

3884

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ELEANOR LOUISE BRIELER, Complainant

vs.

HERBERT EDWARD BRIELER, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on ANSWER AND WAIVER 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 Defendant be, and the same are hereby dissolved, and that the said ELEANOR LOUISE BRIELER is forever divorced from the said HERBERT EDWARD BRIELER for and on account of Cruelty. It is further ordered, adjudged and decreed that the Complainant shall have the care, custody and control of the minor child and the Respondent shall pay to the Complainant the sum of \$15.00 per week as and for support of the said child; that Respondent shall pay medical expenses incurred by Complainant in excess of \$25.00 per month for the benefit of said minor child; that Respondent shall have the right to visit said child at reasonable times and right of custody for limited periods as shall be agreed to by the Complainant.

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

It is further ordered that the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon payment of the cost of this suit.

It is further ordered that Complainant, Eleanor Louise Brieler, the Complainant pay the cost herein to be taxed, for which executed may issue.

This 10 day of October 1956

Hubert M. Hall Judge Circuit Court, In Equity.

I, 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.

Witness my hand and seal this the day of 19

Register of Circuit Court, In Equity.

No. 3884 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

ELEANOR LOUISE BRIELER

Complainant

vs.

HERBERT EDWARD BRIELER

Respondent

DIVORCE DECREE

FILED

OCT 10 1956

Alice J. Duck, Registered

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

ELEANOR LOUISE BRIELER COMPLAINANT

vs.

HERBERT EDWARD BRIELER RESPONDENT

I, Melda D. Cobb

as ~~Register and~~ Commissioner

have called and caused to come before me Eleanor Louise Brieler and

Peggy Lagenbach

witnesses named in the requirement for Oral Examination, on the 29th day of September,
1956, at the office of Ernest M. Bailey, Attorney at Law

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

truth, the whole truth, and nothing but the truth, the said Eleanor Louise Brieler

and Peggy Lagenbach

doth depose and say as follows:

STATEMENT OF ELEANOR LOUISE BRIELER:

My name is Eleanor Louise Brieler and the Respondent's name is Herbert Edward Brieler. We are both over the age of twenty-one years and are bona fide residents of Baldwin County, Alabama.

We were married on, to-wit, October 1, 1955 in Lucedale, Mississippi and lived together as man and wife until on, to-wit, August 29, 1956.

On August 29, 1956 the Respondent cursed, abused and did threaten to do violence on my person. The Respondent did on other occasions abuse and threaten to do violence to me. I am of the opinion that if we continue to live together the Respondent will commit actual violence upon my person or will injure me permanently.

Eleanor Louise Brieler
Eleanor Louise Brieler

STATEMENT OF PEGGY LAGENBACH:

My name is Peggy Lagenbach. I am over the age of twenty-one years and am a bona fide resident of Baldwin County, Alabama.

I have known the Complainant and Respondent during their married life. I have seen the Complainant on several occasions when she was emotionally disturbed by reason of domestic difficulties with her husband.

Peggy Lagenbach
Peggy Lagenbach

I, Melda D. Cobb 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 Ernest M. Bailey at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses 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 29th day of September, 1956.

Melda D. Cobb (L. S.)

No. 3884

Page

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

HEANOR LOUISE BRIELER

COMPLAINANT

HERBERT EDWARD BRIELER

vs.

RESPONDENT

ORAL DEPOSITION

Filed

19

Register.

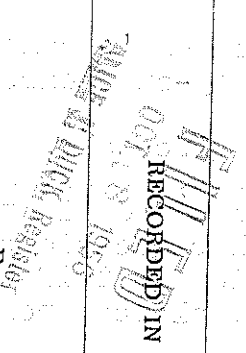
RECORDED IN

Record

Vol.

Page

Register.



THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: MELDA D. COBB

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Eleanor Louise Brieler and Peggy Lagenbach

a witnesses in behalf of Eleanor Louise Brieler in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Eleanor Louise Brieler

and Herbert Edward Brieler, Complainant

Respondent

on oath, to be by you administered, upon Eleanor Louise Brieler and Peggy Lagenbach to take and certify the depositions of the witnesss and return the same to our Court, with all convenient speed, under your hand.

Witness 27th day of September, 1956

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 3884

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ELEANOR LOUISE BRIELER

Complainant

VS.

HERBERT EDWARD BRIELER

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

MELDA D. COBB

WITNESSES:

Eleanor Louise Brieler

Peggy Lagenbach

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ERNEST M. BAILEY

ATTORNEY AT LAW

221 FAIRHOPE AVE.

TELEPHONE WAVERLY 8-9759

FAIRHOPE, ALABAMA

October
5th
1956

Clerk, Circuit Court of
Baldwin County, Alabama
Bay Minette, Alabama

In re: BRIELER VS. BRIELER

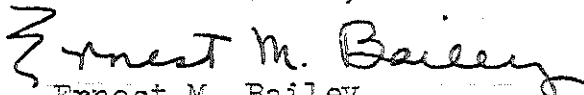
Dear Mrs. Duck:

Enclosed herewith find divorce proceedings in the above matter. I have discussed this case with Judge Hall and would appreciate your referring it to him for decree.

I am enclosing my check in the amount of \$13.50, Bill of Complaint, Stipulated Agreement, Answer and Waiver, Deposition, Note of Testimony and the original and two copies of the Decree. I will greatly appreciate your assistance in this matter.

Thank you very much.

Sincerely yours,



Ernest M. Bailey

EMB:b

Enclosures

ELEANOR LOUISE BRIELER

vs.

HERBERT EDWARD BRIELER

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
and Oral Testimony by Eleanor Louise Brieler and
Peggy Lagenbach

and in behalf of Defendant upon Answer and Waiver

29
James W. Bailey
Attorney for Complainant

W. J. ...

Register.

No. 3884

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

ELEANOR LOUISE BRIELER

vs.

HERBERT EDWARD BRIELER

NOTE OF TESTIMONY

Filed in Open Court this

day of , 194

FILED

OCT 9 1956

Register.

Printed by the Baldwin Times

ALICE J. ...

Eleanor Louise Brieler,
Complainant

1

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

vs.

1

IN EQUITY

Herbert Edward Brieler,
Respondent

1

S T I P U L A T I O N

WHEREAS, the Complainant in the above styled cause has filed her suit for divorce against the Respondent in the said cause in the Circuit Court of Baldwin County, Alabama, in Equity, in which suit she claims the care, custody and control of their minor child, Edward Lee Brieler, and claims of the Respondent a sufficient amount to properly support and educate the said child;

It is therefore stipulated and agreed by and between Eleanor Louise Brieler, the Complainant, and Herbert Edward Brieler, the Respondent, as follows:

1. That the Complainant shall have the care, custody and control of the minor child, Edward Lee Brieler.
2. That the Respondent shall pay to the Complainant a sum in the amount of Fifteen Dollars (\$15.00) per week as and for support and maintenance of the minor child, Edward Lee Brieler.
3. That the Respondent shall have the right to visit said child at reasonable and proper times. The Respondent shall also have the right of custody of said minor child for limited periods of vacation, at the expense of the Respondent, as shall be agreed to and at such times as shall seem proper to the Complainant.
4. The Respondent further agrees that he will pay medical expenses incurred by and for the said minor child in excess of those incurred in the amount of Twenty Five Dollars (\$25.00) per month, if called on to do so by the Complainant.

Dated this the 27th day of September, 1956.

Eleanor Louise Brieler
Eleanor Louise Brieler

Herbert Edward Brieler
Herbert Edward Brieler

WITNESSES:

George M. Barton For Eleanor Louise Brieler
Betty Clark For Herbert Edward Brieler

No. 3884

STIPULATION
ELEANOR LOUISE BRIELER
Complainant
vs.
HERBERT EDWARD BRIELER,
Respondent
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED
OCT 8 1956
AMICE & DUCK, Register

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ELEANOR LOUISE BRIELER,
Complainant
VS.

¶
¶

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

HERBERT EDWARD BRIELER,
RESPONDENT

¶

ANSWER AND WAIVER

Comes the Respondent in the above styled cause and for answer to the Bill of Complaint filed in said cause and for each and every paragraph thereof separately and severally, says:

- 1. Respondent admits the allegations of the first paragraph of the Bill of Complaint.
- 2. Respondent admits the allegations of the second paragraph of the Bill of Complaint as to the date of marriage and date of separation but denies all other allegations of this paragraph and demands strict proof of the same.
- 3. Respondent admits the allegations of the third paragraph of the Bill of Complaint.

Respondent hereby accepts service of a copy of the Summons and Complaint in this cause and waives further service of the same. The Respondent also waives notice of taking of testimony in this cause and notice of submission of said cause and agrees that the testimony may be taken and the cause submitted without further notice to him.

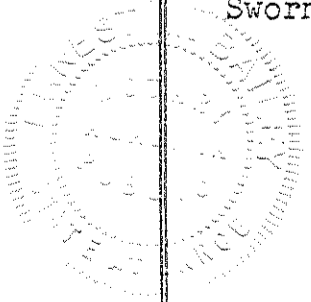
Herbert Edward Brieler
HERBERT EDWARD BRIELER

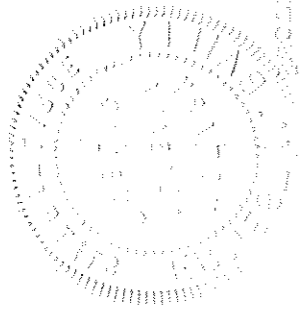
WITNESS:

Betty Clark

Sworn to and subscribed before me this 27th day of September, 1956.

[Signature]
NOTARY PUBLIC, STATE OF ALABAMA
AT LARGE





TO THE HONORABLE JUDGE OF SAID COURT

PLEASE TAKE NOTICE THAT I HEREBY FILED FOR RECORD AND FOR THE PURPOSES OF THIS COURT THE FOLLOWING COMPLAINT AND WAIVER:

Herbert Edward Brieler

I, HERBERT EDWARD BRIELER, DO hereby certify that I am the Respondent in the within entitled Cause, and that I have read and understand the contents of the Complaint and Waiver filed by the Complainant, and that I have no objection to the filing of the same, and that I waive my right to be heard in my own defense in this Cause, and that I consent to the entry of a decree in favor of the Complainant, and that I consent to the entry of a decree awarding costs to the Complainant.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Court at Baldwin County, Alabama, this 8th day of October, 1956.

ANSWER AND WAIVER
ELEANOR LOUISE BRIELER
Complainant

vs.

HERBERT EDWARD BRIELER
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED
OCT 8 1956
ALICE I. DUCK, Register

70-3884

CLERK OF COURT
BALDWIN COUNTY, ALABAMA

FILED FOR RECORD

STATE OF ALABAMA I IN THE CIRCUIT COURT -- IN EQUITY
 BALDWIN COUNTY I

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon HERBERT EDWARD BRIELER to appear and plead, answer or demur, within thirty days from the services hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Eleanor Louise Brieler, as Complainant, against Herbert Edward Brieler, as Respondent.

Witness my hand this the ____ day of September, 1956.

REGISTER

ELEANOR LOUISE BRIELER, I IN THE CIRCUIT COURT OF
 Complainant I
 VS. I BALDWIN COUNTY, ALABAMA
 I
 HERBERT EDWARD BRIELER, I IN EQUITY
 Respondent I

Comes your Complainant, Eleanor Louise Brieler, and files this her Bill of Complaint for divorce against Herbert Edward Brieler, and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant and the Respondent are over the age of twenty-one years and are bona fide residents of Baldwin County, Alabama, residing in Fairhope.

SECOND:

That your Complainant and the Respondent were married on, to-wit, October 1, 1955 in Lucedale, Mississippi, and lived together until on, to-wit, August 29, 1956, when on account of matters hereinafter complained of, your Complainant was compelled to live separate and apart from the Respondent; that on August 29, 1956 and at times prior thereto, the Complainant states that the Respondent committed acts of violence on her person, attended with danger to her life and health;

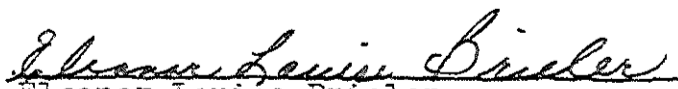
Complainant avers and charges that the Respondent has made numerous threats of doing her violence and physical harm and from such conduct she is reasonably certain that if she continues to life with him he will commit such violence on her person attended with danger to her life and health.

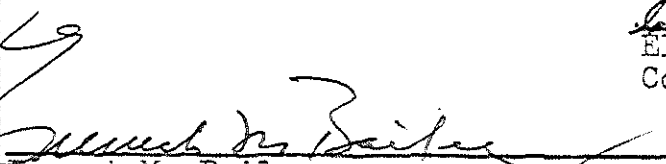
THIRD:

That there was born of this marriage between your Complainant and the Respondent the following named minor child: Edward Lee, age five months. That your Complainant is a fit and proper person to have the care, custody and control of said minor child. That your Complainant has no money or property to properly support and educate the said child and that the Respondent is able to pay your Complainant such sufficient amounts to properly support and educate such child. That your Complainant and the Respondent have heretofore entered into an agreement pertaining to the care, custody and control and the support of the said child.

PRAYER FOR PROCESS AND RELIEF

THEREFORE, the premises considered, Complainant prays that the above named Herbert Edward Brieler be made a party defendant to this cause by the usual process or writ, requiring him to appear and 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 your Honor will grant her an absolute divorce from Respondent; award her the custody of the infant child herein named and grant her permission to remarry; that your Honor will also confirm the agreement heretofore entered into by and between Complainant and Respondent with reference to the custody and support of the minor child herein named and should the Complainant be mistaken in the relief herein prayed for, that she be granted such other, further or different relief to which she is entitled.


Eleanor Louise Brieler
Complainant


Ernest M. Bailey
Solicitor for the Complainant