

MALACHI MANNING,

Complainant,

.vs.

ROZINA MANNING,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.

D E C R E E

This cause coming on to be heard upon the motion of the respondent and cross-complainant for alimony pendente lite and solicitor's fees, and it appearing from the allegations of the answer and cross bill that she is entitled to same, it is therefore ordered, adjudged and decreed by the Court that this ^{cross} complaint be and is hereby referred to the Register of this Court to ascertain the following facts:-

1. What will be a reasonable solicitor's fee, for respondent and cross-complainant's solicitor for prosecuting this ^{suit} ~~complaint~~ to a final decree.
2. What will be a reasonable alimony pendente lite for the respondent.

The Register is ordered to forthwith hold said reference to ascertain these facts upon five days notice to the parties to this cause, and that immediately upon the ascertainment thereof he report his findings to the Court for its consideration.

Done this 18th day of December, 1933.

J. W. Hare
JUDGE.

Circuit Court, Baldwin County, Ala., IN EQUITY.

#2

Malachi Manning
VS.
Regina Manning

PLAINTIFF

DEFENDANT

BILL OF COST

| | Dollars | Cts. | | | Cts. |
|--|---------|------|------|--|-------|
| Fees of Register | | | | | |
| Filing each bill and other papers | \$ | 10 | | | |
| Issuing each Subpoena | | 50 | | | |
| Issuing each copy thereof | | 30 | | | |
| 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 | | | | |
| Entering each Appearance | | 25 | | | |
| Issuing each Decree Pro Confesso on personal service | | 1 00 | | | |
| Issuing each Decree Pro Confesso on publication | | 1 00 | | | |
| Each Order Appointing Guardian | | 1 00 | | | |
| Any other order by Register | | 50 | | | |
| Issuing Commission to Take Testimony | | 50 | | | |
| Receiving and Filing | | 10 | | | |
| Endorsing each package | | 10 | | | |
| Entering Order Submitting Cause | | 50 | | | |
| Entering any other Order of Court | | 25 | | | |
| Noting all Testimony | | 50 | | | |
| Abstract of Cause, etc. | | 1 00 | | | |
| Entering each Decree | | 75 | | | |
| For Every Hundred Words Over Five Hundred | | 15 | | | |
| Taking Account on Reference | | 3 00 | | | |
| Taking Testimony, etc. | | 15 | | | |
| Each Report, Five Hundred Words or less | | 2 50 | | | |
| For every Hundred Words Over Five Hundred | | 15 | | | |
| Amount Claimed, Less than Five Hundred Dollars, 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 for Receiver or Trustee | | 3 00 | | | |
| Each Settlement with Receiver or Trustee | | 3 00 | | | |
| Examining each Voucher of Receiver or Trustee | | 10 | | | |
| Examining each Answer on Exception | | 3 00 | | | |
| Recording Resignation or Suggestion of Death of Trustee | | 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 service in proceeding to relieve minors, etc. same fee as in similar cases. | | | | | |
| Commission on sales, etc.: 1st \$100, 2 percent; all over \$100, and not exceeding \$1000, 1 1/2 per cent; all over \$1000 and not exceeding \$20,000, 1 per cent; all over \$20,000, 1-4 of 1 per cent. | | | | | |
| Sub Total Carried Forward | | | 7 30 | | |
| AMOUNT BROUGHT FORWARD | | | | | |
| 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 hundred words | | 15 | | | |
| Certified Copy of Decree | | 1 00 | | | |
| Report of Divorce to State Health Office, Acts 1915 | | 50 | | | |
| Total Fees of Register | | | | | 7 30 |
| FEEES OF SHERIFF | | | | | |
| Serving and Returning Subpoena on Deft. | \$ | 1 50 | | | |
| Serving and Returning Subpoena for Witness | | 65 | | | |
| Levying Attachment | | 3 00 | | | |
| Entering and Returning same | | 25 | | | |
| Entering and Returning Execution | | 25 | | | |
| Selling Property Attached | | 25 | | | |
| 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 | | 1 00 | | | |
| Collecting Money on Execution | | | | | |
| Making Deed | | 2 50 | | | |
| Serving and Returning Application | | 1 00 | | | |
| Serving Attachment, Contempt of Court | | 1 50 | | | |
| TOTAL FEES OF SHERIFF | | | | | 1 50 |
| Recapitulation | | | | | |
| Register's Fees | | | | | 14 55 |
| Sheriff's Fees | | | | | 1 50 |
| Commissioner's Fees | | | | | 50 00 |
| Solicitor's Fees | | | | | 3 00 |
| Witness Fees | | | | | 3 00 |
| Guardian Ad Litem | | | | | |
| Printer's Fees | | | | | |
| Trial Tax | | | | | 3 00 |
| Recording Decree in Probate Court | | | | | |
| Total | | | | | 27 05 |
| | | | | | 3 00 |
| | | | | | 34 05 |

Received payment this 14th day of 193

NOTE: Unless the above costs in this cause are paid within ten days of the present date, execution will be issued and placed in the hands of Sheriff for collection, creating more costs.

Register.

8581 NOTE OF TESTIMONY

Malachi Manning

vs.

Rozina Manning

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,
Agreement between parties, testimony of Malachi Manning and Mary
Lay,

and in behalf of Defendant upon
Agreement between parties

M. A. Stone

Register.

MALACHI MANNING,
Complainant,
-vs-
ROZINA MANNING,
Respondent.

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

TO _____ :-

Take notice that the undersigned Register in Chancery of the Circuit Court of Baldwin County, Equity Side, will execute the Decree of Reference for the purpose of ascertaining reasonable Solicitor's fee for Respondent, and what will be a reasonable alimony pendente lite for the Respondent in this cause, rendered on the 18th day of December, 1933, by said Court, at her Office in the Courthouse on the 3rd day of January, 1934, at 10 o'clock, ^{a-m} at which time you will attend if you choose to do so.

Witness my hand and the seal of said Court on this the 22nd day of December, 1933.

M. A. Stone
Register.

The State of Alabama, { Circuit Court of Baldwin County, In Equity.
Baldwin County.

To Any Sheriff of the State of Alabama--GREETING:

WE COMMAND YOU, That you summon Rozina Manning

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

Malachi Manning

against said Rozina Manning

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, M. A. Stone, Register of said Circuit Court, this 4th day of November 1933

M. A. Stone Register

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

NOW THEREFORE, be it known that the parties hereto have agreed as follows:

The party of the first part agrees to pay the party of the second part Nine and 12/100 Dollars (\$9.12) per month beginning on the 10th day of the first month succeeding the date of the final decree in this cause, and the party of the first part agrees to continue to pay said sum upon the 10th day of each succeeding month for the rest of his natural life or until the death of the party of the second part, or until her remarriage. The party of the second part, in consideration thereof, waives all further claims for alimony of any kind or description, and waives all further claims for solicitor's fees for her solicitor in this cause.

WITNESS our hands and seals this the day and year first above written.

Witnesses:

George Sossaman
Hubert M. Hall

(Signed) MALACHI MANNING (SEAL)
Party of the first part.

(Signed) ROZINA MANNING (SEAL)
Party of the second part.

It is therefore ORDERED, ADJUDGED AND DECREED by the court that said agreement is hereby confirmed by this court and made a part of the final decree in this cause;

It is further ORDERED, ADJUDGED AND DECREED by the court that the costs in this cause be taxed equally one-half against the complainant and one-half against the respondent, for which let execution issue.

Done in term time this 17th day of January, 1934.

F. W. Ware
Judge.

MALACHI MANNING,
 Complainant,
 vs.
 ROZINA MANNING,
 Respondent.

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA.
 IN EQUITY.

This cause coming on to be heard and both parties being represented by counsel and said cause being submitted upon the pleadings and proof as noted by the Register and by consent of counsel, and it appearing to the court that the complainant is entitled to the relief prayed for in his original bill;

It is therefore ORDERED, ADJUDGED AND DECREED by the court that the bonds of matrimony now existing between the complainant and the respondent are hereby forever dissolved;

It is further ORDERED, ADJUDGED AND DECREED by the court that the complainant and the respondent are hereby permitted to remarry again, but they are expressly prohibited from remarrying, except to each other, within sixty days after the rendition of this decree;

And it further appearing to the court that the parties hereto have entered into an agreement as to alimony and solicitors' fees in words and figures as follows:

"STATE OF ALABAMA.
 BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS, that THIS AGREEMENT made and entered into on this the 15th day of January, 1934, by and between MALACHI MANNING, party of the first part, and ROZINA MANNING, party of the second part, WITNESSETH:

That WHEREAS, heretofore on October 4, 1933, the party of the first part filed complaint against the party of the second part for divorce on the ground of voluntary abandonment; and

WHEREAS, on December 16, 1933, the party of the second part filed her answer denying the material averments of the bill of complaint and in the form of a cross-bill claimed of the respondent alimony pendente lite, permanent alimony and solicitor's fees; and

WHEREAS, the parties hereto reached an agreement as to solicitors' fees, alimony pendente lite and permanent, and desire to incorporate same in the decree in this cause so as to make said agreement a part of the decree of the court;

STATE OF ALABAMA.

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS, that THIS AGREEMENT made and entered into on this the 15th day of January, 1934, by and between MALACHI MANNING, party of the first part, and ROZINA MANNING, party of the second part, WITNESSETH:

That WHEREAS, heretofore on October 4, 1933, the party of the first part filed complaint against the party of the second part for divorce on the ground of voluntary abandonment; and

WHEREAS, on December 16, 1933, the party of the second part filed her answer denying the material averments of the bill of complaint and in the form of a cross-bill claimed of the respondent alimony pendente lite, permanent alimony and solicitor's fees; and

WHEREAS, the parties hereto reached an agreement as to solicitors' fees, alimony pendente lite and permanent, and desire to incorporate same in the decree in this cause so as to make said agreement a part of the decree of the court;

NOW THEREFORE, be it known that the parties hereto have agreed as follows:

The party of the first part agrees to pay the party of the second part Nine and 12/100 Dollars (\$9.12) per month beginning on the 10th day of the first month succeeding the date of the final decree in this cause, and the party of the first part agrees to continue to pay said sum upon the 10th day of each succeeding month for the rest of his natural life or until the death of the party of the second part, or until her remarriage. The party of the second part, in consideration thereof, waives all further claims for alimony of any kind or description, and waives all further claims for solicitor's fees for her solicitor in this cause.

WITNESS our hands and seals this the day and year first above written.

Witnesses:

Hubert M. Rice

George S. ...

Malachi Manning (SEAL)
Party of the first part.

Rozina Manning (SEAL)
Party of the second part.

| | | |
|------------------|--------------|--------------------------|
| MALACHI MANNING, |) | |
| | Complainant, |) |
| .vs. | | IN THE CIRCUIT COURT OF |
| | | BALDWIN COUNTY, ALABAMA. |
| ROZINA MANNING, |) | |
| | Respondent. |) |
| | | IN EQUITY. |

Comes the respondent and for answer to the bill of complaint heretofore filed in this cause says:-

1. She admits the allegations of paragraphs one, two and three of the bill of complaint.

2. Further answering the complaint and the fourth count thereof she denies that on, to-wit, the third Monday in July 1925 that she voluntarily abandoned the bed and board of the complainant, and denies that she has remained away voluntarily and continuously since that time; but on the contrary says that on, to-wit, that day the complainant voluntarily abandoned her bed and board without any fault what-so-ever upon her part and has remained continuously away from her ever since that time, although she has always been ready and willing to live with him whenever he would permit her to return to him.


3. And further answering the complaint respondent says that on the 30th day of August 1926 the complainant filed a bill of complaint in the Circuit Court of Mobile County, Alabama in the Equity Division thereof being case No. 5173 in which he sought a divorce from the bonds of matrimony with your respondent, and alleged in said bill of complaint that your respondent had voluntarily and without any fault upon his part abandoned him in Mobile County, Alabama more than the two years prior to the filing of said bill, and that she had remained away from him continuously up to the time of the filing of the bill.

4. And respondent further avers that on July 30th, 1932 the Judge of the Circuit Court of Mobile County, Alabama rendered a decree setting aside a former decree granting a divorce in said cause and ordering that the complainant hereto pay the costs of the proceeding. Wherefore, respondent says that said divorce suit filed in Mobile County covers the same grounds and for the same time as the grounds set forth in the present complaint, and therefore, says that this cause has already been adjudicated against the complainant and therefore his bill of complaint should be dismissed.

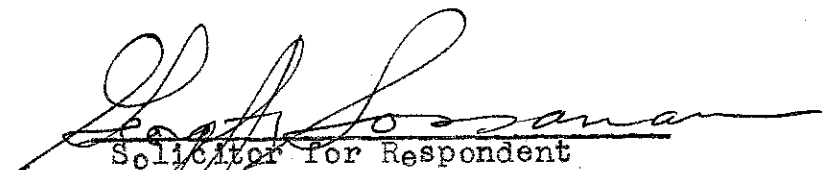
5. And further answering the complaint the respondent respectfully shows unto the Court that she has no means what-so-ever with which to employ a solicitor to defend her in this cause, that her sole means of support is a monthly allotment of \$9.12 from the United States Government as part of the compensation paid the complainant hereto for disabilities received in the military service of the United States, that she is an elderly woman in poor health and unable to work and is dependent upon the charity of her children for her support other than the above mentioned \$9.12 per month. The complainant hereto owns a farm of 15 acres in Baldwin County which he works as a farm, and the reasonable market value of which farm is approximately \$1500.00. That the complainant further receives a pension from the United States Government which to the best of respondent's information, knowledge and belief is approximately \$50.00 per month.

WHEREFORE, respondent respectfully prays the Court to take this answer as a cross bill and have its process issue to the complainant commanding him to answer same within the time required by law. And respondent further prays that upon a final hearing of this cause your Honor will be pleased to grant her maintenance and support out of the income and estate of said complainant in keeping with his ability to pay therefor.

And complainant further prays the Court that it will immediately order the Register of this Court to hold a reference to ascertain what will be a reasonable solicitor's fee for respondent's solicitor for defending this suit and prosecuting her cross-complaint, and will further order the Register to ascertain what will be a reasonable alimony pendente lite to be paid your respondent pending the outcome of this suit, and that the Court upon receiving the report of the Register will order the complainant hereto to pay said sums forthwith.


Solicitor for Respondent
And Cross-Complainant.

FOOT-NOTE:- The complainant and cross-respondent is hereby required to answer each and every allegation of the foregoing cross-bill from paragraphs one to five, inclusive, but not under oath, answer under oath being hereby expressly waived.


Solicitor for Respondent
and Cross-Complainant.

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

Comes your complainant, MALACHI MANNING, and humbly complaining against the respondent, ROZINA MANNING, respectfully represents and shows unto your Honor and this Honorable Court as follows:

FIRST:

That both the complainant and respondent are over twenty-one years of age and bona fide residents of Baldwin County, Alabama, and have been such residents for more than three years next preceding the filing of this bill of complaint.

SECOND:

That your complainant and respondent were married at Seminole, in Baldwin County, Alabama, on, to-wit, January 11, 1901.

THIRD:

That they lived together as husband and wife in Baldwin County, Alabama, until on, to-wit, the third Sunday in July, 1925.

FOURTH:

That on, to-wit, the third Sunday in July, 1925, the respondent voluntarily abandoned the bed and board of the 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 Rozina Manning 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 your Honor will upon a final hearing of this cause enter an order and decree forever barring the bonds of matrimony existing between him and the respondent; that your Honor will grant unto him such other, further, dif-

ferent or general relief as he may be in equity and good conscience entitled to receive. And as in duty bound he will ever pray.

Beebe & Hall

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 FOURTH inclusive, but not under oath; oath being hereby expressly waived.

Beebe & Hall

Solicitors for Complainant.

The State of Alabama }
Baldwin County

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

Malachi Manning COMPLAINANT

VS.

Rozina manning RESPONDENT

I, M. A. Stone

as Register and Commissioner

have called and caused to come before me Malachi Manning, and Mary

Lay

witnesses named in the requirement for Oral Examination, on the 15 day of January

193 , at the office of M. A. Stone,

in Bay Minette, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said

Malachi Manning doth depose and say as follows:

My name is Malachi Manning. I am a resident of Baldwin County, Alabama, over twenty-one years of age. I have been a resident of Baldwin County, Alabama, for more than three years next preceding the filing of the bill of complaint in this cause. The Respondent Rozina Manning is over twenty-one years of age and a resident of Baldwin County, Alabama; that she has been a resident of Baldwin County, Alabama, for more than three years next preceding the filing of the bill of complaint in this cause.

The Respondent and I were married at Seminole, in Baldwin County, Alabama, on January 11th, 1901, and lived together as man and wife in Baldwin County, Alabama, until the third Sunday in July 1925; that on the ~~third~~ Sunday in July 1925 the Respondent voluntarily abandoned my bed and board and has remained away voluntarily and continuously since that time; that I have repeated asked her to return and live with me, but she has and continues to refuse to do so. I know that I at no time gave her any reason for leaving me. The Respondent and I are now fifty-eight years of age. The Respondent is now and has been for quite some time living at Summerdale in Baldwin County, Alabama, and I live at Miflin, Alabama.

Malachi Manning

Mary Lay a witness for the Complainant being duly sworn deposes and says:

My name is Mary Lay. I live at Miflin in Baldwin County, Alabama. I am the daughter of Malachi Manning and Rozina Manning. I know that my Father and Mother have not lived together since in July, 1925; that my Father has often

2

No. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

Filed January 15, 1934

_____, Register.

RECORDED IN

_____, Record

Vol. _____ Page _____
W. A. Stone, Register

ORAL EXAMINATION

I, M. A. Stone 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 George A. Sossaman and Hubert M. Hall

at the time and place herein mentioned; that I have personal knowledge of personal identity of said

witness es 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 15th day of January, 1934.

(L. S.)

tried to get my Mother to come back and live with him, but she has repeatedly refused, and still refuses. I at no time knew of my Father mistreating my Mother or giving her any reason not to live with him. / I know that they cannot live together, and as they are now living seems to be worrying both. My Mother says that she can never live with my Father again.

Mary Lay