

J. S. Nassi et al

#

Green Case

P. M. Ferguson et al

#

Boles v. C. Egan

389

We hereby acknowledge our sincere
appreciation for costs in the foregoing
cases.

J. P. Junstall

Randolph W. Goman

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 T. Lee Ferguson, Virginia Ferguson,

Luella Ferguson, Angus M Ferguson, Lavelle B Ferguson,

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

J. L. Harris, Agnes Toulmin, Mary Dolive, James A Harris, Alice Motz,
Francois Hays, Jr., Randolph Mc Gowan, and T. P. Tunstall,

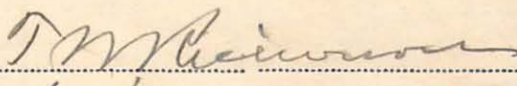
against said

T. Lee Ferguson, Virginia Ferguson, Luella Ferguson,
Angus M Ferguson, Lavelle B Ferguson, and Jessie M Smith,

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 19th day of May,

1923.



Register.

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

Original

Serve on -----

Circuit Court of Baldwin County
In Equity

No. -----

SUMMONS

J.L.Harris et als.

vs.

T.L.Ferguson et al.

T.F.Tunstall & Benjamin

B.F.Me Millan,

Solicitor for Complainant

Recorded in Vol. ----- Page -----

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this *19th*
day of *May* 192*3*

W.R. Stuart
Sheriff

Executed this *21st* day of
May 192*3*

by leaving a copy of the within summons with
T. Lee Ferguson Virginia Ferguson
Luella Ferguson and
Laocelle Ferguson Defendant

W.R. Stuart
Sheriff

By *B.O. Wiggin*
Deputy Sheriff

RECORDED

J. L. HARRIS, ET AL,
COMPLAINANTS.

VS.

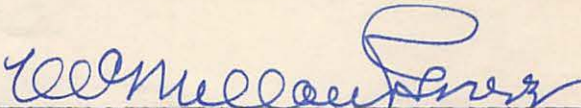
T. L. FERGUSON,
RESPONDENT.

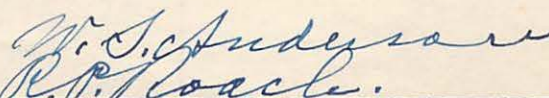
NO. 389.

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

It is agreed that the foregoing cause will be continued
for the term when reached on the calendar of said court on
September 13th., 1926.

Dated, this 11th day of September, 1926.


SOLICITORS FOR COMPLAINANT.


SOLICITORS FOR RESPONDENT.

MOTION

JAMES A. HARRIS, et al,

Complainants

vs

T. LEE FERGUSON, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
NO. 389.

Come now Shelton Harris by his attorney, Orvis M. Brown, and moves the Court to make him the party Complainant in lieu of the said James A. Harris. And he further shows to this Honorable Court that he is a son of James A. Harris, Sr., and the said James A. Harris, Sr., is now dead and has been deceased for about ten or twelve years; and he further shows that he is one of the only direct heirs of the said James A. Harris, Sr. and is heir to the respective interest of his said father in the above styled suit.

Your orator is over the age of twenty-one years and is a resident of Moss Point, Mississippi.

Your petitioner prays that upon the hearing of this motion that he will be made the party complainant in the above styled cause in lieu of the said James A. Harris, Sr., deceased.


Orvis M. Brown
Solicitor for Intervenor.

4
1937
11/37
Intervenor

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

Term, 194

J. L. Harris et als
No. 389 - old No - vs. The Ferguson et als

BILL OF COSTS

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court—		Summoning on Bill, Each Defendant... <i>H</i>	6.00
Docketing Cause, One fee only of... <i>R</i>	1.00	Executing Writ of Injunction, or Ne Exeat, each...1.50	
Issuing Summons on Bill, each... <i>SR</i>	.50	Executing Subpoenas for Witnesses, each..... .65	
Issuing Copies Thereof, each..... <i>R</i>	.40	Executing Writs of Possession, each.....5.00	
Entering Return of Same, each..... <i>R</i>	.15	Executing Scire Facias or Notice, each1.50	
Orders of Publication to Non-Residents, each...1.00*		Taking and Approving Bonds, each.....1.00	
Filing Bill or Other Paper, each..... <i>10-R</i>	.10	Impanelling Jury......75	
Copies of Same, Per 100 Words......15	.15	Collecting Execution for Costs Only, each.....1.50	1.50
Entering Appearances, each <i>4-R</i>	.25	Sheriff's Commissions	25
Issuing Writs of Injunction, Ne Exeat, each...1.50	1.50	<i>Entering & returning etc.</i>	
Issuing Copies Thereof, each50			
Entering Return of Same, each......15			
Decrees Pro Confesso, each.....1.00*		Total Sheriff's Fees	7.75
Order Appointing Guardian Ad Litem, each.....1.00*			
Issuing Commissions to Take Testimony, each.... .50			
Taking Testimony, Per Day.....1.50		SUMMARY OF FEES, COSTS, AND JUDGMENT	
Taking Testimony, Per 100 words......20		Fees in Circuit Court—	
Receiving and Filing Depositions, each pkg.,10		Register's Fees <i>RS Duck</i>	4.95
Indorsing Depositions Published, each pkg..... .10		Ex-Register's Fees <i>Mrs Mastone</i>	.50
All Entries on Commission Docket, Each Cause.... .50		Sheriff's Fees <i>Stewart</i>	7.75
Entering Order Submitting Cases for Decree, each. .50		Ex-Sheriff's Fees	
Other Orders of Court, each <i>R-10-152-R10</i>	.25	Witness Fees	
Noting Testimony on Hearing of Cause, each..... .50	.50	Commissioner's Fees	
Entering Decrees, of 500 Words or Less, each......75	.75	Guardian Ad Litem	
Per 100 words over 500......15	.15	Publisher's Fees	
Taking Accounts, etc., on Ref., per Day.....3.00*		Solicitor's Fees	
Taking Testimony on Reference Relating to		Court Reporter's Fees, Per Day or fraction thereof .50	
Trustee, etc., per 100 words......15		Trial Tax3.00	3.00
Reference and Reports, each.....2.00*		<i>2x Register - TW Rishman</i>	13.60
Reports of 500 Words or Less.....2.50			
Per 100 Words over 500......15		Fees and Costs in Inferior Court:	
Issuing Subpoenas for Witnesses, each......25		Clerk of Inferior Court Fees	
Issuing Witness Certificates, each......25		Sheriff's Fees	
All Entries on Subpoena Docket, each Cause..... .50		Witness Fees	
Taking and Approving Bonds, each.....1.00			
Making Complete Record, per 100 Words <i>R5-10-75</i>	.75		
Hearing, etc., Regarding Appointment of Re-			
ceiver or Trustee3.00			
Settlements with Receiver or Trustee, each.....3.00		Total Fees and Costs in Inferior Court	29.80
Examining Vouchers in Settlements, each......10			
Examining Answers on Exceptions, each Answer .3.00			
Removal Disabilities on Non-Age.....		Total Fees and Costs	
Commissions on Sales.....		Judgment	
Making Deeds to Property Sold, each.....2.00			
Receiving and Paying Out Money Other Than			
That Arising from Sales		Total Fees, Costs, and Judgment	
Certificates or Affidavits, with Seal, each......50			
Certificates or Affidavits without Seal, each......25			
Issuing Scire Facias or other Notice, each......50			
Other Orders of Register, except Cont., each......50			
Entering Certificates of Supreme Court, each......50			
Transcript for Supreme Court, per 100 words, each. .15			
Additional Copies, per 100 words......05			
Appeal Bond, each.....1.00			
Certificate of Appeal, each50			
Notice of Appeal, each......50			
Report to State Board of Health, each case......50			
Certificate of Judgment, each......25			
Issuing Executions, each......75			
Entering Returns Thereof, each......15			
Total Register's Fees	6.70		

I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST: _____

Register Circuit Court, Baldwin County, Ala.

Received payment this _____ day of _____ 194_____

ATTEST: _____

Register Circuit Court, Baldwin County, Ala.

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT

vs. Plaintiff-----

Defendant-----

EQUITY COST BILL

Term, 19__

Free Book _____, Page _____

Plaintiff's Attorney.

Defendant's Attorney.

J. L. HARRIS, ET ALS, VS. T. LEE FERGUSON, ET ALS, RESPONDENTS.))))))))	NO. _____ IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.
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Come the respondents in the above stated cause, and answering the bill of complaint heretofore filed, say as follows:

1st. That they are not informed as to the ages and residences of the complainants, therefore, they demand strict proof of same; and that they admit the ages and residences of the respondents, as alleged in the first paragraph of the bill.

2nd. These respondents deny the allegations of the second paragraph of the bill, and allege that the complainants are not in possession of the lands described, and that they do not own any interest in same. Respondents allege further that the description of the land is inaccurate and not correct, and that the complainants have no interest whatsoever in same. These respondents allege further that they are in possession of the tract of land, if the said respondents understand what tract of land is in question; that they are living on same and have owned it, paid taxes on it, and have been in possession of it for more than forty years; that the complainants have no right, title, interest, or claim, in or to said lands whatsoever.

3rd. Respondents deny all of the allegations of the third paragraph; they deny that the complainants are in anyway interested in the property of which these respondents are in possession, and further deny that the respondents and complainants, or any of them, are tenants in common of any land whatsoever; and these respondents deny further that the complainants have any right to have any partition of any lands as tenants in common with these respondents, or any of them.

WHEREFORE, having fully answered the said bill of complaint, these respondents pray that they may be discharged, with their reasonable costs in this behalf expended.

H. M. S. Anderson

R. P. Prach,
Solicitors for Respondents.

J. L. Harris, Agens Toulmin, Mary)
Dolive, James A. Harris, James Allen)
Motz, Alice Motz, Frances Hays Jr.,)
Randolph McGowan, E. P. Tunstall.)
Complainants)

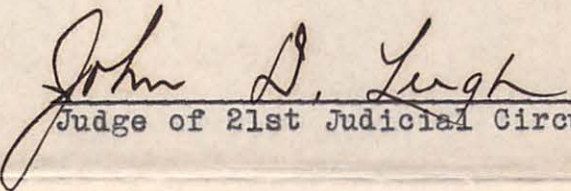
IN THE CIRCUIT COURT
OF BALDWIN COUNTY
IN EQUITY

-vs-

Lee Fergerson, Virginia Fergerson, Lu-)
ella Fergerson, Lavelle B. Fergerson,)
Jessie M. Smith.)
Respondents

This matter having been submitted to the Court on the Complaint and Demurrers thereto and the matter having been heard and understood by the Court, the Court is of the opinion that the demurrers should be overruled: it is therefore ordered, adjudged and decreed by the Court that said demurre4s be and the same hereby are overruled. The Defendants are allowed 30 days from the date of this Decree within which to answer or plead to this cause.

Dated: August 11th., 1925.


Judge of 21st Judicial Circuit.

J. L. HARRIS, et al, |
 Complainants, |
 vs |
T. L. FERGUSON, et al, |
 Respondents. |

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

No. _____

RECORDED

This day came Laura Crux, Mollie Willie Bumby, Henry D'Olive and Garney D'Olive, the children of Mary D'Olive, deceased, and Palmas Harris, James Harris, Henry Harris and Willie Harris, the children of James A. Harris, deceased, and move the court to make them parties complainant in lieu of their said respective parents and it being made to appear by affidavit of O. D. Dumas that the said Mary D'Olive and James A. Harris, are dead and that said movants are the sole heirs of their said respective parents and the successors to the respective interests of their said respective parents to the land involved in this suit; it is now ordered that said movants be made parties ^{complainant} to the original bill filed in this cause.

Dated this 24th day of September, 1930.

G. W. Haver,
Judge

JAMES A. HARRIS, ET AL


VS.

T. LEE FERGUSON , ET AL.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

IN EQUITY. # 389.

Comes now Orvis M. Brown, and appears for the
Interveaning petitioner Shelton Harris, in the above styled
cause and reserves the right to plead further.


ATTORNEY FOR INTERVEANING
PETITIONER, SHELTON HARRIS.

In Equity # 389

JAMES A. HARRIS, ET AL

VS.

T. LEE FERGUSON, ET. AL.

ATTORNEYS APPEARANCE.

Filed this 19 day Aug. 1936
Robert S. Duck
Clerk-Register

ORVIS M. BROWN,
Attorney for Shelton Harris.
Robertsdale, Alabama.

MOTION

JAMES A. HARRIS , ET AL
COMPALINANTS,

VS.

T. LEE FERGUSON, ET AL.
RESPONDENTS.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA,
IN EQUITY # 389.


Comes now SHELTON HARRIS, by his attorney Orvis M. Brown, in the above entitled cause and asks the permission of this Honorable Court that he be made an interveaning petitioner in the above styled cause and for support thereof shows as follows:

First:

That he is the son of James A. Harris , and a direct heir and should have been made a party in the original complaint but could not be contacted at the time of the filing of the original complaint therefore he was not joined, in the original complaint. That your orator is over the age of twenty -one years and that his residence is Moss Point, Mississippi, that his mother is Clara Palmes Harris, the wife of James Abbott Harris, one of the original petitioners in this above styled cause.

That the respondents are each over the age of twenty-one years and are as set out in the original Complaint.

Your petitioner prays that upon the hearing of this petition that he will be permitted to join as a party plaintiff in the above styled cause, and file his interveaning petition.


Solicitor for Intevenor.

In Equity # 389

James A. Harris, et. al.

Vs.

T. Lee Ferguson, et. al.

Motion.

Filed this 19 day Aug. 1936
Robert S. Duck
Clerk-Register

Orvis M. Brown, Attorney for
Intevenor, Shelton Harris.

J L Harris et al)

vs

T L Ferguson et al) Circuit Court Baldwin Co.

Equity No 389.

Comes Respondent Jesse M Smith, and admits the allegations of the Bill
of Complaint.

May 19th 1923.

Jesse M. Smith

J. L. Harris, Agens Toulmin, Mary
Dolive, James A. Harris, James Allen
Motz, Alice Motz, Frances Hays Jr.,
Randolph McGowan, E. P. Tunstall.
Complainants

IN THE CIRCUIT COURT
OF BALDWIN COUNTY
IN EQUITY

-vs-

Lee Fergerson, Virginia Fergerson, Lu-)
ella Fergerson, Lavelle B. Fergerson,)
Jessie M. Smith.)
Respondents

This matter having been submitted to the Court on the Complaint and Demurrers thereto and the matter having been heard and understood by the Court, the Court is of the opinion that the demurrers should be overruled: it is therefore ordered, adjudged and decreed by the Court that said demurrers be and the same hereby are overruled. The Defendants are allowed 30 days from the date of this Decree within which to answer or plead to this cause.

Dated: August 11th., 1925.

John D. Leigh
Judge of 21st Judicial Circuit.

MOTION

JAMES A. HARRIS, et al,

Complainants

vs

T. LEE FERGUSON, et al,

Respondents.

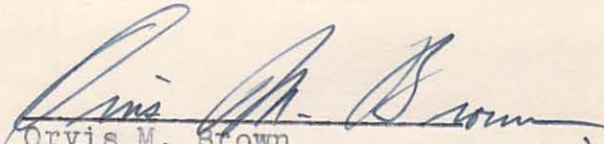
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA
IN EQUITY
NO. 389.

Comes now Shelton Harris by his attorney, Orvis M. Brown, and moves the Court to make him the party Complainant in lieu of the said James A. Harris. And he further shows to this Honorable Court that he is a son of James A. Harris, Sr., and the said James A. Harris, Sr., is now dead and has been deceased for about ten or twelve years; and he further shows that he is one of the only direct heirs of the said James A. Harris, Sr. and is heir to the respective interest of his said father in the above styled suit.

Your orator is over the age of twenty-one years and is a resident of Moss Point, Mississippi.

Your petitioner prays that upon the hearing of this motion that he will be made the party complainant in the above styled cause in lieu of the said James A. Harris, Sr., deceased.


Orvis M. Brown
Solicitor for Intervenor.

RECORDED

Duck

7-3

Mar-64

MOTION

JAMES A. HARRIS, et al,
Complainants,

VS.

T. LEE FERGUSON, et al,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 389.

Filed February 3, 1937
R. S. Duck,
Register

J. L. Harris, Agnes Toulmin
 Mary Dolive, James A. Harris,
 Alice Motz, Francis Hays Jr.
 Randolph McGowan and T. P.
 Tunstall,

Complainants

vs;

T. L. Ferguson, Virginia Ferguson,
 Luella Ferguson, Angus M. Ferguson,
 Lavelle B. Ferguson & Jessie M. Smith,
 Defendants.

)
) In Circuit Court, Baldwin County,
)
) Alabama.

)
) In Equity.
)

Now come the defendants, T. L. Ferguson, Virginia Ferguson, Luella Ferguson, Angus M. Ferguson and Lavelle B. Ferguson, by their Solicitors and demur to the Bill of Complaint filed against them in the above stated cause, and for grounds of demurrer say:

First: The Bill of Complaint is defective in this, it does not specify the number of shares into which the land or money is to be divided, as required by the statute.

Second. The interest of each of the parties, is not alleged specifically, but only by the indefinite participle "being".

Third. The description of the land sought to be partitioned is insufficient and uncertain.

Fourth. The number of shares into which the land or its proceeds is to be divided is not stated in the Bill.

W. S. Anderson and R. J. Bosch

Solicitors for T. L. Ferguson, Virginia Ferguson, Luella Ferguson, Angus M. Ferguson and Lavelle B. Ferguson.

J. L. Harris et al.

vs.

T. L. Ferguson et al.

RECORDED

Demurrers to Bill.

2/23

*Filed June 7th 1923
T. W. McClunor
Registrar*

... in the Bill.

... in the Bill.

... in the Bill.

... The description of the land sought to be partitioned is inserted in the Bill, but only by the indelicate phrase "being".

... The interest of each of the parties, is not alleged specifically, as required by the statute.

... The number of shares into which the land or money is to be divided, is not stated.

... The ground on which the demurrer is based, is not stated.

... The Bill of Complaint filed against them in the Circuit Court, Raleigh County, West Virginia, by the

J. L. Harris, Agnes Conliffe,
Mabel Ferguson, and T. L. Ferguson,
Plaintiffs,
vs.
T. L. Ferguson, Virginia Ferguson,
Mabel Ferguson, and J. L. Harris,
Defendants.

J. L. Harris, Agnes Conliffe,
Mabel Ferguson, and T. L. Ferguson,
Plaintiffs,
vs.
T. L. Ferguson, Virginia Ferguson,
Mabel Ferguson, and J. L. Harris,
Defendants.

In Circuit Court, Raleigh County,

West Virginia.

In Equity.