale that said sale is to be made on the 4th day of March, 1946 in front of the Court House door of Baldwin County, Alabama, during the legal hours of sale at public outcry to the highest bidder for cash, said sale being made for the purposes herein mentioned, that is for Partition and Division of the proceeds of said sale among the joint owners of said property.

It is further ordered that the Register shall hold a reference to ascertain:

1. A reasonable compensation or fee to be paid Hybart & Chason, Solicitors for Complainant for their services in this

proceeding, said fee or compensation is to be taxed as a part of the cost of this proceeding.

2. To ascertain the value of the curtesy belonging to Jonas Harris in the aforesaid land.

3. To ascertain the respective interest in the proceeds of said sale after deducting the cost of the same of both Complainant and Respondents with the exception of Jonas Harris, all of which the Register is to report to the Court together with the report of its sale of said lands for the purposes herein mentioned. All other orders are held up awaiting the incoming of report of sale and report on the reference.

Dated the 4th day of February, 1946.

J. W. Hare

Judge.

**RECORDED**

DECREE


THOMAS J. EARLE,  
Complainant,

VS.

JONAS HARRIS, et al,  
Respondents,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

FILED: February 4, 1946

  
Register.

THOMAS J. EARLE,  
Complainant,

VS.

JONAS HARRIS, DAVID HARRIS,  
SARAH HARRIS JAMES, SUSIE  
HARRIS TUNSTALL, LAMB HARRIS,  
ELIZABETH HARRIS CLEMMANS,  
ALICE HARRIS WILLIAMS, LINNIE  
MAE HARRIS OWES, and SOLOMON  
HARRIS,

Respondents.

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

) NO  
)  
)

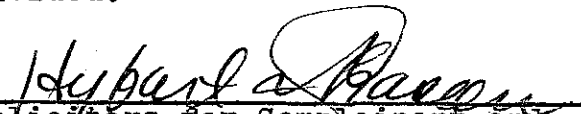
Come the Complainant and Cross-Respondent, Thomas J. Earle  
and for answer to the Cross-Bill filed in said cause says:

FIRST:

That he denies the allegations of the Cross-Bill as set  
out in the 2nd, 3rd and 4th paragraph thereof but says that he is  
the owner of an undivided 11/12 interest in said land and the  
Respondent owned an undivided 1/12, as alleged in the original Bill  
of Complaint and that said land cannot be divided equally between  
the respective owners as alleged in said Bill of Complaint.

SECOND:

That it was not necessary for the Respondents to employ  
an Attorney to resist this sale for division and to secure a Petition  
in kind as such lands cannot be so divided.

  
Solicitors for Complainant and  
Cross-Respondent.

**RECORDED**

ANSWER

THOMAS J. EARLE

Complainant,

VS.

JONAS HARRIS, et al,

Respondents.

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

FILED: February 4, 1946

*R. H. H. H.*  
Register.

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THOMAS J. EARLE,  
COMPLAINANT,  
vs  
JONAS HARRIS, ET AL,  
RESPONDENTS.)

IN THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA  
IN EQUITY No. 1237

ANSWER AND CROSS BILL

The joint and several answers of Jonas Harris, David Harris, Sarah James, Susie Tunstall, Lamb Harris, Elizabeth Clemons, Alice Williams, Linnie Mae Oses and Solomon Harris.

The Defendants, reserving to themselves all right of exception to said Bill of Complaint, for answer thereto say:

FIRST: Answering the First paragraph of the Bill of Complaint, the Respondents admit that the allegations thereof are true;

SECOND: The Respondents admit that the parties hereto own the land described in the Bill of Complaint, as tenants in common; that the Respondents, except Joas Harris, own an undivided one third interest in said lands, subject to the life estate therein, which is owned by said Jonas Harris, and that the Complainant owns an undivided twothirds interest therein;

THIRD: Answering the Third paragraph of the Bill of Complaint, these Respondents say that the land may be divided equitably into three parts of approximately equal value, and that two of said parts can be awarded to Complainant and one part, to Respondents, which part Respondents elect to take and hold together;

FOURTH: Answering the Fourth paragraph of the Bill of Complaint, these Respondents show that it has become necessary for them to employ a solicitor to resist the sale of said land for division and to secure a partition thereof in kind.

And these Respondents are entitled to affirmative relief against Complainant and to that end would have this answer taken as a cross bill, and would further show that said land can be divided in kind, equitably, among said owners, as aforesaid.

WHEREFORE these Respondents pray that your Honor will decree that the Register of this Honorable Court be directed to divide said land into three parts of substantially equal value, and that two of these parts be awarded by lot to Complainant and one part be awarded to Respondents to be held by them in accordance with their interest in said land as set out in the Second Paragraph hereof. These Respondents further pray that they be

awarded a reasonable sum as an allowance for the fee of their Solicitor for prosecuting this cross bill;

But if these Respondents and Cross Complainants have not asked for the proper relief, then they pray that they may have such other and further relief in the premises as the nature of their case may require and as your Honor shall deem meet.

All which matters these Respondents are ready and willing to aver, maintain and prove as this Honorable Court may direct.

*Jesse F. Hagan*  
Solicitor for Respondents and Cross-Complainants





SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, } No. 1237  
BALDWIN COUNTY

CIRCUIT COURT BALDWIN COUNTY

DECEMBER TERM, 1944

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Jonas Harris, David Harris, Blacksher, Ala.;  
Sarah Harris James, Susie Harris Tunstall, Lamb Harris, Townsaw, Ala.; Elizabeth Harris  
Clemmans, Calvert, Mobile Co., Alabama.; Alice Harris Williams, 120 1/2 Chinguepin St.,  
Mobile, Ala.; Linnie Mae Harris Ows, 1260 Pecan St., Mobile, Ala.; & Pfc. Solomon  
Harris

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against Jonas Harris, David Harris,  
Sarah Harris James, Susie Harris Tunstall, Lamb Harris, Elizabeth Harris Clemmans, Alice  
Harris Williams, Linnie Mae Harris Ows, & Pfc. Solomon Harris, Respondents  
by Thomas J. Earle

Complainant ~~Plaintiff~~

Witness my hand this 14 day of December 1944

R S Duch  
~~Plaintiff~~

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

**THE STATE OF ALABAMA**  
BALDWIN COUNTY  
**CIRCUIT COURT**

Plaintiffs

vs.

Defendants

**SUMMONS AND COMPLAINT**

Filed \_\_\_\_\_ 194 \_\_\_\_\_

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

\_\_\_\_\_ 194 \_\_\_\_\_

Sheriff

I have executed this summons

this \_\_\_\_\_ 194 \_\_\_\_\_

by leaving a copy with

Sheriff

Deputy Sheriff

THOMAS J. EARLE,  
COMPLAINANT,

VS.

JONAS HARRIS, DAVID HARRIS,  
SARAH HARRIS JAMES, SUSIE  
HARRIS TUNSTALL, LAMB HARRIS,  
ELIZABETH HARRIS CLEMMANS,  
ALICE HARRIS WILLIAMS, LINNIE  
MAE HARRIS OWES, and SOLOMON  
HARRIS,  
RESPONDENTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY.  
NO \_\_\_\_\_.

TO THE HONORABLE F. W. HARE, JUDGE OF THE TWENTY FIRST  
JUDICIAL CIRCUIT OF ALABAMA.

Your Orator, Thomas J. Earle, humbly complaining of the  
Respondents, in a matter as will hereinafter appear, shows unto  
Your Honor as follows:-

FIRST: That all of the parties to this suit are over the age of  
twenty-one years. That he is a resident of Blacksher, in Baldwin  
County, Alabama; that Jonas Harris and David Harris are residents  
of Blacksher, in Baldwin County, Alabama; that Sarah Harris James,  
Susie Harris Tunstall and Lamb Harris are residents of Tensaw, in  
Baldwin County, Alabama; that Elizabeth Harris Clemmans is a resi-  
dent of Calvert, in Mobile County, Alabama; that Alice Harris  
Williams is a resident of 1204½ Chinquopin Street, Mobile, Alabama;  
that Linnie Mae Harris Owes is a resident of 1260 Pecan Street,  
in Mobile, Alabama; that Solomon Harris is a member of the armed  
forces of the United States and his present address being Pfc.  
Solomon Harris, #38816827: 4150 Quartermaster Corps, A. T. O. 403  
c/o Postmaster, New York, New York.

SECOND: Your Orator further shows unto your Honor that he and the  
Defendants are the joint owners of the following described real  
estate situated in Baldwin County, Alabama, to-wit:-

The South half of the Southeast Quarter  
(S½ of SE¼) and Northeast Quarter of South-  
east Quarter (NE¼ of SE¼) of Section Seven-  
teen (17), Township Three (3) North, Range  
Three (3) East containing 120 acres, more  
or less.

Your Orator further shows unto your Honor that he is the  
owner of an undivided 11/12ths interest in said lands and that

all of the Respondents, except Jonas Harris, together own an undivided 1/12th interest in said land. The interest of said Respondents is subject to the curtesy right of their father, Jonas Harris, they having inherited their interest from their mother, Artemelia Munnerlyn Harris who was the wife of Jonas Harris.

THIRD: Your Orator further shows unto your Honor that on account of the many interests held in said land and on account of its location, part of said land being improved and part unimproved, a part of said land being swampy with a Creek running through it, that it will be impossible for said lands to be divided by metes and bounds so as to make an equitable division of the same. And therefore it will be necessary that said lands be sold under a Decree of this Court, at public outcry, to the highest bidder for cash and the proceeds of said sale, after deducting the costs thereof, to be divided among the joint owners as their interest appears.

FOURTH: Your Orator further shows unto your Honor that in order to bring about a partition and division of said lands as herein set out it has become necessary for your Orator to employ Solicitors for this purpose and he has employed Hybart & Chason of Bay Minette, Alabama, as such Solicitors to prosecute this proceeding.

FIFTH: Your Orator further shows unto your Honor that it will be necessary by an appropriate Decree to appoint some suitable Attorney practicing at the Bay Minette Bar as the Attorney for Solomon Harris to represent him on the hearing of this cause as provided for by the Soldiers' and Sailors' Civil Relief Act of 1940 as amended.

PRAYER FOR PROCESS.


To the end that equity may be had in the premises your Orator prays that the usual writ of process be issued to Jonas Harris, David Harris, Sarah Harris James, Susie Harris Tunstall, Lamb Harris, Elizabeth Harris Clemmans, Alice Harris Williams, Linnie Mae Harris Owes and Solomon Harris, making them parties Defendant to this Bill of Complaint and requiring them to plead, answer or demur to the same within the time required by law and the rules of this Honorable Court. That such Writ and a copy of this complaint shall be personally served upon all of the Defendants who reside within the State of Alabama, and that the Register

of this Court shall forward a copy of this Complaint together with a summons to Solomon Harris by registered mail at this address: "Pfc. Solomon Harris, #38816827: 4150 Quartermaster Corps, A. T. O. 403 c/o Postmaster, New York, New York," marked for delivery only to the person to whom addressed"and a return receipt requested.

PRAYER FOR RELIEF.

The premises considered your Orator prays that on a final hearing of this cause that your Honor will Decree that the afore-said lands be sold for partition and division among the joint owners thereof by this Honorable Court. Your Orator further prays that your Honor will order a reference to ascertain:

1. A reasonable Solicitors fee to be taxed as a part of the costs to be paid Hybart & Chason, Solicitors for Complainant.
2. That the value of the curtesy interest of Jonas Harris on the undivided 1/12th interest be ascertained and fixed and that this amount be turned over to him. Your Orator further prays that after such costs have been ascertained that 11/12ths of the amount remaining be paid over to your Orator, and 1/12th the amount less that paid Jonas Harris, be paid over to the Defendants. Your Orator prays for such other, further and different relief as in equity may seem just and mete and your Orator will ever pray, etc..

  
Solicitors for Complainant.

THOMAS J. EARLE,  
COMPLAINANT,  
vs  
JONAS HARRIS, ET AL,  
RESPONDENTS.)

IN THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA  
IN EQUITY NO.1237

Comes now Jesse F. Hogan and withdraws his appearance for Jonas Harris, David Harris, Sarah James, Susie Tunstall, Lamb Harris, Elizabeth Clemons, Alice Williams, Linnie Mae Oses and Soloman Harris, the leave of the Court first having been had.

Jesse F Hogan

1237

File List 24 1945  
R. R. R.



SUMMONS AND COMPLAINT

THE STATE OF ALABAMA,  
BALDWIN COUNTY

No. 1277

CIRCUIT COURT BALDWIN COUNTY

TERM, 194

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon James Harris, David Harris, Plaintiff, A.C.S.  
Sarah Harris Jones, Susie Harris Tunstall, Leah Harris, Tennesse, Ala., Elizabeth Harris  
Clemens, Calvert, Mobile Co., Alabama, Alice Harris Williams, 1844 Commercial St.,  
Mobile, Ala., Annie Mae Harris Cook, 1844 Pecos St., Mobile, Ala., & Mrs. Solomon  
Harris

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against James Harris, David Harris,

Sarah Harris Jones, Susie Harris Tunstall, Leah Harris, Elizabeth Harris Clemens, Alice  
Harris Williams, Annie Mae Harris Cook, & Mrs. Solomon Harris, et al. Defendant

by Thomas J. Harris

Complainant

Plaintiff

Witness my hand this 11 day of December 194

R. S. Duch  
Registrar

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

**THE STATE OF ALABAMA**  
BALDWIN COUNTY

**CIRCUIT COURT**

Plaintiffs

vs.

Defendants

**SUMMONS AND COMPLAINT**

Filed \_\_\_\_\_ 194 \_\_\_\_\_

Clerk

Plaintiff's Attorney

Defendant's Attorney

Moore Printing Co., Bay Minette, Ala.

Defendant lives at

RECEIVED IN OFFICE

194

Sheriff

I have executed this summons

this \_\_\_\_\_ 194 \_\_\_\_\_  
by leaving a copy with

Sheriff

Deputy Sheriff

THOMAS J. EARLE,  
COMPLAINANT,

VS.

JONAS HARRIS, DAVID HARRIS,  
SARAH HARRIS JAMES, SUSIE  
HARRIS TUNSTALL, LAMB HARRIS,  
ELIZABETH HARRIS CLEMMANS,  
ALICE HARRIS WILLIAMS, LINNIE  
MAE HARRIS OWES, and SOLOMON  
HARRIS,  
RESPONDENTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY.  
NO \_\_\_\_\_.

TO THE HONORABLE F. W. HARR, JUDGE OF THE TWENTY FIRST  
JUDICIAL CIRCUIT OF ALABAMA.

Your Orator, Thomas J. Earle, humbly complaining of the  
Respondents, in a matter as will hereinafter appear, shows unto  
Your Honor as follows:-

FIRST: That all of the parties to this suit are over the age of  
twenty-one years. That he is a resident of Blacksher, in Baldwin  
County, Alabama; that Jonas Harris and David Harris are residents  
of Blacksher, in Baldwin County, Alabama; that Sarah Harris James,  
Susie Harris Tunstall and Lamb Harris are residents of Tensaw, in  
Baldwin County, Alabama; that Elizabeth Harris Clemmans is a resi-  
dent of Calvert, in Mobile County, Alabama; that Alice Harris  
Williams is a resident of 1204 1/2 Chinquepin Street, Mobile, Alabama;  
that Linnie Mae Harris Owes is a resident of 1260 Pecan Street,  
in Mobile, Alabama; that Solomon Harris is a member of the armed  
forces of the United States and his present address being Pfc.  
Solomon Harris, #53816827: 4150 Quartermaster Corps, A. T. C. 403  
c/o Postmaster, New York, New York.

SECOND: Your Orator further shows unto your Honor that he and the  
Defendants are the joint owners of the following described real  
estate situated in Baldwin County, Alabama, to-wit:-

The South half of the Southeast Quarter  
(S $\frac{1}{2}$  of SE $\frac{1}{4}$ ) and Northeast Quarter of South-  
east quarter (NE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section Seven-  
teen (17), Township Three (3) North, Range  
Three (3) East containing 120 acres, more  
or less.

Your Orator further shows unto your Honor that he is the  
owner of an undivided 11/12ths interest in said lands and that

all of the Respondents, except Jonas Harris, together own an undivided 1/12th interest in said land. The interest of said Respondents is subject to the curtesy right of their father, Jonas Harris, they having inherited their interest from their mother, Artemelia Munnerlyn Harris who was the wife of Jonas Harris.

THIRD: Your Orator further shows unto your Honor that on account of the many interests held in said land and on account of its location, part of said land being improved and part unimproved, a part of said land being swampy with a Creek running through it, that it will be impossible for said lands to be divided by metes and bounds so as to make an equitable division of the same. And therefore it will be necessary that said lands be sold under a Decree of this Court, at public outcry, to the highest bidder for cash and the proceeds of said sale, after deducting the costs thereof, to be divided among the joint owners as their interest appears.

FOURTH: Your Orator further shows unto your Honor that in order to bring about a partition and division of said lands as herein set out it has become necessary for your Orator to employ Solicitors for this purpose and he has employed Hybert & Chason of Bay Minette, Alabama, as such Solicitors to prosecute this proceeding.

FIFTH: Your Orator further shows unto your Honor that it will be necessary by an appropriate Decree to appoint some suitable Attorney practicing at the Bay Minette Bar as the Attorney for Solomon Harris to represent him on the hearing of this cause as provided for by the Soldiers' and Sailors' Civil Relief Act of 1940 as amended.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises your Orator prays that the usual writ of process be issued to Jonas Harris, David Harris, Sarah Harris James, Susie Harris Tunstall, Lamb Harris, Elizabeth Harris Clemmans, Alice Harris Williams, Linnie Mae Harris Ows and Solomon Harris, making them parties Defendant to this Bill of Complaint and requiring them to plead, answer or demur to the same within the time required by law and the rules of this Honorable Court. That such Writ and a copy of this complaint shall be personally served upon all of the Defendants who reside within the State of Alabama, and that the Register

of this Court shall forward a copy of this Complaint together with a summons to Solomon Harris by registered mail at this address: "Pfc. Solomon Harris, #38816827: 4150 Quartermaster Corps, A. T. O. 405 c/o Postmaster, New York, New York," marked for delivery only to the person to whom addressed" and a return receipt requested.

PRAYER FOR RELIEF.

The premises considered your Orator prays that on a final hearing of this cause that your Honor will decree that the aforesaid lands be sold for partition and division among the joint owners thereof by this Honorable Court. Your Orator further prays that your Honor will order a reference to ascertain:

1. A reasonable Solicitors fee to be taxed as a part of the costs to be paid Hybart & Chason, Solicitors for Complainant.
2. That the value of the curtesy interest of Jonas Harris on the undivided 1/12th interest be ascertained and fixed and that this amount be turned over to him. Your Orator further prays that after such costs have been ascertained that 11/12ths of the amount remaining be paid over to your Orator, and 1/12th the amount less that paid Jonas Harris, be paid over to the Defendants. Your Orator prays for such other, further and different relief as in equity may seem just and mete and your Orator will ever pray, etc..

Hybart & Chason  
Solicitors for Complainant.



RECEIPT FOR REGISTERED ARTICLE No. 1065

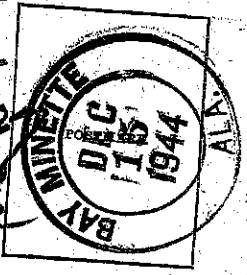
Fee paid, 1.00 class postage paid, Legal papers

Declared value, \$ 12.17 1944

From Dr. R. L. Kiehl, Jr., Elm Park

Addressed to 450 Quaker Highway, 38868

Special delivery fee 0.10 or order 20 Postmaster, per 1065



15-19866





THOMAS J. EARLE,  
Complainant,

vs.

JONAS HARRIS, DAVID HARRIS,  
SARAH HARRIS, JAMES, SUSIE  
HARRIS, FUNSTAL, CLARE HARRIS,  
ELIZABETH HARRIS, SCHEMANS,  
ELICE HARRIS WILLIAMS, LINDY  
EAR HARRIS, OWEN, and SOLOMON  
HARRIS

Respondents.

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

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

Come the Complainant and Cross-Respondent, Thomas J. Earle

and for answer to the Cross-Bill filed in said cause says:

FIRST:

That he denies the allegations of the Cross-Bill as set out in the 2nd, 3rd and 4th paragraph thereof but says that he is the owner of an undivided 11/12 interest in said land and the Respondent owned an undivided 1/12, as alleged in the original Bill of Complaint and that said land cannot be divided equally between the respective owners as alleged in said Bill of Complaint.

SECOND:

That it was not necessary for the Respondents to employ an Attorney to resist this sale for division and to secure a Petition in kind as such lands cannot be so divided.

*Dykes & Bacon*  
Solicitors for Complainant and  
Cross-Respondent.

FILED  
CLERK OF COURT  
BALDWIN COUNTY, ALABAMA

ANSWER  
THOMAS J. EARLE  
Complainant,  
VS.  
JONAS HARRIS, et al,  
Respondents.

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

FILED: February 4, 1946  
*Richard*  
Register.

... ..

... ..

... ..

*Richard*  
Register

TESTIMONY OF TELFAIR MASHBURN

My name is Telfair Mashburn; I have been an Attorney-at-Law since 1936 and my office has been located in Bay Minette, Alabama, except for the time when I was in service. I have examined the Court file in the suit for Partition and Division brought by Thomas J. Earle, as Complainant against Jonas Harris, et al, as Respondents, in the Circuit Court of Baldwin County, Alabama, In Equity. I am informed that the highest bid for the property described in the Bill of Complaint was \$1500.00. It is my opinion that Hybart & Chason as Solicitors for the Complainant would be entitled to a fee of \$150.00 for their services in prosecuting said cause.

Telfair Mashburn  
D

TESTIMONY

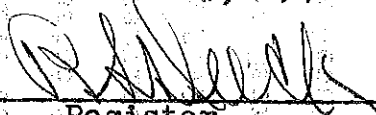
THOMAS J. EARLE,  
Complainant,

VS.

JONAS HARRIS, et al,  
Respondents.

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

FILED: March 4, 1946

  
Register.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

vs.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**IN EQUITY**  
**Circuit Court of Baldwin County**

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

and in behalf of Defendant upon \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Register.

RECORDED  
FILED

No. 1257

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

*John J. Earle*

vs.

*James Harris*

NOTE OF TESTIMONY

Filed in Open Court this 4<sup>th</sup>

day of July, 1944

*[Signature]*  
Register.

Thomas J. Carle

Complainant

No 1237

THE STATE OF ALABAMA  
Baldwin County

vs.

Jonas Harris et al

Respondents

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,

admissions in answer given to Cross Bill  
and the testimony of Thomas J. Carle

and in behalf of Defendant upon

*[Signature]*

Register.

*[Signature]*  
Solicitor for Complainant

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

**THE STATE OF ALABAMA**  
**Baldwin County**

**IN EQUITY**  
**Circuit Court of Baldwin County**

vs.

**NOTE OF TESTIMONY**

Filed in Open Court this \_\_\_\_\_

day of \_\_\_\_\_, 194\_\_\_\_\_

Register.

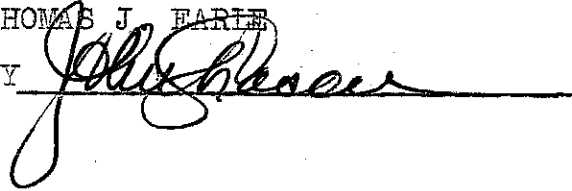


Received of R. S. Duck, as Register of the Circuit Court  
of Baldwin County, Alabama, In Equity, the sum of \$1174.83  
as my distributive share in the sale of property in my  
suit for Partition and Division against Jonas Harris, et al.

Dated this March 16, 1946.

THOMAS J. EARLE

BY

A handwritten signature in cursive script, appearing to read "Thomas J. Earle", written over a horizontal line.

Seed bank 161940

~~Revised~~  
~~Part 1~~

# The BALDWIN Times

ALABAMA'S BEST COUNTY'S-

BEST NEWSPAPER

BAY MINETTE, ALABAMA

**LEGAL NOTICE**

In the Circuit Court of Baldwin County, Alabama, In Equity, No. 1237.  
THOMAS J. EARLE, Complainant, vs. JONAS HARRIS, DAVID HARRIS, SARAH HARRIS, JAMES, SUSIE HARRIS, TUNSTALL, LAMB HARRIS, ELIZABETH HARRIS, CLEMMANS, ALICE HARRIS, WILLIAMS, LONNIE MAE HARRIS OWES and SOLOMON HARRIS, Respondents.

**NOTICE OF SALE**

By virtue of a Decree rendered in the above styled cause on February 4, 1946, by F. W. Hays, Judge of said Court, R. S. Duck, as Register of said Court, shall proceed to sell during the legal hours of sale, at public outcry, to the highest bidder for cash, in front of the Court House door of Baldwin County, Alabama, on March 4, 1946 for the purpose of a Partition and Division among the joint owners thereof, the following described real estate situated in Baldwin County, Alabama, to-wit:

The South half of the Southeast quarter (SE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub>) and the Northeast quarter of the Southeast quarter (NE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub>), Section Seventeen (17), Township Three (3) North, Range Three (3) East, containing 120 acres more or less.

This Notice is given, said sale will be held and the proceeds thereof applied, all in accordance with the Decrees of said Court and the Statutes in such cases made and provided.

Witness my hand and seal as Register of the Circuit Court of Baldwin County, Alabama, In Equity, on this the 5th day of February, 1946.

R. S. DUCK, As Register of said Court. 2-3tc

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

Jimmy Faulkner, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Thomas J. Earle, Complainant

**COST STATEMENT**

345 WORDS @ 3 1/2 cents ..... \$ 8.58

I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner  
Publisher.

Was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication Feb. 7, 1946 Vol. 57 No. 2

Date of 2nd publication Feb. 14, 1946 Vol. 57 No. 3

Date of 3rd publication Feb. 21, 1946 Vol. 57 No. 4

Date of 4th publication \_\_\_\_\_, 194\_\_ Vol. \_\_\_\_ No. \_\_\_\_

Subscribed and sworn before the undersigned this 22 day of Feb 1946

Charles J. Sims  
Notary Public, Baldwin County.

Jimmy Faulkner  
Publisher.

1227

Thomas Park

81

Jana Harris  
et al



FORM 3841  
Rev. 1-22-63

# RETURN RECEIPT

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

1 \_\_\_\_\_  
(Signature or name of addressee)

2 \_\_\_\_\_  
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above.)

Date of delivery: \_\_\_\_\_, 1964

|                               |   |                          |
|-------------------------------|---|--------------------------|
| THOMAS J. EARLE,              | ) |                          |
| Complainant,                  | ) |                          |
| VS.                           | ) | IN THE CIRCUIT COURT OF  |
| JONAS HARRIS, DAVID HARRIS,   | ) | BALDWIN COUNTY, ALABAMA. |
| SARAH HARRIS JAMES, SUSIE     | ) |                          |
| HARRIS TUNSTALL, LAMB HARRIS, | ) | IN EQUITY.               |
| ELIZABETH HARRIS CLEMMANS,    | ) |                          |
| ALICE HARRIS WILLIAMS, LINNIE | ) | No _____                 |
| MAE HARRIS OWES, and SOLOMON  | ) |                          |
| HARRIS,                       | ) |                          |
| Respondents.                  | ) |                          |

TESTIMONY OF THOMAS J. EARLE, WHO AFTER BEING DULY SWORN WAS TAKEN ORALLY BEFORE THE COURT ON THIS THE 4th DAY OF FEBRUARY, 1946:

TESTIMONY OF THOMAS J. EARLE

My name is Thomas J. Earle; I am more than twenty-one years of age. I reside in Baldwin County, Alabama. I am acquainted with the lands involved in this suit and I own an undivided 11/12 interest in the same and have owned the same for more than three years. The Respondents, Jonas Harris, David Harris, Sarah Harris James, Susie Harris Tunstall, Lamb Harris, Elizabeth Harris Clemmans, Alice Harris Williams, Linnie Mae Harris Owes and Solomon Harris, each owned an undivided 1/96 interest in said land subject to the courtesy of Jonas Harris. That all of the parties to this suit are over the ages of twenty-one years. That Solomon Harris was at one time in the Armed Services of the United States of America but from information that I have he has been discharged by the Army authorities and from such information and belief that I have I herein state that he is no longer in the Armed Forces of the United States of America; That none of the other Respondents were at the time of the filing of the Bill of Complaint in this cause nor now in the Armed Forces of the United States of America. That the lands involved are swampy,

broken, part of the same can be cultivated and a part cannot and that it would be an impossibility to divide said lands so as to bring about an equitable partition of the same by metes and bounds; that it will be necessary for an equitable partition that the land be sold by the Register of the Court and after deducting the cost of such proceeding to then divide the moneys flowing from the proceeds of said sale according to the respective interests of the parties to this suit. That the interest held by the Respondents with the exception of Jonas Harris flowed to them from their mother, Artemelia Munnerlyn Harris who died prior to the filing of the Bill of Complaint in this cause leaving her husband, Jonas Harris surviving her who by virtue of his relations to his wife acquired a courtesy in said lands. That to bring about this Partition proceedings I employed Hybart & Chason, Solicitors practicing at the Bay Minette Bar to represent me and handle the matter for me in this Court.

Thomas J. Earle



