

702

THE STATE OF ALABAMA,
Baldwin County

}

CIRCUIT COURT

TO T. J. MASHEURN JR.:

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 ESTHER EVERS AND ELOISE EBERT

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

ESTHER EVERS Complainant

and

WILEUR C. EVERS Defendant,

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

Witness 10 th day of March, 1941

R. S. Dush

REGISTER

Commissioner's Fee \$

Witness' Fees, \$

CHANCERY EXECUTION

BILL OF COSTS

No. 702 Esther Evers vs. Walter C Evers Plaintiff
 Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$
Filing each bill and other papers.....	\$	10	For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	50
Issuing each subpoena.....		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	15
Issuing each copy thereof.....		40	Each notice sent by mail to creditor...	15
Entering each return thereof.....		15	Filing, receipting for and docketing each claim, etc.....	25
For each order of publication.....	1	00	For all entries on subpoena docket, etc.....	50
Issuing writ of injunction.....	1	50	For all entries on commission docket, etc.....	50
For each copy thereof.....		50	Making final record, per 100 words	15
Entering each return thereof.....		15	Certified copy of decree.....	1 00
Issuing Writ of Attachment.....	1	00	Report of divorce to State Health Office.....	50
Entering each return thereof.....		15	(Acts 1915)	
Docketing each case.....	1	00	Total Fees of Register.....	1135
Entering each appearance.....		25	FEES OF SHERIFF	
Issuing each decree pro confesso on per. ser.	1	00	Serving and returning subpoena on deft.	\$1 50
Issuing each decree pro confesso on publication.....	1	00	Serving and returning subpoena for witness.....	65
Each order appointing guardian.....	1	00	Levying attachment.....	3 00
Any other order by Register.....		50	Entering and returning same.....	25
Issuing commission to take testimony....		50	Selling property attached.....	75
Receiving and filing.....		10	Impaneling Jury.....	75
Endorsing each package.....		10	Executing writ of possession.....	2 50
Entering order submitting cause.....		50	Collecting execution for costs.....	1 50
Entering any other order of court.....		25	Serving and returning sci. fa., each	65
Noting all testimony.....		50	Serving and returning notice.....	65
Abstract of cause, etc.....	1	00	Serving and returning writ of injunction.....	1 50
Entering each decree.....		75	Serving and returning writ of exeat.	1 50
For every 100 words over 500.....		15	Taking and approving bonds, each....	75
Taking account, etc.....	3	00	Collecting money on execution.....	2 50
Taking testimony, etc.....		15	Making deed.....	2 50
For every report, 500 words or less.....	2	50	Serving and returning application, etc.....	1 00
Each certificate or affidavit, with seal...		50	Serving attachment, contempt of court.....	1 50
Each certificate or affidavit, no seal.....		25	Total Fees of Sheriff.....	300
Hearing and passing on application, etc.	3	00	RECAPITULATION	
Each settlement with receiver, etc.....	3	00	Register's Fees.....	1125
Exam'ing each voucher of Receiver, etc.		10	Sheriff's Fees.....	300
Examining each answer, etc.....	3	00	Commissioner's Fees.....	
Recording resignation, etc.....		75	Solicitor's Fees.....	
Entering each cert. to Supreme Court....		50	Witness Fees.....	
Taking questions and answers, etc.....		25	Guardian Ad Litem.....	
For all other ser. relating to such proceedings.....	1	00	Printer's Fees.....	
For services in proceeding to relieve minors, etc., same fee as in similar cases.			Trial Tax.....	3 00
Commission on sales, etc.: 1st \$100, 2 per ct.; 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.			Recording Decree in Probate Court....	
Sub Total Carried Forward.....	5	75	Total.....	1725

The State of Alabama, }
 Baldwin County. } No. _____
 Circuit Court, In Equity Term, 1941

To Any Sheriff of the State of Alabama—GREETINGS:
 You are hereby commanded, That of the goods and chattels, lands and tenements of Esther Evers Defendant.....

you cause to be made the sum of _____ Dollars,
 which _____ Plaintiff.....
 recovered of Her on the 27 day of June 1941
 by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of 1725 Dollars,
 costs of suit, and have the same to render to the said Walter C Evers
 and make return of this Writ and the execution thereof, according to law.

Interest from _____ 1941 to date of collection.

Witness my hand, this 27 day of June 1941
Walter C Evers, Register.

ESTER EVERS,
Complainant,
VS.
W. C. EVERS,
Respondent.

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

And now comes the Respondent, in his own proper person, and waives service of summons and complaint in the above styled cause; and also waives notice of the time of taking testimony of witnesses on behalf of the Complainant, the right to cross-examine said witnesses, and agrees that the matter be forthwith submitted for final decree without further notice.

Wilbur C. Evers
Respondent.

WITNESSES:

W. J. Cady.
R. S. Robinson

REQUEST FOR DECREE IN VACATION.

JUNE TERM, 1941.

TO R. S. DUCK, Clerk:-

In the above stated cause An Answer and Waiver having been filed by the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by H. E. SMITH, Solicitor of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

H. E. SMITH, ~~---~~
Solicitor for Complainant.

THE STATE OF ALABAMA, }
Baldwin County.

No. 702 Circuit Court, In Equity

ESTHER EVERS, Complainant

vs.

WILBUR C. EVERS, Defendant

& Waiver

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, ~~decreed~~ Answer and the testimony as noted by the Register; and, upon consideration thereof, the Court is of opinion that the Complainant is entitled to the relief prayed for in said bill.

IT IS THEREFORE Ordered, adjudged and decreed by the Court, that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby dissolved, and the Complainant is forever divorced from the Defendant,

for and on account of cruelty;

It is further ordered that the said Esther Evers, and Wilbur C. Evers be, and they are hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Esther Evers pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may be issued against the said

Wilbur C. Evers,

It is further ordered, adjudged and decreed that said Esther Evers shall not again marry except to said Wilbur C. Evers until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Wilbur C. Evers during the said pendency of appeal.

This 27th day of June, 1941.

J. M. Hare
Judge of the Circuit Court of Baldwin County.

STATE OF ALABAMA, }
Baldwin County.

Circuit Court, In Equity.

I, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the day of 193 in the cause of

Complainant

vs.

Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the day of 193

Register

RECORDED

No. 702

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

**CIRCUIT COURT, IN EQUITY
Baldwin County, Ala.**

ESTHER EVERS,

Complainant,

vs.

WILBUR C. EVERS,

Respondent.

DECREE OF DIVORCE

Filed in office this 28th

day of June, 1941.

R. S. Ditch
REGISTER

E. O. M.

MOORE PRINTING CO., BAY MINETTE, ALA.

RECORDED

REQUEST FOR DECREE IN VACATION

Filed June 26th, 1941.

R. S. Buck, Registrar

RECORDED

Answer

Filed March 10, 1941
R. S. Smith, Register

702
RECORDED

Bill of Complaint

*Filed March 10, 1941
R. S. Smith, Register*

[Faint, mostly illegible text, likely a legal document or court record.]

ESTHER EVERS,

Complainant,

vs.

WILBER C. EVERS,

Respondent.

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;
Answer and Waiver of Respondent; Commission to Take Testimony;
Testimony of Esther Evers and Eloise Ebert; Request for
Decree in Vacation;

and in behalf of Defendant upon Answer & Waiver.

R.S. Dush

Register.

RECORDED

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

ESTHER EVERS,

Complainant,

vs.

WILBUR C. EVERS,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 26th

day of June, 1941. 193--

J. S. Duch

REGISTER

THE STATE OF ALABAMA }
Baldwin County }

Circuit Court of Baldwin County, Alabama,
(In Equity)

ESTHER EVERS

COMPLAINANT

vs.

Wilbur C. Evers

RESPONDENT

I, _____

as Register and Commissioner _____

have called and caused to come before me Esther Evers and Eloise Ebert

witnesses named in the requirement for Oral Examination, on the 10th day of March

1941, at the office of H. E. Smith, Attorney at Law

in Bay Minette, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said Complainant, Esther Evers

and Eloise Ebert doth depose and say as follows:

TESTIMONY OF COMPLAINANT, Esther Evers:

My name is Esther Evers and I am the complainant in this cause for divorce against Wilbur C. Evers, the respondent. I am over the age of twenty-one years, and reside in Foley, Baldwin County, Alabama. I have been a bona fide resident of Baldwin County, Alabama, for more than one year next preceding the filing of my bill of complaint in this cause. The respondent, Wilbur C. Evers is over the age of twenty-one years and resides in Mobile, Mobile County, Alabama.

The respondent, Wilbur C. Evers, and myself were lawfully married to each other on the 19th day of November, 1933, and lived together as man and wife until the 10th day of April, 1940. On April 10, 1940, the respondent, Wilbur C. Evers, committed actual violence on my person, attended with danger to my life or health by striking or hitting me with his fists, and there being reasonable apprehension of further acts of such violence, I for my safety and health on this last date left him, the respondent, and went with my folks in Foley, Alabama, to live. Our said separation occurred in Foley, Baldwin County, Alabama, where we resided when the separation occurred. Such acts of violence by striking me, and threats to do further harm, had repeatedly occurred for two or three years before April 10, 1940, and the respondent, Wilbur C. Evers, being a man of ungovernable temper, I feared for my life or health. I and the said Wilbur C. Evers have not lived together as man and wife or otherwise since April 10, 1940.

My maiden name before my marriage was Esther Cody and I would like to have and request that my said maiden name be restored to me.

Esther Evers

I, J. J. Mashburn, Jr. as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of

the witness es and read over to them and they signed the same in the presence of myself and H. E. Smith

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 18th day of March 1941.

J. J. Mashburn, Jr. (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

Filed June 3^d, 1941

R. S. Dyer, Register.

RECORDED IN

Record

Vol. _____ Page _____

Register

TESTIMONY OF ELOISE EBERT, WITNESS FOR COMPLAINANT:

My name is Eloise Ebert. Esther Evers ~~has been a close friend of mine for the past three years. I knew both her and her husband before they separated, and remember the occasion when they did separate on or about April 10, 1940. They were living in Foley Baldwin County, Alabama, at the time. I know that the respondent, Wilbur C. Evers, repeatedly quarrelled at and threatened her, and made life almost unbearable for her. I was present on one or two such occasions and know that she did right in leaving him.~~ has been a close friend of mine for the past three years. I knew both her and her husband before they separated, and remember the occasion when they did separate on or about April 10, 1940. They were living in Foley Baldwin County, Alabama, at the time. I know that the respondent, Wilbur C. Evers, repeatedly quarrelled at and threatened her, and made life almost unbearable for her. I was present on one or two such occasions and know that she did right in leaving him.

Eloise Ebert