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

209

No. 209 Mary P Burglin VS. Marion O Burglin

PLAINTIFF

DEFENDANT

Bill of Costs

Fees of Register

		Dollars	Cts.
Filing each bill and other papers $10	$ 10	1	10
Issuing each subpoena	50		
Issuing each copy thereof	40		
Entering each return thereof	15		
For each order of publication	1 00		
Issuing writ of injunction	1 50		
For each copy thereof	50		
Entering each return thereof	15		
Issuing writ of attachment	1 00		
Entering each return thereof	15		
Docketing each case	1 00	1	00
Entering each appearance	25		25
Issuing each decree pro confesso on persl ser	1 00		
Issuing each decree pro confesso on publication	1 00		
Each order appointing guardian	1 00		
Any other order by Register	50		50
Issuing commission to take testimony	50		
Receiving and filing	10		10
Endorsing each package	10		10
Entering order submitting cause	50		50
Entering any other order of Court	25		
Noting all testimony	50		50
Abstract of cause, etc.	1 00		
Entering each decree	75		75
For every 100 words over 500	15		
Taking account, etc	3 00	4	70
Taking testimony, etc.	15		
Each report, 500 words or less	2 50		
For every 100 words over 500	15		
Amount claimed less than $500, etc	2 00		
Issuing each subpoena	25		
Witness certificate, each	25		
Issuing execution, each	75		
Entering each return	15		
Taking and approving bond, each	1 00		
Making copy of bill, etc	15		
Each notice not otherwise provided for	50		
Each certificate or affidavit, with seal	50		
Each certificate or affidavit, no seal	25		
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 services in proceeding to relieve minors, etc., same fees 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			

Brought Forward		4	
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.			
Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received,			
Each Notice sent by mail to creditors	15		
Filing, Receipting for and docketing each claim, etc.	25		
For all entries on subpoena docket, etc	50		
For all entries on commission docket, etc.	50		
Making final record, per 100 words	15	4	00
Certified copy of decree	1 00	1	00
Report of divorce to State Health office Acts 1915	50		50
Total Fees of Register		10	20

Fees of Sheriff

Serving and returning subpoena on deft.	$ 1 50		
Serving and returning subpoena for witness	65		
Levying attachment	1 50		
Entering and returning same	25		
Selling property attached			
Impaneling Jury	75		
Executing writ of possession	2 50		
Collecting execution for costs	1 50		
Serving and returning sci. fa., each	65		
Serving and returning notice	65		
Serving and returning writ of injunction	1 50		
Serving and returning writ of exeat	1 50		
Taking and approving bonds, each	75		
Collecting money on execution			
Making deed	2 50		
Serving and returning application, etc.	1 00		
Serving attachment, contempt of court	1 50		
Total Fees of Sheriff			

Recapitulation

Register's Fees		10	20
Sheriff's Fees			
Commissioner's Fees Marion Lapham			
Solicitor's Fees Jack Wright			
Witness Fees			
Guardian Ad Litem			
Printer's Fees			
Trial Tax	3 00	3	00
Recording Decree in Probate Court			
TOTAL		18	20

Received payment this 1 day of Apr 193 6

R S Duck
Register.

THE STATE OF ALABAMA, BALDWIN COUNTY

MARY P. BERGLIN, Complainant,	CIRCUIT COURT OF BALDWIN COUNTY
No. vs.	IN EQUITY
MARVIN O. BERGLIN, Defendant	AT BAY MINETTE, ALABAMA.

This cause is submitted for decree on the pleadings and the testimony as shown by the note of submission on file, and on consideration, it is ordered, adjudged and decreed by the Court that the Complainant is entitled to relief, and that the bonds of matrimony heretofore existing between the Complainant and the Defendant be and the same are henceforth dissolved and annulled.

It is further ordered and decreed that the Complainant Mary P. Berglin be, and hereby is, permitted to again contract marriage, subject to such provisions of the law as regulate the marriage of divorced persons, but in no event before the expiration of sixty days after the rendition of this decree.

It is further ordered that Respondent pay the costs of this suit, for which execution may issue.

In term time, March 30th 1936.

F. W. Hare
Judge.

NOTE OF EVIDENCE

No. 209

MARY P. BERGLIN,

Complainant

VS.

MARVIN O. BERGLIN,

Respondent

At the hearing of this cause the following note of evidence was taken to-wit.

FOR COMPLAINANT

Bill of Complaint

Answer and waiver by Respondent

Deposition of Mary P. Berglin

Deposition of Mrs. Helen Keller

FOR RESPONDENT

Attest: Robert L. Duck
Register

Mobile, Alabama

March 31, 1936

Received of Mr. Robert S. Duck, as Clerk of the Circuit Court of Baldwin County, Alabama, at Bay Minette, the sum of Five ($5.00) Dollars, my fee as Commissioner in taking the testimony in the case of Mary P. Berglin vs. Marvin O. Berglin, in the Circuit Court of Baldwin County, Alabama, in Equity.

Received this 31st day of March, 1936.

Marie Layton

bill of complaint, will cause service to be had upon the said Marvin O. Berglin, making him a party respondent hereto and

requiring him to answer, plead or demur to this bill of complaint within the time allowed by law.

And your complainant further prays that your Honor will order a reference to be held by the Register of this Honorable Court to determine what would be a reasonable allowance for alimony pendente lite for your complainant, and also, a reasonable amount for solicitor's fees in representing her in this cause, and that upon such Register's report your Honor will enter an order requiring the respondent to pay such alimony pendente lite and such solicitor's fees as shall be reported by said Register.

And your complainant further prays that upon a final hearing of this cause your Honor will enter a decree dissolving the bonds of matrimony now existing between your complainant and the said Marvin O. Berglin, granting unto her an absolute divorce, giving her the right to the use of her maiden name, the right to marry again, and such other and further rights as she may be entitled to, the premises considered; and that your Honor will further order another reference to be held by the Register of this Honorable Court to determine what would be a reasonable amount of permanent alimony to be allowed your complainant, and that your Honor, upon the said report being made by said Register, will enter an order decreeing that said respondent shall pay to your complainant such permanent alimony, and that she shall have the right to have execution issued in order to enforce said alimony pendente lite, said solicitor's fees and said alimony permanent.

And complainant will ever pray, etc.

Mary T. Berglin
COMPLAINANT

Gordon Edington Pugh
SOLICITORS FOR COMPLAINANT

FOOT NOTE: The respondent is required to answer each and every paragraph of the foregoing bill of complaint, but

not under oath, his oath thereto being hereby expressly waived.

Goodson Emmylou Pierce

SOLICITORS FOR COMPLAINANT

MARY P. BERGLIN, Complainant	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA.
MARVIN O. BERGLIN, Respondent	)	IN EQUITY.

Now comes Marvin O. Berglin, respondent in the above said cause, and for answer to the bill of complaint as filed therein says as follows:

I, Marvin O. Berglin, being the identical person named in the said bill of complaint, do hereby accept service in the above said matter, a copy of said bill of complaint having been delivered to me, and do hereby waive any and all other service which may be required or provided for by the laws of Alabama in such matters pertaining.

And for answer to the said bill of complaint I deny each and every material allegation thereof and require that strict proof thereof be made of said allegations.

And I do further waive any notice as to the taking of any testimony in said cause and do hereby agree that the complainant may take testimony whensoever she desires, without the necessity of a commissioner being appointed by this Honorable Court, or a commission issued to anyone, agreeing that said testimony may be taken by any duly qualified notary public in the State of Alabama, without my being present, but requiring that said testimony shall be written out and signed by the complainant and her witnesses and duly sworn to before said notary public.

And I do further agree that said cause may be submitted at any time which suits the convenience of the complainant without any further notice to me and that this Court may enter a decree in said cause at any time said matter is

submitted to it for such decree, it being my intent to waive all of the formal notices and requisites of the law as to submitting said cause, as to answering said cause, and as to the taking of the depositions of the witnesses in said cause, but insisting that the complainant be required to prove the material allegations of her bill of complaint.

Respectfully submitted,

Marvin O Berglar
RESPONDENT

RECORDED
Duck
6-356

Filed this 30 day Mar. 1936
Robert S. Duck
Clerk-Register

RECORDED
Auck
2-200

Filed this 30 day Mar. 36
Robert S. Duck
Clerk-Register

RECORDED
Book
6 - 355

Filed this 25 day of Mar. 1916
Patrick Deech
Clerk-Register

24 98

RECORDED
Duck
6_356

Filed this 26 day August 1936
Peter L. Duck
Clerk-Register

THE STATE OF ALABAMA -- COUNTY OF MOBILE

MARY P. BERGLIN, Complainant	)	
VS.	)	NO. _____
MARVIN O. BERGLIN, Respondent	)	

The depositions of Mrs. Mary P. Berglin and Mrs. Helen Keller, witnesses examined on behalf of the Complainant in the above entitled cause which is pending in the Honorable the Circuit Court of Baldwin County, in Equity.

The said witnesses appeared before me on the 26th day of March, 1936, in the offices of Gordon, Edington & Leigh, located in the Merchants National Bank Building, Mobile, Alabama, and after having been first duly sworn by me to speak the truth, the whole truth, and nothing but the truth, they did each testify and say as follows:

(See the following five pages of testimony)

TESTIMONY OF MRS. MARY P. BERGLIN

My name is Mary P. Berglin and I am the complainant in the case of Mary P. Berglin vs. Marvin O. Berglin, filed in the Circuit Court of Baldwin County, on the equity side, in which I am seeking a divorce. I am over the age of twenty-one years and was over the age of twenty-one years at the time of the filing of the bill of complaint in this cause; Marvin O. Berglin is over the age of twenty-one years and was over the age of twenty-one years at the time that I filed the bill of complaint in this cause. Marvin O. Berglin and I have both been bona fide residents of Baldwin County, Alabama, for a period of more than five years next prior to the filing of this bill of complaint continuously and we are both still bona fide residents of Baldwin County, State of Alabama, at this time. We were both such bona fide residents of Baldwin County, Alabama, at the time I filed said bill of complaint and for a period of five years and more next prior thereto; Marvin O. Berglin and I were lawfully married on January 12, 1933, by Rev. Mr. Lawrence, who was a minister of the Methodist Church; we were married At Fairhope, Baldwin County, Alabama, where we are both now living.

We have been separated at least three times since we were married and on each occasion it was due meanness; he drank, he went out and stayed out as late as he wanted to, come in when he got ready, and just cursed all the time. He wasn't a good provider, fussed every time I asked him for money. He actually struck me and right after that I left him, and filed a suit for divorce in this Court. After this I decided I would try to make a success of our marriage again and I went back to live with him, hoping that we would get along together all right, and I then dismissed that bill of complaint, he promising me that he would do better in the future and would not treat me as he had before. Then last year he

began to treat me wrong and did not do the things he should have done as my husband and I felt it my duty to leave him again, and we tried after that again to make our married life a success but it proved a failure another time. The home we were living in is being bought by Mr. Berglin in his own name; and every time there was any misunderstanding his favorite expression was, "if you don't like it, get the hell out of here." Then on March 13, 1936, things came to a head again and I just had to leave him. He drank more or less all of the time but I would not say that he was a drunkard. Just before I left him the last time, I was sick in bed and he became unbearable toward me. He was very careless in the language that he used and in his conduct, and it kept me in a nervous condition all of the time. While I was sick I was suddenly awakened on one occasion by him shoving me in a very rough manner. Before I was taken sick on this occasion Mr. Berglin became very furious about something and he gave me a rough shove and my impression is that he pushed me up against the door. He would go into fits of temper and state that he would like to knock hell out of me, and when he would drink and get into these fits of temper and make these remarks, I would grow very nervous and very unhappy, and my doctor told me that unless I got away from these nervous experiences, or something to that effect, that I would have a nervous breakdown. After Mr. Berglin had struck me on the occasion on which I filed a suit for divorce before, I would not feel safe around him when he got into these fits of temper and which was very frequent, indeed. Since the occurrences above testified to, I have not been Mr. Berglin's wife in any manner and I have not forgiven him in any way for his conduct toward me. I honestly believe that if I should continue to live with Mr. Berglin that my health would absolutely be endangered. I don't think he would ever kill me but from his manner, his language and his rough treatment of me I know I would become a nervous wreck. He frequently left home at night and I would not know where he was and he would come in

around one o'clock in the morning, and I would have nobody in the house with me, thinking he would come home every minute, and I was scared to death while he was out and I was sitting in the house waiting for him to come home and not knowing where he was. I honestly believe from his conduct and remarks to me that if I continued to live with him that he would carry out some of his threats and do personal violence to me, which would be injurious to my health. I have at all times done the very best I could to make Mr. Berglin a good wife and tried to do the things he wanted me to do toward making a happy home, but it seemed he could not be pleased and then it was he would get into a fit of temper and abuse me or else go around the house pouting and I never could tell what was going to happen. It kept me uneasy and nervous nearly all of the time.

Mrs. Mary T. Berglin

TESTIMONY OF MRS. HELEN KELLER

My name is Mrs. Helen Keller and I have been living in Fairhope, Baldwin County, Alabama, for about seventeen years. I know Mary P. Berglin and Marvin O. Berglin and I remember when they were married. I have known Mary P. Berglin since she was a tiny little girl. She is a very, very fine lady and as fine a girl as you would ever want any man to marry. I have known Marvin O. Berglin for many years and I know that he is quick-tempered; he is a drinking man but I have never seen him drunk in my life. I have known them both well for several years but for the past four months they have lived just across the street from me and I have known them very intimately. Mrs. Berglin, to my own knowledge, has done everything in the world she could to make a good wife and a happy home. I know that Mary P. Berglin was sick and in bed and I told Marvin O. Berglin to get a doctor for Mary and he said she didn't need any doctor. He would curse and swear and say she didn't take her medicine. When she was sick in bed he refused to get a colored girl to come and help and after she got better she had to come to Mobile to be examined and she was too sick and weak to walk up town to Mr. Berglin to get money from him to come to Mobile. He had refused to give her the money the night before. She came over to my house and had me call Mr. Berglin. I called Mr. Berglin and asked him to bring Mrs. Berglin the money and told him she was too weak and dizzy to come to town to him. He said she could walk, she wasn't sick and that she was dizzy anyway. He would not give her the money and I called her father and he gave her the money to come to Mobile to see the doctor, and a friend of hers drove her to Mobile. At one time, while Mrs. Berglin was sick in bed, Mr. Berglin was over at my home and I was teasing him about something and he said, "where did you hear that, some

more of Mary's damn lies," and she had never said a word to me about it. One one occasion, while she was sick in bed, I heard him use some very bad language toward her, and said she wasn't sick anymore, said he wasn't going to have anybody around that house that didn't work. He never has treated her as a wife in my presence, but rather treated her as a hired servant. I am a married woman and I am a mother and it is my opinion that Mary P. Berglin would not be safe in living any more with Marvin O. Berglin, and I believe that his treatment of her is such that she or any person with an ordinary mind would have cause to believe that they were in danger, and that his conduct is such that he would sometime do something which was injurious to her health. I have advised her many times from the bottom of my heart that she ought not to try to live with him any more, and I would do this because I believed that it would make a nervous wreck of her, ruin her health and cause her to have a nervous breakdown. I really know from my own observation that Mary P. Berglin did all she could to make a happy home and be a good wife to Marvin O. Berglin. I know that she is a good, clean, honest and truthful girl and I think it would be very injurious to her health to continue any longer under the conditions she was trying to live as the wife of Marvin O. Berglin.

Mrs. Helen Keller

CERTIFICATE

I, Marie Layton, under and by virtue of the authority vested in me by the answer and waiver of the respondent in the above said cause, together with the request and consent of the complainant in said cause, and being a duly qualified notary public in and for the County of Mobile, State of Alabama, do hereby certify that in that certain cause pending in the said Circuit Court of Baldwin County, Alabama, in equity, wherein Mary P. Berglin is the complainant and Marvin O. Berglin is the respondent, and under and by virtue of the power conferred upon me by the said above written waiver and request, I caused the said Mary P. Berglin and Mrs. Helen Keller, who are known to me and who are known to me to be the identical witnesses who were examined by Robert E. Gordon, one of the solicitors of record for the Complainant in the above said cause, and whose testimony, over their signatures, is hereto attached, to come before me at the time and place hereinabove stated, that is to say I caused the said Mary P. Berglin and Mrs. Helen Keller to come before me on the 26th day of March, 1936, in the offices of Gordon, Edington & Leigh, of Mobile, Alabama; that said witnesses were examined by the said Robert E. Gordon, as above stated, testified, their testimony was by me reduced to writing as given by them and as near as might be in the identical language of said witnesses, and that said testimony, after it had been reduced to writing by me, was handed to them and each of them read over their respective testimony, and after they read same over I then asked each of them if there were any corrections and each of them stated no; the said witnesses each assented to and then signed the same in my presence and in the presence of the solicitors of the said parties and then and there swore that said testimony as so given by each of them and as above set out in writing and which was signed by them was true and correct in all particulars.

I further certify that I am not of counsel or of kin to any of the parties to the cause and am not in anywise in-

terested in the result thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 27th day of March, 1936, at Mobile, Alabama, and do hereby further certify that my commission as Notary Public expires April 5th, 1939.

Marie Layton
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

C. C. Equity 32-1M-2-36

MARY P. BERGLIN Complainant No.....Vs. MARVIN O. BERGLIN Respondent	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

This cause coming on to be heard, is submitted for decree on the pleadings and on the as noted by the Register.

In Term Time

8550 REQUEST FOR DECREE IN VACATION. MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 209 Mar. 30 Term, 1936

Mary Berglin, Complainant

vs.

Marvin O. Berglin, Defendant

To Robert S. Duck, Register:

In the above stated cause a ~~Decree Pro Confesso having been taken against the Defendant,~~ Answer & Waiver filed and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Gordon, Edington & Leigh 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.

Gordon, Edington & Leigh
Solicitor for Complainant.

C. C. Equity 33—500—2-36

MARY P. BERGLIN Complainant	)	IN THE CIRCUIT COURT OF BALDWIN
No..... VS.	)	COUNTY, ALABAMA.
MARVIN O. BERGLIN Respondent	)	IN EQUITY.

This cause coming on to be heard, upon motion of Complainant, it is ordered that the Register publish the testimony.

In Term time

No.....

MARY P. BERGLIN

Complainant

VS.

MARVIN O. BERGLIN

Respondent

Order Publishing Testimony

March 30 Term, ~~19~~ 26

Ent. Min..... Page.....

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Duck
6-358

No. ..... Page .....

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

.....

.....

VS.

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.....

REQUEST FOR DECREE IN
VACATION

FILED Mar. 30 1966

Robert S. Duck
Register

RECORDED IN ..... RECORD

VOL. ..... PAGE .....

.....
Register

MOORE PTG. CO

No.....

MARY P. BERGLIN,

Complainant

VS.

MARVIN O. BERGLIN

Respondent

Order of Submission

Mar 30 Term, 193 6

Ent. Min..... Page.....

Mary P. Berglin,
Complainant

vs.

Marvin O. Berglin,
Respondent

In the Circuit Court of
Baldwin County, Alabama.

In Equity

Testimony of Mrs. Mary P. Berglin and Mrs. Helen Keller, witnesses on behalf of the Complainant.

Marie Layton,
Commissioner

Commissioner's fee $5.00

Filed March 28, 1936.
R. S. Duck Register

Hon. Robert S. Duck,
Register in Chancery,
Bay Minette, Alabama

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