

HONORABLE F. W. HARR, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Comes your Complainant, CHARLES VIVIANS, and humbly complaining against the Respondent, ELLA REESE VIVIANS, respectfully represents and shows unto your Honor as follows:

FIRST:

That the Complainant and Respondent are both over twenty-one years of age and residents of Daphne, Baldwin County, Alabama; that the Post Office address of the Respondent is, at present, temporarily, 306 Earle Street, Mobile, Mobile County, Alabama.

SECOND:

That the Complainant and Respondent are husband and wife, having married at Daphne, in Baldwin County, Alabama, on July 23th, 1928; that they lived together in Baldwin County, Alabama, as husband and wife, until, on to-wit, October 11th, 1930.

THIRD:

That on to-wit, October 11th, 1930, the Respondent voluntarily abandoned the bed and board of your Complainant, and has remained away voluntarily and continuously since that time.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said ELLA REESE VIVIANS party Respondent to this Bill of Complaint, requiring her to plead, answer or demur to the same within the time and under penalties prescribed by law and the practice of this Honorable Complainant further prays that upon a final hearing in this cause, your Honor will give and grant unto him a decree

absolute divorce, forever barring the bonds of matrimony existing between him and the Respondent, ELLA REESE VIVIANS.

The Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.

Handwritten signature/initials in left margin

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.

Beebe & Hall
Solicitors for Complainant.

5
121

CHANCERY EXECUTION

BILL OF COSTS

No. 12

VS.

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%. | |
| Issuing each subpoena | | 50 | Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received. | |
| 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 (Acts 1915) | 50 |
| Entering each return thereof | | 15 | TOTAL FEES OF REGISTER | |
| Docketing each case | 1 | 00 | FEES OF SHERIFF | |
| Entering each appearance | | 25 | Serving and returning subpoena on deft. | \$1 50 |
| Issuing each decree pro confesso on per ser. | 1 | 00 | Serving and returning subpoena for witness | 65 |
| Issuing each decree pro confesso on publica | 1 | 00 | Levying attachment | 3 00 |
| Each order appointing guardian | 1 | 00 | Entering and returning same | 25 |
| Any other order by Register | | 50 | Selling property attached | |
| Issuing Commission to take testimony | | 50 | Impanelling Jury | 75 |
| Receiving and filing | | 10 | Executing Writ of possession | 2 50 |
| Endorsing each package | | 10 | Collecting execution for costs | 1 50 |
| Entering order submitting cause | | 50 | Serving and returning sci. fa., each | 65 |
| Entering any other order of court | | 25 | Serving and returning notice | 65 |
| Noting all testimony | | 50 | Serving and returning writ of injunction | 1 50 |
| Abstract of cause, etc. | 1 | 00 | 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, etc. | 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 | |
| Amount claimed less than \$500, etc. | 2 | 00 | RECAPITULATION | |
| Issuing each subpoena | | 25 | Register's Fees | |
| Witness certificate, each | | 25 | Sheriff's Fees | |
| Issuing execution, each | | 75 | Commissioner's Fees | |
| 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 | TOTAL | 11 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 ser relating to such proceedings | 1 | 00 | | |
| For services 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 cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent | | | | |
| Sub Total Carried Forward | | | | |

The State of Alabama,
Baldwin County

No. 12
Circuit Court, In Equity _____ Term, 1939

To any Sheriff of the State of Alabama—GREETING:
You are hereby commanded, That of the goods and chattels, lands and tenements of _____

Defendant _____

you cause to be made the sum of _____ Dollars,

which _____ Plaintiff _____

recovered of _____ on the _____ day of _____ 1939

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____

Dollars,

costs o' suit, and have the same to render to the said _____ and make return of this Writ and the execution thereof, according to law.

Interest from _____ 1939 to date of collection.

Witness my hand, this _____ day of _____ 1939

Register

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 Ella Reese Vivians

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

Charlie Vivians

against said Ella Reese Vivians

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, Robert S. Duck, Register of said Circuit Court, this 7th day

of August 1935

Robert S. Duck

Register

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

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 Ella Reese Vivians

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

Charlie Vivians

against said Ella Reese Vivians

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, Robert S. Duck, Register of said Circuit Court, this 7th day

of August 1935

Robert S. Duck Register

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

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

Comes your Complainant, CHARLIE VIVIANS, and humbly
complaining against the Respondent, ELLA REESE VIVIANS, respect-
fully represents and shows unto your Honor as follows:

FIRST:

That the Complainant and Respondent are both over
twenty-one years of age and residents of Daphne, Baldwin County,
Alabama; that the Post Office address of the Respondent is, at
present, temporarily, 306 Earle Street, Mobile, Mobile County,
Alabama.

SECOND:

That the Complainant and Respondent are husband and
wife, having married at Daphne, in Baldwin County, Alabama, on
July 28th, 1928; that they lived together in Baldwin County, Ala-
bama, as husband and wife, until, on to-wit, October 11th, 1930.

THIRD:

That on to-wit, October 11th, 1930, the Respondent
voluntarily abandoned the bed and board of your Complainant, and
has remained away voluntarily and continuously since that time.

WHEREFORE, the premises considered, Complainant prays
that your Honor will, by proper process, make the said ELLA REESE
VIVIANS party Respondent to this Bill of Complaint, requiring her
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 of
this cause, your Honor will give and grant unto him a decree of

absolute divorce, forever barring the bonds of matrimony existing between him and the Respondent, ELLA REESE VIVIANNS.

The Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.

Reese & Hae
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.

Reese & Hae
Solicitors for Complainant.

152

RECORDED
and

CHARLES VIIVANS,

Complainant,

VS.

ELLA REESE VIIVANS,

Respondent.

IN THE CIRCUIT COURT OF

BADWYN COUNTY, ALABAMA,

IN EQUITY.

BILL OF COMPLAINT.

Filed this 7 day of
August, 1935.

Robert J. Duck
Registrar.

RECORDED
6-1935
back

152

Serve on 6-1935

Circuit Court of Baldwin County
IN EQUITY

No. 152

SUMMONS

Charles Vivians

vs.

Ella Reese Vivians
306 Earle Street,
Mobile, Ala.

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 8

day of Aug, 1935

W. H. D. Lewis
SHERIFF

Executed this _____ day of _____

193

by leaving a copy of the within Summons with

not found in the

county

Defendant

Ella Reese Vivians

Sheriff

By _____

W. H. D. Lewis
Deputy Sheriff

Solicitor for Complainant

Not found in my County after three months and no other effort made to locate her.
E. L. DILLON, Sheriff
By W. H. D. Lewis

Serve on _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 152

SUMMONS

Charlie Vivians

vs.

Ella Reese Vivians

300 East St

Mobile

Ala.

BEEBE & HALL

Solicitor for Complainant

Recorded in Vol. _____ Page _____

Chris Adams

152

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of _____

193_____

by leaving a copy of the within Summons with _____

Defendant

Sheriff

By _____
Deputy Sheriff

