

608

...Mary Marlowe Best.....

.....

.....

vs.

...William Calvin Best.....

.....

.....

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 of Defendant, and testimony of Mary Marlowe Best and Thos..
Best,

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.....

.....

.....

and in behalf of Defendant upon-----

.....

.....

.....

J. W. Rice

Register.

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No. 608

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Mary Marlowe Best

vs

William Calvin Best.

NOTE OF TESTIMONY

Filed in Open Court this 15th
day of December 1926

T. W. Riccison

Register

STATE OF ALABAMA,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY.

No. 608 Vacation Term, 192 6

Mary Marlowe Best , Complainant ...

vs.

William Calvin Best , Defendant ...

To T.W. Richerson, , Register :

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 W.C. Stone

..... 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.

Worborne Stone
.....
Solicitor for Complainant.

No. 608

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THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Mary Marlowe Best

vs.

William Calvin Best

REQUEST FOR DECREE IN
VACATION

FILED December 15th 1926

W. R. Rice

Register

RECORDED IN _____ RECORD

VOL. _____ PAGE _____

Register

MARY MARLOWE BEST,
Complainant.

-vs-

WILLIAM CALVIN BEST,
Defendant.

CIRCUIT COURT-EQUITY SIDE.
STATE OF ALABAMA.
BALDWIN COUNTY.

Comes the defendant by his Solicitors of Record Rickarby, Beebe and Hall and for answer to the complaint in this cause filed and each and every paragraph thereof, separately and severally, deny the allegations thereof and demand strict proof of the same.

Rickarby, Beebe & Hall
Solicitors for Defendant.

Filed Oct 6/1926
J. W. Williams
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 William Calvin Best

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 Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Mary Marlowe Best,

against said

William Calvin Best,

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, T. W. Richerson, Register of said Circuit Court, this 2nd day of

August, 192 6.

T. W. Richerson Register.

party defendant is entitled to a copy of the bill upon application to the Register.

2 Original

SERVE ON.....

Circuit Court of Baldwin County
In Equity.

No.

SUMMONS

Mary Larlowe Best,

vs,

William Calvin Best.

Norborne Stone.

Solicitor for Complainant

Recorded in Vol. Page

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this 2nd,
day of August, 1926

H R Stewart
Sheriff.

Executed this 6th
day of Aug 1926

by leaving a copy of the within Summons with
William Calvin Best

Defendant.

H. R. Stewart
Sheriff.

By *J. T. White*
Deputy Sheriff.

MARY MARLOWE BEST,
Complainant,

-vs-

WILLIAM CALVIN BEST,
Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE.

STATE OF ALABAMA.

BALDWIN COUNTY.

TO THE HON. THE CIRCUIT COURT-EQUITY SIDE, STATE OF
ALABAMA, BALDWIN COUNTY, AND THE HON. JOHN D. LEIGH,
JUDGE THEREOF, SITTING IN EQUITY:-

Comes your complainant, Mary Marlowe Best and files this, her Bill of Complaint for divorce mensa et thoro and for alimony, maintenance and support against the respondent, William Calvin Best and as grounds thereof shows unto your Honor and unto this Honorable Court, as follows:-

FIRST:

That both complainant and respondent are over the age of 21 years and both are bona fide residents of Baldwin County, Alabama and have been for more than three years next immediately preceding the filing of this Bill of Complaint.

SECOND:

That your Complainant and the respondent were married on heretofore to-wit: during the month of December, 1892 and lived together as man and wife unto during the latter part of December, 1925, when on account of the matters hereinafter set forth the separation occurred between them.

THIRD:

That respondent committed adultery with one Leila Williams and with other women from time to time, the names of such other women being unknown to your complainant at this time; that the respondent has treated your complainant in an inhuman and cruel manner and has committed actual violence on her person attended with danger to life or health; that the conduct of the respondent, just prior to the separation between complainant and respondent, was such that your complainant had reason to apprehend the commission of actual violence on her person attended with danger on life or health.

(page two)

FOURTH:

Complainant further shows that by said marriage there were born to complainant and respondent six children, all of whom are over the age of twenty-one years except Janet, a daughter, who is 12 years of age and who resides with your complainant; that the respondent on account of his adulterous living with other women is not a fit and proper person to have the custody and control of said child, Janet Best but that your complainant is a fit and proper person to retain such custody and control.

FIFTH:

That your complainant is wholly without means of support and is unable to make a living for herself or to employ counsel in this cause; that the respondent is an able-bodied man, well versed in the Naval Stores business and is able to and does earn good salaries and is possessed of much property.

PRAYER FOR PROCESS AND RELIEF:

THE PREMISES CONSIDERED, your complainant prays that your Honor will issue or cause to be issued all necessary orders, notices, summons and decrees to make the said respondent William Calvin Best party defendant in this cause, requiring him to appear, and plead, answer and demur within the time and under the pains and penalties prescribed by law and the rules and practices of this Honorable Court; that your Honor will order and direct the Register of this Court to hold a reference, at which reference he shall ascertain a reasonable amount to be paid to complainant by respondent as counsel fees in this cause and alimony pendente lite and permanent as is suitable to her condition and station in life and consistent with the worth and earning capacity of respondent and that your Honor will grant unto your complainant a reasonable sum for such attorneys fees and alimony pendente lite.

That upon a final hearing hereof your Honor will grant unto complainant a divorce mensa et thora from the respondent William Calvin Best and further grant unto complainant the custody and control of the said Janet Best and will award and grant to complainant a suitable sum to be paid her by the said respondent as per-

(page three)

manent alimony and for the support and education of said Janet Beat and, as in duty bound, your complainant will ever pray, etc.

NORBORNE STONE,
Solicitor for Complainant.

FOOT NOTE:-

The Respondent, William Calvin Best, is required to answer each and every paragraph of the foregoing Bill of Complaint from 1 to 5, both inclusive, but not under oath, oath being hereby expressly waived.

NORBORNE STONE,
Solicitor for Complainant.

The State of Alabama,
Baldwin County.

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

Mary Marlow Best Complainant.

vs.

William Calvin Best Respondent.

I *D W Reelerson*

as Register and Commissioner

have called and caused to come before me

Mary Marlow Best
Thos. Best

witness named in the Requirement for Oral Examination, on the *19* day of *Nov*
1926, at the office of *Register*

in *Bay Minette*, Alabama, and having first sworn said witness to speak the
truth, the whole truth, and nothing but the truth, the said *Reelerson*

doth depose and say as follows:

My name is Mary Marlowe Best and I am the wife of William Calvin Best and the complainant in this cause now pending in this court wherein William Calvin Best is the defendant; both I and William Calvin Best are over 21 years of age. I am 49 and he is 52; we are both bona fide residents of Baldwin County, Alabama where we have lived continuously for the past four years.

I and the said William Calvin Best were married during the month of December 1892 and we lived together as man and wife until the latter part of 1925 when I was compelled to leave him. Along in the summer of 1925 Mr. Best began to treat me in an improper manner. His attitude toward me changed entirely. On various times he would come in and act very strange. Finally he told me that he did not care for me any more, he put me out of the house and told me not to come back and on account of his conduct leading up to his putting me out of the house and the way he treated me and acted and from what he said I apprehended the commission of actual violence on my person attended with danger to life or health if I returned to live there after he had put me out.

I gave him no cause whatever to act as he did and at all came about on account of matters in connection with his relation with other women.

By the said marriage there were born six children but the only one who is now living with me is my daughter Janet who is 13 years of age; the defendant is not a fit and proper person to have the custody of this child and I feel that I am a proper person to and will properly take care of her.

The paper that you hand me is the understanding we had to the amount and term of alimony in this case and I attach my testimony as Exhibit "A".

Mary Marlowe Best

ORAL EXAMINATION.

I, J. W. Williamson, 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 Et and read over to Stam and May signed the same in the presence of myself Paul W. N. R. Thomas, Attorney for Complainant

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness Et or had proof made before me of the identity of said witness Et; 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 12th day of December 1926
J. W. Williamson (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Marly Marlow Best

vs. Complainant

William Calvin Best

Respondent.

Oral Deposition

Filed Nov 19 1926, 1926

J. W. Williamson, Register.

Recorded in

Record

Vol. _____ Page _____

Register

STATE OF ALABAMA.

BALDWIN COUNTY.

MARY MARLOWE BEST,
Complainant,

-VS-

W. C. BEST,
Defendant.

IN THE CIRCUIT COURT-EQUITY SIDE

This cause coming on to be heard was submitted upon the Bill of Complaint, Answer of defendant, agreement between Solicitors for complainant and Solicitors for defendant as to alimony, attorneys fees and taking of testimony and the 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;

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 on account of cruelty. It is further ordered, adjudged and decreed that the complainant have and recover of the defendant as permanent alimony the sum of Thirty five dollars (\$35.00) each month for a period of five years, beginning with the date of this decree and to be payable monthly and the defendant be and he is hereby ordered to pay the same for which execution may issue.

It is further ordered and decreed that the complainant be and she is hereby permitted to again contract the marriage relation provided that she shall not marry again except to the said ~~complainant~~ until 60 days after this date and that if an appeal is taken within 60 days she shall not marry again except to the said defendant during the pendency of said appeal.

It is further ordered that the defendant pay the costs herein taxed for which execution may issue and if execution is returned "no property found" then execution for such costs may issue against the said complainant. Dated at Chambers at

Brewton Alabama, February 18 1927.

John D. Leigh

Judge.

M

Final Decree.

Filed Feb 19th 1927.
T. W. Harrison
Registrar

RECORDED