

# CIRCUIT COURT, BALDWIN COUNTY, ALA., IN EQUITY.

#120

Helen Lindsay Stark  
VS.

PLAINTIFF

No.

John Stark

DEFENDANT

*7B3-Page 268*

### BILL OF COSTS

Fees of Register	Dollars	Cts.	Brought Forward	4.00	
Filing each bill and other papers <i>3</i> .....	\$	10	For receiving, keeping and paying out or distributing money, etc.; 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.  Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per cent of amount received.  Each Notice Sent by Mail to creditors..... 15 Filing, Receipting for and Docketing each Claim, etc.... 25 For all entries on Subpoena Docket, etc..... 50 For all entries on Commission Docket, etc..... 50 Making Final Record, per hundred words..... 15 Certified Copy of Decree..... 1 00 Report of Divorce to State Health Office..... 50 <span style="margin-left: 100px;">Acts 1915</span> Total Fees of Register.....	7.50	
Issuing each Subpoena.....		50			
Issuing each copy thereof.....		40			
Entering each return thereof.....		15			
For each Order of Publication.....		1 00			
Issuing Writ of Injunction.....		1 50			
For each copy thereof.....		50			
Entering each return thereof.....		15			
Issuing Writ of Attachment.....		1 00			
Entering each return thereof.....		15			
Docketing each case.....	1.00				.50
Entering each Appearance.....		25			1.50
Issuing each Decree Pro Confesso on personal service.....		1 00			1.00
Issuing each Decree Pro Confesso on publication.....		1 00			.50
Each order Appointing Guardian.....		1 00			
Any other order by Register.....		50			
Issuing Commission to Take Testimony.....		50			
Receiving and Filing.....		10			
Endorsing each package.....		10			
Entering order Submitting Cause.....		50			
Entering any other Order of Court.....		25			
Noting all Testimony.....		50			
Abstract of Cause, etc.....		1 00			
Entering each Decree.....		75			
For every 100 words over 500.....		15			
Taking account, etc.....	4.00				
Taking Testimony, etc.....		15			
Each Report, 500 words or less.....		2 50			
For every 100 words over 500.....		15			
Amount claimed less than \$500, etc.....		2 00			
Issuing each Subpoena.....		25			
Witness Certificate, each.....		25			
Issuing Execution, each.....		75			
Entering each return.....		15			
Taking and Approving Bond, each.....		1 00			
Making copy of bill, etc.....		15			
Each notice not otherwise provided for.....		50			
Each certificate or affidavit, with seal.....		50			
Each certificate or affidavit, no seal.....		25			
Hearing and passing on application, etc.....		3 00			
Each settlement with receiver, etc.....		3 00			
Examining each voucher of receiver, etc.....		10			
Examining each answer, etc.....		3 00			
Recording resignation, etc.....		75			
Entering each certificate to Supreme Court.....		50			
Taking questions and answers, etc.....		25			
For all other service relating to such proceedings.....		1 00			
For service in proceeding to relieve minors, etc same fee as in similar cases.					
Commission on sales, etc.: 1st \$100 2 per cent, all over \$100, and not exceeding \$1,000, 1 1-2 per ct.; all over \$1,000 and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.					
Sub Total Carried Forward					
			Fees of Sheriff		
			Serving and Returning Subpoena on Deft.....	\$1 50	
			Serving and Returning Subpoena for Witness.....	65	
			Levying Attachment.....	1 50	
			Entering and Returning same.....	25	
			Selling Property Attached.....	75	
			Impaneling Jury.....	75	
			Executing Writ of Possession.....	2 50	
			Collecting Execution for Costs.....	1 50	
			Serving and Returning Sci. Fa., each.....	65	
			Serving and Returning Notice.....	65	
			Serving and Returning Writ of Injunction.....	1 50	
			Serving and Returning Writ of Exeat.....	1 50	
			Taking and Approving Bonds, Each.....	75	
			Collecting Money on Execution.....	2 50	
			Making Deed.....	1 00	
			Serving and Returning Application.....	1 50	
			Serving Attachment, Contempt of Court.....	1 50	
			Total Fees of Sheriff		
			Recapitulation		
			Register's Fees.....	7.50	
			Sheriff's Fees.....	5.00	
			Commissioner's Fees <i>Edith Porter</i> .....	3.00	
			Solicitor's Fees.....	3.00	
			Witness Fees.....	3.00	
			Guardian Ad Litem.....	3.00	
			Printer's Fees.....	3.00	
			Trial Tax.....	3.00	
			Recording Decree in Probate Court.....	3.00	
			Total	15.50	

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_

Register.

120

Circuit Court, Baldwin County, Ala.  
In Equity.

No. 120

Helen Stark

vs.

John Stark

**Cost Bill**

Paid May 2/1935 193

*Robert S. Mundy*

Register

Moore Ptg. Co.

120

HELEN LINDSAY STARK

Complainant,

- vs -

JOHN STARK,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

VOLUNTARY APPEARANCE AND  
WAIVER OF SUMMONS

Comes now John Stark, the above named respondent, and enters his voluntary appearance in the above entitled cause, and expressly waives the issuance and service of summons.

Dated this 5 day of March, 1935.

John Stark  
Respondent

120

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

HELEN LINDSAY STARK

Complainant,

- VS -

JOHN STARK,

Respondent.

VOLUNTARILY APPEARANCE AND  
WAIVER OF SUMMONS

*Filed*  
*March 7, 1935*  
*Robert Black*  
*Register*

Lloyd A. Magney  
Attorney  
Foley, Alabama.

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.

F. W. Hare  
Judge

Dated this 17th day of April, 1935.

respondent pay the costs of this action taxed at \$15.50. again party, except to each other, during the pendency of said appeal; that the an appeal is taken from this decree within sixty (60) days, neither party shall to each other, until sixty (60) days after the date of this decree, and that if ed the age of 21 years; that neither of said parties shall again marry, except and continuing until the said minor child, John Stark, Jr., shall have attained & 00/100 (\$25.00) DOLLARS per month beginning on the first day of May, 1935, that the complainant have and recover of the respondent the sum of TWENTY-FIVE she hereby is granted exclusive care, custody and control of John Stark, Jr.; ute divorce from the respondent, John Stark; that Helen Lindsay Stark be and of the same and that Helen Lindsay Stark be and she hereby is granted an absol- hereby are dissolved and set aside, and the parties released from the obligations heretofore existing between Helen Lindsay Stark and John Stark be and the same It is therefore ordered, adjudged and decreed that the bonds of matrimony be and the same hereby is ratified and confirmed by the court. child and the court further finds that said agreement between the parties should which is to be devoted to the support, maintenance and education of said minor respondent to pay the sum of TWENTY FIVE & 00/100 (\$25.00) DOLLARS per month the deposition of the complainant the complainant has agreed to accept and the That by the agreement between the parties attached to and forming a part of

That the issue of the marriage between the complainant and her respondent is one child, John Stark, Jr., aged thirteen (13) years and that the complainant is a suitable and proper person to have the care, custody and control of said minor child.

This cause coming on to be heard upon the Bill of Complaint of the complain- ant, Helen Lindsay Stark, the voluntary appearance and waiver of summons entered respondent and the evidence as noted by the Register, and it appearing to the Court from the proof on file that the Court has jurisdiction of the subject matter of the cause and of the parties thereto, upon consideration of the pleadings and proof and being fully advised in the premises the Court finds:

HELEN LINDSAY STARK, Complainant,  
vs  
JOHN STARK, Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY  
120

THE UNIVERSITY OF ALABAMA  
LIBRARY

UNIVERSITY OF ALABAMA  
LIBRARY

1958

FOLEY MAGNEY

Responsible

1958

*Foley - Opus 13 1958  
Foley & Magney  
Responsible*

FLOYD A. MAGNEY  
ATTORNEY AT LAW  
FOLEY & MAGNEY

The State of Alabama, }  
Baldwin County

CIRCUIT COURT

To Edith Porter

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Helen Lindsay Stark and Mary King

as witnesses in behalf of the plaintiff in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

Helen Lindsay Stark is Complainant

and

John Stark is Defendant,

on oath to be by you administered, upon oral examination to take and certify the deposition of the witnesses and return the same to our Court, with all convenient speed, under your hand.

The State of Alabama,  
Baldwin County.

No. 120 CIRCUIT COURT IN EQUITY.

Helen Lindsay Stark

Complainant

vs.

John Stark

Defendant

In this cause it appears to the Register  
that a summons requiring the Defendant John Stark

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days  
after the service of said Summons upon him

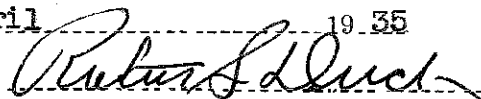
was served upon him by the Sheriff of Baldwin County, Alabama, on the  
5th day of March 1935

And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint  
to this date, it is now, therefore, on motion of L. A. Magney

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things  
taken as confessed against the said John Stark

Defendant aforesaid.

This 8th day of April 19 35



Register.



HELEN LINDSAY STARK,  
Complainant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

- vs -

DEPOSITION

JOHN STARK,  
Respondent.

TESTIMONY OF HELEN LINDSAY STARK

Helen Lindsay Stark, being first duly sworn on her oath deposes and says:-

That I am the plaintiff in this action and I was married to the defendant, John Stark, in Headland, Alabama, on the 25th day of September, 1920.

We came to Baldwin County to live about twelve years ago and I have resided here continuously ever since with the intention of making it my permanent home.

There was one child born of the marriage between myself and the defendant, John Stark, Jr., who is now thirteen years old.

During all of the time we have lived in Baldwin County I have been employed as a teacher in the public schools of the county and my earnings have always been used for the support of myself and son.

During the past four or five years my husband has been away from home a good deal of the time, as about five years he took a position as a traveling salesman, and ever since he began that work he seems to have grown away from me and our son. He got to running around with other women and drinking and has not contributed regularly to the support of the home for a number of years and more than two years ago he abandoned me entirely, we have not lived together since.

This was entirely his fault and I have never given him any reason for abandoning me, but he became dissatisfied and left and has refused to live with me for more than two years.

I have supported myself and my son with out any assistance from him and can continue to do so, but my husband and I have entered into an agreement about the support which he is to provide for his son,

AGREEMENT

THIS AGREEMENT by and between John Stark, party of the first part and Helen Lindsay Stark, party of the second part, WITNESSETH:

That the parties hereto are husband and wife but find it impossible to live together in peace and harmony and second party has instituted an action for divorce in the Circuit Court of Baldwin County, Alabama, against first party, which said action is now pending.

That it is the mutual desire of the parties to settle the question of property rights, alimony and support for the minor child of the parties, John Stark, Jr., by agreement and without litigation and to that end the parties have and hereby do agree as follows:

1. That second party will not make any claim on first party for alimony or property settlement but will expect to receive from first party adequate provision for the support, maintenance and education of said minor child during the time that she shall lawfully have the custody of said child.

2. First party agrees that for so long a time as second party shall lawfully have the custody and control of said minor child that he will pay to second party, for the support, maintenance and education of said child the sum of \$25.00 per month.

3. Second party agrees to accept said payments of \$25.00 per month in full settlement of all her marital claims against first party, including alimony and support and to make no other or further money demands upon first party so long as said sum of \$25.00 per month is paid.

IN WITNESS WHEREOF: The parties have hereunto set their hands this 5 day of March, 1935.

John Stark  
Helen L. Stark

CERTIFICATE OF COMMISSIONER

STATE OF ALABAMA }  
BALDWIN COUNTY }

I, Edith Porter, commissioner by virtue of the attached commission to take the testimony of Helen Lindsay Stark and Mary King, witnesses in behalf of the complainant in this cause, do hereby certify that I caused said witnesses to come before me at my office in Foley, Alabama, at 7:00 o'clock P. M. on April 10th, 1935; that each of said witnesses were duly and solemnly sworn and their testimony was reduced to writing by me and later read over by and signed by the witnesses. That I have personal knowledge of the identity of said witnesses and that I am not of counsel or of kin to any of the parties to said cause or in any manner interested in the result of the same.

IN WITNESS WHEREOF: I have hereunto set my hand this 11th day of April, 1935.

Edith Porter  
Commissioner

8581. NOTE OF TESTIMONY

Helen Lindsay Stark

vs.

John Stark

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, Decree Pro Confesso, Depositions of witnesses for Plaintiff,

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

and in behalf of Defendant upon \_\_\_\_\_ answer and waiver

\_\_\_\_\_

\_\_\_\_\_

*Robert S. Duck*

Register.

120

~~CONFIDENTIAL~~  
*Duck*

No. 120

The State of Alabama  
BALDWIN COUNTY

IN EQUITY  
Circuit Court of Baldwin County

Helen Lindsay Stark

vs.

John Stark

NOTE OF TESTIMONY

Filed in Open Court this 13th

day of April 1935

*Robert H. Duck*  
REGISTER

1950

THE JEFFERSON COLLEGE  
LIBRARY  
COLUMBIA

THE JEFFERSON COLLEGE  
LIBRARY

COMPLETION

1950

JOHN STEVEN

RESIDENTS

STILL TO COMPLETE

*Notes  
March 17, 1950  
Burrhead  
Jaguar*

LLOYD A. MAGNEY  
ATTORNEY AT LAW  
MOBILE, ALABAMA

HELEN LINDSAY STARK,  
 Complainant,  
 - vs -  
 JOHN STARK,  
 Respondent.

IN THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA  
 IN CHANCERY

BILL OF COMPLAINT

TO THE HON. F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN  
 COUNTY, ALABAMA, IN CHANCERY SITTING:

PART ONE

Your complainant, Helen Lindsay Stark, avers that she is a bona fide resident of Baldwin County, Alabama, residing at Foley therein, and that she is over the age of 21 years, and that the respondent, John Stark, is also a resident of the State of Alabama, residing at Birmingham, and is also over the age of 21 years.

PART TWO

For complaint against the respondent your complainant alleges and shows to the Court:

1. That the complainant and respondent were legally married in Headland, Alabama, on the 25th day of September, 1920, and that both complainant and respondent have been bona fide residents of the State of Alabama ever since said marriage, and that complainant is now, and for more than three years prior to the filing of this bill of complaint, has been a bona fide resident of Baldwin County, Alabama.

2. That the issue of the marriage between complainant and respondent is one child, John Stark, Jr., who is of the age of 13 years .

3. On or about the first day of January, 1933, the respondent did voluntarily abandon the complainant and since that time complainant and respondent have lived separate and apart.

4. That your complainant is capable of supporting and educating the minor child of the parties and has done so for several years past, and is in all respects a fit and suitable person

to have the care, custody and control of said minor child, and that the respondent has no home and his business requires him to travel and that the best interests of the said child, John Stark, Jr., require that the care, custody and control of said minor child be committed to your complainant, his mother.


5. That complainant and respondent have reached an agreement as to the contribution to be made by respondent for the support of said minor child, which said agreement complainant asks the Court to ratify and confirm and include in its decree.

PRAYER FOR RELIEF

WHEREFORE your complainant prays that your Honor will take jurisdiction of her cause of action and upon the hearing thereof will decree and grant to your complainant an absolute divorce from the respondent; that your Honor will grant to her the exclusive care, custody and control of said minor child, John Stark, Jr.; that your Honor will decree for the support and maintenance of said minor child by the respondent in accordance with the agreement of the parties, and that your complainant may have such other and further relief in the premises as may be just and equitable.

PRAYER FOR PROCESS

Your complainant further prays that your Honor will grant to her the writ of summons of the State of Alabama commanding the respondent, John Stark, to appear before this Honorable Court within 30 days from the service upon him of said writ, then and there to answer, demur or otherwise plead to this bill of complaint, and to stand to and by the decree of this Honorable Court; and the complainant will ever pray, & c.

  
Solicitor for Complainant



FOOTNOTE

The respondent, John Stark, is hereby required to answer the allegations of part two of the foregoing bill of complaint, from paragraph numbered one to paragraph numbered five inclusive, but not under oath, oath to answer being hereby expressly waived.

  
Solicitor for Complainant.

JUDICIAL OFFICE COURT OF  
BIRMINGHAM COUNTY ALABAMA  
AT BIRMINGHAM

ROBERT LINDSAY STARK,

Complainant,

= VS =

JOHN STARK,

Respondent.

DECRET OF DIVORCE

*Filed April 19 1934*  
*Robert Lindsay Stark*

FLOYD A. MAGNEY  
ATTORNEY AT LAW  
MOBILE ALABAMA

HELEN LINDSAY STARK,  
 Complainant,  
 - vs -  
 JOHN STARK,  
 Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

DECREE OF DIVORCE

This cause coming on to be heard upon the Bill of Complaint of the complainant, Helen Lindsay Stark, the voluntary appearance and waiver of summons entered in this cause by the respondent, John Stark, and decree pro confesso against said respondent and the evidence as noted by the Register, and it appearing to the Court from the proof on file that the Court has jurisdiction of the subject matter of the cause and of the parties thereto, upon consideration of the pleadings and proof and being fully advised in the premises the Court finds:

That the allegations of the bill of complaint are true and that the complainant is entitled to a decree of divorce from the respondent.

That the issue of the marriage between the complainant and the respondent is one child, John Stark, Jr., aged thirteen (13) years and that the complainant is a suitable and proper person to have the care, custody and control of said minor child.

That by the agreement between the parties attached to and forming a part of the deposition of the complainant the complainant has agreed to accept and the respondent to pay the sum of TWENTY FIVE & 00/100 (\$25.00) DOLLARS per month which is to be devoted to the support, maintenance and education of said minor child and the Court further finds that said agreement between the parties should be and the same hereby is ratified and confirmed by the Court.

It is therefore ordered, adjudged and decreed that the bonds of matrimony heretofore existing between Helen Lindsay Stark and John Stark be and the same hereby are dissolved and set aside, and the parties released from the obligations of the same and that Helen Lindsay Stark be and she hereby is granted an absolute

divorce from the respondent, John Stark; that Helen Lindsay Stark be and she hereby is granted exclusive care, custody and control of John Stark, Jr.; that the complainant have and recover of the respondent the sum of TWENTY-FIVE & 00/100 (\$25.00) DOLLARS per month beginning on the first day of May, 1935, and continuing until the said minor child, John Stark, Jr., shall have attained the age of 21 years; that neither of said parties shall again marry, except to each other, until sixty (60) days after the date of this decree, and that if an appeal is taken from this decree within sixty (60) days, neither party shall again marry, except to each other, during the pendency of said appeal; that the respondent pay the costs of this action taxed at \$15.50.

Dated this 17<sup>th</sup> day of April, 1935.

F. W. Ware  
Judge