

THE STATE OF ALABAMA,

CIRCUIT COURT, IN EQUITY.

Baldwin

County.

No. 89

Vacation Term, 1918.

Paul F. Smith.

Complainant

Heirs of William Fisher et-als

Defendant

In this cause it appears to the Register..... of this Court..... that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the..... 23rd,..... day of May..... 1918, in the Baldwin Times..... a newspaper published in Bay Minette, Baldwin Co. Alabama, that a copy of said order was posted at the Court House door in Baldwin..... County on the..... 23rd..... day of May..... 1918, and that another copy was sent by mail on the..... day of..... 19....., to.....

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

Heirs next of kin, devisees, executors, or administrators or assignees of William Fisher, Sr, Marcette Krebs, Josephine Grelot, Hypolite Fisher, Jr, Joshua Kennedy, and John Bartlett, Jr, deceased,

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

Heirs next of kin, devisees, executors or administrators or assignees of William Fisher, Sr, Marcette Krebs, Josephine Grelot, Hypolite Fisher, Jr, Joshua Kennedy, and John Bartlett, Jr, Deceased.

This 12th day of August 1918.

T.W. Richerson
Register.

THE STATE OF ALABAMA,

..... County.

CIRCUIT COURT, IN EQUITY.

Paul F. Hewitt

vs.

*Hira O. Kellum
Fisher et al.*

DECREE PRO CONFESSO ON
PUBLICATION.

Issued Aug. 2nd 1918

J. W. Kellum
Register.

Recorded in..... Record

Vol..... Page.....

J. R. Register.

Paul F. Smith

Complainant

vs.

The heirs, next of kin,
devisees, executors and admin-
istrators William Fisher Sr et al

Respondents,

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

publication and decree pro-confesso
or publication

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY, No. 89.

CIRCUIT COURT OF BALDWIN COUNTY.

and in behalf of Defendant upon

J. W. Richardson

Register

No.....

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

vs.

NOTE OF TESTIMONY.

Filed in Open Court this..... *Nov 18*

day of 191⁸

J. W. Rice

Register

Paul F. Smith,

vs.

The Heirs, next of kin,
devisees, Executors and
Administrators or assignees
of William Fisher, Sr.,
Marcette Krebs, Josephene
Grelot, Hypolite Fisher, Jr.,
Joshua Kennedy and John
Bartlett, Jr.

In the Circuit Court of Baldwin, County,
Alabama.

In Equity.

This cause is submitted for final decree on the pleadings and the proof as noted by the Register, and on consideration,

It is ordered, adjudged and decreed that the Respondents above named have no right, title, claim, interest in, or encumbrance upon the lands described in the Original Bill of Complaint nor any part thereof, viz:- The North-east Quarter of the South-west Quarter of the North-east Quarter of Section Twenty-nine, Township Three South, Range Two East.

It is further ordered, adjudged and decreed that the title of Complainant is good and valid in and to said lands as against said Respondents.

It is further ordered, adjudged and decreed that the Register of this Court shall, within thirty days from the date of this Decree, file this decree or a certified copy of the same in the Probate Court of Baldwin County, Alabama, for record, and tax the expense of the same in the costs of this cause.

It is further ordered, adjudged and decreed that the Complainant pay the costs of this cause for which execution may issue.

This ^{11th} 8th day of ~~December~~ 1918.

A. J. Gaubly
Judge.

*Filed Dec's papers
J. W. Williamson
Register*

*Recorded on Minutes
Page 35*

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GORDON & EDINGTON
ATTORNEYS-AT-LAW
714-715-716 VAN ANTWERP BUILDING
MOBILE, ALA.

August
10
1918.

Mr. T. W. Richerson,

Bay Minette, Ala.


Dear Sir:-

Please find enclosed demurrer in re Bishop vs. Powell, et al, on the Equity side of your Court, which we wish you would please file in said cause.

We would also appreciate if you would please enter a decree pro confesso in the case of Paul F. Smith, vs. Heirs of Fisher, et al., next Monday.

Very truly yours,

REG/K.



GORDON & EDINGTON
ATTORNEYS-AT-LAW
714-715-716 VAN ANTWERP BUILDING
MOBILE, ALA.

May
3
1918.

Clerk of Circuit Court,
Bay Minette,
Baldwin County, Ala.

Dear Sir:-

We enclose bill to quiet title, which we will appreciate if you will file, secure order of publication and have published in the Baldwin County paper.

Will you please advise them that we will individually guarantee the bill.

Very truly yours,

DHE/K.

Enc. 1.



Paul F Smith

No. 89.

----VS----

The heirs, next of kin, devisees,
executors or administrators or assignees
of William Fisher, Sr, Marcette Krebs,
Josephine Grelot, Hypolite Fisher, Jr,
Joshua Kennedy, and John Bartlett, Jr. :
Deceased.

In Circuit Court, of Baldwin
County, Alabama, In Equity.

In this cause it being made to appear to the Register of this Court, by an affidavit of Complaint, by D.H. Eddington, as one of the attorneys for and representative of the Complainant in this cause, that the names of of the heirs at law ~~of~~ next of kin, devisees, executors, or administrators, or assignees, of William Fisher, Sr, Marcette Krebs, Josephine Grelot, Hypolite Fisher, Jr, Joshua Kennedy and John Bartlett, Jr are unknown to him and cannot be ascertained on dilligent inquiry; that he has made dilligent inquiry to ascertain same; that their residences, as he believes, are not in the State of Alabama, and that he believes them to be over the age of twenty-one years; and that he has made them unknown parties defendant to his bill of complaint in the above styled cause, because they are necessary parties and he has been unable to ascertain their names and residences.

It appears from said bill of complaint that complainant appears to own and is in possession of the following described lands, to-wit: The Northeast quarter of the Southwest quarter of the Northeast quarter of Section 29. Township 3 South, Range 3 East, in Baldwin County, Alabama.

That each defebdant claims or is reputed to claim some right, title, or interest in or incumbrance upon the said lands; that no suit is pending to test the validity of such title, claim or incumbrance upon said lands, or any part thereof, and how, and by what instrument the same is derived and created, and prays that his title to the said lands be quited as against the defendants and each of them; that it be declared that complainant has a good and perfect title to all of said lands as against the defendants and each of them and it be further decreed that none of the defendants have and right, title or interest in, or hold any lien or incumbrance upon the said lands.

It is therefore, ordered that publication be made in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, once a week for four consecutive weeks requiring the defendants, the said Heirs, next of kin, devisees, executors, or administrators or assignees, of William Fisher, Sr, Marcette, Krebs, Josephine Grelot, Hypolite Fisher, Jr, Joshua Kennedy and John Bartlett, Jr, deceased, to answer or demur to ~~the~~ the bill of complaint in this cause by the 8 th day of June, 1918, or thirty days therefrom a decree-proconfesso may be taken against them.

Done and ordered at Bay Minette, Alabama, this 9th day of May 1918.

T. W. Eddington
-----Register.

Gordon and Eddington
Atty's for Complainant.

Bay Minette, Ala.,

June 14th, 1918

M

Paul F. Smith

vs

Heirs William Fisher, Sr., et al

NOTICE TO NONRESIDENT
Gordon & Eddington
Attys for Complainant

THE BALDWIN TIMES

ABNER J. SMITH, PROPR.

FINE JOB PRINTING. BEST ADVERTISING MEDIUM

PROMPT SERVICE. LOWEST PRICES!

LOCAL AND LONG DISTANCE TELEPHONE

To publishing above Notice in The Baldwin Times
in issues of May 23rd and 30th and June 6th and 13th, 1918:
469 words @ 4½ cents per word.....\$21.10

THE BALDWIN TIMES

ABNER J. SMITH, PROPRIETOR

DEVOTED TO THE INTEREST OF BALDWIN COUNTY AND HER PEOPLE

SUBSCRIPTION: \$1.00 PER YEAR IN ADVANCE

ADVERTISING RATES ON APPLICATION

TELEPHONE NO. 7, LOCAL AND LONG DISTANCE

BAY MINETTE, ALA.,

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

ABNER J. SMITH, 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

Notice to Non-Resident.

Paul F. Smith vs. The heirs, next of kin, devisees, executors or administrators or assignees of William Fisher, Sr., Marcette Krebs, Josephine Grelot, Hypolite Fisher, Jr., Joshua Kennedy, and John Bartlett, Jr., Deceased.
In Circuit Court, of Baldwin County, Alabama. In Equity.

In this cause it being made to appear to the Register of this Court, by an affidavit of Complaint, by D. H. Eddington, as one of the attorneys for and representatives of the Complainant in this cause, that the names of the heirs at law, next of kin, devisees, executors, or administrators, or assignees, of William Fisher, Sr., Marcette Krebs, Josephine Grelot, Hypolite Fisher, Jr., Joshua Kennedy and John Bartlett, Jr., are unknown to him and cannot be ascertained on diligent inquiry; that he has made diligent inquiry to ascertain same; that their residences, as he believes, are not in the State of Alabama, and that he believes them to be over the age of twenty-one years and that he has made them unknown parties defendant to his bill of complaint in the above styled cause, because they are necessary parties and he has been unable to ascertain their names and residences.

It appears from said bill of complaint that complainant appears to own and is in possession of the following described lands, to-wit: The Northeast quarter of the Southwest quarter of the Northeast quarter of Section 29, Township 3 South, Range 2 East, in Baldwin County, Alabama.

That each defendant claims or is reputed to claim some right, title, or interest in or incumbrance upon the said lands; that no suit is pending to test the validity of such title, claim or incumbrance upon said lands, or any part thereof, and how, and by what instrument the same is derived and created, and prays that his title to the said lands be quieted as against the defendants and each of them; that it be declared that complainant has a good and perfect title to all of said lands as against the defendants and each of them and it be further decreed that none of the defendants have and right, title or interest in, or hold any lien or incumbrance upon the said lands.

It is therefore, ordered that publication be made in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, once a week for four consecutive weeks requiring the defendants, the said heirs, next of kin, devisees, executors, or administrators or assignees, of William Fisher, Sr., Marcette Krebs, Josephine Grelot, Hypolite Fisher, Jr., Joshua Kennedy and John Bartlett, Jr., deceased, to answer or demur to the bill of complaint in this cause by the 15th day of June, 1918, or thirty days therefrom a decree-proconfesso may be taken

Notice to Non-Resident.

Paul F. Smith vs. The heirs, next of kin, devisees, executors or administrators or assignees of William Fisher, Sr., Marcette Krebs, Josephine Grelot, Hypolite Fisher, Jr., Joshua Kennedy, and John Bartlett, Jr., Deceased.
In Circuit Court, of Baldwin County, Alabama. In Equity.

Was published in said Newspaper for 4 consecutive weeks
issues:

Publication	May 23rd, 1918	Vol.	29	No.	14
	May 30th, 1918	Vol.	29	No.	15
	June 6th, 1918	Vol.	29	No.	16
	June 13th, 1918	Vol.	29	No.	17

on to before the undersigned

of June 1918.

Circuit Court.

Abner J. Smith
Publisher.

STATE OF ALABAMA.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALA.

BALDWIN COUNTY.

SPRING TERM. IN EQUITY.

To The Hon. A E Gamble, Judge of the Circuit Court of Baldwin County Alabama, sitting in Equity.

Your Orator Frank Holz brings this his bill of complaint against Michel Lehmann, and shows unto your Honor.

FIRST.

That Orator is over the age of 21 years and resides at Elberta, Baldwin County, Alabama; that Michel Lehmann is a resident of Elberta, Baldwin County Alabama, and is over the age of 21 years.

SECOND.

That during the year 1917 Orator and Michel Lehmann formed a partnership for the purpose of growing potatoes, and by the terms of said partnership Michel Lehmann was to furnish the seed potatoes and 1500 pounds of fertilizer per acre planted and that ~~exxxxxxxx~~ Orator was to furnish the land and contribute his labor and that of his team to preparing for said crop and in planing and gathering and cultivating said crop. By the terms of said partnership each of the said partners to-wit Frank Holz and Michel Lehmann was to share equeally in the profits of said crops.

Thirg.

That under and by virtue of said partnership agreement they dis plant potatoes on about One $\frac{1}{2}$ acres of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21 Township 7 South of Range 6 East, Baldwin County Alabama, and about 9 acres on the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21 Township 7 South of Range 6 East Baldwin County Alabama, and that Orator furnished the team and labor i in assisting in preparing said land and in planting said crop of potatoes.

Fourth.

That said Michel Lehmann, although he agreed with orator to furnish the sum of 1500 pounds of fertilizer per acre for said crop in fact did not furnish but about 750 pounds per acre, and agreed to furnish the additional amount of 750 pounds per acre to be applied to the crop while growing, which he has failed and refused to do.

FIFTH.

That after said land was prepared and said potatoes were planted as above, the said Michel Lehmann, tried to repudiate said partnership agreement and appropriate the entire crop to his own use, forbidding

orator from coming on the land where the crop was planted and in other ways preventing Orator from giving said growing crop proper cultivation and attention, greatly to the damage of Orator.

Sixth.

That Orator had been cultivating about 9 acres of said land where the potatoes were planted the season previous and had growing on said land a large crop of velvet beans which Orator plowed under in order to enrich the soil for said potatoe crop; that said land belonged to one Frisch, a non resident whose agent placed the same in the care of Orator and permitted him to cultivate the same for the care of it; that after Michel Lehmann the respondent tried to repudiate the partnership agreement, he tried to arrange a compromise with Orator and while said compromise was pending, and while Respondent was represented by the firm of Rickarby Austill & Beebe, and Orator was being represented by the firm of Stone and Stone, and negotiations were pending for a settlement of partnership rights bewteen the parties hereto, said respondent Michel Lehmann, secretly and surreptitiously attempted to obtain or did obtain from the owner of said land a right or lease of said land upon which the partnership potatoes had been planted and notified Orator that as he had the land he would give him no part of said partnership potatoes which he agreed to do by the terms of said partnership.

SEVENTH.

That said crop of potatoes are ready for harvesting, and Orator is informed and verily believes that said Michel Lehmann is about to harvest and fraudulently dispose of said partnership crop of potatoes and appropriate the proceeds and that Orator will totally loose his share of said proceeds unless he is prevented from disposing of same.

~~EIGHTH~~

PRAYER FOR PROCESS

Prator praysthat Michel Lehmann be made party respondent tt this original bill of complaint in the usual process of this Honorable Court and that he may be required to plead, answer or demur to the same within the time and under the penalties and pains of this Honorable Court of that the same be forever confessed.

That a writ in injunction be issued to said Michel Lehmann directing and commanding him not to dispose of any of said crop of potatoes or interfere in the cultivation or gathering of the same , that the rights

of Orator as a partner be ascertained and determined by proper refer-
 ence before the Register of this court, and that a reasonable Attorneys
 fee payable out of the partnership assets be also ascertained by
 proper reference payable to the Attorneys for conducting this lit-
 igation and to these ends may a decree or decrees be entered upon final
 submission.

That your Honor will appoint some suitable person as receiver to take
 charge of, hold, possess and administer said crops, and as said crops
 are of a perishable nature that said Receiver be wmpowered to harvest
 and sell the same for the highest market value and hold the proceeds
 of same until further orders of this Court. and to grant such other or
 different relief as may be proper.

Frank Holz

Frank Holz
 COMPLAINANT.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me Frank S Stone a Notary Public in and for said
 County and State personally appeard Frank Holz who is known to me and who
 after being by me duly sworn doth depose and say under oath that the matters
 alleged as facts in the foregoing bill are true. ~~to the effect of said bill~~
~~in fact and law.~~

Given under my hand and seal this ^{4th} ~~1st~~ May 1918.

Frank Stone
 Notary Public Baldwin County, Alabama.



Note. Respondent is required to answer each and every paragraph of
 the above bill of complaint, from 1 to 7 Inclusive but not under
 oath, as oath is hereby expressly waived.

Stone & Stone
 for Complainant
 Hanuttou & Feish.

To The Register:-

Upon the execution and filing
with you of a Bond in the sum of \$500⁰⁰
to be approved by you, conditioned and
payable as required by Law, but temporary
writ of injunction issue in accordance
with the prayer of this Bill of Complaint.
This May 6th 1915

Filed
1915

90 121

Filed 5/6/1915.
T.M. Rice
Register

W. G. Gable
Judge

RECORDED

90

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Michel Lehmann,

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of Baldwin County, to be and appear before the Judge of the Circuit Court of

Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to

answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by.....

Frank Holz

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against said

Michel Lehmann,

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and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 6th day of MEY

191 8.

T. W. Richerson

Register.

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

2nd Original

Serve on Michel Lehmann,

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

No. 90

SUMMONS.

Frank Holz

vs.

Michel Lehmann,

RECORDED

Stone and Stone.

Solicitor for Complainant.

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this 6

day of May 1918

C. E. Eubanks
Sheriff.

Executed this 7 day of

May 1918

by leaving a copy of the within Summons with
Michel Lehmann

C. E. Eubanks
Defendant
Sheriff

By _____
Deputy Sheriff.