

4677

JAMES OTIS DUNSON,
Complainant,

-vs-

CARLEY MARIE DUNSON,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
CASE NO. 4677

FINAL DECREE

This cause coming on to be heard, was submitted upon Bill of Complaint, Plea and Answer, which contained a Cross-Prayer for Process and Relief, Answer thereto by the Complainant, Testimony in open Court of the Complainant, James Otis Dunson, and Testimony in open Court of the Respondent, Carley Marie Dunson, and additional testimony as noted by the Register, and upon consideration thereof, the Court is of the opinion that the Complainant and Respondent are entitled to the relief as hereinafter set out.

IT IS ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Complainant, James Otis Dunson, and the Respondent, Carley Marie Dunson, be and the same are hereby dissolved, and that the said James Otis Dunson is forever divorced from the said Carley Marie Dunson, for and on account of Cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that neither party to this suit shall again marry except to each other until sixty (60) days after the rendition of this Decree, and that if appeal is taken within sixty (60) days, neither party shall again marry except to each other, during the pendency of said appeal.

It having been further made to appear to the Court that the Complainant is a Master Sergeant in the United States Air Force, and is at this time paying through allotment, to the Respondent in this cause, and to the two (2) minor children of this marriage, namely, Julia Frances Dunson, 10 years of age, and James Otis Dunson, Jr., 4 years of age, the sum of One Hundred and Seventy-six and 90/100 Dollars (\$176.90).

Complainant receives the sum of Two Hundred and Twenty-six Dollars (\$226.00) per month, Thirty-three Dollars (\$33.00)

of which is subsistence allowance, because he is living off the base, and under the testimony presented to this Court, may be lost, and Six Dollars (\$6.00) of which is clothing allowance, leaving to the Complainant the sum of One Hundred Eighty-seven Dollars (\$187.00) per month, and it further being made to appear to the Court that the Complainant is paying from this sum last above set out, the sum of Seventy-five Dollars (\$75.00) per month for the care and maintenance of a child of a previous marriage, leaving to him, without consideration of subsistence and clothing allowance, the sum of One Hundred and Twelve Dollars (\$112.00) per month.

And it further being made to appear to the Court that the Complainant would have paid, in his behalf, the sum of One Hundred and Fifty-seven and 10/100 Dollars (157.10) as allowance for two (2) children, if no consideration was given to his present wife.

And the Court being of the present opinion that both the Complainant and the Respondent are fit and proper persons to have the care and custody of the minor children of this marriage, but that as of this date they would be best cared for by the wife, who is the Respondent in this suit, and the Court further taking Judicial knowledge that an allotment of a person in the service of the Armed Forces of the United States, may increase or decrease,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court as follows:-

That the Respondent to this cause, Carley Marie Dunson, is hereby awarded the care, custody and control of the two minor children of this marriage hereinabove named, and that she be awarded for their support and maintenance, and for the support and maintenance of the Respondent, Carley Marie Dunson, as alimony, such sum as the Government will allot for that purpose, being not less in amount than One Hundred and Seventy-five Dollars (\$175.00), for the support and maintenance of the

Respondent and the two minor children, and not less in amount for the support of the two minor children, than One Hundred and Fifty Dollars (\$150.00).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, James Otis Dunson, shall have reasonable rights of visitation, including the right to have the children with him on any extended leaves up to a period of thirty (30) days, during the time he is in the service of the United States Armed Forces, and thereafter, that this Court shall retain jurisdiction of this cause to make such other and further Orders as may seem just and proper at the time, concerning rights of visitation of the said minor children to and with their father, James Otis Dunson.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Complainant pay to Forest A. Christian, as Attorney for the Respondent, the sum of One Hundred Dollars (\$100.00), as and for Attorney fees for her representation in this matter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant, James Otis Dunson, pay the Cost herein to be taxed, for which execution may issue.

DONE this the _____ day of December, 1959.

Hubert M. Hall, Judge of the Twenty-
eighth Judicial Circuit, in Equity
Sitting

JAMES OTIS DUNSON,
Complainant,

-vs-

CARLEY MARIE DUNSON,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

CASE NO. 4677

FINAL DECREE

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And it further being made to appear to the Court that the Complainant would have paid, in his behalf, the sum of One Hundred and Fifty-seven and 10/100 Dollars (157.10) as allowance for two (2) children, if no consideration was given to his present wife.

And the Court being of the present opinion that both the Complainant and the Respondent are fit and proper persons to have the care and custody of the minor children of this marriage, but that as of this date they would be best cared for by the wife, who is the Respondent in this suit, and the Court further taking Judicial knowledge that an allotment of a person in the service of the Armed Forces of the United States, may increase or decrease,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court as follows:-

That the Respondent to this cause, Carley Marie Dunson, is hereby awarded the care, custody and control of the two minor children of this marriage hereinabove named, and that she be awarded for their support and maintenance, and for the support and maintenance of the Respondent, Carley Marie Dunson, as alimony, such sum as the Government will allot for that purpose, being not less in amount than One Hundred and Seventy-five Dollars (\$175.00), for the support and maintenance of the

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Complainant pay to Forest A. Christian, as Attorney for the Respondent, the sum of One Hundred Dollars (\$100.00), as and for Attorney fees for her representation in this matter.

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DONE this the _____ day of December, 1959.

Hubert M. Hall, Judge of the Twenty-
eighth Judicial Circuit, in Equity
Sitting

JAMES OTIS DUNSON,

Complainant,

-va-

CARLEY MARIE DUNSON,

Respondent.

IN THE CIRCUIT COURT OF

HALDWIN COUNTY, ALABAMA

IN EQUITY

CASE NO. 4677

FINAL DECREE

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IT IS ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Complainant, James Otis Dunson, and the Respondent, Carley Marie Dunson, be and the same are hereby dissolved, and that the said James Otis Dunson is forever divorced from the said Carley Marie Dunson, for and on account of Cruelty.

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And the Court being of the present opinion that both the Complainant and the Respondent are fit and proper persons to have the care and custody of the minor children of this marriage, but that as of this date they would be best cared for by the wife, who is the Respondent in this suit, and the Court further taking Judicial knowledge that an allotment of a person in the service of the Armed Forces of the United States, may increase or decrease,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court as follows:-

That the Respondent to this cause, Carley Marie Dunson, is hereby awarded the care, custody and control of the two minor children of this marriage hereinabove named, and that she be awarded for their support and maintenance, and for the support and maintenance of the Respondent, Carley Marie Dunson, as alimony, such sum as the Government will allot for that purpose, being not less in amount than One Hundred and Seventy-five Dollars (\$175.00), for the support and maintenance of the

Respondent and the two minor children, and not less in amount for the support of the two minor children, than One Hundred and Fifty Dollars (\$150.00).

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Complainant pay to Forest A. Christian, as Attorney for the Respondent, the sum of One Hundred Dollars (\$100.00), as and for Attorney fees for her representation in this matter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant, James Otis Dunson, pay the Cost herein to be taxed, for which execution may issue.

DONE this the _____ day of December, 1959.

Hubert M. Hall, Judge of the Twenty-
eighth Judicial Circuit, in Equity
Sitting

21 April 1960

To Whom it May Concern:

The pay of a Master Sergeant with over eighteen years service in the United States Air Force is computed as follows:

Basic pay per month	\$340.00
With 6 dependents	96.90
Ration allowance	33.00
Clothing allowance	<u>6.00</u>
Total	\$475.90

William E. Myrick Jr.
WILLIAM E. MYRICK, JR.
1st Lt, USAF
Judge Advocate
Brookley AFB Ala

21 April 1960

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Total \$475.90

William E. Myrick Jr.
WILLIAM E. MYRICK, JR.
1st Lt, USAF
Judge Advocate
Brookley AFB Ala.

CECIL G. CHASON

ATTORNEY-AT-LAW

FOLEY, ALABAMA

August 11, 1959

Mrs. Alice J. Duck, Register
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Bill of Complaint in the divorce
action of James Otis Dunson -vs- Carley Marie Dunson.

Personal Service.
Foley, Ala

CGC:fm

encls. 1

~~Yours very truly,~~

C. G. Chason
C. G. Chason

Q. And this was at the time you were in England?

A. Yes, Sir.

Q. Do you fear that your father was in danger of being hurt bad?

A. Yes, Sir.

Q. You went to Sunday School or to Church while you were in England?

A. Yes, Sir.

Q. Do you know right from wrong?

A. Yes, Sir.

Q. Do you know that it is a sin to tell a story?

A. Yes, Sir.

Q. Did she throw things at him and mis-treat him?

A. Yes, Sir.

Q. Did you ever hear her say bad things to him or threaten him?

A. Yes, Sir.

CROSS EXAMINATION: FOREST Christian: No Questions.

Forest Christian
Attorney for the
Respondent

Signed: Eslyne Dunson

Attorney for the Complainant
I, Frances G. Mallory, 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, and read over to her, and she signed the same in the presence of myself, C. G. Chason, Attorney at Law, and Forest Christian, Attorney at Law, Foley, Alabama, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness, 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 the 16th day of December, 1959.

Frances G. Mallory SEAL

FILED

FEB 25 1960

ALICE J. DUCK, CLERK
REGISTER

Re
En
L
O
B
Y

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.



Circuit Court, Baldwin County

No.

..... TERM, 19....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Carlie Marie Dunson

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against
Carlie Marie Dunson , Defendant

by James Otis Dunson
..... , Plaintiff

Witness my hand this 13th day of August 19 59

Archie J. Black , Clerk

JAMES OTIS DUNSON,)	
)	
Complainant,	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
-vs-)	
	)	IN EQUITY
CARLEY MARIE DUNSON,)	
)	
Respondent.)	

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, Sitting in Equity:-

Comes your Complainant, James Otis Dunson, and files this
his Bill of Complaint for divorce against Carley Marie Dunson,
and respectfully represents and shows unto your Honor:-

1. That the Complainant is over the age of twenty-one
years and is a bona fide resident citizen of Baldwin County,
Alabama, having been such a bona fide resident citizen for more
than ten years. That Carley Marie Dunson is over the age of
twenty-one years, and has been a resident of Baldwin County,
Alabama, for approximately one year.

2. That the Complainant and Respondent were lawfully
married on, to-wit, June 21, 1947.

3. Complainant further avers that the Respondent has comm-
itted actual physical violence on his person attended with danger
to his life and health, by striking him in the face, by hitting
him with dishes, ash trays and other objects, and from her con-
duct toward him, he is reasonably apprehensive of other and fur-
ther violence, so much so that he can no longer live with the
Respondent; that the Respondent has made numerous threats of
doing him other and further physical harm, and from her manner
and conduct toward him, he is reasonably convinced that she will
commit actual violence on his person attended with danger to his
life or health.

4. Complainant further shows to the Court that there was
born of this marriage two (2) children, Julia Frances Dunson, age
10 years, and James Otis Dunson, Jr., age 4 years, who are pres-
ently in the care and control of the Respondent, but the Complai-
nant avers that he is a fit and proper person to have their care,
custody and control reposed in him, and that it would be to the

best interest of the said children to be in his custody and control, with rights of reasonable visitation to the Respondent.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED, your Complainant prays that Carley Marie Dunson be made a party defendant of this cause by the usual process of this Honorable Court, requiring her to plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided; that upon a final hearing of this cause that he be granted a divorce from the said Carley Marie Dunson, and that he be granted custody and control of the minor children hereinabove named, with rights of reasonable visitation to the Respondent. Should your Complainant be mistaken in the relief prayed for, that he be granted such other, further, different and general relief to which he may be entitled and as in duty bound he will ever pray.



Solicitor for Complainant

FILED
AUG 13 1959
ALICE J. DUCK, CLERK
REGISTER

ANSWER AND PLEA

JAMES OTIS DUNSON,)	
	)	IN THE CIRCUIT COURT OF
Complainant,)	
	)	BALDWIN COUNTY, ALABAMA
VS:)	
	)	IN EQUITY
CARLEY MARIE DUNSON,)	
)	
Respondent.	)	CASE NO. 4677

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Comes the Respondent, CARLEY MARIE DUNSON, and files this as her answer and plea to the complaint filed in said cause.

1. The Respondent admits the allegations in paragraph 1.
2. The Respondent admits the allegations in Paragraph 2.
3. The Respondent denies all allegations in Paragraph 3.
4. The Respondent admits that there was born to this marriage two (2) children, Julia Frances Dunson, age 10 years, and James Otis Dunson, Jr., age 4 years, who are presently in the care and control of the Respondent, as alleged in Paragraph 4.

5. The Respondent denies that the Complainant is a fit and proper person to have the care, custody and repose of said minor children and denies that it would be to the best interest of the children to be in the Complainant's custody and control.

6. Your Respondent avers that she is a fit and proper person to have the care, custody and control of said minor children and that it would be for the best interest of the children to be in the Respondent's custody and control, with rights of reasonable visitation to the Complainant.

7. The Respondent avers that the Complainant is a Master Sargent in the Air Force and stationed at Hunter Air Force Base, Atlanta, Georgia and has pay which amounts to approximately \$450.00 per month; that she has no income of any kind other than that furnished by Complainant; that one child is in school that requires school lunch money, books, clothes, etc. and that the other child (age 4)

needs the Respondent's care and loving affection, which prevents Respondent from seeking employment at this time.

8. The Respondent alleges and avers that she needs a monthly income of not less than THREE HUNDRED & 00/100 DOLLARS (\$300.00) per month in order to pay her rent, utilities, milk, payments on appliances, such as refrigerator and range, food, clothes, medical bills and school lunch money.

9. The Respondent alleges and avers that the Complainant is maintained by the Air Force and that the balance of \$150.00 per month is ample for his needs.

10. The Respondent alleges and avers that your Respondent has employed a solicitor to represent her as Respondent in this case and that the solicitor has devoted much time and effort advising said Respondent since said bill was filed on August 13, 1959 and that a reasonable fee for said representation is \$250.00.

11. The Respondent alleges and avers that the Complainant has reduced the amount of money which he had sent Respondent for care and maintenance of said children and her self to the allotment required and sent by the Air Force and which amounts to \$176.90. The Respondent avers and alleges that she is unable to maintain a home, clothe and feed and educate herself and their two children on this small amount of money.

PRAYER FOR RELIEF

THE PREMISES CONSIDERED, Your Respondent prays that should a divorce be granted, she be given the care, custody and control of the minor children, Julia Frances Dunson, age 10 years, and James Otis Dunson, Jr., age 4 years, with the right of reasonable visitation to the Complainant.

That should a divorce be granted, your Honor will order, adjudge and decree that the Complainant pay the Respondent for the case and education of the two minor children and said Respondent a

sum of money not less than \$300.00 per month.

Your Respondent prays that your Honor will order the Complainant to pay a reasonable solicitor's fee for services rendered to the Respondent.

Your Respondent prays that your Honor will order the Complainant to pay such reasonable amounts for the care, support and education of said minor children and the Respondent, of not less than \$300 per month, a reasonable solicitor's fee pendente lite and that your Honor will order this case set down for early hearing to determine a reasonable monthly payments pendente lite. Should your Respondent be mistaken in the relief prayed for, that she be granted such other, further, different and general relief to which she may be entitled and as in duty bound she will ever pray.

Ms. J. O. Dunson
Respondent

Forest A. Christian
Forest A. Christian, Solicitor for
Respondent.

RECORDED 4677

FILED
NOV 27 1959
ALICE J. DICK, CLERK
REGISTER

AMENDED ANSWER AND PLEA

JAMES OTIS DUNSON,)	
	)	IN THE CIRCUIT COURT OF
Complainant,)	
	)	BALDWIN COUNTY, ALABAMA
VS:)	
	)	IN EQUITY
CARLEY MARIE DUNSON,)	
)	
Respondent.	)	CASE NO. 4677

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Comes the Respondent, CARLEY MARIE DUNSON, and files this amendment and addition to her answer and plea filed in this Court on the 27th day of November, 1959.

1. That Paragraph 12, on page 2 be included to read as follows:

That the Respondent alleges and avers that the Complainant has TEN THOUSAND & 00/100 DOLLARS (\$10,000) Government Insurance which should be made payable to his three children, namely: Julia, a daughter, and Jimmie, a son, by Complainant's and Respondent's marriage, and Erlyne, a daughter of Complainant by a previous marriage.

2. And that the prayer for relief be amended to include the following:

Your Respondent prays that your Honor will order the Complainant to make his three children equal beneficiaries of his \$10,000.00 Government Insurance and that he be ordered to continue to pay the premiums on said insurance policy in order to keep it in full force and effect.



Forest A. Christian, Solicitor for Respondent.

FILED
NOV 28 1960
ALICE J. DUCK, CLERK
REGISTER

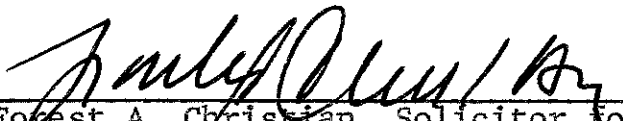
JAMES OTIS DUNSON,
Complainant,
vs.
CARLEY MARIE DUNSON,
Respondent.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DEMURRER

Comes the respondent by her attorney and states that there
is no equity in the bill.


Forest A. Christian, Solicitor for
Respondent

DEMURRER

JAMES OTIS DUNSON,
Complainant,

vs.

CARLEY MARIE DUNSON,
Respondent.

- - - - -

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
NO. 4677

RECORDED

FILED

AUG 28 1973

ALICE L. DUCK, CLERK
REGISTER

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

February 27, 1960

Honorable H. M. Hall
Judge of Circuit Court
Bay Minette, Alabama

Re: James Otis Dunson
vs: Carley Marie Dunson
Case No. 4677

Dear Judge:

Mrs. Carley Marie Dunson, the respondent in this case, states that she visited your office about two weeks ago. We have now worked up this case and she wishes to have it submitted on the testimony presented at the hearing.

If there is anything else that I should do in this case, I will be glad to hear from you.

With best wishes, I am

Cordially yours,



FOREST A. CHRISTIAN

Mrs. Duck,

I have sent a copy of this
to Mr. Chason on February 27, 1960.

FOREST A. CHRISTIAN

FOREST A. CHRISTIAN
FOLEY, ALA.

JAMES OTIS DUNSON,
Complainant,
-VS-
CARLEY MARIE DUNSON,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
CASE NO. 4677

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It having been further made to appear to the Court that the Complainant is a Master Sergeant in the United States Air Force, and is at this time paying through allotment, to the Respondent in this cause, and to the two (2) minor children of this marriage, namely, Julia Frances Dunson, 10 years of age, and James Otis Dunson, Jr., 4 years of age, the sum of One Hundred and Seventy-six and 90/100 Dollars (\$176.90).

Complainant receives the sum of Two Hundred and Twenty-six Dollars (\$226.00) per month, Thirty-three Dollars (\$33.00)

of which is subsistence allowance, because he is living off the base, and under the testimony presented to this Court, may be lost, and Six Dollars (\$6.00) of which is clothing allowance, leaving to the Complainant the sum of One Hundred Eighty-seven Dollars (\$187.00) per month, and it further being made to appear to the Court that the Complainant is paying from this sum last above set out, the sum of Seventy-five Dollars (\$75.00) per month for the care and maintenance of a child of a previous marriage, leaving to him, without consideration of subsistence and clothing allowance, the sum of One Hundred and Twelve Dollars (\$112.00) per month.

And it further being made to appear to the Court that the Complainant would have paid, in his behalf, the sum of One Hundred and Fifty-seven and 10/100 Dollars (157.10) as allowance for two (2) children, if no consideration was given to his present wife.

And the Court being of the present opinion that both the Complainant and the Respondent are fit and proper persons to have the care and custody of the minor children of this marriage, but that as of this date they would be best cared for by the wife, who is the Respondent in this suit, and the Court further taking Judicial knowledge that an allotment of a person in the service of the Armed Forces of the United States, may increase or decrease,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court as follows:-

That the Respondent to this cause, Carley Marie Dunson, is hereby awarded the care, custody and control of the two minor children of this marriage hereinabove named, and that she be awarded for their support and maintenance, and for the support and maintenance of the Respondent, Carley Marie Dunson, as alimony, such sum as the Government will allot for that purpose, being not less in amount than One Hundred and Seventy-five Dollars (\$175.00), for the support and maintenance of the

Respondent and the two minor children, and not less in amount for the support of the two minor children, than One Hundred and Fifty Dollars (\$150.00).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, James Otis Dunson, shall have reasonable rights of visitation, including the right to have the children with him on any extended leaves up to a period of thirty (30) days, during the time he is in the service of the United States Armed Forces, and thereafter, that this Court shall retain jurisdiction of this cause to make such other and further Orders as may seem just and proper at the time, concerning rights of visitation of the said minor children to and with their father, James Otis Dunson.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Complainant pay to Forest A. Christian, as Attorney for the Respondent, the sum of One Hundred Dollars (\$100.00), as and for Attorney fees for her representation in this matter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant, James Otis Dunson, pay the Cost herein to be taxed, for which execution may issue.

DONE this the _____ day of December, 1959.

Hubert M. Hall, Judge of the Twenty-eighth Judicial Circuit, in Equity Sitting