

2356

H.H. PEEBLES	§	IN THE CIRCUIT COURT OF
COMPLAINANT	§	BALDWIN COUNTY, ALABAMA,
VS	§	IN EQUITY.
A.G. SUMMERLIN & ROSA LEE SUMMERLIN	§	
RESPONDENTS	§	

TO THE HONORABLE TELFAIR J. MASHEURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Comes your Orator, H.H. PEEBLES, and presents this Bill of Complaint against A.G. SUMMERLIN AND ROSA LEE SUMMERLIN, and thereupon your Orator complains and shows unto the Court and your Honor as follows:

1. Your Orator is a citizen of Baldwin County, Alabama and is over the age of twenty-one years; and the Respondents are over the age of twenty-one years and are citizens of Baldwin County, Alabama.

2. That on to-wit, May 23, 1942, your Orator filed for record in the office of the Judge of Probate of Baldwin County, Alabama a certificate of survey made by D.S. Comstock and purporting to be of division of certain lands situate in Baldwin County, said lands being plated for a subdivision and divided into lots with a right-of-way of the width of thirty feet extending across the frontage of said lots and adjacent to the section line which right-of-way was dedicated as a public right-of-way on said plat which is of record in Plat Book 1 page 165 in the office of the Judge of Probate of Baldwin County, Alabama and that said dedicated right-of-way or portions thereof has been used continually since the dedication aforesaid as recorded in the office of the Judge of Probate of Baldwin County, Alabama.

3. That your Orator owned said subdivided property and sold lots in the subdivision aforesaid, among which were lots numbered four and five, which lots are now owned by A.G. SUMMERLIN and ROSA LEE SUMMERLIN, his wife.

4. That your Orator retained lot ten in said subdivision and is a resident thereon.

5. That the said Respondents have closed a portion of the aforesaid dedicated right-of-way by fencing such land to the hinderance of traffic including school busses and carriers of the U.S. Mail and that the said tresspass of the right-of-way aforesaid also hinders the maintenance and up-keep of said roadway.

6. That if such obstructions are permitted to remain upon said roadway it will result in special and irreparable damage to all citizens, householders, and occupants as well as the services using said roadway and your complainant, as original Grantor will be damaged and made liable for action on the part of other land owners, Grantees within the subdivision aforesaid; That no other means is available for Egress and Ingress other than the roadway dedicated to public use, such obstruction constituting a nuisance.

#### PRAYER FOR PROCESS

Your Orator prays that the usual process of this Honorable Court issue to the Respondents, requiring them to appear and answer, plead to or demur to the Bill of Complaint filed against them in this cause within the time and under the penalties prescribed by law and the rules of this Honorable Court.

#### PRAYER FOR RELIEF

1. That this Honorable Court will order a hearing in the matter aforesaid in accordance with the rules of this Honorable Court and that after a proper hearing that the Respondents shall be ordered to remove the obstructions from said roadway and will be permanently enjoined from obstructing said roadway hereafter.

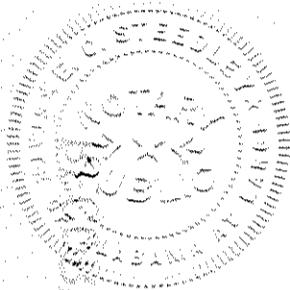
2. Your Orator further prays for such other, further and general relief as it may be equitably entitled to the premises considered.

X H. H. Peebles  
C. L. Lenoir Thompson  
C. L. LENOIR THOMPSON  
H. M. Hall  
H. M. HALL  
Solicitors for Complainant.

STATE OF ALABAMA  
BALDWIN COUNTY.

Before the undersigned officer, duly and legally authorized to take and certify affidavits, personally appeared H.H. Peebles, who having been duly sworn, deposes and says that he is the Petitioner in this matter and has knowledge of the facts and that the allegations averred as facts in the foregoing petition are true and that insofar as its allegations are on information and belief, or may be conclusions, that he has knowledge and is informed and believes and upon such knowledge, information and belief states the same to be true.

This 15th day of August, 1949.



*[Signature]*  
Notary Public, Baldwin Co., Ala.

Received in Sheriff's Office  
this 20 day of Sept, 1949  
TAYLOR WILKINS, Sheriff

no 2356

RECORDED

Q-22 1949

Bill of Complaint  
~~Summons and~~  
sequestration

9-26-77

*A. G. Summerlin*

Taylor Welbourn Sheriff  
By: W. F. Hall Deputy Sheriff

[illegible]

**FILED**

SEP 20 1949

ALICE J. BUCK, Register

H. H. PEEBLE<sup>S</sup>,  
Complainant,  
VS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

A. G. SUMMERLIN and RO<sup>S</sup>A LEE  
SUMMERLIN,  
Re<sup>S</sup>pondent<sup>S</sup>.

IN EQUITY.

DEMURRER TO THE AMENDED BILL OF COMPLAINT and  
AN<sup>S</sup>WER TO THE AMENDED BILL OF COMPLAINT:

Now come<sup>S</sup> the Re<sup>S</sup>pondent<sup>S</sup>, A. G. Summerlin and Ro<sup>S</sup>a Lee Summerlin, and demur, each separately and severally, to the amended Bill of Complaint, and a<sup>S</sup>sign the following ground<sup>S</sup> of demurrer, each separately and severally:

1. There i<sup>S</sup> no Equity in the Bill.
2. Complainant ha<sup>S</sup> a complete and adequate remedy at law.

AN<sup>S</sup>WER:

Now the Re<sup>S</sup>pondent<sup>S</sup>, A. G. Summerlin and Ro<sup>S</sup>a Lee Summerlin, without waiving the ground<sup>S</sup> of the demurrer hereinabove a<sup>S</sup>signed by them, say, each separately and severally, in an<sup>S</sup>wer to the amended Bill of Complaint:

1. Re<sup>S</sup>pondent<sup>S</sup> admit that they are over the age of twenty-one year<sup>S</sup>, and are citizen<sup>S</sup> of Baldwin County, Alabama, but they deny each and every other allegation contained in paragraph Numbered One of the amended Bill of Complaint.
2. Re<sup>S</sup>pondent<sup>S</sup> deny each and every allegation contained in paragraph Numbered Two of the amended Bill of Complaint.
3. Re<sup>S</sup>pondent<sup>S</sup> admit that they own Lot<sup>S</sup> Numbered Four and Five and the West Half of Lot<sup>S</sup> Numbered Six and Seven in the subdivi<sup>S</sup>ion mentioned in the amended Bill of Complaint, but the Re<sup>S</sup>pondent<sup>S</sup> deny each and every other allegation contained in paragraph Numbered Three of the amended Bill of Complaint.
4. Re<sup>S</sup>pondent<sup>S</sup> deny each and every allegation tained in paragraph Numbered Four of the amended Bill of Complaint.
5. Re<sup>S</sup>pondent<sup>S</sup> deny each and every allegation tained in paragraph Numbered Five of the amended Bill of Complaint.

And the Respondents say in answer to the allegations contained in paragraph Numbered Five of the amended Bill of Complaint, that they have not fenced any portion of the dedicated right of way mentioned in the amended Bill of Complaint. Respondents aver that the fence which they have built is entirely upon their own land and that such fence is more than twelve feet East of the aforementioned right of way on the North boundary of the property of the Respondents, and that such fence is more than seven feet East of the aforementioned right of way on the South boundary of the property of the Respondents. Respondents further say that on October 24, 1949, H. W. Graham, a registered Surveyor, made a Survey of this property and found the fence of the Respondents to be East of the aforementioned right of way.

6. Respondents deny each and every allegation contained in paragraph Numbered Six of the amended Bill of Complaint.

7. Having fully answered the amended Bill of Complaint, the Respondents pray that they be discharged with their reasonable cost expended in this behalf.

J. B. Blackburn  
Solicitor for Respondents.

H. H. PEEBLES

COMPLAINANT

VS

A. G. SUMMERLIN &  
ROSA LEE SUMMERLIN

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

Upon consideration of the within bill filed this day, and  
on motion of the Complainant, it is

ORDERED, ADJUDGED AND DECREED that this cause be set for  
hearing upon the motion for a preliminary injunction at Chambers *at 10:00 a.m.*  
on the *4<sup>th</sup>* day of *October*, 1949. Let due notice issue to  
the defendant.

Done this the *20<sup>th</sup>* day of *September*, 1949.

*J. Fair P. Maskebury, Jr.*  
CIRCUIT JUDGE.

*[Faint handwritten notes, possibly "Dobson"]*

H. H. PEEBLES

COMPLAINANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY.

VS

A. G. SUMMERLIN &  
ROSA LEE SUMMERLIN

## RESPONDENTS

Upon consideration of the within bill filed this day, and on motion of the Complainant, it is

ORDERED, ADJUDGED AND DECREED that this cause be set for hearing upon the motion for a preliminary injunction at Chambers on the 4th day of October, 1949. Let due notice issue to the defendant.

Done this the        day of August, 1949.

CIRCUIT JUDGE.

~~Complaint on~~  
~~procedure~~

*A. p. Lee Summerlin*  
*A. G. Summerlin*

By Taylor Wilkins Deputy

no 2352

N. W. Peabody

455.

**WILLIAMS & WILLIAMS**

Injunction

Filed 9-22-49

on the 14th of 1844. The notice came to  
the hands of *Wm. H. H. H.*  
and the notice for a preliminary injunction at Chambers  
was issued, although the notice was not yet for  
the consideration of the Court, it is  
considered that the notice will be filed this day, and

五、六、七、八、九、十、十一、十二、十三、十四、十五、十六、十七、十八、十九、二十、二十一、二十二、二十三、二十四、二十五、二十六、二十七、二十八、二十九、三十、三十一、三十二、三十三、三十四、三十五、三十六、三十七、三十八、三十九、四十、四十一、四十二、四十三、四十四、四十五、四十六、四十七、四十八、四十九、五十、五十一、五十二、五十三、五十四、五十五、五十六、五十七、五十八、五十九、六十、六十一、六十二、六十三、六十四、六十五、六十六、六十七、六十八、六十九、七十、七十一、七十二、七十三、七十四、七十五、七十六、七十七、七十八、七十九、八十、八十一、八十二、八十三、八十四、八十五、八十六、八十七、八十八、八十九、九十、九十一、九十二、九十三、九十四、九十五、九十六、九十七、九十八、九十九、一百。

[illegible]

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G. L. Thompson  
H. M. Hall -

H. H. PEEBLES,

VS.

Complainant,

A. G. SUMMERLIN and ROSA  
LEE SUMMERLIN,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

DECREE

This cause coming on to be heard on this date was, in open court, dismissed by the complainant, WHEREUPON, it is, therefore, Ordered, Adjudged and Decreed by the Court that the said cause be and it is hereby dismissed and the costs of the said proceeding taxed against the said complainant.

ORDERED, ADJUDGED AND DECREED on this the 5th day of February, 1952.

Jelfair J. Massey

Judge.

2356

DECREE

H. H. PEEBLES,

Complainant,

VS.

A. G. SUMMERLIN and ROSA LEE  
SUMMERLIN,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

FILED

MAY 7 1952

MISS J. DICK, Register

3232

H. H. PEEBLES

COMPLAINANT

VS

A. G. SUMMERLIN &  
ROSA LEE SUMMERLIN

RESPONDENTS

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

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT  
COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING;

Comes your Orator, H. H. PEEBLES, and amends his original complaint  
in this cause by deleting paragraphs three and five and adding in their  
place paragraphs numbered three and five below:

3. That your Orator owned said subdivided property and sold lots  
in the subdivision aforesaid, among which were lots numbered four and  
five and the West Half of lots six and seven, which lots are now owned  
by A. G. SUMMERLIN AND ROSA LEE SUMMERLIN, his wife.

5. That the said Respondents have closed a portion of the afore-  
said dedicated right-of-way by fencing such land to the hinderance of  
traffic including carriers of the U. S. Mail and that the said tresspass  
of the right-of-way aforesaid also hinders the maintenance and up-keep  
of said roadway.

H. H. Peebles  
C. L. Lenoir Thompson  
C. LENOIR THOMPSON  
H. M. Hall  
H. M. HALL  
Solicitors for Complainant.

STATE OF ALABAMA  
BALDWIN COUNTY.

Before the undersigned officer, duly and legally authorized to  
take and certify affidavits, personally appeared H. H. Peebles, who  
having been duly sworn, deposes and says that he is the Petitioner  
in this matter and has knowledge of the facts and that the allegations  
averred as facts in the foregoing petition are true and that insofar  
as its allegations are on information and belief, or may be conclusions,  
that he has knowledge and is informed and believes and upon such  
knowledge, information and belief states the same to be true.

This 12th day of October, 1949.

C. L. Lenoir Thompson  
Notary Public, Baldwin Co., Ala.

2356

IN THE CIRCUIT COURT OF  
THE FIRST JUDICIAL CIRCUIT IN AND FOR THE COUNTY OF TAMPA, FLORIDA

STATE OF FLORIDA, Plaintiff,  
vs.  
JAMES EARL RAY, Defendant.

JOHN W. BAKER, Attorney for Plaintiff,  
vs.  
JOHN W. BAKER, Attorney for Defendant.

FILED FOR RECORD  
OCTOBER 12, 1969  
CLERK OF CIRCUIT COURT

Filed: October 12, 1969  
J. Edgar Hoover, Jr.  
Judge

THE STATE OF FLORIDA, Plaintiff,  
vs.  
JAMES EARL RAY, Defendant.  
JOHN W. BAKER, Attorney for Plaintiff,  
vs.  
JOHN W. BAKER, Attorney for Defendant.  
The State of Florida, Plaintiff,  
vs.  
JAMES EARL RAY, Defendant.  
JOHN W. BAKER, Attorney for Plaintiff,  
vs.  
JOHN W. BAKER, Attorney for Defendant.  
The State of Florida, Plaintiff,  
vs.  
JAMES EARL RAY, Defendant.  
JOHN W. BAKER, Attorney for Plaintiff,  
vs.  
JOHN W. BAKER, Attorney for Defendant.

JOHN W. BAKER, Attorney for Plaintiff,  
vs.  
JOHN W. BAKER, Attorney for Defendant.  
The State of Florida, Plaintiff,  
vs.  
JAMES EARL RAY, Defendant.  
JOHN W. BAKER, Attorney for Plaintiff,  
vs.  
JOHN W. BAKER, Attorney for Defendant.  
The State of Florida, Plaintiff,  
vs.  
JAMES EARL RAY, Defendant.  
JOHN W. BAKER, Attorney for Plaintiff,  
vs.  
JOHN W. BAKER, Attorney for Defendant.

JOHN W. BAKER, Attorney for Plaintiff,  
vs.  
JOHN W. BAKER, Attorney for Defendant.  
The State of Florida, Plaintiff,  
vs.  
JAMES EARL RAY, Defendant.  
JOHN W. BAKER, Attorney for Plaintiff,  
vs.  
JOHN W. BAKER, Attorney for Defendant.  
The State of Florida, Plaintiff,  
vs.  
JAMES EARL RAY, Defendant.  
JOHN W. BAKER, Attorney for Plaintiff,  
vs.  
JOHN W. BAKER, Attorney for Defendant.

JOHN W. BAKER, Attorney for Plaintiff,  
vs.  
JOHN W. BAKER, Attorney for Defendant.  
The State of Florida, Plaintiff,  
vs.  
JAMES EARL RAY, Defendant.  
JOHN W. BAKER, Attorney for Plaintiff,  
vs.  
JOHN W. BAKER, Attorney for Defendant.

2357

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Murley Calvert to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Jean Willis Calvert, as Complainant, against Murley Calvert, as Respondent.

Witness my hand this 20<sup>th</sup> day of September, 1949.

David L. Warrick  
Register.

JEAN WILLIS CALVERT,  
Complainant,  
vs.  
MURLEY CALVERT,  
Respondent.

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

Comes your Complainant, the undersigned Jean Willis Calvert, and files this, her Bill of Complaint for Divorce against the said Murley Calvert and shows unto your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant is a married woman, twenty-two (22) years of age and a resident of Bay Minette, Baldwin County, Alabama; that the Respondent, Murley Calvert, is over the age of twenty-one years and a non-resident of the State of Alabama, his more particular address being: c/o John A. Calvert, Belle Glade, Florida. That your Complainant has been a resident citizen of Baldwin County, Alabama, all of her life.

SECOND:

That your Complainant and Respondent were married on heretofore, to-wit, February 24, 1944. That on several occasions the Respondent threatened to do physical harm to Complainant and on, to-wit, May 13, 1949, the Respondent committed actual violence on the person of your Complainant by striking her with his fists, slapping her and by pushing her. That your Complainant has reasonable apprehension to believe that if she continued to live with the Respondent her life or health would be in danger.

THIRD:

That there was born to Complainant and Respondent three children, Murley Calvert, Jr., who is now five years of age; Michael Calvert, who is now three years of age, and Diame Calvert, who is now eight months of age. That on account of the tender age of such children their care, custody and control should be awarded to your Complainant, who is the mother of said children and who is a fit and proper person to have the care, custody and

control of said minors. That the Respondent is not a fit and proper person to have such care, custody and control of said minors.

FOURTH:

That the Respondent is an able bodied man, over the age of twenty-one years and is capable of earning a sufficient amount to properly care for said minor children. That your Complainant does not own any property and has no money out of which to support herself and said minor children, and that it was necessary that she employ Solicitors to prosecute this action and that she has employed the firm of Hybart, Chason & Stone for that purpose.

PRAYER FOR PROCESS AND RELIEF

The premises considered, your Complainant prays that Murley Calvert be made a party Respondent to this cause and that he be required to appear and plead, answer or demur to this Complaint within the time allowed by law and by the rules of this Court in such cases, by having the Register forward to him a copy of this Bill of Complaint, together with the summons, by registered mail, postage prepaid, marked, "for delivery only to the person to whom addressed", and return receipt requested. That upon a final hearing hereof, your Honor will enter an order granting unto your Complainant an absolute divorce from the said Respondent and will award her the care, custody and control of the said minor children named above; and that your Honor will ascertain and fix a reasonable amount to be paid by the Respondent to your Complainant as support for said minor children and as alimony for your Complainant, and that your Honor will ascertain and fix a reasonable Solicitors' fee to be paid by the Respondent to your Complainant's Solicitors for prosecuting this action. And that your Honor will enter an order allowing your Complainant to remarry if she sees fit and your Complainant prays for such other, further and different relief as in the premises may be meet and proper.

Jean Willis Calvert  
Complainant.

Hybart, Chason & Stone  
Solicitors for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Alice L. Miller, a Notary Public,  
in and for said County in said State, personally appeared, Jean  
Willis Calvert who is known to me and who after being by me first  
duly and legally sworn doth depose and say:

That the allegations contained in the foregoing Bill of  
Complaint are true and correct.

Jean Willis Calvert  
Complainant

Sworn to and subscribed

before me this 21st day of  
September, 1949.

Alice L. Miller  
Notary Public, Baldwin County,  
Alabama.

SUBSUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

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

\_\_\_\_\_ TERM, 19\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

Perry Browning et al.

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

Perry Browning et al. \_\_\_\_\_, Defendant

by State of Ala. \_\_\_\_\_

\_\_\_\_\_, Plaintiff

Witness my hand this 21<sup>st</sup> day of Sept 1947.

W. J. Church, Clerk

No. 15

Page \_\_\_\_\_

**THE STATE OF ALABAMA**  
BALDWIN COUNTY

**CIRCUIT COURT**

vs.

Plaintiffs

Defendants

**SUMMONS and COMPLAINT**

Filed \_\_\_\_\_

, 19 \_\_\_\_\_

\_\_\_\_\_, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at \_\_\_\_\_

RECEIVED IN OFFICE

\_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_, Sheriff

I have executed this summons

this \_\_\_\_\_

by leaving a copy with \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_, Sheriff

\_\_\_\_\_, Deputy Sheriff