Tennessee Coal, Iron and Railroad Co. vs. Sam M. Lawley. } In Chancery at Columbiana 6th Dist. N.E. Chy. Div. August Term, 1912.

This cause was submitted at said term of this Court for final decree on pleadings and proof as noted by the register, and by consent of parties held for decree in vacation.

Upon consideration thereof the Court is of the opinion that both the complainant and Cross complainant are entitled to relief under their respective bills. The original bill is filed to quiet title to the Coal, iron ore and other minerals in under land in the NE/4 of SE/4 of Section 34, Tp. 21, R. 4W, in Shelby County Ala. The Cross Bill seeks to quiet title to the whole interest

in said NE1/4 of SE1/4. The answer to the cross bill does not specifically disclaim ownership of the surface or agricultural interests (in said forty acre tract of land) but calls upon Cross complainant to prove his title thereto.
The proof shows that while said tract of land was owned in fee simple by a predecessor in title to each of the parties to this suit, there was a severance of the mineral interest in said land from the agricultural interest therein; and that now complainant has a perfect title to the mineral interest in said tract as described in the second paragraph of the original bill with the right to mine the same, while Cross Complainant seems to have a perfect title to the agricultural interest in said tract.
It is therefore ordered ~~and~~ adjudged and decreed by the Court that both Complainant in the original bill and complainant in the Cross bill are each entitled to relief under their respective bills; and that complainant in the original bill, Tennessee Coal, Iron and Railroad Co, A Corporation, has a perfect title in fee simple in the coal, Iron ore and other minerals in under and upon the N.E1/4 of SE1/4 of Section 34, Tp. 21, R. 4 W. in Shelby County Ala. and that Respondent Sam M. Lawley has no right, title or interest in or incumbrance upon said interest in said land as above described or any part thereof. And that Cross Complainant Sam M. Lawley has a perfect title in fee simple to the agricultural interest in said NE1/4 of SE1/4 of Section 34, Tp. 21, R. 4 W. in Shelby County Ala. and Respondent in said Cross bill Tennessee Coal, Iron and Railroad Co. has no right, title interest or encumbrance upon said agricultural interest in said land, except the right to enter on or upon said land and mine the coal sink shafts, lay railroads as may be necessary for transportation, and the same right to mine any and all other minerals that may be in or upon said land, and all rights that facilitate mining in any particular.
It is further ordered that each of the parties to this cause pay one half of the cost of this suit, not heretofore otherwise taxed to be taxed by the Register for which let execution issue.
It is further ordered that each of the parties to this cause may withdraw from the file the original deeds offered in evidence on the trial of this cause, upon leaving with the register to be placed in the file certified copies thereof.
In vacation at Anniston, Ala.
This Sept. 11. 1912.

W. W. Whiteside
Chancellor.

The State of Alabama }
The County of Shelby }

I, J. R. White, Register in Chancery for the 6th Dist. N.E. Chancery Division of Alabama hereby certify that the above and foregoing is a full, true and correct copy of the final decree rendered in the above stated cause by the Chancery Court of Shelby County on the 11th day of September 1912 as the same appears from the records in this office.

(Seal)

Given under my hand and seal of office this the 26th day of Sept. 1912.

J. R. White, - Register in Chancery

The State of Alabama } I hereby certify that the within conveyance was filed
Shelby County } in this office for record Oct. 17, 1912 at 3 o'clock
P.M. and recorded in Deed Record 48 page 313 and examined.

A. P. Longshore, Judge of Probate