

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA: EQUITY SIDE

TO: CLARA SMITH

c/o General Delivery

Logan, West Virginia

You are hereby notified to appear and plead, answer or demur within

thirty days of the receipt hereof to the Bill of Complaint filed in this

Court at Bay Minette, Alabama, against you as Defendant by FRANCES M.

HAND, as Complainant.

WITNESS my hand this the 27<sup>th</sup> day of June, 1949.

Herrie L. Leuch  
Register, Circuit Court

FRANCES M. HAND,  
Complainant

E Q U I T Y

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

vs

HERMAN L. PIERCE, et al,  
Defendants

CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

Comes FRANCES M. HAND and by this her Bill of Complaint presented  
against HERMAN L. PIERCE and other Defendants, hereinafter named, re-  
spectfully shows:

FIRST: That Complainant, a lifelong resident of Baldwin County,  
Alabama, is the only surviving child of JULIUS MANNICH, a former resident  
of Marlow, Baldwin County, Alabama, who departed this life in the year  
1885, leaving a widow, Pauline Mannich, who died in 1913, and six children  
and an adopted son, all of whom, other than Complainant, are now dead, but  
whose children and grandchildren are the Defendants in this cause and  
whose names, addresses and relationship to the children of the late Julius  
Mannich are set out in Paragraph Seven of this Bill.

SECOND: That Julius Mannich died intestate, leaving a tract of land  
owned by him on the east side of Fish River in Baldwin County, Alabama, on  
which he lived at the time of his death and being:

The Northwest quarter of the Northwest quarter  
of Section Eight, Township Seven South, Range  
Three East, excepting the Northeast quarter  
thereof, and that part of Section Seven, Town-  
ship Seven South, Range Three East lying East  
of Fish River, excepting the South Nine Hundred  
Eighty-five feet thereof, heretofore sold to  
Roussell and Stein, containing One Hundred Twenty-  
two acres, more or less.

THIRD: That prior to his death, the said Julius Mannich and his wife, Pauline, sought to apportion this land among their several children, to some of whom deeds were issued, and all were put in possession of the tracts allotted them, in some cases establishing homes thereon. To one daughter, Louisa Gundorph, who died comparatively young, no land was allotted. The children who survived Julius and Pauline Mannich were:

1. Fredericka Cooney
2. Edward Mannich
3. Emma M. Pierce
4. Herman L. Mannich
5. Rudolph Mannich
6. Louisa Gundorph
7. Frances M. Hand

All, except the last named, your Complainant, are now dead.

FOURTH: That the lands apportioned to the several children above named and of which each has been in open, notorious and exclusive adverse possession, are:

TO FREDERICKA COONEY:

The Southeast quarter of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East. Ten acres.

TO EDWARD MANNICH:

The Northeast quarter of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East. Ten acres.

TO EMMA M. PIERCE:

From the Southwest corner of the northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East, run south on the section line 665 feet to a corner, thence West 665 feet to a corner; thence North to the East Bank of Fish River; thence Easterly with the meanders thereof to a point that is 182 feet more or less West of the point of beginning; thence West to the point of beginning, containing ten acres more or less.

TO HERMAN L. MANNICH:

Eighty acres in Section 16, Township 7 South of Range 3 East not included in the description in Paragraph Two and conveyed during the lifetime of the said Julius Mannich. Title to this was later perfected in Equity in Herman L. Mannich.

TO RUDOLPH MANNICH:

Eighty acres in Section 16, Township 7 South of Range 3 East not included in the description in Paragraph Two and deed during the lifetime of the said Julius Mannich.

TO FRANCES M. HAND:

Beginning at the Northeast corner of Section 7, Township 7 South, Range 3 East; run South on the quarter Section line, 1330 feet; thence West 182 feet more or less to the margin of Fish River; thence Northwesterly along the East Bank of Fish River with its meanders to the North line of said Section 7; thence run east along the section line 800 feet more or less to the point of beginning; and also the West half of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South, Range 3 East. The above two tracts comprising twenty acres in Section 8, Township 7 South, Range 3 East and twelve acres more or less in Section 7, Township 7 South, Range 3 East.

FIFTH: The remainder of the Mannich homestead, not conveyed prior to the death of Julius Mannich is Subdivision Thirteen and Fourteen of that part of Section 7, Tp. 7 S of R. 3 E., lying East of Fish River, less the ten acres allotted to Emma M. Pierce, and is largely swamp with little or no merchantable timber and of little value.

SIXTH: That the legal heirs and next of kin of Julius and Pauline Mannich and of their children are numerous and live not only in different parts of Baldwin, Mobile and Jefferson Counties of Alabama, but in other states and because of their number and the nature of the land, division in specie of the undivided portion of the estate cannot equitably be made.

SEVENTH: That the names and addresses of the children and heirs of the children of the late Julius Mannich, other than of Complainant, and who are parties defendant and listed in Paragraph Third of this Bill, to the best of Complainant's knowledge, information and belief are:

HEIRS OF FREDERICKA COONEY, DECEASED

Patrick J. Cooney, Louiselle St., Mobile, Alabama, son  
Annie G. Jones, 1702 Dauphin Way, Mobile, Alabama, daughter  
Mary Smith, City Hospital, Mobile, Alabama, daughter  
Jeanne Cooney Gallagher, 102 East Oak St., Chicago, Ill., grandchild,  
daughter of Thomas, deceased

HEIRS OF EDWARD MANNICH, DECEASED

Alice McGowan, Summerdale, Alabama, (Marlow), daughter  
Louis Mannich, Marlow, Alabama, son  
Ingwald Mannich, Magnolia Springs, Alabama, son  
Foster Carson, husband of daughter Ethel, deceased, Pascagoula, Miss.  
Leila Carson, daughter of Ethel, 15 years old, c/o Mrs. Ed. Mannich,  
Marlow, Alabama, grandchild.  
James Ingwald Carson, age 13, son of Ethel, with father at Pascagoula,  
Miss., grandchild.

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William Pierce, Deceased, son, four children  
Ben Pierce, 433 Canal, Mobile, Alabama  
Fred Pierce, R. F. D., Fairhope, Alabama.  
Lottie Boothe, Fairhope, Alabama.  
Peter Pierce, Pensacola, Florida.

Gussie Smith, Deceased, daughter, one son.  
Wilton Smith, Bay Minette, Alabama.

Rudolph Pierce, Deceased, son, four children  
Irene Pierce, widow of Rudolph, Summerdale, Alabama, R. F. D.  
Ethel Harrison, Fairhope, Alabama.  
Ruby Roberts, Foley, Alabama.  
David Pierce, Mobile, Alabama, 907 Baltimore Street.  
Herman Pierce, Summerdale, R. F. D., Alabama.

Dorothy Riggins, Summerdale, Alabama, daughter  
Herman D. Pierce, Fairhope, Alabama, son

HEIRS OF HERMAN L. MANNICH, DECEASED

Joseph Mannich, 8241 6th Avenue, North, Birmingham 6, Alabama, son  
Herbert Mannich, Silverhill, Alabama, son  
Mary Klumpp, Fairhope, Alabama, daughter  
Cornelia Wallace, Fairhope R. F. D., Alabama, daughter

HEIRS OF RUDOLPH MANNICK, DECEASED

Pauline McVail, Cleveland, Ohio, daughter  
Julius Mannick, deceased, son  
Dorothy Mannick Pence, 48 Summit Street, Barberton, Ohio.  
William Owen Mannick, P. O. Box 372, Bellville, Ohio.  
Henry Junior Mannick, 48 Summit Street, Barberton, Ohio.  
Doreen Anne Mannick, a minor, 48 Summit Street, Barberton, Ohio.  
Janice Mannick, a minor, 48 Summit Street, Barberton, Ohio.

Cornelia Thompson, P. O. Box 345, Holden, W. Virginia, daughter  
Reuben Mannick, Pritz, Dayton, Ohio, son  
Clara Smith, General Delivery, Logan, W. Virginia, daughter  
Owen Mannick, 20 Hatfield Street, Dayton, Ohio, son

HEIRS OF LOUISA GUNDORPH, DECEASED

Fred Gundorph, only heir, grandson, New Orleans, Louisiana.

THE PREMISES CONSIDERED, Complainant prays that the Defendants named in Paragraph Seven of this Bill be made parties defendant thereto and by proper and legal notice required to plead, answer or demur to this Bill within the time prescribed by law. That personal service be had on the resident defendants, and on the parents of the minor defendants, as well as the minors themselves; namely: Leila Carson, daughter of Ethel Carson, minor, 15 years old, living with Mrs. Ed. Mannich, Marlon, (father non-resident), and by registered mail on James Ingwald Carson, minor, 13 years old, and on Foster Carson, his father, and father of Leila Carson aforesaid, living at Pascagoula, Mississippi; Doreen Ann Mannick and Janice Lynn Mannick, minors, 48 Summit Street, Barberton, Ohio, no living parent or guardian. Also that an order of publication be made for service upon Jeanne C. Gallagher, 102 E. Oak Street, Chicago, Illinois; Foster Carson, individually and as guardian of Leila Carson and James Ingwald Carson, Pascagoula, Mississippi; Peter Pierce, Pensacola, Florida; Pauline McVail, Cleveland, Ohio; Dorothy M. Pence, William Owen Mannick, Henry Junior Mannick, Doreen Ann Mannick and Janice Lynn Mannick, all of 48 Summit Street, Barberton, Ohio; Mrs. Cornelia Thompson, P. O. Box 345, Holden, W. Virginia; Reuben Mannick, Pritz, Dayton, Ohio; Mrs. Clara Smith, General Delivery, Logan, W. Virginia; Owen Mannick, 20 Hatfield Street, Dayton, Ohio and Fred Gundorph, New Orleans, Louisiana, other address unknown.

Complainant further prays that a Guardian ad litem be named for the minor defendants: Leila Carson, James Ingwald Carson, Doreen Ann Mannick and Janice Lynn Mannick; also for any other minor defendants who are heirs and interested in this cause, but whose names and addresses are not known and cannot be ascertained.

Complainant further prays that a day be set for the hearing of this cause, and that on said day a decree be rendered directing the Register of this Court to prepare and execute proper instruments of conveyance to Complainant and to the heirs or legal representatives of the two deceased children of Julius Mannich to whom deeds have not heretofore been executed; namely, Fredericka Cooney and Emma M. Pierce, of the portions of the family homestead allotted to their respective ancestors during the life time of the grandparent; of which lands said ancestors and Complainant had originally been put into possession by the late Julius and Pauline Mannich.

Complainant further prays that title to the several allotments of land made by the late Julius Mannich in his lifetime but not yet legally conveyed be confirmed in the surviving daughter and in the legal heirs of Fredericka Cooney and Emma M. Pierce as evidenced by the Register's deeds aforesaid and that, except as to the share allotted to each defendant named as the heir of his or her immediate ancestor, that the decree rendered forever quiet the title of Complainant and of each such defendant to all further interest in the lands described in Paragraph Second of this Bill and allotted to other parties, but without prejudice to the interest of Complainant and of such defendant in the proceeds of the sale of land not hereby specifically divided but to be sold for further division.

Complainant further prays that the Register of this Court be directed, after legal notice of the time, place and terms of sale, to sell at public outcry that portion of the Julius Mannich estate not specifically divided as aforesaid; execute proper conveyance to the purchaser and of the proceeds of such sale, after paying all costs and expenses of the said sale, including the costs of this cause and a reasonable solicitors' fee to be awarded to the Solicitors for the Complainant for their services in this cause, to hold the remainder to be divided among the parties to this cause in accordance with the further orders of this Court.

Complainant further prays that the Register of this Court, upon completion of the sale of the undivided land aforesaid, be directed to ascertain and report the proportions of the net balance realized from the sale of the undistributed property to be allotted among the several heirs of the late Julius Mannich and that upon the report of said Register, an order be made distributing the proceeds of said sale in accordance with the interests of the respective parties to this cause.

Complainant further prays for such other, further or different relief as to equity may seem meet.

*Richarby & Richarby*

Solicitors for Complainant.

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TO:

PATRICK J. COONEY:

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WITNESS my hand this the 27<sup>th</sup> day of June, 1949.

Walter L. Smith  
Register, Circuit Court

FRANCES M. HAND,  
Complainant

E Q U I T Y

No. 2307

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Defendants

CIRCUIT COURT OF  
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Mary Smith, City Hospital, Mobile, Alabama, daughter  
Jeanne Cooney Gallagher, 102 East Oak St., Chicago, Ill., grandchild,  
daughter of Thomas, deceased.

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Louis Mannich, Marlow, Alabama, son  
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Leila Carson, daughter of Ethel, 15 yrs. old, c/o Mrs. Ed. Mannich,  
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Ethel Harrison, Fairhope, Alabama  
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David Pierce, Mobile, Alabama, 907 Baltimore Street  
Herman Pierce, Summerdale, R. F. D., Alabama

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Fred Gundorph, only heir, grandson, New Orleans, Louisiana.

THE PREMISES CONSIDERED, Complainant prays that the Defendants named in Paragraph Seven of this Bill be made parties defendant thereto and by proper and legal notice required to plead, answer or demur to this Bill within the time prescribed by law. That personal service be had on the resident defendants, and on the parents of the minor defendants, as well as the minors themselves; namely: Leila Carson, daughter of Ethel Carson, minor, 15 years old, living with Mrs. Ed. Mannick, Marlow, (father non-resident), and by registered mail on James Ingwald Carson, minor, 13 years old, and on Foster Carson, his father, and father of Leila Carson aforesaid, living at Pascagoula, Mississippi; Doreen Ann Mannick and Janice Lynn Mannick, minors, 48 Summit Street, Barberton, Ohio, no living parent or guardian. Also that an order of publication be made for service upon Jeanne C. Gallagher, 102 E. Oak Street, Chicago, Illinois; Foster Carson, individually and as guardian of Leila Carson and James Ingwald Carson, Pascagoula, Mississippi; Peter Pierce, Pensacola, Florida; Pauline McVail, Cleveland, Ohio; Dorothy M. Pence, William Owen Mannick, Henry Junior Mannick, Doreen Ann Mannick and Janice Lynn Mannick, all of 48 Summit Street, Barberton, Ohio; Mrs. Cornelia Thompson, P. O. Box 345, Holden, W. Virginia; Reuben Mannick, Pritz, Dayton, Ohio; Mrs. Clara Smith, General Delivery, Logan, W. Virginia; Owen Mannick, 20 Hatfield Street, Dayton, Ohio and Fred Gundorph, New Orleans, Louisiana, other address unknown.

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Complainant further prays that title to the several allotments of land made by the late Julius Mannick in his lifetime but not yet legally conveyed be confirmed in the surviving daughter and in the legal heirs of Fredericka Cooney and Emma M. Pierce as evidenced by the Register's deeds aforesaid and that, except as to the share allotted to each defendant named as the heir of his or her immediate ancestor, that the decree rendered forever quiet the title of Complainant and of each such defendant to all further interest in the lands described in Paragraph Second of this Bill and allotted to other parties, but without prejudice to the interest of Complainant and of such defendant in the proceeds of the sale of land not hereby specifically divided but to be sold for further division.

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*Richards & Richards*  
Solicitors for Complainant.

702309

FRANCES M. HAND,  
Complainant

vs

HERMAN L. PIERCE, ET AL,  
Defendants

-----  
BILL OF COMPLAINT  
-----

*Patrick J Cooney*  
*181 or 81 Louiselle St*  
*Mobile Ala*

RECEIVED *6/30/49*  
RETURNED *7/6/49*  
Not found in my County after diligent search  
and found *6. Prater Group, Crk*  
W. H. HOLCOMBE, Sheriff  
By *H. F. Fyrd* D.S.

FILED  
JUN 27 1949  
AUG 1. 1949

Book 13 page 127

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA: EQUITY SIDE

TO:

You are hereby notified to appear and plead, answer or demur within thirty days of the receipt hereof to the Bill of Complaint filed in this Court at Bay Minette, Alabama, against you, as Defendant, by FRANCES M. HAND, as Complainant.

WITNESS my hand this the 27<sup>th</sup> day of June, 1949.

Alice J. Smith  
Register, Circuit Court.

FRANCES M. HAND,  
Complainant

E Q U I T Y

No. 2307

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TO EDWARD MANNICH:

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TO EMMA M. PIERCE:

From the Southwest corner of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East, run South on the Section line 665 feet to a corner, thence West 665 feet to a corner; thence North to the East Bank of Fish River; thence Easterly with the meanders thereof to a point that is 182 feet more or less West of the point of beginning; thence West to the point of beginning, containing ten acres more or less.

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Annie G. Jones, 1702 Dauphin Way, Mobile, Alabama, daughter  
Mary Smith, City Hospital, Mobile, Alabama, daughter  
Jeanne Cooney Gallagher, 102 East Oak St., Chicago, Ill., grandchild,  
daughter of Thomas, deceased.

HEIRS OF EDWARD MANNICH, DECEASED

Alice McGowan, Summerdale, Alabama. (Marlow), daughter  
Louis Mannich, Marlow, Alabama, son  
Ingwald Mannich, Magnolia Springs, Alabama, son  
Foster Carson, husband of daughter Ethel, deceased, Pascagoula, Miss.  
Leila Carson, daughter of Ethel, 15 yrs. old, c/o Mrs. Ed. Mannich,  
Marlow, Alabama, grandchild  
James Ingwald Carson, age 13, son of Ethel, with father at Pascagoula,  
Miss., grandchild

HEIRS OF EMMA M. PIERCE, DECEASED

William Pierce, Deceased, son, four children  
Ben Pierce, 453 Canal, Mobile, Alabama.  
Fred Pierce, R. F. D., Fairhope, Alabama.  
Lottie Boothe, Fairhope, Alabama.  
Peter Pierce, Pensacola, Florida.

Gussie Smith, Deceased, daughter, one son  
Wilton Smith, Bay Minette, Alabama.

Rudolph Pierce, Deceased, son, four children  
Irene Pierce, widow of Rudolph, Summerdale, Alabama, R. F. D.  
Ethel Harrison, Fairhope, Alabama  
Ruby Roberts, Foley Alabama.  
David Pierce, 907 Baltimore Street, Mobile, Alabama.  
Herman Pierce, Summerdale, R. F. D., Alabama.

Dorothy Riggins, Summerdale, Alabama, daughter  
Herman L. Pierce, Fairhope, Alabama, son



HEIRS OF HERMAN L. MANNICH, DECEASED

Joseph Mannich, 8241 6th Avenue, North, Birmingham 6, Alabama, son  
 Herbert Mannich, Silverhill, Alabama, son  
 Mary Klumpp, Fairhope, Alabama, daughter  
 Cornelia Wallace, Fairhope R. F. D., Alabama, daughter

HEIRS OF RUDOLPH MANNICK, DECEASED

Pauline McVail, Cleveland, Ohio, daughter  
Julius Mannick, deceased, son, five children  
 Dorothy Mannick Pence, 48 Summit Street, Barberton, Ohio.  
 William Owen Mannick, P. O. Box 372, Bellville, Ohio.  
 Henry Junior Mannick, 48 Summit Street, Barberton, Ohio.  
 Doreen Ann Mannick, a minor, 48 Summit Street, Barberton, Ohio.  
 Janice Mannick, a minor, 48 Summit Street, Barberton, Ohio.

Cornelia Thompson, P. O. Box 345, Holden, W. Virginia, daughter  
 Reuben Mannick, Pritz, Dayton, Ohio, son  
 Clara Smith, General Delivery, Logan, W. Virginig, Daughter  
 Owen Mannick, 20 Hatfield Street, Dayton, Ohio, son

HEIRS OF LOUISA GUNDORPH, DECEASED

Fred Gundorph, only heir, grandson, New Orleans, Louisiana.

THE PREMISES CONSIDERED, Complainant prays that the Defendants named in Paragraph Seven of this Bill be made parties defendant thereto and by proper and legal notice required to plead, answer or demur to this Bill within the time prescribed by law. That personal service be had on the resident defendants, and on the parents of the minor defendants, as well as the minors themselves; namely: Leila Carson, daughter of Ethel Carson, minor, 15 years old, living with Mrs. Ed. Mannich, Marlow, (father non-resident), and by registered mail on James Ingwald Carson, minor, 13 years old, and on Foster Carson, his father, and father of Leila Carson aforesaid, living at Pascagoula, Mississippi; Doreen Ann Mannick and Janice Lynn Mannick, minors, 48 Summit Street, Barberton, Ohio, no living parent or guardian. Also that an order of publication be made for service upon Jeanne C. Gallagher, 102 E. Oak Street, Chicago, Illinois; Foster Carson, individually and as guardian of Leila Carson and James Ingwald Carson, Pascagoula, Mississippi; Peter Pierce, Pensacola, Florida; Pauline McVail, Cleveland, Ohio; Dorothy M. Pence, William Owen Mannick, Henry Junior Mannick, Doreen Ann Mannick and Janice Lynn Mannick, all of 48 Summit Street, Barberton, Ohio; Mrs. Cornelia Thompson, P. O. Box 345, Holden, W. Virginia; Reuben Mannick, Pritz, Dayton, Ohio; Mrs. Clara Smith, General Delivery, Logan, W. Virginia; Owen Mannick, 20 Hatfield Street, Dayton, Ohio and Fred Gundorph, New Orleans, Louisiana, other address unknown.

Complainant further prays that a Guardian ad litem be named for the minor defendants: Leila Carson, James Ingwald Carson, Doreen Ann Mannick and Janice Lynn Mannick; also for any other minor defendants who are heirs and interested in this cause, but whose names and addresses are not known and cannot be ascertained.

Complainant further prays that a day be set for the hearing of this cause, and that on said day a decree be rendered directing the Register of this Court to prepare and execute proper instruments of conveyance to Complainant and to the heirs or legal representatives of the two deceased children of Julius Mannick to whom deeds have not heretofore been executed; namely, Fredericka Cooney and Emma M. Pierce, of the portions of the family homestead allotted to their respective ancestors during the lifetime of the grandparent; of which lands said ancestors and Complainant had originally been put into possession by the late Julius and Pauline Mannick.

Complainant further prays that title to the several allotments of land made by the late Julius Mannick in his lifetime but not yet legally conveyed be confirmed in the surviving daughter and in the legal heirs of Fredericka Cooney and Emma M. Pierce as evidenced by the Register's deeds aforesaid and that, except as to the share allotted to each defendant named as the heir of his or her immediate ancestor, that the decree rendered forever quiet the title of Complainant and of each such defendant to all further interest in the lands described in Paragraph Second of this Bill and allotted to other parties, but without prejudice to the interest of Complainant and of such defendant in the proceeds of the sale of land not hereby specifically divided but to be sold for further division.

Complainant further prays that the Register of this Court be directed, after legal notice of the time, place and terms of sale, to sell at public outcry that portion of the Julius Mannick estate not specifically divided as aforesaid; execute proper conveyance to the purchaser and of the proceeds of such sale, after paying all costs and expenses of the said sale, including the costs of this cause and a reasonable solicitors' fee to be awarded to the Solicitors for the Complainant for their services in this cause, to hold the remainder to be divided among the parties to this cause in accordance with the further orders of this Court.

Complainant further prays that the Register of this Court, upon Completion of the sale of the undivided land aforesaid, be directed to ascertain and report the proportions of the net balance realized from the sale of the undistributed property to be allotted among the several heirs of the late Julius Mannich and that upon the report of said Register, an order be made distributing the proceeds of said sale in accordance with the interests of the respective parties to this cause.

Complainant further prays for such other, further or different relief as to equity may seem meet.

*R. L. Early & R. L. Early*

Solicitors for Complainant.

STATE OF ALABAMA:

COUNTY OF BALDWIN:

Before me, the undersigned Notary Public, personally appeared FRANCES M. HAND, known to me to be the Complainant named in the foregoing Bill, who, being sworn, says on oath, that the parties named hereinafter are non-residents of the State of Alabama and over the age of twenty-one years, except where otherwise expressed, and that their names and addresses are as follows:

Jeanne C. Gallagher, 102 E. Oak Street, Chicago, Illinois.  
 Foster Carson, Pascagoula, Mississippi.  
 James Ingwald Carson, minor, Pascagoula, Mississippi.  
 Peter Pierce, Pensacola, Florida.  
 Pauline McVail, Cleveland, Ohio.  
 Dorothy M. Pence, William Owen Mannick, Henry Junior Mannick, Doreen Ann Mannick, minor, and Janice Lynn Mannick, minor, all of 48 Summit Street, Barberton, Ohio.  
 Mrs. Cornelia Thompson, P. O. Box 345, Holden, W. Virginia.  
 Reuben Mannick, Pritz, Dayton, Ohio.  
 Mrs. Clara Smith, General Delivery, Logan, W. Virginia.  
 Owen Mannick, 20 Hatfield Street, Dayton, Ohio.  
 Fred Gundorph, New Orleans, Louisiana.

so that personal service of process cannot be had upon them and that the street addresses of Pauline McVail, Reuben Mannick and Fred Gundorph Complainant and Affiant, after diligent search and inquiry, is unable to secure.

*Frances Hand*

Subscribed and sworn to before me this the 23rd day of June,

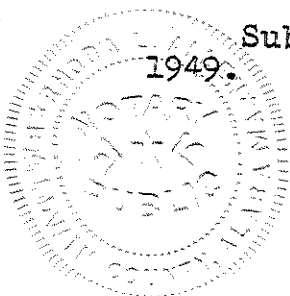
1949.

*Rhoda L. Allen*

*Filed*

*June 27-1949  
 Alice J. Rush*

Notary Public, Baldwin County, Alabama



FRANCES M. HAND,  
Complainant

vs

HERMAN L. PIERCE, et al,  
Defendants

E Q U I T Y No. 2307  
CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

This cause was submitted for confirmation of the report of the Register, read in open Court on the 18th day of October, 1949, and ordered to lie over for three days for exceptions and it now appearing to the Court that no exceptions or objections have been filed thereto:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court as follows:

FIRST: That the report of the Register be, and it hereby is, in all things ratified and confirmed.

SECOND: That the Register of this Court execute and deliver to the purchaser, J. SIMPSON LOWREY, a proper deed of conveyance in and to the property sold by her under the decree of this Court rendered September 20, 1949, namely:

Commencing at a point on the east line of Section 7, Township 7 South of Range 3 East, that is 1995 feet from the north line of said Section, for a starting point, running thence west 665 feet; thence north 665 feet, more or less, to the east margin of Fish River; thence westwardly with the meanders of said river, and continuing along its bend southeastwardly to a point where the east shoreline of Fish River intersects the west line of a basin; thence along the margin of said basin semi-circularly to a point at the northwest corner of land now, or formerly, of Roussell; thence east along Roussell's north line to the east line of Section 7; thence north along said east line of Section 7; thence north along said east line 2980 feet, more or less, to the point of beginning; containing seventy acres, more or less.

evidence

THIRD: That it appears from the ~~affidavit~~ of J. B. Blackburn, Esq., an experienced solicitor ~~xxxxxx~~, that the sum of SIX HUNDRED DOLLARS would be reasonable compensation to the solicitors of record for representing the Complainant in this cause and FIFTY DOLLARS to the Guardian ad Litem for representing the minor defendants. It is further ordered that the sum of SIX HUNDRED DOLLARS ~~may~~ be allowed out of the proceeds of the sale of the above described property to Rickarby & Rickarby, said solicitors, and the further sum of FIFTY DOLLARS ~~may~~ be allowed to J. J. Bennett, as Guardian ad Litem, both sums to be taxed as a part of the costs of this cause, which are to be paid out of this fund.

FOURTH: That the State and County taxes upon the real property involved in this cause be paid and the balance remaining, if any, be held to be applied by her/<sup>the Register,</sup>toward payment for surveying and staking off the property heretofore divided in specie among the several heirs.

Done at Bay Minette, Alabama, this the twentieth day of October, 1949.

Jeffrey J. Madaleno, Jr.  
Judge

• • • • •

VS

[illegible]

OCT 21 1949

ALICE J. DUCK, Register

FRANCES M. HAND,  
Complainant.

vs.

HERMAN L. PIERCE, et al  
Defendants

143  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY No. 2307

REGISTERS REPORT

TO HON. TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT IN EQUITY:

Now comes Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, as Special Commissioner, and Respectfully reports the Court as follows:

FIRST.

THAT under and by virtue of the authority conferred upon her by a decree of the Circuit Court Of Baldwin County, Alabama, in equity, in the entitled cause, rendered on the 20th day of September, 1949, she did on Tuesday the 18th day of October, 1949, at Noon, sell at public outcry, to the highest bidder, for cash, in Bay Minette, Baldwin County, Alabama, the following described real estate, situated in Baldwin County, Alabama, to-wit:

Commencing at a point on the east line of Section 7, Township 7 South of Range 3 East, that is 1995 feet from the north line of said Section, for a starting point, running thence west 665 feet, thence north 665 feet, more or less, to the east margin of Fish River, thence westwardly with the meanders of said river, and continuing along its bend southeastwardly to a point where the east shoreline of Fish River intersects the west line of a basin, thence along the margin of said basin semicircularly to a point at the northwest corner of land now, or formerly, of Roussell, thence east along Roussell's north line to the east line of Section 7, thence north along said east line 2980 feet, more or less, to the point of beginning, containing seventy acres, more or less.

That at said sale J. S. Lowrey became the purchaser of said real property at and for the sum of Eight Hundred and Fifty Dollars that being the highest best and last bid therefor.

SECOND

That she further reports that in obedience to said decree she gave notice of the time, place and term of sale together with a description of the property to be sold by advertisement, once a week for three successive weeks prior to the date of said sale in the Foley Onlooker, newspaper published in Foley, Baldwin County, Alabama.

That said sale was made in strict accordance with the terms of said decree and was in all respects fairly conducted; that said property was first offered parcels, and the en masse, and the price bid en masse being in excess of the sum total for separate parcels, the property was sold en masse;

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That said property sold for and amount not greatly less than its real value and the purchaser has fully complied with the terms of sale and has paid to the commissioner the purchase price as required by law; all of which is reported to the Court as required by decree.

Dated this 18th day of October, 1949.

Alexis L. Hester  
Register of the Circuit Court of Baldwin  
County, Alabama, as Special Commissioner.



FRANCES M. HAND,  
Complainant  
Vs.  
HERMAN L. PIERCE, ET AL,  
Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY. No. 2307

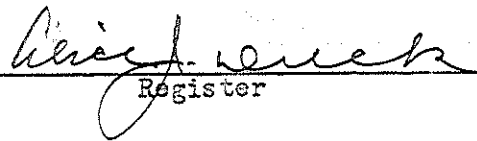
APPOINTMENT OF GUARDIAN AD LITEM

In this cause, it appearing to the Register, Alice J. Duck, that DOREEN ANN MANNICK AND JANICE MANNICK, of 48 Summit Street, Barberton, Ohio, and JAMES INGWALD CARSON of Marlow and LEILA CARSON are minors, and,

In the said proceeding it being made to appear to the Register, Alice J. Duck, that the said minors are interested in the result of said proceedings to sell lands.

It is therefore ordered, by the Register that J. Jefferson Bennett be and he is hereby appointed Guardian Ad Litem to represent the said DOREEN ANN MANNICK AND JANICE MANNICK, JAMES INGWALD CARSON and LEILA CARSON, upon hearing of the said application.

Done this 10th day of August, 1949.

  
Register

CONSENT TO ACT

I, J. Jefferson Bennett, hereby consent to act as Guardian Ad Litem for DOREEN ANN MANNICK, JANICE MANNICK, JAMES INGWALD CARSON, AND LEILA CARSON, minors, upon hearing of the above cause.

Witness my hand this      day of      , 1949.

\_\_\_\_\_  
Guardian Ad Litem

June 25, 1949

Mrs. Clara Smith  
c/o General Delivery  
Logan, West Virginia

Dear Mrs. Smith:

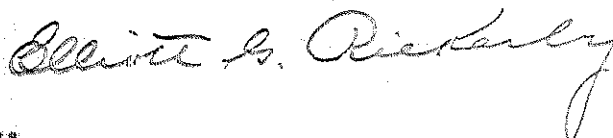
**JULIUS MANNICH ESTATE:** With this you will find notice of a friendly procedure instituted to confirm the division of the worthwhile part of the lands of your late grandfather, Julius Mannich, made prior to 1885, among his then living children and to vest a legal title in each to the share of which he or she has been in possession for many years, but of which the record title remains in all of the thirty-seven heirs. Your father, Mr. Rudolph Mannich, was one to whom a deed was given, but, technically, all of his children, as well as heirs of the brothers and sisters, still have a nominal interest in all of the tract; and this proceeding is to confirm the title of each to his or her share.

There is, however, an undivided tract of overflowed swamp at the south end that the Court will order sold for a division and distribution among all of your, but, as the merchantable timber was cut from this many years ago, this is of little value and may not sell for more than enough to pay the costs of this proceeding.

It will not be necessary for you to answer this paper as, if no objection is made within thirty days, the Court will proceed to perfect the title and order the sale of the undivided portion.

Any further information will be gladly furnished.

Respectfully,



for:  
RICKARBY & RICKARBY

FRANCES M. HAND,  
Complainant.

vs.

HERMAN L. PIERCE, et al  
Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY No. 2307

REGISTERS REPORT

TO HON. TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT IN EQUITY:

Now comes Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, as Special Commissioner, and Respectfully reports the Court as follows:

FIRST.

THAT under and by virtue of the authority conferred upon her by a decree of the Circuit Court Of Baldwin County, Alabama, in equity, in the entitled cause, rendered on the 20th day of September, 1949, she did on Tuesday the 18th day of October, 1949, at Noon, sell at public outcry, to the highest bidder, for cash, in Bay Minette, Baldwin County, Alabama, the following described real estate, situated in Baldwin County, Alabama, to-wit:

Commencing at a point on the east line of Section 7, Township 7 South of Range 3 East, that is 1995 feet from the north line of said Section, for a starting point, running thence west 665 feet, thence north 665 feet, more or less, to the east margin of Fish River, thence westwardly with the meanders of said river, and continuing along its bend southeastwardly to a point where the east shoreline of Fish River intersects the west line of a basin, thence along the margin of said basin semicircularly to a point at the northwest corner of land now, or formerly, of Roussell, thence east along Roussell's north line to the east line of Section 7, thence north along said east line 2980 feet, more or less, to the point of beginning, containing seventy acres, more or less.

That at said sale J. S. Lowrey became the purchaser of said real property at and for the sum of Eight Hundred and Fifty Dollars that being the highest best and last bid therefor.

SECOND

That she further reports that in obedience to said decree she gave notice of the time, place and term of sale together with a description of the property to be sold by advertisement, once a week for three successive weeks prior to the date of said sale in the Foley Onlooker, newspaper published in Foley, Baldwin County, Alabama.

That said sale was made in strict accordance with the terms of said decree and was in all respects fairly conducted; that said property was first offered parcels, and the en masse, and the price bid en masse being in excess of the sum total for separate parcels, the property was sold en masse;

That said property sold for and amount not greatly less than its real value and the purchaser has fully complied with the terms of sale and has paid to the commissioner the purchase price as required by law; all of which is reported to the Court as required by decree.

Dated this 18th day of October, 1949.

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Register of the Circuit Court of Baldwin  
County, Alabama, as Special Commissioner.

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FRANCES M. HAND  
Complainant

vs

HERMAN L. PIERCE, et al  
Defendants

E Q U I T Y No. 2307

CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

Notice is hereby given that by virtue of a decree dated September 20, 1949, rendered by the Hon. Telfair J. Mashburn, Jr., Judge of the Circuit Court of Baldwin County, sitting in equity, the undersigned, as Register of said Court, will proceed to sell at public outcry for cash to the highest bidder, in front of the Court House at Bay Minette, Alabama, on Tuesday, October 18, 1949, at noon, for division among the owners thereof, the following property:

Commencing at a point on the east line of Section 7, Township 7 South of Range 3 East, that is 1995 feet from the north line of said Section, for a starting point, running thence west 665 feet, thence north 665 feet, more or less, to the east margin of Fish River, thence westwardly with the meanders of said river, and continuing along its bend southeastwardly to a point where the east shoreline of Fish River intersects the west line of a basin, thence thence along the margin of said basin semi-circularly to a point at the northwest corner of land now, or formerly, of Roussell, thence east along Roussell's north line to the east line of Section 7, thence north along said east line 2980 feet, more or less, to the point of beginning, containing seventy acres, more or less.

WITNESS my hand at Bay Minette, Alabama, this the 20th day of September, 1949.

*W. J. Duck*  
REGISTER.

3 weeks  
RICKARBY & RICKARBY, Solicitors.

*copy mailed Outwater*  
*9-20-49*

FRANCES M. HAND,  
Complainant

vs

HERMAN L. PIERCE, et al,  
Defendants

E Q U I T Y No. 2307

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA:

MOTION is hereby made for a Decree pro Confesso against JEANNE C. GALLAGHER, FOSTER CARSON, KENNETH PETER PIERCE, PAULINE McVAIL, DOROTHY M. PENCE, WILLIAM OWEN MANNICK, HENRY JUNIOR MANNICK, CORNELIA THOMPSON, REUBEN MANNICK, CLARA SMITH, OWEN MANNICK and FRED GUNDORPH, Defendants in the above styled cause on the ground that more than thirty days have elapsed since the perfection of publication made under the order of this Court, or of service of notice by registered mail, and it having been shown by due proof that said Defendants are non-residents of the State of Alabama, and have failed to answer, plead or demur to the Bill in this cause to the date hereof.

MOTION is further made for a Decree pro Confesso against ANNIE G. JONES, DAVID PIERCE, JOSEPH MANNICK, ALICE McGOWAN, LEILA MANNICK, LOUIS MANNICK, INGWALD MANNICK, BEN PIERCE, EVA PIERCE, FRED PIERCE, LOTTIE BOOTHE, IRENE PIERCE, ETHEL HARRISON, RUBY ROBERTS, HERMAN PIERCE, DOROTHY WIGGINS, HERBERT MANNICK, MARY KLUMPP and CORNELIA WALLACE, upon whom personal service of notice of this cause has been had more than thirty days prior to this date, as shown by returns of the sheriffs of their respective counties of residence, and who have failed to plead, answer or demur to the date hereof.

This ninth day of September, Nineteen Hundred Forty-nine.

Filed 9-12-49  
Alice J. Duck

*Rieserly & Rieserly*  
Solicitors for Complainant

*[Handwritten signature]*

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Equity No. 2307

FRANCES M. HAND,  
Complainant

vs

HERMAN L. PIERCE, et al,  
Defendants

MOTION  
FOR  
DECREE PRO CONFESSO

Filed 9-12-49  
Alice J. Welch  
Registrar

*Richards & Richards*

10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044

[illegible]

Figure 1 shows a schematic diagram of a two-dimensional lattice. The lattice is represented by a grid of points. A central point is labeled '0'. Points are labeled with coordinates (x, y) where x and y are integers. The lattice is divided into four quadrants by the x and y axes. The axes are labeled 'x' and 'y'. The origin is labeled '0'. The lattice points are labeled with coordinates (x, y). The lattice is shown in a perspective view, with the axes extending into the distance.

[illegible]

**STATION CODE OF SPENT**

DATE	TIME	NO.
08-07-69	11:00 AM	202

The figure consists of 12 sub-diagrams arranged in a grid, illustrating the steps of the proposed algorithm for solving the Traveling Salesman Problem. The steps are labeled with numbers 1 through 12. The process starts with a single node and gradually builds up the tour by adding nodes and edges, ensuring that the final tour is a single cycle visiting all nodes.

136  
FRANCES M. HAND,  
Complainant

E Q U I T Y

No. 2307

vs

CIRCUIT COURT OF

HERMAN L. PIERCE, et al  
Defendants

BALDWIN COUNTY, ALABAMA

Comes J. JEFFERSON BENNETT as Guardian ad Litem for  
LEILA CARSON, JAMES INGWALD CARSON, DOREEN ANN MANNICH and  
JANICE LYNN MANNICH, minor Defendants in this cause, and for  
answer to the Bill of Complaint, says:

FIRST: He admits the averments of the Bill as to the names,  
ages and addresses of the parties and the location and description  
of the lands involved in the cause, and denies all other averments  
of the Bill, demanding strict proof thereof.

SECOND: He further shows that the area claimed by Complainant,  
FRANCES M. HAND, is excessive in that the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$   
of Section 8, Township 7 South of Range 3 East, and that portion  
of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 7, Township 7 South  
of Range 3 East lying east of Fish River is not a part of the home  
allotted to and occupied by Complainant since the death of the late  
Julius Mannich, but is a part of the estate not heretofore allotted  
and should be divided in specie among the representatives of the  
several children of the late Julius Mannich.

THIRD: He further shows that Fred Gundorph, the only known  
heir of Louisa Gundorph, deceased, and who for many years regularly  
visited relatives in Baldwin County, has not been seen or heard from  
by any of the other heirs of the estate and presumptively is no  
longer living and not entitled to any share of the estate.

Filed  
Aug 22, 1949  
Alice J. Duck

*J. Jefferson Bennett*  
As Guardian ad Litem for  
Leila Carson, James Ingwald  
Carson, Doreen Ann Mannich  
and Janice Lynn Mannich, Minors.



#2307

(Equity)

Frances M. Hand

Complainant

- vs -

Herman L. Pierce, et al  
Respondents

Answer of Sdn. Ad Litem

FILED

AUG 22 1949

ALICE J. DUCK, Registrar

Jefferson Bennett,  
Att. at Law

FRANCES M. HAND,  
Complainant  
Vs.  
HERMAN L. PIERCE, ET AL,  
Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY. No. 2307

APPOINTMENT OF GUARDIAN AD LITEM

In this cause, it appearing to the Register, Alice J. Duck, that DOREEN ANN MANNICK AND JANICE MANNICK, of 48 Summit Street, Barberton, Ohio, and JAMES INGWALD CARSON of Marlow and LEILA CARSON are minors, and,

In the said proceeding it being made to appear to the Register, Alice J. Duck, that the said minors are interested in the result of said proceedings to sell lands.

It is therefore ordered, by the Register that J. Jefferson Bennett be and he is hereby appointed Guardian Ad Litem to represent the said DOREEN ANN MANNICK AND JANICE MANNICK, JAMES INGWALD CARSON and LEILA CARSON, upon hearing of the said application.

Done this 10th day of August, 1949.

*Alice J. Duck*  
Register

CONSENT TO ACT

I, J. Jefferson Bennett, hereby consent to act as Guardian Ad Litem for DOREEN ANN MANNICK, JANICE MANNICK, JAMES INGWALD CARSON, AND LEILA CARSON, minors, upon hearing of the above cause.

Witness my hand this 16<sup>th</sup> day of August, 1949.

*J. Jefferson Bennett*  
Guardian Ad Litem

*Filed  
Aug 22, 1949  
Alice J. Duck*

FILED  
AUG 22 1949  
BALDWIN COUNTY, ALA.

In Equity  
# 2307

Frances M. Hand,  
Complainant

-VS-

Herman L. Pierce, et al,  
Respondents

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Appointment of Adm.  
of Estate

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FILED

AUG 22 1949

ALICE J. DUCK, Register

Jefferson Bennett,

Appointment of  
Administrator of Estate

FRANCES M. HAND,  
Complainant

vs

HERMAN L. PIERCE, et al,  
Defendants

E Q U I T Y No. 2307

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA:

In this cause, it appears to the Register that service of notice of this cause has been had upon the following named Defendants, either by personal service, by registered mail or by publication, and that said Defendants hereinafter named are all over the age of twenty-one years and have failed to appear, plead, answer or demur to the Bill of Complaint in this cause within thirty days after service of notice upon them up to this date. All Defendants not named are either minors or have signed answers.

IT IS NOW THEREFORE on motion of Complainant ordered and decreed that the Bill of Complaint in this cause be, and the same hereby is, in all things taken as confessed against JEANNE C. GALLAGHER, FOSTER CARSON, KENNETH PETER PIERCE, PAULINE McVAIL, DOROTHY M. PENCE, WILLIAM OWEN MANNICK, HENRY JUNIOR MANNICK, CORNELIA THOMPSON, REUBEN MANNICK, CLARA SMITH, OWEN MANNICK, FRED GUNDORPH, ANNIE G. JONES, DAVID PIERCE, JOSEPH MANNICK, ALICE McGOWAN, LEILA MANNICK, LOUIS MANNICK, INGWAID MANNICK, BEN PIERCE, EVA PIERCE, FRED PIERCE, LOTTIE BOOTHE, IRENE PIERCE, ETHEL HARRISON, RUBY ROBERTS, HERMAN PIERCE, DOROTHY WIGGINS, HERBERT MANNICK, MARY KLUMPP and CORNELIA WALLACE, Defendants in said cause.

This the 12<sup>th</sup> day of September, 1949.

Filed 9-12-49  
Alice J. Ruck

Alice J. Ruck  
Register.

FRANCES M. HAND,  
Complainant

E Q U I T Y No1 2307

CIRCUIT COURT OF BALDWIN

VS

HERMAN L. PIERCE, et al,  
Defendants

COUNTY, ALABAMA:

This cause, coming on to be heard upon the Bill of Complaint, pleadings, decrees pro confesso and evidence introduced in open court, and the same being duly considered, the Court is of the opinion that the Complainant and other heirs of Julius Mannich, deceased, are entitled to relief. It is, therefore, ORDERED, ADJUDGED and DECREED by the Court:

FIRST: That Julius Mannich died intestate, leaving as legal heirs, Complainant and the defendants named in the Bill, and certain real property in the community of Marlow on Fish River in Baldwin County, occupied by him in his lifetime as a home, and being:

The Northwest quarter of the Northwest quarter of Section Eight, Township Seven South, Range Three East, excepting the Northeast quarter thereof, and that part of Section Seven, Township Seven South, Range Three East lying East of Fish River, excepting the South Nine Hundred Eighty-five feet thereof, heretofore sold to Rousell and Stein, consisting of One Hundred Twenty-two acres, more or less.

SECOND: That Julius Mannich, prior to his death in 1913, sought to divide his holdings among his children and one grandchild, who resided in the family home as a son, and allotted to said grandchild and to each of five of his children a portion of his lands, but gave deeds of such allotments only to his two sons, Herman L. Mannich and Rudolph Mannich, to each of whom he conveyed eighty acres, in Section Sixteen of Township Seven South of Range Three West, and to Edward Mannich, ten acres adjoining the home, all of which lands are not parts of that involved in this cause.

THIRD: That to three of the remaining children, daughters, out of the tract described in Paragraph One of the Bill, parcels were allotted as follows:

To Fredericka Cooney: Ten acres adjoining the homestead on the East.

To Emma M. Pierce: Ten acres at the bend of Fish River, formerly known as the "Wilder Place".

To Frances M. Hand: The home lot of approximately eighteen acres.

To none of these three parcels were deeds executed, although each child went into possession and occupancy of the tracts allotted to her and such possession of and right to same by each has at no time been disputed by any other heir.

FOURTH: That no allotment was made to Louisa Gundorph, the youngest daughter, who died many years ago in the City of New Orleans, leaving one child, a son, who also died leaving one son, Fred Gundorph, who in his youth was a frequent visitor to his great grandparents, but who for the past fifteen years disappeared and not been seen or heard from by any of the parties to this cause and is presumed dead and hence not to be considered in any division of the Julius Mannich estate.

FIFTH: IT IS THEREFORE ORDERED, ADJUDGED and DECREED, that, WHEREAS, Complainant alone of the six children of Julius Mannich is living, and that Fredericka Cooney and Emma M. Pierce, left heirs, the legal right of each child to her respective allotment is hereby recognized, and title to the allotments not legally perfected is hereby vested in Complainant and in the legal heirs of Fredericka Cooney and Emma M. Pierce, free of all claim or right of any other heir of the late Julius Mannich as follows:

To Complainant, Frances M. Hand:

From the Northeast corner of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East, run south 665 feet; thence West and parallel to the north line of said Section 8 to the East margin of Fish River; thence north-westwardly along the East bank of Fish River with its meanders to its intersection with the north line of Section 7; thence north along the north section lines of Sections 7 and 8, 1465 feet, more or less, to the point of beginning.

To the heirs of Fredericka Cooney, deceased, viz: Patrick J. Cooney, Annie G. Jones, Mary Smith and Jeanne Cooney Gallagher, only child of Thomas Cooney, deceased son of Fredericka Cooney:

The Southeast quarter of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East. Ten acres.

To the heirs of Emma M. Pierce, deceased, viz:

DOROTHY RIGGINS, daughter, one-sixth.

HERMAN L. PIERCE, son, one-sixth.

ALICE McGOWAN, LOUIS MANNICH, INGWALD MANNICH, children of Edward Mannich, deceased son of Emma M. Pierce, one twenty-fourth each.

LEILA CARSON and JAMES INGWALD CARSON, children of Ethel Carson, deceased daughter of Edward Mannich, deceased, one forty-eighth each.

LEILA MANNICH, widow of Edward Mannich, widow's dower in one-sixth.

BEN PIERCE, FRED PIERCE, LOTTIE BOOTH and KENNETH PETER PIERCE, children of William Pierce, deceased son of Emma M. Pierce, one twenty-fourth each.

EVA PIERCE, widow of William Pierce, deceased son, widow's dower in one-sixth.

WILTON SMITH, son of Gussie Smith, deceased daughter of Emma M. Pierce, one-sixth.

IRENE PIERCE, widow of Rudolph Pierce, deceased son of Emma M. Pierce, widow's dower interest in one-sixth.

ETHEL HARRISON, RUBY ROBERTS, DAVID PIERCE and HERMAN PIERCE, children of Rudolph Pierce, deceased, one twenty-fourth each:

From the southwest corner of the northwest quarter of the northwest quarter of Section 8, Township 7 South of Range 3 East, run south on the section line six hundred sixty-five feet to a point; thence west six hundred sixty-five feet to a point; thence north to the east bank of Fish River; thence easterly along said east bank with the meanders thereof to a point that is due west of the point of beginning; thence east one hundred eighty-two feet, more or less, to the point of beginning, containing ten acres, more or less.

SIXTH: It further appears that two parcels of the Julius Mannich homestead remain undivided and undistributed, one of which can be apportioned by metes and bounds among those entitled thereto. This is the South half of the west half of the northwest quarter of the northwest quarter of Section 8, Township 7 South of Range 3 East, and that part of the southeast quarter of the northeast quarter of the northeast quarter of Section 7, Township 7 South of Range 3 East, lying east of Fish River, which parcel can be and hereby is divided in specie among the Complainant and the heirs of the other four children of Julius Mannich

entitled thereto in equal portions.

It is therefore ORDERED, ADJUDGED and DECREED that said tract is allotted to Complainant and to the legal heirs of Fredericka Cooney, Herman L. Pierce, Rudolph Mannick and Emma M. Pierce in five parallel parcels of equal width, fronting on Fish River and running east to a street hereinafter provided, as follows:

To FRANCES M. HAND: From a point 30 feet west of the northwest corner of the southeast quarter of the northwest quarter of the northwest quarter of Section 8, Township 7 South of Range 3 East, run south along a 60-foot road established by this decree 133 feet for a front on said street; thence west with equal width along property by this decree confirmed in Complainant, to the east margin of Fish River for depth.

To PATRICK J. COONEY, ANNIE G. JONES, MARY SMITH and JEANNE COONEY GALLAGHER, heirs of Fredericka Cooney, deceased; From the northwest corner of the southeast quarter of the northwest quarter of the northwest quarter of Section 8, Township 7 South of Range 3 East, run south 133 feet and west 30 feet for a point of beginning; thence south along the west line of a 60-foot road, established by this decree, 133 feet for a front on the said road; thence west with equal width to the east margin of Fish River for a depth.

To JOSEPH MANNICK, HERBERT MANNICK, MARY M. KLUMPP and CORNELIA M. WALLACE, children and heirs of Herman L. Mannick, deceased, in equal shares: From the northwest corner of the Southeast quarter of the northwest quarter of the northwest quarter of Section 8, Township 7 South of Range 3 East, run south 266 feet and west 30 feet for a point of beginning; thence south along the west line of a 60-foot road, established by this decree, 133 feet for a front on the said road; thence west with equal width to the east margin of Fish River for a depth.

To PAULINE McVAIL, one-sixth; CORNELIA THOMPSON, one-sixth; REUBEN MANNICK, one-sixth; CLARA SMITH, one-sixth; OWEN MANNICK, one-sixth; children and heirs of Rudolph Mannick, deceased; and DOROTHY M. PENCE, WILLIAM OWEN MANNICK, HENRY JUNIOR MANNICK, DOREEN ANNE MANNICK and JANICE MANNICK, children of Julius Mannick, deceased, a son of Rudolph Mannick, and as such heirs, one-thirtieth each: From the northwest corner of the Southeast quarter of the northwest quarter of the



northwest quarter of Section 8, Township 7 South of Range 3 East, run south 399 feet and west 30 feet for a point of beginning; thence south along the west line of a 60-foot road, established by this decree, 133 feet for a front on the said road; thence west with equal width to the east margin of Fish River for a depth.

To the heirs of Emma M. Pierce, named in Paragraph Fifth of this decree and in the proportions therein set out: From the northwest corner of the southeast quarter of the northwest quarter of the northwest quarter of Section 8, Township 7 South of Range 3 East, run south 532 feet and west 30 feet for a point of beginning; thence south along the west line of a 60-foot road, established by this decree, 133 feet for a front on the said road; thence west with equal width to the east margin of Fish River for a depth.

SEVENTH: It is FURTHER ORDERED, ADJUDGED and DECREED that to make the tract here divided in specie more easy of access, the road, running along the North and South center line of the Northwest quarter of the northwest quarter of section 8, Township 7 South of Range 3 East, south from the north line of Section Seven, be opened to a width of sixty feet, thirty feet on each side of said center line; and as such dedicated for public use to facilitate access to the lands hereby allotted.

EIGHTH: It further appears to the Court that the part of the east half of the east half of Section 7, Township 7 South of Range 3 East, lying east of Fish River, and not heretofore allotted, containing seventy acres, more or less, mostly under water, and more particularly described as commencing at a point on the east line of Section 7, Township 7 South of Range 3 East, that is 1995 feet from the north line of said Section, for a starting point, running thence west 665 feet, thence north 665 feet, more or less, to the east margin of Fish River, thence westwardly with the meanders of said river, and continuing along its bend southeastwardly to a point where the east shoreline of Fish River intersects the West line of a basin, thence along the margin of said basin semi-circularly to a point at the northwest corner of land now, or formerly, of Roussell, thence east along Roussell's north line to the east line of Section 7, thence north along said east line 2980 feet, more or less, to the point of beginning, is incapable of division by

metes and bounds and can only be divided by sale, and that the parties to this cause are entitled to have same sold for division.

NINTH: IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that the Register of this Court be, and she is hereby authorized and directed to sell at public outcry for cash, in front of the Court House at Bay Minette, Alabama, on Tuesday, October 18, 1949, at noon, the seventy acres hereinabove described, after first giving notice of the time, place and terms of sale by publication in the Foley Onlooker, a newspaper of general circulation, published in Foley, Alabama, once a week for three successive weeks. The Register, after making said sale, will report her actions herein to the Court that the same may be confirmed or reviewed, as may seem meet and proper.

TENTH: Upon the coming in of the Register's report of sale, and after same has laid over for the time prescribed by law, the Court will ascertain what is a reasonable attorney's fee to be allowed Complainant's solicitors and for the Guardian ad litem for their services in this cause, and make such orders as to the payment of the costs of this proceeding, including such counsel fees, all taxes on the property, now due for the current year, and the disposition of such funds as remain in the hands of the Register as are proper in the premises.

IT IS FURTHER ORDERED that this decree be recorded in the Probate Court of Baldwin County and the cost thereof taxed as a part of the costs in this cause.

All other conditions are hereby reserved.

Done at Bay Minette, Alabama, this the       day of September, 1949.

JUDGE.

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

19 49 Witness my hand and seal this the 20<sup>th</sup> day of Sept.

Alice J. Duck  
Register of Circuit Court, in Equity

5-2-5  
Mrs. J. Duck

STATE OF ALABAMA, BALDWIN COUNTY

Filed 9-20-49.....1 P.M.

Recorded Lis. Pend. book 002 page 251-6

W. R. Stewart  
Judge of Probate 9

8/21/49

FRANCES M. HAND,  
Complainant

VS

HERMAN L. PIERCE, ET AL,  
Defendants

E Q U I T Y

No. 2307

CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

I, MARY C. SMITH, hereby acknowledge receipt of a copy of the Bill of Complaint in this cause and waive further notice thereof. I hereby consent that this cause may be submitted for final decree upon the pleadings and proof as noted by the Register.

IN WITNESS WHEREOF, I hereunto set my hand at Mobile, Alabama, this the thirteenth day of August, 1949.

Mrs Mary C Smith

WITNESSES:

*Filed*

*Sept 7, 1949*

Walter R. Smith

Ruth L. Smith

EQUITY NO. 2307

FRANCES M. HAND,  
Complainant

vs

HERMAN L. PIERCE, ET AL,  
Defendants

-----  
CONSENT FOR SUBMISSION  
OF  
MARY C. SMITH  
-----

FILED

SEP 17 1949

ALICE J. DICK, Register

141

FRANCES M. HAND,  
Complainant

EQUITY

No. 2307

VS

HERMAN L. PIERCE, ET AL,  
Defendants

CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

I, PATRICK J. COONEY, hereby acknowledge receipt of  
a copy of the Bill of Complaint in this cause and waive fur-  
ther notice thereof. I hereby consent that this cause may  
be submitted for final decree upon the pleadings and proof as  
noted by the Register.

IN WITNESS WHEREOF, I hereunto set my hand at Colorado  
Springs, Colorado, this the                      day of July, 1949.

Patrick J. Cooney

WITNESSES:

Mrs. Emanuel Shaw Jr.

Mr. A. E. Jankerson

Filed  
Aug 12, 1949  
Alice J. Duck

Equity No. 2307

FRANCES M. HAND,  
Complainant

VS

HERMAN L. PIERCE, ET AL,  
Defendants

-----  
CONSENT FOR SUBMISSION  
OF  
PATRICK J. COONEY  
-----

FILED

AUG 12 1949

ALICE J. RUCK, Register

FRANCES M. HAND,  
Complainant

E Q U I T Y

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

-VS-

HERMAN L. PIERCE et al.,  
Defendants

CIRCUIT COURT OF  
BALDWIN COUNTY,  
ALABAMA

Comes WILTON SMITH and hereby acknowledges receipt of a copy of the bill of Complaint in this cause and waives further notice thereof. He further joins in the prayer of Complainant for the confirmation of the title to lands sought to be divided by the late Julius Mannich in his lifetime and for a sale of the undivided lands for purposes of division among the several heirs entitled thereto.

IN WITNESS WHEREOF, I hereunto set my hand at Bay Minette, Alabama this \_\_\_\_\_ day of June, 1949.

Wilton Smith

Filed July 18, 1949  
Alice J. Duck



FRANCES M. HAND,  
Complainant

vs

HERMAN L. PIERCE, ET AL  
Defendants

ANSWER  
OF  
WILTON SMITH

FILED  
JUL 18 1949

ALICE J. DUCK, Register

FRANCES M. HAND,  
Complainant

E Q U I T Y

No. 2307

vs

HERMAN L. PIERCE, et al,  
Defendants

CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

Comes HERMAN L. PIERCE, one of the Defendants in the above styled cause, and for answer to the Bill of Complaint says:

FIRST: Respondent is a son of Emma M. Pierce, a daughter of the late Julius Mannich and, as such, entitled to a share in any portion of the estate that may be allotted to the heirs of the said Emma M. Pierce.

SECOND: He admits the averments of the Bill as to the names, ages and addresses of the parties, the locations and description of the lands involved in the cause, the necessity for confirmation of title of the allotments made to the children of Julius and Pauline Mannich and to their respective representatives; the necessity for a division of unallotted property among those entitled thereto and a judicial determination of the rights of all parties.

THIRD: Respondent admits that each of the several children to whom lands were allotted by the late Julius Mannich were put into possession of same, but denies that the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 8 and that portion of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 7 lying East of Fish River, all in Township 7 South of Range 3 East is a part of the homestead allotted to Complainant, but avers that it lies south of lands allotted to Complainant, was not allotted to her and should be divided equitably among the parties entitled thereto.

FOURTH: Respondent further shows that Edward Mannich, set out in the Bill as a child of the late Julius and Pauline Mannich was, in fact, a grandchild, son of Julius' daughter, Emma, and though raised in the family of the said Julius Mannich as a son, was at no time legally adopted. Hence, the children of said Edward Mannich, now deceased, should share in the undivided portion of the Mannich estate only as grandchildren of the late Emma M. Pierce.

FIFTH: Respondent further avers that Fred Gundorph, the only heir of Louisa Gundorph, deceased, is to the best of Respondent's knowledge, no longer living. That in his early youth, for a number of years, he kept in active contact with other relatives in Baldwin County, whom he visited almost yearly, but for the past fifteen years or more been neither seen nor heard from by any of the parties to this cause. For this reason, said Fred Gundorph, who was unmarried, is by law presumed dead and not entitled to any share of the estate.

Filed Sept 7, 1949  
Alice J. Rush

Herman R. Pierce  
Respondent

FRANCES M. HAND,  
Complainant

vs

HERMAN L. PIERCE, ET AL,  
Defendants.

E Q U I T Y

No. 2307

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Comes the Complainant and by leave of the  
Court amends the Bill of Complaint as filed, adding  
thereto the names of the following parties defendant:

Leila Mannich, widow of Edward Mannich,  
Summerdale, Alabama.

Eva Pierce, widow of ~~Ben~~<sup>Wm</sup> Pierce, Fairhope,  
Alabama.

*Reis Early + Reis Early*

Solicitors for Complainant.

*Filed*

*July 18, 1949*  
*Alice J. Dush*

EQUITY No. 2307

FRANCES M. HAND,  
Complainant

VS

HERMAN L. PIERCE, ET AL,  
Defendants.

-----  
AMENDMENT  
TO  
BILL OF COMPLAINT  
-----

FILED

JUL 18 1949

ALICE J. DUCK, Register

FRANCES M. HAND,

Complainant,

VS.

HERMAN L. PIERCE, et al

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 2307.

STIPULATION

IT IS AGREED between the solicitors for Complainant and the Guardian Ad Litem, and Captain H. L. Pierce, who appears for himself, that the signature of the witnesses to the foregoing testimony be waived.

Rickarby & Rickarby

By Elliott B. Rickarby  
Solicitors for Complainant.

Jefferson Bennett  
Guardian Ad Litem

H. L. Pierce  
H. L. Pierce

FRANCES M. HAND,

Complainant,

VS.

HERMAN L. PIERCE, et al

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 2307.

TESTIMONY TAKEN IN OPEN COURT  
ON SEPTEMBER 13, 1949

APPEARED: For Frances M. Hand, Complainant,

Messrs. Rickarby & Rickarby, Attorneys  
Fairhope, Alabama

For minors,

Hon. J. Jefferson Bennett, Attorney  
As Guardian Ad Litem  
Fairhope, Alabama

Mrs. Alabama Merchant, after first having been  
duly sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. E. G. Rickarby, Sr

I am the daughter of Mrs. Frances Hand, Complainant in this case. My mother was one of six children of Julius and Pauline Mannich, who owned a home at Marlow, on Fish River, where they lived for many years and later died. This is the property described in paragraph second of the Bill of Complaint in this cause. My grandfather died in 1913. He also owned other land besides this. Before his death Julius Mannich made a partial division of this land giving his two sons, Herman and Rudolph, eighty acres about a mile southeast of the home place and giving to Ed Pierce, my cousin, but who lived in the house with my grandparents, ten acres adjoining the home place. He also allotted to my aunt, Mrs. Frederica Cooney, ten acres, part of the land described in the bill, to my other aunt, Mrs. Emma Pierce, also adjoining, and put my mother in the home place. All of the three daughters went into possession of their property and have been continuously in possession ever since without any question by the other children. There remains, however, a tract south of the family home and north of the land given to Mrs. Pierce, that has a front of 665 feet on the east side of Fish River and runs back to a line that bounds

the home place on the east. This tract is level and can be readily divided into five lots. The remaining seventy acres of the tract which is at the extreme south and is almost entirely swamp with a little fringe of high land in some places on Fish River but not adopted for cultivation and with all of the merchantable timber cut off of it. This cannot be equitably divided among those entitled.

I have read over the bill of complaint in this case and the names of the children of my uncles and aunts are, to the best of my knowledge, correct. My lawyer informs me that he secured this information, not only from my family, but from a number of other heirs, including Captain H. L. Pierce, and they are those that would be entitled, as I am informed, to <sup>the</sup> share allotted to their respective parents.

Ed Mannich (the same person as Ed Pierce), while he lived in grandfather's house, was never legally adopted but my grandfather gave him ten acres.

#### ON CROSS EXAMINATION

By J. Jefferson Bennett, Guardian Ad Litem

I am familiar with the family tree of Doreen Ann Mannich and James L. Mannich. Their father was Julius Mannich, who was a son of Rudolph Mannich, who was a son of the Julius Mannich named in paragraph one of the bill filed herein. All of the other children of their father, Julius Mannich, are now of age.

Captain H. L. Pierce, after first having been duly sworn, testified as follows:

#### ON DIRECT EXAMINATION

By Mr. Rickarby

I am the son of Emma Pierce, who was a daughter of Julius Mannich, and I am one of her five children. My mother was allotted by my grandfather ten acres of the old Mannich homestead known in the family as the Wilder Place and at the bend of Fish River. In my childhood we lived there, though my grandfather never gave mother a deed. I have heard the testimony of Mrs. Merchant and know it to be correct. I have also



checked over the names of the Mannich heirs in the bill of complaint and find this to be correct. A large part of the information as to the heirs was furnished by me or by other members of the family to whom I referred the lawyer in the case.

The south sixty acres of my grandfather's place, as Mrs. Merchant has said, is largely swamp with a little fringe of land running along Fish River but not wide enough to be of any practical use.

I was well acquainted with the Gundorfs. Mrs. Gundorph had one child, John, who is also dead, leaving only one child, a boy named Fred, who in his youth was a frequent visitor in the Mannich home and spent the summers there for many years. He lived in New Orleans and I would frequently see him in that city where I go often on business and where I would see him on almost every trip. For the last fifteen years, however, I have seen nothing of Fred Gundorph and inquired when in New Orleans on a number of times from people who knew him, only to be told that they knew nothing of him and I know that none of my family has heard anything of Fred for the past fifteen years or more. He was so intimate with us and on such friendly terms that we have been forced to believe that he has been dead for many years. My half-brother, Edward, who took his grandfather's name and lived in the house with him for many years was never legally adopted but always passed as a son. The seventy acres of swamp to which I referred could not be fairly divided among the five children entitled thereto by metes and bounds. It has little value except for some young timber now growing on it.

#### ON CROSS EXAMINATION

By Mr. Bennett

I am familiar with the family tree of the Carson children named in the Bill of Complaint, namely: Leila, James I. and Doreen. Their mother was Ethel Mannich Carson, who was the daughter of Ed Mannich, who was the son of Emma Pierce, who was the daughter of Julius Mannich named on page one of the bill filed herein. Ethel only had these two children.

- - - - -

I hereby certify that the above is a true and correct copy of the testimony as taken and transcribed by me on this date, in the above styled cause.

Oscar S. Nelson  
Commissioner

Original to Mrs. Alice J. Dech  
2 given -

# 200

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

June 22, 1949

Mrs. Alice J. Duck,  
Register, Circuit Court,  
Bay Minette, Alabama.

Dear Mrs. Duck:

JULIUS MANNICH ESTATE: In a few days we expect to file a Bill for ratification and quieting title to certain lands of this estate, divided by Julius Mannich in his lifetime, but not deeded, and for a sale for division for a tract of swamp land of small value. In this there will be a need for fourteen notices sent by registered mail, and if you care to send us about fifteen of your long envelopes, we will be glad to address these and put in each the summons for the party intended, requiring only your signature to the summons.

There will also be, not exceeding twenty-two, copies for personal service in Baldwin and Mobile Counties, including one in Birmingham, but this may be reduced by waivers of notice of this friendly suit which a number of heirs have expressed their willingness to sign.

Sincerely,



for:  
RICKARBY & RICKARBY

EGR:HB  
1996

June 27, 1949

Mrs. Alice J. Duck, Register,  
Bay Minette,  
Alabama.

Dear Mrs. Duck:

HAND vs PIERCE, ET AL: With this find fourteen notices to be sent by registered mail when the summons is signed by you. Eleven of these can go at once; the remaining three which are kept separate are to be held until exact addresses can be obtained, which should be in the very near future.

There may be some additional copies of the Bill to be served by the sheriff on resident citizens, but these will only be those defendants whom Capt. Pierce has not been able to locate and secure from them waivers of service.

Before any of these are sent, however, we ask that you look on the second page in the description of land allotted to Emma M. Pierce and there you will find on the next to the bottom line the words "thence West to the point of beginning". This should be "East" and we ask that you make this correction on the original copy of the Bill filed with you. The error is a self-corrected one and if it exists in any of the papers already in the sheriff's hands, there is no material harm done; however, if you have not turned these over to the sheriff, we would appreciate your making the correction on these also.

For this we thank you.

Sincerely,

*Elliott G. Rickarby*  
for  
RICKARBY & RICKARBY  
By: hb

EGR:HB  
1996

RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

June 24, 1949

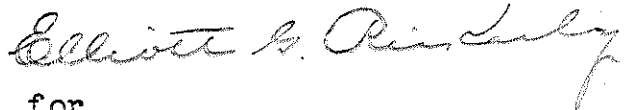
Mrs. Alice J. Duck,  
Register, Circuit Court,  
Bay Minette, Alabama.

Dear Mrs. Duck:

HAND vs PIERCE, ET AL: In accordance with our letter of the 22nd, we hand you with this the Bill of Complaint for division of the Julius Mannich estate and copies of order of publication in the Baldwin Times, as prayed in the Bill, which publication can start at once. We also enclose copies of the Bill for service on Patrick J. Cooney, 281 Louiselle Street; Annie G. Jones, 1702 Dauphin Way; Mary Smith, nurse at City Hospital, all in Mobile, Alabama; Wilton Smith, Bay Minette, Alabama; Joseph Mannich, 8241 6th Ave., No., Birmingham; Leila Carson, minor, c/o Mrs. Ed. Mannich, Marlow; David Pierce, 907 Baltimore Street, Mobile. These will have to be served. We have other residents of this community that we will not send until we find that we cannot get acceptance of service, which we expect to accomplish. There are quite a number of defendants, but those we have seen are friendly; hence, are endeavoring to save costs and we have a good deal of time for this as the publication will call for sixty days.

We received the envelopes you sent today, for which we thank you, and will return these with the letters for your signature and the registration.

Sincerely,



for  
RICKARBY & RICKARBY

EGR:HB  
Enc - 8  
1996

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

September 6, 1949

Mrs. Alice J. Duck,  
Register, Circuit Court,  
Bay Minette, Alabama.

Dear Mrs. Duck:

HAND VS PIERCE, No. 2307: With this find Answer of Herman L. Pierce, and Answer and Consent for Submission of Mary C. Smith, another heir. In a few days I will sent you Motion for and Decree Pro Confesso so that this matter will be in shape to be taken up before the Judge next week and a decree rendered.

Sincerely,

*Elliott G. Rickaby*  
for  
RICKARBY & RICKARBY.

EGR.h  
Enc-2  
1996

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

September 9, 1949.

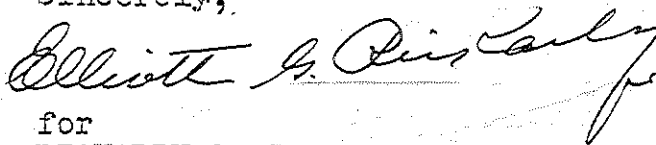
Mrs. Alice J. Duck, Register,  
Bay Minette,  
Alabama.

Dear Mrs. Duck:

HAND VS PIERCE: Tomorrow, you will recall, is the date when service has been perfected against the last of the defendants in this cause, and we are enclosing with this motion for Decree pro Confesso, which please enter, and the day following, grant the decree, also enclosed. The defendants not named are either minors or have signed answers.

We hope to take this matter up early next week.

Sincerely,



for  
RICKARBY & RICKARBY

EGR:HB  
Enc - 2  
1996

FRANCES M. HAND  
Complainant  
vs  
HERMAN L. PIERCE, ET AL,  
Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY No. 2307

APPOINTMENT OF GUARDIAN AD LITEM

In this cause, it appearing to the Register, Alice J. Duck, that Leila Carson is a minor, and,

In the said proceeding it being made to appear to the Register, Alice J. Duck, that the said minor is interested in the result of said proceedings to sell lands.

It is therefore ordered, by the Register that J. Jefferson Bennett be and he is hereby appointed Guardian Ad Litem to represent the said Leila Carson, upon hearing of the said application.

Done this 12th day of July, 1949.

---

Register

CONSENT TO ACT

I, J. Jefferson Bennett, hereby consent to act as guardian ad litem for Leila Carson, minor, upon hearing of the above cause.

Witness my hand this 12th day of July, 1949.

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Guardian Ad Litem

2307

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

June 25, 1949

Mrs. Cornelia Thompson  
P. O. Box 345  
Holden, West Virginia

Dear Mrs. Thompson:

**JULIUS MANNICH ESTATE:** With this you will find notice of a friendly procedure instituted to confirm the division of the worthwhile part of the lands of your late grandfather, Julius Mannich, made prior to 1885, among his then living children and to vest a legal title in each to the share of which he or she has been in possession for many years, but of which the record title remains in all of the thirty-seven heirs. Your father, Mr. Rudolph Mannich, was one to whom a deed was given, but, technically, all of his children, as well as heirs of the brothers and sisters, still have a nominal interest in all of the tract; and this proceeding is to confirm the title of each to his or her share.

There is, however, an undivided tract of overflowed swamp at the south end that the Court will order sold for a division and distribution among all of you, but, as the merchantable timber was cut from this many years ago, this is of little value and may not sell for more than enough to pay the costs of this proceeding.

It will not be necessary for you to answer this paper as, if no objection is made within thirty days, the Court will proceed to perfect the title and order the sale of the undivided portion.

Any further information will be gladly furnished.

Respectfully,

*Elliott G. Rickarby*

for:  
RICKARBY & RICKARBY

EGR:la  
1996.



CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA: EQUITY SIDE

TO: CORNELIA THOMPSON  
P. O. Box 345  
Holden, West Virginia

You are hereby notified to appear and plead, answer or demur within thirty days of the receipt hereof to the Bill of Complaint filed in this Court at Bay Minette, Alabama, against you as Defendant by FRANCES M. HAND, as Complainant.

WITNESS my hand this the 27<sup>th</sup> day of June, 1949.

*W. J. Church*  
Register  
Register, Circuit Court

FRANCES M. HAND,  
Complainant

E Q U I T Y

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

vs

CIRCUIT COURT OF

HERMAN L. PIERCE, et al,  
Defendants

BALDWIN COUNTY, ALABAMA.

Comes FRANCES M. HAND and by this her Bill of Complaint presented against HERMAN L. PIERCE and other Defendants, hereinafter named, respectfully shows:

FIRST: That Complainant, a lifelong resident of Baldwin County, Alabama, is the only surviving child of JULIUS MANNICH, a former resident of Marlow, Baldwin County, Alabama, who departed this life in the year 1885, leaving a widow, Pauline Mannich, who died in 1913, and six children and an adopted son, all of whom, other than Complainant, are now dead, but whose children and grandchildren are the Defendants in this cause and whose names, addresses and relationship to the children of the late Julius Mannich are set out in Paragraph Seven of this Bill.

SECOND: That Julius Mannich died intestate, leaving a tract of land owned by him on the east side of Fish River in Baldwin County, Alabama, on which he lived at the time of his death and being:

The Northwest quarter of the Northwest quarter of Section Eight, Township Seven South, Range Three East, excepting the Northeast quarter thereof, and that part of Section Seven, Township Seven South, Range Three East lying East of Fish River, excepting the South Nine Hundred Eighty-five feet, thereof, heretofore sold to Boussell and Stein, containing One Hundred Twenty-two acres, more or less.

THIRD: That prior to his death, the said Julius Mannich and his wife, Pauline, sought to apportion this land among their several children, to some of whom deeds were issued, and all were put in possession of the tracts allotted them, in some cases establishing homes thereon. To one daughter, Louisa Gundorph, who died comparatively young, no land was allotted. The children who survived Julius and Pauline Mannich were:

1. Fredericka Cooney
2. Edward Mannich
3. Emma M. Pierce
4. Herman L. Mannich
5. Rudolph Mannich
6. Louisa Gundorph
7. Frances M. Hand

All, except the last named, your Complainant, are now dead.

FOURTH: That the lands apportioned to the several children above named and of which each has been in open, notorious and exclusive adverse possession, are:

TO FREDERICKA COONEY:

The Southeast quarter of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East. Ten acres.

TO EDWARD MANNICH:

The Northeast quarter of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East. Ten acres.

TO EMMA M. PIERCE:

From the Southwest corner of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East, run South on the section line 665 feet to a corner, thence West 665 feet to a corner; thence North to the East Bank of Fish River; thence Easterly with the meanders thereof to a point that is 182 feet more or less West of the point of beginning; thence East to the point of beginning, containing ten acres more or less.

TO HERMAN L. MANNICH:

Eighty acres in Section 16, Township 7 South of Range 3 East not included in the description in Paragraph Two and conveyed during the lifetime of the said Julius Mannich. Title to this was later perfected in Equity in Herman L. Mannich.

TO RUDOLPH MANNICH:

Eighty acres in Section 16, Township 7 South of Range 3 East not included in the description in Paragraph Two and deeded during the lifetime of the said Julius Mannich.

TO FRANCES M. HAND:

Beginning at the Northeast corner of Section 7, Township 7 South, Range 3 East; run South on the quarter Section line, 1330 feet; thence West 182 feet more or less to the margin of Fish River; thence Northwesterly along the East Bank of Fish River with its meanders to the North line of said Section 7; thence run east along the section line 800 feet more or less to the point of beginning; and also the West half of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South, Range 3 East. The above two tracts comprising twenty acres in Section 8, Township 7 South, Range 3 East and twelve acres more or less in Section 7, Township 7 South, Range 3 East.

FIFTH: The remainder of the Mannich homestead, not conveyed prior to the death of Julius Mannich is Subdivision Thirteen and Fourteen of that part of Section 7, Tp. 7 S of R. 3 E., lying East of Fish River, less the ten acres allotted to Emma M. Pierce, and is largely swamp with little or no merchantable timber and of little value.

SIXTH: That the legal heirs and next of kin of Julius and Pauline Mannich and of their children are numerous and live not only in different parts of Baldwin, Mobile and Jefferson Counties of Alabama, but in other states and because of their number and the nature of the land, division in specie of the undivided portion of the estate cannot equitably be made.

SEVENTH: That the names and addresses of the children and heirs of the children of the late Julius Mannich, other than of Complainant, and who are parties defendant and listed in Paragraph Third of this Bill, to the best of Complainant's knowledge, information and belief are:

HEIRS OF FREDERICKA COONEY, DECEASED

Patrick J. Cooney, Louiselle St., Mobile, Alabama, son  
Annie G. Jones, 1702 Dauphin Way, Mobile, Alabama, daughter  
Mary Smith, City Hospital, Mobile, Alabama, daughter  
Jeanne Cooney Gallagher, 102 East Oak St., Chicago, Ill., grandchild,  
daughter of Thomas, deceased.

HEIRS OF EDWARD MANNICH, DECEASED

Alice McGowan, Summerdale, Alabama. (Marlow), daughter  
Louis Mannich, Marlow, Alabama, son  
Ingwald Mannich, Magnolia Springs, Alabama, son  
Foster Carson, husband of daughter Ethel, deceased, Pascagoula, Miss.  
Leila Carson, daughter of Ethel, 15 years old, c/o Mrs. Ed. Mannich,  
Marlow, Alabama, grandchild.  
James Ingwald Carson, age 13, son of Ethel, with father at Pascagoula,  
Miss., grandchild.

HEIRS OF EMMA M. PIERCE, DECEASED

William Pierce, Deceased, son, four children  
Ben Pierce, 453 Canal, Mobile, Alabama.  
Fred Pierce, R. F. D., Fairhope, Alabama.  
Lottie Boothe, Fairhope, Alabama  
Peter Pierce, Pensacola, Florida

Gussie Smith, Deceased, daughter, one son  
Wilton Smith, Bay Minette, Alabama.

Rudolph Pierce, Deceased, son, four children  
Irene Pierce, widow of Rudolph, Summerdale, Alabama, R. F. D.  
Ethel Harrison, Fairhope, Alabama.  
Ruby Roberts, Foley, Alabama.  
David Pierce, Mobile, Alabama, 907 Baltimore Street  
Herman Pierce, Summerdale, R. F. D., Alabama.

Dorothy Higgins, Summerdale, Alabama, daughter  
Herman L. Pierce, Fairhope, Alabama, son

HEIRS OF HERMAN L. MANNICK, DECEASED

Joseph Mannick, 8241 6th Avenue, North, Birmingham 6, Alabama, son  
Herbert Mannick, Silverhill, Alabama, son  
Mary Klumpp, Fairhope, Alabama, daughter  
Cornelia Wallace, Fairhope R. F. D., Alabama, daughter

HEIRS OF RUDOLPH MANNICK, DECEASED

Pauline McVail, Cleveland, Ohio, daughter  
Julius Mannick, deceased, son  
Dorothy Mannick Pence, 48 Summit Street, Barberton, Ohio.  
William Owen Mannick, P. O. Box 372, Bellville, Ohio.  
Henry Junior Mannick, 48 Summit Street, Barberton, Ohio.  
Doreen Anne Mannick, a minor, 48 Summit Street, Barberton, Ohio.  
Janice Mannick, a minor, 48 Summit Street, Barberton, Ohio.

Cornelia Thompson, P. O. Box 345, Holden, W. Virginia, daughter  
Reuben Mannick, Pritz, Dayton, Ohio, son  
Clara Smith, General Delivery, Logan, W. Virginia, daughter  
Owen Mannick, 20 Hatfield Street, Dayton, Ohio, son

HEIRS OF LOUISA GUNDORPH, DECEASED

Fred Gundorph, only heir, grandson, New Orleans, Louisiana.

THE PREMISES CONSIDERED, Complainant prays that the Defendants named in Paragraph Seven of this Bill be made parties defendant thereto and by proper and legal notice required to plead, answer or demur to this Bill within the time prescribed by law. That personal service be had on the resident defendants, and on the parents of the minor defendants, as well as the minors themselves; namely: Leila Carson, daughter of Ethel Carson, minor, 15 years old, living with Mrs. Ed. Mannick, Marlow, (father non-resident), and by registered mail on James Ingwald Carson, minor, 13 years old, and on Foster Carson, his father, and father of Leila Carson aforesaid, living at Pascagoula, Mississippi; Doreen Ann Mannick and Janice Lynn Mannick, minors, 48 Summit Street, Barberton, Ohio, no living parent or guardian. Also that an order of publication be made for service upon Jeanne C. Gallagher, 102 E. Oak Street, Chicago, Illinois; Foster Carson, individually and as guardian of Leila Carson and James Ingwald Carson, Pascagoula, Mississippi; Peter Pierce, Pensacola, Florida; Pauline McVail, Cleveland, Ohio; Dorothy M. Pence, William Owen Mannick, Henry Junior Mannick, Doreen Ann Mannick and Janice Lynn Mannick, all of 48 Summit Street, Barberton, Ohio; Mrs. Cornelia Thompson, P. O. Box 345, Holden, W. Virginia; Reuben Mannick, Pritz, Dayton, Ohio; Mrs. Clara Smith, General Delivery, Logan, W. Virginia; Owen Mannick, 20 Hatfield Street, Dayton, Ohio and Fred Gundorph, New Orleans, Louisiana, other address unknown.

Complainant further prays that a Guardian ad litem be named for the minor defendants: Leila Carson, James Ingwald Carson, Doreen Ann Mannick and Janice Lynn Mannick; also for any other minor defendants who are heirs and interested in this cause, but whose names and addresses are not known and cannot be ascertained.

Complainant further prays that a day be set for the hearing of this cause, and that on said day a decree be rendered directing the Register of this Court to prepare and execute proper instruments of conveyance to Complainant and to the heirs or legal representatives of the two deceased children of Julius Mannick to whom deeds have not heretofore been executed; namely, Fredericka Cooney and Emma M. Pierce, of the portions of the family homestead allotted to their respective ancestors during the lifetime of the grandparent; of which lands said ancestors and Complainant had originally been put into possession by the late Julius and Pauline Mannick.

Complainant further prays that title to the several allotments of land made by the late Julius Mannick in his lifetime but not yet legally conveyed be confirmed in the surviving daughter and in the legal heirs of Fredericka Cooney and Emma M. Pierce as evidenced by the Register's deeds aforesaid and that, except as to the share allotted to each defendant named as the heir of his or her immediate ancestor, that the decree rendered forever quiet the title of Complainant and of each such defendant to all further interest in the lands described in Paragraph Second of this Bill and allotted to other parties, but without prejudice to the interest of Complainant and of such defendant in the proceeds of the sale of land not hereby specifically divided but to be sold for further division.

Complainant further prays that the Register of this Court be directed, after legal notice of the time, place and terms of sale, to sell at public outcry that portion of the Julius Mannick estate not specifically divided as aforesaid; execute proper conveyance to the purchaser and of the proceeds of such sale, after paying all costs and expenses of the said sale, including the costs of this cause and a reasonable solicitors' fee to be awarded to the Solicitors for the Complainant for their services in this cause, to hold the remainder to be divided among the parties to this cause in accordance with the further orders of this Court.

Complainant further prays that the Register of this Court, upon completion of the sale of the undivided land aforesaid, be directed to ascertain and report the proportions of the net balance realized from the sale of the undistributed property to be allotted among the several heirs of the late Julius Mannich and that upon the report of said Register, an order be made distributing the proceeds of said sale in accordance with the interests of the respective parties to this cause.

Complainant further prays for such other, further or different relief as to equity may seem meet.

*Richarby & Richarby*

Solicitors for Complainant.

FILED  
JAN 15 1904  
VINEY & DICKSON

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

August 9, 1949

Mrs. Alice J. Duck,  
Register, Circuit Court,  
Bay Minette, Alabama.

Dear Mrs. Duck:

HAND vs PIERCE: Jeff has just shown me his appointment as guardian ad litem in this case, but I note that it is only for the Carson minor, when there are four minors altogether: Doreen Ann Mannick and Janice Mannick, of 48 Summit Street, Barberton, Ohio, and James Ingwald Carson of Marlow. Please issue a commission to Jeff to represent all four minors, as otherwise we would have to name a separate guardian for the other three, which would be an added expense and a delay.

I was very sorry to learn, in calling up your office this morning to ask you to take a judgment in case No. 1302, HAPP BROS. vs ENGEL, that Ora's husband was dead. I had heard that he was an invalid but did not know that the end was near.

Sincerely,

*Elliott G. Rickaby*

for  
RICKARBY & RICKARBY.

EGR.h  
1996

FRANCES M. HAND  
Complainant  
vs  
HERMAN L. PIERCE, ET AL,  
Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY No. 2307

APPOINTMENT OF GUARDIAN AD LITEM

In this cause, it appearing to the Register, Alice J. Duck, that Leila Carson is a minor, and,

In the said proceeding it being made to appear to the Register, Alice J. Duck, that the said minor is interested in the result of said proceedings to sell lands.

It is therefore ordered, by the Register that J. Jefferson Bennett be and he is hereby appointed Guardian Ad Litem to represent the said Leila Carson, upon hearing of the said application.

Done this 12th day of July, 1949.

Alice J. Duck  
Register

CONSENT TO ACT

I, J. Jefferson Bennett, hereby consent to act as guardian ad litem for Leila Carson, minor, upon hearing of the above cause.

Witness my hand this 12th day of July, 1949.

J. Jefferson Bennett  
Guardian Ad Litem



June 25, 1949

Mrs. Pauline McVail

Cleveland,  
Ohio

Dear Mrs. McVail:

JULIUS MANNICH ESTATE: With this you will find notice of a friendly procedure instituted to confirm the division of the worthwhile part of the lands of your late grandfather, Julius Mannich, made prior to 1885, among his then living children and to vest a legal title in each to the share of which he or she has been in possession for many years, but of which the record title remains in all of the thirty-seven heirs. Your father, Mr. Rudolph Mannich, was one to whom a deed was given, but, technically, all of his children, as well as heirs of the brothers and sisters, still have a nominal interest in all of the tract; and this proceeding is to confirm the title of each to his or her share.

There is, however, an undivided tract of overflowed swamp at the south end that the Court will order sold for a division and distribution among all of you, but, as the merchantable timber was cut from this many years ago, this is of little value and may not sell for more than enough to pay the costs of this proceeding.

It will not be necessary for you to answer this paper as, if no objection is made within thirty days, the Court will proceed to perfect the title and order the sale of the undivided portion.

Any further information will be gladly furnished.

Respectfully,

for:  
RICKARBY & RICKARBYEGR:la  
1996.

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA: EQUITY SIDE

TO: PAULINE McVAIL

Cleveland, Ohio

You are hereby notified to appear and plead, answer or demur within thirty days of the receipt hereof to the Bill of Complaint filed in this Court at Bay Minette, Alabama, against you as Defendant by FRANCES M. HAND, as Complainant.

WITNESS my hand this the      day of June, 1949.

Register, Circuit Court

FRANCES M. HAND,  
Complainant

E Q U I T Y

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

vs

HERMAN L. PIERCE, et al,  
Defendants

CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

Comes FRANCES M. HAND and by this her Bill of Complaint presented against HERMAN L. PIERCE and other Defendants, hereinafter named, respectfully shows:

FIRST: That Complainant, a lifelong resident of Baldwin County, Alabama, is the only surviving child of JULIUS MANNICH, a former resident of Marlow, Baldwin County, Alabama, who departed this life in the year 1885, leaving a widow, Pauline Mannich, who died in 1913, and six children and an adopted son, all of whom, other than Complainant, are now dead, but whose children and grandchildren are the Defendants in this cause and whose names, addresses and relationship to the children of the late Julius Mannich are set out in Paragraph Seven of this Bill.

SECOND: That Julius Mannich died intestate, leaving a tract of land owned by him on the east side of Fish River in Baldwin County, Alabama, on which he lived at the time of his death and being:

The Northwest quarter of the Northwest quarter of Section Eight, Township Seven South, Range Three East, excepting the Northeast quarter thereof, and that part of Section Seven, Township Seven South, Range Three East lying East of Fish River, excepting the South Nine Hundred Eighty-five feet thereof, heretofore sold to Rousell and Stein, containing One Hundred Twenty-two acres, more or less.

THIRD: That prior to his death, the said Julius Mannich and his wife, Pauline, sought to apportion this land among their several children, to some of whom deeds were issued, and all were put in possession of the tracts allotted them, in some cases establishing homes thereon. To one daughter, Louisa Gundorph, who died comparatively young, no land was allotted. The children who survived Julius and Pauline Mannich were:

1. Fredericka Cooney
2. Edward Mannich
3. Emma M. Pierce
4. Herman L. Mannich
5. Rudolph Mannich
6. Louisa Gundorph
7. Frances M. Hand

All, except the last named, your Complainant, are now dead.

FOURTH: That the lands apportioned to the several children above named and of which each has been in open, notorious and exclusive adverse possession, are:

TO FREDERICKA COONEY:

The Southeast quarter of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East. Ten acres.

TO EDWARD MANNICH:

The Northeast quarter of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East. Ten acres.

TO EMMA M. PIERCE:

From the Southwest corner of the northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East, run south on the section line 665 feet to a corner, thence West 665 feet to a corner; thence North to the East Bank of Fish River; thence Easterly with the meanders thereof to a point that is 182 feet more or less West of the point of beginning; thence ~~East~~ to the point of beginning, containing ten acres more or less.

TO HERMAN L. MANNICH:

Eighty acres in Section 16, Township 7 South of Range 3 East not included in the description in Paragraph Two and conveyed during the lifetime of the said Julius Mannich. Title to this was later perfected in Equity in Herman L. Mannich.

TO RUDOLPH MANNICH:

Eighty acres in Section 16, Township 7 South of Range 3 East not included in the description in Paragraph Two and deed during the lifetime of the said Julius Mannich.

TO FRANCES M. HAND:

Beginning at the Northeast corner of Section 7, Township 7 South, Range 3 East; run South on the quarter Section line, 1330 feet; thence West 182 feet more or less to the margin of Fish River; thence Northwesterly along the East Bank of Fish River with its meanders to the North line of said Section 7; thence run east along the section line 800 feet more or less to the point of beginning; and also the West half of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South, Range 3 East. The above two tracts comprising twenty acres in Section 8, Township 7 South, Range 3 East and twelve acres more or less in Section 7, Township 7 South, Range 3 East.

FIFTH: The remainder of the Mannich homestead, not conveyed prior to the death of Julius Mannich is Subdivision Thirteen and Fourteen of that part of Section 7, Tp. 7 S of R. 3 E., lying East of Fish River, less the ten acres allotted to Emma M. Pierce, and is largely swamp with little or no merchantable timber and of little value.

SIXTH: That the legal heirs and next of kin of Julius and Pauline Mannich and of their children are numerous and live not only in different parts of Baldwin, Mobile and Jefferson Counties of Alabama, but in other states and because of their number and the nature of the land, division in specie of the undivided portion of the estate cannot equitably be made.

SEVENTH: That the names and addresses of the children and heirs of the children of the late Julius Mannich, other than of Complainant, and who are parties defendant and listed in Paragraph Third of this Bill, to the best of Complainant's knowledge, information and belief are:

HEIRS OF FREDERICKA COONEY, DECEASED

Patrick J. Cooney, Louiselle St., Mobile, Alabama, son  
Annie G. Jones, 1702 Dauphin Way, Mobile, Alabama, daughter  
Mary Smith, City Hospital, Mobile, Alabama, daughter  
Jeanne Cooney Gallagher, 102 East Oak St., Chicago, Ill., grandchild,  
daughter of Thomas, deceased

HEIRS OF EDWARD MANNICH, DECEASED

Alice McGowan, Summerdale, Alabama, (Marlow), daughter  
Louis Mannich, Marlow, Alabama, son  
Ingwald Mannich, Magnolia Springs, Alabama, son  
Foster Carson, husband of daughter Ethel, deceased, Pascagoula, Miss.  
Leila Carson, daughter of Ethel, 15 years old, c/o Mrs. Ed. Mannich,  
Marlow, Alabama, grandchild.  
James Ingwald Carson, age 13, son of Ethel, with father at Pascagoula,  
Miss., grandchild.

HEIRS OF EMMA M. PIERCE, DECEASED

William Pierce, Deceased, son, four children  
Ben Pierce, 433 Canal, Mobile, Alabama  
Fred Pierce, R. F. D., Fairhope, Alabama.  
Lottie Boothe, Fairhope, Alabama.  
Peter Pierce, Pensacola, Florida.

Gussie Smith, Deceased, daughter, one son.  
Wilton Smith, Bay Minette, Alabama.

Rudolph Pierce, Deceased, son, four children  
Irene Pierce, widow of Rudolph, Summerdale, Alabama, R. F. D.  
Ethel Harrison, Fairhope, Alabama.  
Ruby Roberts, Foley, Alabama.  
David Pierce, Mobile, Alabama, 907 Baltimore Street.  
Herman Pierce, Summerdale, R. F. D., Alabama.

Dorothy Riggins, Summerdale, Alabama, daughter  
Herman L. Pierce, Fairhope, Alabama, son

HEIRS OF HERMAN L. MANNICK, DECEASED

Joseph Mannick, 8241 6th Avenue, North, Birmingham 6, Alabama, son  
Herbert Mannick, Silverhill, Alabama, son  
Mary Klumpp, Fairhope, Alabama, daughter  
Cornelia Wallace, Fairhope R. F. D., Alabama, daughter

HEIRS OF RUDOLPH MANNICK, DECEASED

Pauline McVail, Cleveland, Ohio, daughter  
Julius Mannick, deceased, son  
Dorothy Mannick Pence, 48 Summit Street, Barberton, Ohio.  
William Owen Mannick, P. O. Box 372, Bellville, Ohio.  
Henry Junior Mannick, 48 Summit Street, Barberton, Ohio.  
Doreen Anne Mannick, a minor, 48 Summit Street, Barberton, Ohio.  
Janice Mannick, a minor, 48 Summit Street, Barberton, Ohio.

Cornelia Thompson, P. O. Box 345, Holden, W. Virginia, daughter  
Reuben Mannick, Fritz, Dayton, Ohio, son  
Clara Smith, General Delivery, Logan, W. Virginia, daughter  
Owen Mannick, 20 Hatfield Street, Dayton, Ohio, son

HEIRS OF LOUISA GUNDORPH, DECEASED

Fred Gundorph, only heir, grandson, New Orleans, Louisiana.

THE PREMISES CONSIDERED, Complainant prays that the Defendants named in Paragraph Seven of this Bill be made parties defendant thereto and by proper and legal notice required to plead, answer or demur to this Bill within the time prescribed by law. That personal service be had on the resident defendants, and on the parents of the minor defendants, as well as the minors themselves; namely: Leila Carson, daughter of Ethel Carson, minor, 15 years old, living with Mrs. Ed. Mannick, Marlow, (father non-resident), and by registered mail on James Ingwald Carson, minor, 13 years old, and on Foster Carson, his father, and father of Leila Carson aforesaid, living at Pascagoula, Mississippi; Doreen Ann Mannick and Janice Lynn Mannick, minors, 48 Summit Street, Barberton, Ohio, no living parent or guardian. Also that an order of publication be made for service upon Jeanne C. Gallagher, 102 E. Oak Street, Chicago, Illinois; Foster Carson, individually and as guardian of Leila Carson and James Ingwald Carson, Pascagoula, Mississippi; Peter Pierce, Pensacola, Florida; Pauline McVail, Cleveland, Ohio; Dorothy M. Pence, William Owen Mannick, Henry Junior Mannick, Doreen Ann Mannick and Janice Lynn Mannick, all of 48 Summit Street, Barberton, Ohio; Mrs. Cornelia Thompson, P. O. Box 345, Holden, W. Virginia; Reuben Mannick, Fritz, Dayton, Ohio; Mrs. Clara Smith, General Delivery, Logan, W. Virginia; Owen Mannick, 20 Hatfield Street, Dayton, Ohio and Fred Gundorph, New Orleans, Louisiana, other address unknown.

Complainant further prays that a Guardian ad litem be named for the minor defendants: Leila Carson, James Ingwald Carson, Doreen Ann Mannick and Janice Lynn Mannick; also for any other minor defendants who are heirs and interested in this cause, but whose names and addresses are not known and cannot be ascertained.

Complainant further prays that a day be set for the hearing of this cause, and that on said day a decree be rendered directing the Register of this Court to prepare and execute proper instruments of conveyance to Complainant and to the heirs or legal representatives of the two deceased children of Julius Mannick to whom deeds have not heretofore been executed; namely, Fredericka Cooney and Emma M. Pierce, of the portions of the family homestead allotted to their respective ancestors during the life time of the grandparent; of which lands said ancestors and Complainant had originally been put into possession by the late Julius and Pauline Mannick.

Complainant further prays that title to the several allotments of land made by the late Julius Mannick in his lifetime but not yet legally conveyed be confirmed in the surviving daughter and in the legal heirs of Fredericka Cooney and Emma M. Pierce as evidenced by the Register's deeds aforesaid and that, except as to the share allotted to each defendant named as the heir of his or her immediate ancestor, that the decree rendered forever quiet the title of Complainant and of each such defendant to all further interest in the lands described in Paragraph Second of this Bill and allotted to other parties, but without prejudice to the interest of Complainant and of such defendant in the proceeds of the sale of land not hereby specifically divided but to be sold for further division.

Complainant further prays that the Register of this Court be directed, after legal notice of the time, place and terms of sale, to sell at public outcry that portion of the Julius Mannick estate not specifically divided as aforesaid; execute proper conveyance to the purchaser and of the proceeds of such sale, after paying all costs and expenses of the said sale, including the costs of this cause and a reasonable solicitors' fee to be awarded to the Solicitors for the Complainant for their services in this cause, to hold the remainder to be divided among the parties to this cause in accordance with the further orders of this Court.

Complainant further prays that the Register of this Court, upon completion of the sale of the undivided land aforesaid, be directed to ascertain and report the proportions of the net balance realized from the sale of the undistributed property to be allotted among the several heirs of the late Julius Mannich and that upon the report of said Register, an order be made distributing the proceeds of said sale in accordance with the interests of the respective parties to this cause.

Complainant further prays for such other, further or different relief as to equity may seem meet.

*Richarby & Richarby*

Solicitors for Complainant.

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

August 11, 1949

Mrs. Alice J. Duck, Register,  
Bay Minette,  
Alabama.

Dear Mrs. Duck:

HAND vs PIERCE, No. 2307: With this find answer of Patrick J. Cooney, now in a hospital in Colorado Springs. Please file. Also let me know if any other answers are filed by any one, as, to my surprise, one man, Captain Pierce, who has been most helpful, has suddenly developed the idea that a suggestion that he made and which Mrs. Hand accepted, will not be put through. He spoke of filing a contest to get something that has already been agreed upon.

Sincerely,

*Elliott G. Rickarby*

for  
RICKARBY & RICKARBY

EGR:HB  
Enc - 1  
1996



Francis M. Hand  
Complainant  
vs.  
Herman L. Pierce, Et Al,  
Defendants

NO. 2307

CIRCUIT COURT OF  
BALDWIN COUNTY,  
ALABAMA IN EQUITY.

ANSWER

Comes now Leila Carson, by J. Jefferson Bennett as his guardian ad litem and for answer to the petition filed on the 27th day of June, 1949, in this cause and denys each and every material allegation thereof and demands strict proof of the same.

As Guardian Ad Litem for Leila Carson.

Francis M. Hand )  
Complainant )  
vs. )  
Herman L. Pierce, Et Al, )  
Defendants )

NO. 2307

CIRCUIT COURT OF  
BALDWIN COUNTY,  
ALABAMA IN EQUITY.

ANSWER

Comes now Leila Carson, by J. Jefferson Bennett as his guardian ad litem and for answer to the petition filed on the 27th day of June, 1949, in this cause and denys each and every material allegation thereof and demands strict proof of the same.

  
As Guardian Ad Litem for Leila Carson.

No 2307

Frances M. Hand,  
Complainant

Vs.

Herman S. Price, et al,  
Respondent

In Equity

Guardian ad Litem

Answer

FILED

JUL 14 1949

ALICE J. DUCK, Register

J. J. Bennett,

*J. L. Wynn*

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

July 27, 1949

Mrs. Alice J. Duck, Register,  
Bay Minette,  
Alabama.

Dear Mrs. Duck:

JULIUS MANNICH ESTATE, No. 2307: Patrick J. Cooney, whom we thought was a resident of Mobile, we have learned is now an occupant of the St. Francis Sanitarium, Colorado Springs, Colorado, and we ask that you send a copy of the Bill to him by registered mail.

We also enclose seventeen copies of the Bill to be personally served as follows:

Alice McGowan, Summerdale; Leila Mannich, Summerdale; Louis Mannich, Marlow; Ingwald Mannich, Magnolia Springs; Eva Pierce, Fairhope; Ben Pierce, 453 Canal, Mobile; Fred Pierce, R.F.D., Fairhope; Lottie Boothe, Fairhope; Irene Pierce, Summerdale, R.F.D.; Ethel Harrison, Fairhope; Ruby Roberts, Foley; Herman Pierce, R.F.D., Summerdale; Dorothy Wiggins, Summerdale; Herman L. Pierce, Fairhope; Herbert Mannich, Silverhill; Mary Klumpp, Fairhope; Cornelia Wallace, R.F.D., Fairhope

*8-4-49*  
*served in full*

You will note that we have not only filled out the names but pencilled in the addresses. The Sheriff, however, will do well to go first to the residence of Capt. Herman L. Pierce, a block south of the Marlow Road and about a mile this side of the river, to get detailed directions as to all other defendants who live in that community, Summerdale and Silverhill. One, Mrs. Klumpp, lives in Fairhope and Mrs. Wallace on the Marlow road north of that city.

Sincerely,

*Elliott G. Rickarby*  
for  
RICKARBY & RICKARBY

EGR:HB  
Encs - 18  
1996

## APPLICATION FOR POSTAL REGISTRATION AND CERTIFICATE OF DECLARED VALUE OF MATTER SUBJECT TO POSTAL SURCHARGE

(No collection of surcharge is required on international registered mail)

The undersigned sender hereby applies for the registration of the articles described on this sheet and certifies that the amounts of the declared values set forth on the sheet are the full values of the articles listed, or the known or estimated cost of duplication in the case of nonnegotiable securities and that the amounts of commercial insurance placed on the matter to be registered as stated on this sheet are also correct.

(Signature of sender)

RECEIVED from Alice J. Duck the following-described  
pieces of Registered mail.  
(Insert "Registered" or "Registered C. O. D.")

NOTE.—Additional receipted copies of this bill will be furnished as certificates of mailing only, upon payment of one cent for each article listed on each additional copy of the bill. Claims for indemnity may not be paid unless articles are properly packed and indorsed, and unless claims are filed within the prescribed time limits. (See postmaster for detailed information.)

(1) NUMBER OF ARTICLE	(2) NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	(3) CLASS	(4) Postage (exclusive of other charges or fees)	(5) Registry fee	(6) Fee paid for return receipt	(7) Special delivery fee	(8) Amount due sender if C. O. D.	(9) *Indorse- ment on article if fragile	(10) Delivery restricted —Fee paid	(11) Value of any contents on which surcharge is based on value only or value and length of haul instead of cost of duplication. If of no value, so state	(12) Known or esti- mated cost of du- plication of con- tents on which surcharge is based on cost of dupli- cation, as dis- tinguished from the full value	(13) Total of items 11 and 12	(14) Total surcharge on entire contents of article	(15) Total contents covered by commercial insurance in amount of—	(16) Remarks
5128 <sup>1</sup>	William A. Mannick	1	6	25	05				20						
5129 <sup>2</sup>	Cornelia Thompson	1	6	25	05				20						
5130 <sup>3</sup>	Clara Smith	1	6	25	05				20						
5131 <sup>4</sup>	Foster Carson	1	6	25	05				20						
5132 <sup>5</sup>	James Ingvald Carson	1	3	25	05				20						
5133 <sup>6</sup>	Boreen Ann Mannick	1	3	25	05				20						
5134 <sup>7</sup>	Dorothy Mannick Pence	1	3	25	05				20						
5135 <sup>8</sup>	Janice Mannick	1	3	25	05				20						
5136 <sup>9</sup>	Robert Henry Junior Mannick	1	3	25	05				20						
5137 <sup>10</sup>	Jean C. Gallagher	1	3	25	05				20						
5138 <sup>11</sup>	Owen Mannick	1	3	25	05				20						
12															
13															
14															
15															

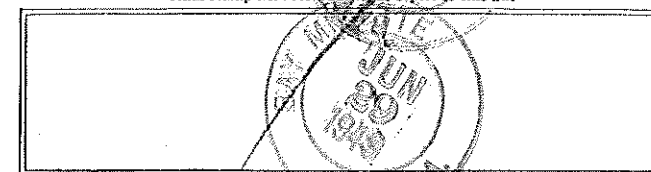
\* Mark "F" if "Fragile."

NOTE.—Diagonal mark must be drawn through lines not used.

Total number of pieces listed by sender \_\_\_\_\_  
(Write number here in words)

Total number of pieces received at post office \_\_\_\_\_ Postmaster, per \_\_\_\_\_  
(Name of receiving employee)

Affix stamp here for additional copies of this bill



Postmark and date of receipt

*The* **BALDWIN** *Times*  
ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER  
BAY MINETTE, ALABAMA

EQUITY  
No. 2307  
CIRCUIT COURT OF  
BALDWIN COUNTY ALABAMA  
FRANCES M. HAND, Complainant  
vs.  
HERMAN L. PIERCE, ET AL., Defendants  
Register's Office, June 27, 1949  
In this cause it appearing from affidavit on file that the Defendants Jeanne Cooney Gallagher, residing at 102 E. Oak Street, Chicago, Illinois; Foster Carson, Pascagoula, Mississippi; James Ingwald Carson, Pascagoula, Mississippi; Peter Pierce, Pensacola, Florida; Pauline McVail, Cleveland, Ohio; Dorothy M. Pence, William Owen Mannick, Henry Junior Mannick, Doreen Ann Mannick and Janice Lynn Mannick, all of 48 Summit Street, Barberton, Ohio; Cornelia Thompson, P. O. Box 345 Holden, W. Virginia; Reuben Mannick, Fritz, Dayton, Ohio; Clara Smith, General Delivery, Logan, W. Virginia; Owen Mannick, 20 Hatfield Street, Dayton, Ohio and Fred Gundorph, New Orleans, Louisiana, are non-residents of the State of Alabama, and, except for James Ingwald Carson, Doreen Ann Mannick and Janice Lynn Mannick, who are minors over the age of fourteen years, are all over the age of twenty-one years:  
IT IS ORDERED that they plead, answer or demur to the allegations in the Bill of Complaint filed in this cause before the 10th day of July, 1949, or upon the expiration of thirty days from said date the same will be taken as confessed against them.  
IT IS FURTHER ORDERED that notice of this order be published once a week for four successive weeks in the Baldwin Times, a newspaper published in the county of Baldwin, State of Alabama.  
ALICE J. DUCK, Register.  
Rickerby & Rickerby,  
Attorneys for Complainant. 23-4tc.

**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

Equity No. 2307, Circuit Court

**COST STATEMENT**

251 WORDS @ 4 1/2 cents — — — \$ 11.30

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

Jimmy Faulkner  
Publisher.

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

Date of 1st publication June 30, 1949 Vol. 60 No. 23

Date of 2nd publication July 7, 1949 Vol. 60 No. 24

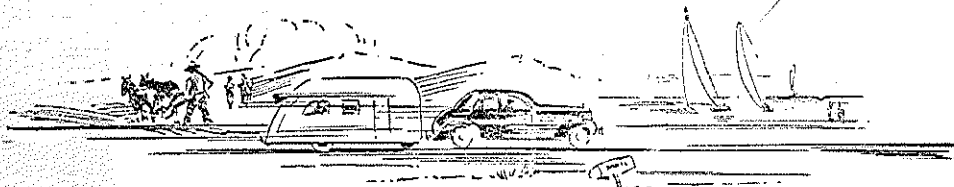
Date of 3rd publication July 14, 1949 Vol. 60 No. 25

Date of 4th publication July 21, 1949 Vol. 60 No. 26

Subscribed and sworn before the undersigned this 22 day of July, 1949

Dorothy Martin  
Notary Public, Baldwin County.

Jimmy Faulkner  
Publisher.



## LEGAL NOTICE

Frances M. Hand, Complainant,  
Herman L. Pierce, et al, De-  
endants.

Equity No. 2307.

Circuit Court of Baldwin County,  
Alabama.

Notice is hereby given that by  
tue of a decree dated September  
1949, rendered by the Hon. Tel-  
r J. Mashburn, Jr., Judge of the  
rcuit Court of Baldwin County,  
ing in equity, the undersigned,

of said Court, will pro-  
Register at public outcry for  
ed to sel highest bidder, in front  
ash to the House at Bay Minette,  
f the Court Tuesday, October 18,  
Alabama, n, for division among  
thereof, the following

1949, 21  
the of  
propo

After this has been  
disappeared  
removed and  
have been  
longer

1949, 21  
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longer

1949, 21  
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propo

## AFFIDAVIT OF PUBLICATION

I, Marjorie Howell Rankin

Publisher

of The Onlooker, published at  
Foley, Ala., do solemnly swear that a copy of the above notice,  
as per clipping attached, was published once each week in the  
regular and entire edition of said newspaper, and not in any  
supplement thereof, for Three consecutive weeks, com-  
mencing with the issue dated Sept. 29, 1949, and  
ending with the issue dated Oct. 13, 1949.

Marjorie Howell Rankin

Subscribed and sworn to before me this 20 day

of October, 1949

Notary Public.

MY COMMISSION EXPIRES AUGUST 14, 1951

THE FOLEY ONLOOKER

BALDWIN NEWS-HERALD

FOLEY, ALA., 10-20 1949

# HOWELL PUBLISHING CO.

Alice J. Duck

Bay Minette, Ala.

HIGH QUALITY JOB PRINTING

BROUGHT FORWARD

Sept 29  
Oct. 6  
" 13

Legal Notice  
For  
Frances Hand

10.56



FRANCES M. HAND,  
Complainant

EQUITY No. 2307

vs

HERMAN L. PIERCE, et al,  
Defendants

CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

From an examination of the papers in this case, and on being assured that the property involved therein approximates in value \$10,000.00 to \$15,000.00, I am of the opinion that in a suit for partition in which thirty-nine heirs are involved, and a half mile of river front on Fish River being concerned, a reasonable fee for the solicitors for the Complainant in handling the matter to an adjustment apparently equitable and satisfactory to all parties would be \$600.00.

I am further of the opinion that for the services of the Guardian ad Litem, representing four minors, and in checking all pleadings and attending hearing before the Court, a Guardian ad Litem fee of \$50.00 would also be reasonable.

I have looked casually over the extensive office file of the solicitors in this cause and can say that a large amount of labor and care has been expended.

Respectfully submitted,

J. B. Blackburn

Equity No. 2307

FRANCES M. HAND,  
Complainant

vs

HERMAN L. PIERCE, et al,  
Defendants

o o o o o o o o o o o

EVIDENCE  
AS TO  
SOLICITOR'S FEE

Filed 10-20-49  
Alice J. French  
Revised

ELLIOTT G. RICKARBY

LAW OFFICES

RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

July 6, 1949

Mrs. Alice J. Duck, Register,  
Bay Minette,  
Alabama.

Dear Mrs. Duck:

HAND vs PIERCE: You will recall that on June 27th when we sent you fourteen notices to be sent by registered mail, three were held for completed addresses.

We have now secured two of the address and none of the sisters know the street address of the third, so please fill out and send registered notices to Mr. Kenneth P. Pierce, 3713 Murray Blvd., Pensacola, Florida and Mr. Reuben Mannick, 516 Pritz Avenue, Dayton, Ohio, enclosing in each the letters for them that you here find. We will not be able to locate the street address of Mrs. McVail and this completes registered notices.

Sincerely,

*Elliott G. Rickarby*  
for  
RICKARBY & RICKARBY

EGR:HB  
Enc - 2  
1996

*Pierce is listed in the bill as "Peter". He is now evidently using his more "flossy" one.*

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA: EQUITY SIDE

TO:

You are hereby notified to appear and plead, answer or demur within thirty days of the receipt hereof to the Bill of Complaint filed in this Court at Bay Minette, Alabama, against you as Defendant by FRANCES M. HAND, as Complainant.

WITNESS my hand this the 28<sup>th</sup> day of June, 1949.

Heice J. Reuck  
Register, Circuit Court

FRANCES M. HAND,  
Complainant

E Q U I T Y

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

VS

HERMAN L. PIERCE, ET AL,  
Defendants

CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

Comes FRANCES M. HAND and by this her Bill of Complaint presented against HERMAN L. PIERCE and other Defendants, hereinafter named, respectfully shows:

FIRST: That Complainant, a lifelong resident of Baldwin County, Alabama, is the only surviving child of JULIUS MANNICH, a former resident of Marlow, Baldwin County, Alabama, who departed this life in the years 1885, leaving a widow, Pauline Mannich, who died in 1913, and six children and an adopted son, all of whom, other than Complainant, are now dead, but whose children and grandchildren are the Defendants in this cause and whose names, addresses and relationship to the children of the late Julius Mannich are set out in Paragraph Seven of this Bill.

SECOND: That Julius Mannich died intestate, leaving a tract of land owned by him on the east side of Fish River in Baldwin County, Alabama, on which he lived at the time of his death and being:

The Northwest quarter of the Northwest quarter of Section Eight, Township Seven South, Range Three East, excepting the Northeast quarter thereof, and that part of Section Seven, Township Seven South, Range Three East lying East of Fish River, excepting the South Nine Hundred Eighty-five feet thereof, heretofore sold to Rousell and Stein, consisting of One Hundred Twenty-two acres, more or less.

THIRD: That prior to his death, the said Julius Mannich and his wife, Pauline, sought to apportion this land among their several children, to some of whom deeds were issued, and all were put in possession of the tracts allotted them, in some cases establishing homes thereon. To one daughter, Louisa Gundorph, who died comparatively young, no land was allotted. The children who survived Julius and Pauline Mannich were:

1. Fredericka Cooney
2. Edward Mannich
3. Emma M. Pierce
4. Herman L. Pierce
5. Rudolph Mannich
6. Louisa Gundorph
7. Frances M. Hand

All, except the last named, your Complainant, are now dead.

FOURTH: That the lands apportioned to the several children above named and of which each has been in open, notorious and exclusive adverse possession, are:

TO FREDERICKA COONEY:

The Southeast quarter of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East. Ten acres.

TO EDWARD MANNICH:

The Northeast quarter of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East. Ten acres.

TO EMMA M. PIERCE:

From the Southwest corner of the northwest quarter of the Northwest quarter of Section 8, Township 7 South of Range 3 East, run south on the section line 665 feet to a corner, thence West 665 feet to a corner; thence North to the East Bank of Fish River; thence Easterly with the meanders thereof to a point that is 182 feet more or less West of the point of beginning; thence ~~West~~ to the point of beginning, containing ten acres, more or less.

TO HERMAN L. MANNICH:

Eighty acres in Section 16, Township 7 South of Range 3 East not included in the description in Paragraph Two and conveyed during the lifetime of the said Julius Mannich. Title to this was later perfected in Equity in Herman L. Mannich.

TO RUDOLPH MANNICH:

Eighty acres in Section 16, Township 7 South of Range 3 East not included in the description in Paragraph Two and deeded during the lifetime of the said Julius Mannich.

TO FRANCES M. HAND:

Beginning at the Northeast corner of Section 7, Township 7 South, Range 3 East; run South on the quarter Section line, 1330 feet; thence West 182 feet more or less to the margin of Fish River; thence Northwesterly along the East Bank of Fish River with its meanders to the North line of said Section 7; thence run east along the section line 800 feet more or less to the point of beginning; and also the West half of the Northwest quarter of the Northwest quarter of Section 8, Township 7 South, Range 3 East. The above two tracts comprising twenty acres in Section 8, Township 7 South, Range 3 East and twelve acres more or less in Section 7, Township 7 South, Range 3 East.

FIFTH: The remainder of the Mannich homestead, not conveyed prior to the death of Julius Mannich is Subdivision Thirteen and Fourteen of that part of Section 7, Tp. 7 South of R 3 East, lying East of Fish River, less the ten acres allotted to Emma M. Pierce, and is largely swamp with little or no merchantable timber and of little value.

SIXTH: That the legal heirs and next of kin of Julius and Pauline Mannich and of their children are numerous and live not only in different parts of Baldwin, Mobile and Jefferson Counties of Alabama, but in other states and because of their number and the nature of the land, division in specie of the undivided portion of the estate cannot equitably be made.

SEVENTH: That the names and addresses of the children and heirs of the children of the late Julius Mannich, other than of Complainant, and who are parties defendant and listed in Paragraph Third of this Bill, to the best of Complainant's knowledge, information and belief are:

HEIRS OF FREDERICKA COONEY, DECEASED

Patrick J. Cooney, Louiselle Street, Mobile, Alabama, son  
Annie G. Jones, 1702 Dauphin Way, Mobile, Alabama, daughter  
Mary Smith, City Hospital, Mobile, Alabama, daughter  
Jeanne Cooney Gallagher, 102 East Oak St., Chicago, Illinois, grandchild,  
daughter of Thomas, deceased.

HEIRS OF EDWARD MANNICH, DECEASED

Alice McGowan, Summerdale, Alabama, (Marlow), daughter  
Louis Mannich, Marlow, Alabama, son  
Ingwald Mannich, Magnolia Springs, Alabama, son  
Foster Carson, husband of daughter Ethel, deceased, Pascagoula, Miss.  
Leila Carson, daughter of Ethel, 15 years old, c/o Mrs. Ed. Mannich,  
Marlow, Alabama, grandchild  
James Ingwald Carson, son of Ethel, 13 years old, with father at Pascagoula,  
Miss., grandchild.

HEIRS OF EMMA M. PIERCE, DECEASED

William Pierce, deceased, son, four children.  
Ben Pierce, 453 Canal, Mobile, Alabama  
Fred Pierce, R. F. D., Fairhope, Alabama.  
Lottie Boothe, Fairhope, Alabama.  
Peter Pierce, Pensacola, Florida.

Gussie Smith, deceased, daughter, one son.  
Wilton Smith, Bay Minette, Alabama.

Rudolph Pierce, Deceased, son, four children  
Irene Pierce, widow of Rudolph, Summerdale, Alabama, R. F. D.  
Ethel Harrison, Fairhope, Alabama.  
Ruby Roberts, Foley, Alabama.  
David Pierce, 907 Baltimore, Mobile, Alabama.  
Herman Pierce, Summerdale, R. F. D., Alabama.

Dorothy Riggins, Summerdale, Alabama, daughter  
Herman L. Pierce, Fairhope, Alabama, son

HEIRS OF HERMAN L. MANNICK, DECEASED

Joseph Mannick, 8241 6th Avenue, North, Birmingham 6, Alabama, son  
Herbert Mannick, Silverhill, Alabama, son  
Mary Klumpp, Fairhope, Alabama, daughter  
Cornelia Wallace, Fairhope R. F. D., Alabama, daughter

HEIRS OF RUDOLPH MANNICK, DECEASED

Pauline McVail, Cleveland, Ohio, daughter  
Julius Mannick, deceased, son, five children  
Dorothy Mannick Pence, 48 Summit Street, Barberton, Ohio.  
William Owen Mannick, P. O. Box 372, Bellville, Ohio  
Henry Junior Mannick, 48 Summit Street, Barberton, Ohio.  
Doreen Anne Mannick, a minor, 48 Summit Street, Barberton, Ohio.  
Janice Mannick, a minor, 48 Summit Street, Barberton, Ohio.

Cornelia Thompson, P. O. Box 345, Holden, W. Virginia, daughter  
Reuben Mannick, Pritz, Dayton Ohio, son  
Clara Smith, General Deliver, Logan, W. Virginia, daughter  
Owen Mannick, 20 Hatfield Street, Dayton, Ohio, son

HEIRS OF LOUISA GUNDORPH, DECEASED

Fred Gundorph, only heir, grandson, New Orleans, Louisiana.

THE PREMISES CONSIDERED, Complainant prays that the Defendants named in Paragraph Seven of this Bill be made parties defendant thereto and by proper and legal notice required to plead, answer or demur to this Bill within the time prescribed by law. That personal service be had on the resident defendants, and on the parents of the minor defendants, as well as the minors themselves; namely: Leila Carson, daughter of Ethel Carson, minor, 15 years old, living with Mrs. Ed. Mannick, Marlow, (father non-resident), and by registered mail on James Ingwald Carson, minor, 13 years old, and on Foster Carson, his father and father of Leila Carson aforesaid, living at Pascagoula, Mississippi; Doreen Ann Mannick and Janice Lynn Mannick, minors, 48 Summit Street, Barberton, Ohio, no living parent or guardian. Also that an order of publication be made for service upon Jeanne C. Gallagher, 102 E. Oak Street, Chicago, Illinois; Forster Carson, individually and as guardian of Leila Carson and and James Ingwald Carson, Pascagoula, Mississippi; Peter Pierce, Pensacola, Florida; Pauline McVail, Cleveland, Ohio; Dorothy M. Pence, William Owen Mannick, Henry Junior Mannick, Doreen Ann Mannick and Janice Lynn Mannick, all of 48 Summit Street, Barberton, Ohio; Mrs. Cornelia Thompson, P. O. Box 345, Holden, W. Virginia; Reuben Mannick, Pritz, Dayton, Ohio; Mrs. Clara Smith, General Delivery, Logan, W. Virginia; Owen Mannick, 20 Hatfield Street, Dayton, Ohio and Fred Gundorph, New Orleans, Louisiana, other address unknown.

Complainant further prays that a Guardian ad litem be named for the minor defendants: Leila Carson, James Ingwald Carson, Doreen Ann Mannick and Janice Lynn Mannick; also for any other minor defendants who are heirs and interested in this cause, but whose names and addresses are not known and cannot be ascertained.

Complainant further prays that a day be set for the hearing of this cause, and that on said day a decree be rendered directing the Register of this Court to prepare and execute proper instruments of conveyance to Complainant and to the heirs or legal representatives of the two deceased children of Julius Mannich to whom deeds have not heretofore been executed; namely, Fredericka Cooney and Emma M. Pierce, of the portions of the family homestead allotted to their respective ancestors during the lifetime of the grandparent; of which lands said ancestors and Complainant had originally been put into possession by the late Julius and Pauline Mannich.

Complainant further prays that title to the several allotments of land made by the late Julius Mannich in his lifetime but not yet legally conveyed be confirmed in the surviving daughter and in the legal heirs of Fredericka Cooney and Emma M. Pierce as evidenced by the Register's deeds aforesaid and that, except as to the share allotted to each defendant named as the heir of his or her immediate ancestor, that the decree rendered forever quiet the title of Complainant and of each such defendant to all further interest in the lands described in Paragraph Second of this Bill and allotted to other parties, but without prejudice to the interest of Complainant and of such defendant in the proceeds of the sale of land not hereby specifically divided but to be sold for further division.

Complainant further prays that the Register of this Court be directed, after legal notice of the time, place and terms of sale, to sell at public outcry that portion of the Julius Mannich estate not specifically divided as aforesaid; execute proper conveyance to the purchaser and of the proceeds of such sale, after paying all costs and expenses of the said sale, including the costs of this cause and a reasonable solicitors' fee to be awarded to the Solicitors for the Complainant for their services in this cause, to hold the remainder to be divided among the parties to this cause in accordance with the further orders of this Court.



Complainant further prays that the Register of this Court, upon completion of the sale of the undivided land aforesaid, be directed to ascertain and report the proportions of the net balance realized from the sale of the undistributed property to be allotted among the several heirs of the late Julius Mannich and that upon the report of said Register, an order be made distributing the proceeds of said sale in accordance with the interests of the respective parties to this cause.

Complainant further prays for such other, further or different relief as to equity may seem meet.

*Richardby & Richardby*  
Solicitors for Complainant.

Jefferson County, Virginia  
HOLLY V. McDOWELL, Sheriff

*Handwritten notes and signatures at the bottom of the page, including a large signature on the left and various notes on the right.*

## Probate Judge

Bay Minette, Ala., Dec 22, 1927

Received of Mr. Sharp

[illegible]

**FOR RECORD**

**TOTAL \$** \_\_\_\_\_

19961 MARSHALL &amp; BRUCE-BIRMINGHAM

**Judge of Probate.**

2307

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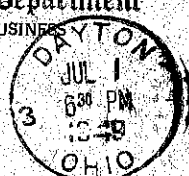
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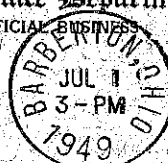
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1 Wm O Mannick  
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2 Majora Smith  
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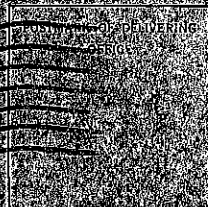
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State *Ala*

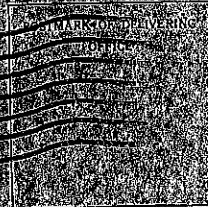
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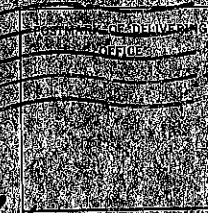
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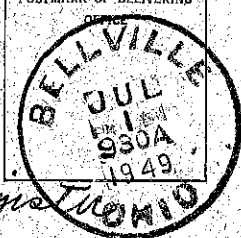
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*5128*

Post Office

*Bay Minette*

INSURED PARCEL

No.

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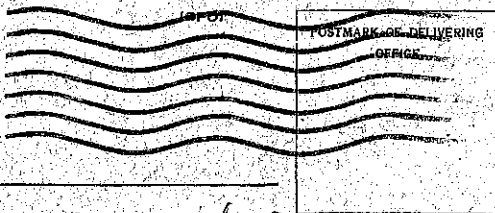
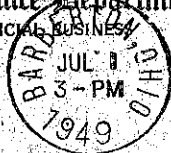
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*5133*

Post Office

*Bay Minette*

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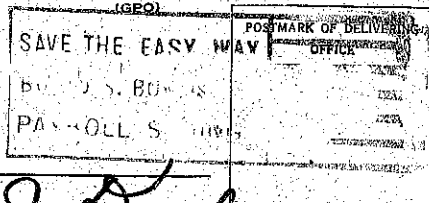
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Declared value, \$ None Surcharge paid, \$ None

From Ans J Duck (Post office and State)

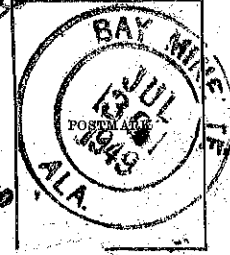
Addressed to Patrick J. Conner (Post office and State)

St Francis Sanitarium (Post office and State)

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

Return receipt fee 5 (in person or order) Special delivery fee None

Delivery restricted to addressee NO Postmaster, per AR





## LEGAL NOTICE

Frances M. Hand, Complainant,  
vs. Herman L. Pierce, et al, De-  
fendants.

Equity No. 2307.

Circuit Court of Baldwin County,  
Alabama.

Notice is hereby given that by virtue of a decree dated September 20, 1949, rendered by the Hon. Telfair J. Mashburn, Jr., Judge of the Circuit Court of Baldwin County, sitting in equity, the undersigned, as Register of said Court, will proceed to sell at public outcry for cash to the highest bidder, in front of the Court House at Bay Minette, Alabama, on Tuesday, October 18, 1949, at noon, for division among the owners thereof, the following property:

Commencing at a point on the east line of Section 7, Township 7 South of Range 3 East, that is 1995 feet from the north line of said Section, for a starting point, running thence west 665 feet, thence north 665 feet, more or less, to the east margin of Fish River, thence westwardly with the meanders of said river, and continuing along its bend southeastwardly to a point where the east shoreline of Fish River intersects the west line of a basin, thence along the margin of said basin semi-circularly to a point at the northwest corner of land now, or formerly, of Roussell, thence east along Roussell's north line to the east line of Section 7, thence north along said east line of Section 7, thence north along said east line 2980 feet, more or less, to the point of beginning, containing seventy acres, more or less.

Witness my hand at Bay Minette, Alabama, this the 20th day of September, 1949.

ALICE J. DUCK,

Register.

RICKARBY & RICKARBY,

Solicitors.

9-29-3t

## AFFIDAVIT OF PUBLICATION

I, Marjorie Howell Rankin  
Publisher of The Onlooker, published at  
Foley, Ala., do solemnly swear that a copy of the above notice,  
as per clipping attached, was published once each week in the  
regular and entire edition of said newspaper, and not in any  
supplement thereof, for Three consecutive weeks, com-  
mencing with the issue dated Sept. 29, 1949, and  
ending with the issue dated Oct. 13, 1949.

Marjorie Howell Rankin

Subscribed and sworn to before me this 20 day  
of October, 1949.

MY COMMISSION EXPIRES AUGUST 14, 1951

Notary Public.