

9899

EVELYN I. FEMINEAR,
Complainant,
vs.
FRANK M. FEMINEAR,
Respondent.

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

This cause coming on to be heard, was submitted upon the original bill of complaint on behalf of the complainant, answer and agreement of the respondent, and testimony as noted by the Register, and upon consideration thereof, the Court is of the 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 the respondent be and the same are hereby dissolved, and the complainant is forever divorced from the respondent on the ground of cruelty.

It is further ORDERED that the said Evelyn I. Feminear be and she is hereby permitted to again contract marriage upon the payment of costs of court in this cause.

It is further ORDERED that the said Evelyn I. Feminear pay the costs herein taxed, for which execution may issue.

It is further ORDERED, ADJUDGED and DECREED that the said Evelyn I. Feminear shall not again marry, except to the said Frank M. Feminear, until sixty days after this date, and that if an appeal is taken within sixty days, she shall not marry again, except to said Frank M. Feminear, during the pendency of the appeal.

It is further ORDERED, ADJUDGED and DECREED that the respondent be and she is hereby restored her maiden name, Evelyn Irwin.

It is further ORDERED that the respondent, Frank M. Feminear, be and he is hereby permitted to again contract marriage

upon the payment of costs of court in this cause.

2nd Dated at Monroeville, Monroe County, Alabama, this the
day of Nov., 1933.

J. W. Hare

Judge of the Circuit Court of
Baldwin County, Alabama.

The State of Alabama }
Baldwin County

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

EVELYN I. FEMINEAR

COMPLAINANT

vs.

FRANK M. FEMINEAR

RESPONDENT

I, _____

as Register and Commissioner _____

have called and caused to come before me Evelyn I. Faminear and Mrs. Ella R.

Irwin

witness^{es} named in the Requirement for Oral Examination, on the 28 day of October

1933,

at the office of _____

in Bay Minette

, Alabama, and having first sworn said witness _____ to speak the

truth, the whole truth, and nothing but the truth, the said Evelyn I. Faminear

_____ doth depose and say as follows:

~~My name is Evelyn I. Faminear. I am a resident of Bay Minette, Baldwin County, Alabama, where I have lived all my life. I am over twenty-one years of age.~~

The respondent Frank M. Faminear is a bona fide resident of Bay Minette, Baldwin County, Alabama, where he has lived all his life. He is over twenty-one years of age.

The respondent Frank M. Faminear and I were married at Bay Minette, in Baldwin County, Alabama, on October 17th, 1930. We lived together as man and wife continuously, except for short intervals when we were away visiting, in Bay Minette, Alabama until February 13th, 1933.

That soon after we were married it was found that we could not get along and the respondent often mistreated and threatened me. This condition grew worse from time to time until in February of this year when on account of his conduct and demeanor I could no longer live with him.

That the conduct of the respondent was such that I could not live with him, and too his conduct was such that I had every reason to believe and did believe that should I live with him longer that he would do actual violence to me, which would of necessity be attended with danger to my life and health. I tried hard to live with him, but found that it just wouldn't work. It is absolutely impossible for me to live with him.

Evelyn I. Faminear

Mrs. Ella R. Irwin a witness for the Complainant being duly sworn, deposes and says:

That her name is Ella R. Irwin; that she is a resident of Bay Minette, Baldwin County, Alabama; that she is the mother of Evelyn I. Faminear the complainant in the above styled cause; that her daughter, Evelyn

and the respondent were married at Bay Minette in October 1930; that they lived with her practically all their married life; that she knows of her own personal knowledge that her daughter and the respondent could not get along; that conditions grew worse from time to time until in February of this year it became such that her daughter could not longer live with the respondent; that the conduct of the respondent was such that she was afraid that if her daughter should longer live with the respondent, that he might do actual violence to her daughter which would greatly endanger her life or health; that she knows that it was absolutely impossible for her daughter to live with the respondent.

Ella R. Lowin

ORAL EXAMINATION

I, M. A. Stone, as Register and Commissioner hereby certify that the foregoing deposition upon 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 _____ 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 _____; 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 28th day of October 1933.

M. A. Stone (L. S.)

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Carlyne & Jennings

COMPLAINANT

VS.

Frank M. Jennings

RESPONDENT

ORAL DEPOSITION

Filed Oct 28, 1933

RECORDED IN _____, Register

Record _____

Vol. _____ Page _____

Register _____

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

Comes your complainant, EVELYN I. FEMINEAR, and humbly complaining against FRANK M. FEMINEAR, the respondent, respectfully represents and shows unto your Honor and this Honorable Court, as follows:

FIRST:

That both the complainant and the respondent are over twenty-one years of age and bona fide residents of Bay Minette, Baldwin County, Alabama, and have been such residents for more than three years next preceding the filing of this bill of complaint.

SECOND:

That the complainant and respondent are wife and husband, having intermarried at Bay Minette, Baldwin County, Alabama, on, to-wit, October 17, 1930, and that they lived together as husband and wife in Bay Minette, Baldwin County, Alabama, until on, to-wit, in the month of ^{February} ~~January~~, 1933.

THIRD:

That on, to-wit, in ^{February} ~~January~~, 1933, and at various times prior thereto, the respondent mistreated and threatened your complainant; that this condition grew worse from time to time until in, to-wit, January, 1933, the complainant was forced to abandon living with the respondent; that his conduct was such that the complainant had reasonable apprehension to believe and did believe that he would do violence to her which would be attended with danger to her life or health if she should continue to live with him.

WHEREFORE, the premises considered, your complainant prays that your Honor will by proper process make the said Frank M. Feminear party respondent to this bill of complaint, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing hereof

your Honor will enter a decree giving and granting to her an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the respondent, Frank M. Feminear; that your Honor will enter a decree restoring to her, her maiden name, "Evelyn Irwin"; that your Honor will give and grant unto her such other, further, different or general relief as she may be in equity and good conscience entitled to receive; and as in duty bound she will ever pray.

Beebe & Hall
Solicitors for Complainant.

FOOT NOTE:

The respondent is required to answer each and every allegation contained in the foregoing bill of complaint, in Paragraphs FIRST to THIRD inclusive, but not under oath, oath being hereby expressly waived.

Beebe & Hall
Solicitors for Complainant.

9899

(ORIGINAL)

~~RECORDED~~

EVERLYM I. FEMINEAR,
Complainant
vs

FRANK M. FEMINEAR,
Respondent

BILL OF COMPLAINT

Filed this October 25th,
1933.

M. A. Stone
Register

Evelyn I. Feminear,

vs

Frank M. Feminear

Waiver of Respondent

Filed this October 28, 1933

Wm. C. Stone

Register

EVELYN I. FEMINEAR,
Complainant,

vs.

FRANK M. FEMINEAR,
Respondent.

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

Comes the respondent in his own proper person and waives notice of the time of taking testimony of witnesses on behalf of the complainant; the right to cross-examine the complainant's witnesses; any other notices required by law to be given him; and agrees that the matter may be submitted for final decree forthwith without any further notices.

Frank M. Feminear
Respondent.

EVELYN I. FEMINEAR,
Complainant,
vs.
FRANK M. FEMINEAR,
Respondent.

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

Comes the respondent, and for answer to the Complainant's Bill of Complaint, and to each paragraph thereof, separately and severally, says:

1. That he admits the allegations contained in Paragraphs FIRST and SECOND.

2. That he denies the allegation contained in Paragraph THIRD, and demands strict proof of the same.

3. That he denies each and every allegation contained in said Bill of Complaint not herein expressly admitted, and demands strict proof of the same.

Frank M. Faminear
Respondent.

Evelyn I. Feminear

Complainant

vs

Frank M. Feminear

Respondent

Answer of Respondent

Filed this October 28, 1933

M. A. Stone

Register

The State of Alabama, } Circuit Court of Baldwin County, In Equity,
Baldwin County.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Frank M. Faminear

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 Evelyn I. Faminear,

against said Frank M. Faminear

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, M. A. Stone Register of said Circuit Court, this 26th day of October 1933.

M. A. Stone Register

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

SERVE ON Frank M. Feminear

**Circuit Court of Baldwin County
In Equity.**

No. 9899

SUMMONS

Evelyn I. Feminear
vs.

Frank M. Feminear

Belle J. Hall
Solicitor for Complainant

Recorded in Vol. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

Received in office this 26th
day of Oct 1933
Sheriff
Sheriff.

Executed this 26th day of
Oct 1933
by leaving a copy of the within Summons with
Frank M. Feminear

W R Stuart Defendant,
Sheriff.

By M A Wilkins
Deputy Sheriff.

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

No. *9899*

VS.

PLAINTIFF

Wesley F. Brunel
Frank F. Brunel

DEFENDANT

BILL OF COSTS

Fees of Register	Dollars	Cts.	Brought Forward	Total
Filing each bill and other papers..... <i>7</i>	\$	70	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.	495
Issuing each Subpoena	50	50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per cent of amount received.	
Issuing each copy thereof	40	40	Each Notice Sent by Mail to creditors.....	15
Entering each return thereof	15	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 hundred 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..... Acts 1915	50
Entering each return thereof	15		Total Fees of Register.....	10.45
Docketing each case.....	1 00	1 00	Fees of Sheriff	
Entering each Appearance	25	25	Serving and Returning Subpoena on Deft.....	\$1 50
Issuing each Decree Pro Confesso on personal service..	1 00		Serving and Returning Subpoena for Witness.....	65
Issuing each Decree Pro Confesso on publication.....	1 00		Levying Attachment.....	1 50
Each order Appointing Guardian	1 00		Entering and Returning same.....	25
Any other order by Register.....	50		Selling Property Attached	75
Issuing Commission to Take Testimony	50		Impanelling Jury.....	75
Receiving and Filing.....	10	10	Executing Writ of Possession.....	2 50
Endorsing each package.....	10	10	Collecting Execution for Costs.....	1 50
Entering order Submitting Cause.....	50	50	Serving and Returning Sci. fa., each.....	65
Entering any other Order of Court.....	25	50	Serving and Returning Notice.....	65
Noting all Testimony	50	50	Serving and Returning Writ of Injunction.....	1 50
Abstract of Cause, etc.	1 00	75	Serving and Returning Writ of Exeat.....	1 50
Entering each Decree.....	75		Taking and Approving Bonds, Each.....	75
For every 100 words over 500	15		Collecting Money on Execution.....	
Taking account, etc	3 00		Making Deed	2 50
Taking Testimony, etc	15		Serving and Returning Application.....	1 00
Each Report, 500 words or less	2 50		Serving Attachment, Contempt of Court.....	1 50
For every 100 words over 500	15		Total Fees of Sheriff	1 50
Amount claimed less than \$500, etc	2 00		Recapitulation	
Issuing each Subpoena	25		Register's Fees.....	10.45
Witness Certificate, each.....	25		Sheriff's Fees.....	1.50
Issuing Execution, each	75		Commissioner's Fees.....	2.00
Entering each return	15		Solicitor's Fees.....	
Taking and Approving Bond, each	1 00		Witness Fees.....	
Making copy of bill, etc.	15		Guardian Ad Litem.....	
Each notice not otherwise provided for	50		Printer's Fees	
Each certificate or affidavit, with seal	50		Trial Tax.....	3 00
Each certificate or affidavit, no seal	25		Recording Decree in Probate Court	
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		495	Total	19.95

Received payment this 1 day of June 1934

Register.

Continued in Equity File
Book 3, Pg. 144
W. O. Street

Circuit Court, Baldwin County, Ala.
In Equity.

No. 9899

Jamiear

vs.

Jamiear

Cost Bill

Paid _____, 193_____

Register

Moore Ptg. Co.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTC CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. Term, 192

Evelyn I. Fenwick Complainant

vs.

Frank M. Fenwick Defendant

To *M. A. Stone* Register :

Answer sworn Levain been filed by
In the above stated cause a ~~Decree Pro Confesso~~ having been taken against 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 *Buck Stacey*

..... Solicitors 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.

Buck Stacey
.....
Solicitor for Complainant.

No.

Page

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Evelyn I Semmier

vs.

Frank M Semmier

REQUEST FOR DECREE IN
VACATION

FILED

Oct 28, 1933 192

M. A. Stone

Register

RECORDED IN RECORD

VOL. PAGE

Register

Evelyn I. Feminear

vs.

Frank M. Feminear

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,.....
testimony of Evelyn I. Feminear and Mrs. Ella Irwin

and in behalf of Defendant upon answer and agreement or waiver

M. A. Stone

Register.

No. _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

EVELYN I. FEMINEAR

VS

FRANK M. FEMINEAR

NOTE OF TESTIMONY

Filed in Open Court this 28th

day of October 1933 192

M. A. Stone

Register