

1068

IN THE CIRCUIT COURT FOR
THE TWENTY-FIRST JUDICIAL
CIRCUIT OF ALABAMA

Mrs. Charlotte Warner
Complainant

Vs

Ben Warner,
Respondent.

IN EQUITY

BILL OF DIVORCE

TO THE HONORABLE JUDGE OF SAID COURT SITTING IN EQUITY:

Humbly complaining, your orator represents unto this Honorable Court as set out in the following paragraphs of this her bill of complaint, viz:

ONE

Complainant and respondent are both over the age of twenty-one years and both have lived in the State of Alabama for more than three years next preceding the filing of this bill of complaint. The parties to this cause resided in Bladwin County, Alabama, at the time of the separation alleged herein.

TWO

Complainant and respondent were married to each other at Montgomery, Alabama, on December 20th, 1925, and lived together as man and wife until about one year prior to the filing of this bill of complaint. There is living, the issue of said marriage, one child of complainant and respondent, Elaine Marjorie Warner, who at this time is five years and seven months of age.

THREE

Complainant avers that prior to the time of the filing of this bill of complaint, to-wit, on divers occasions within the twelve months next preceding the filing of this bill, the respondent committed actual violence on her person, attended with danger to her life or health, or from his conduct there was reasonable apprehension of such violence, and complainant felt such reasonable apprehension.

FOUR

Complainant further avers that she is a fit person, and the best person, to have the custody of said

minor child.

PREMISES CONSIDERED, complainant prays that this Honorable Court will take jurisdiction of this cause, and that the proper process of this court issue making the respondent a party respondent herein and requiring him to plead, answer or demur hereto within the time required by law, and that upon the final hearing of this cause the Court will order, adjudge and decree that the bonds of matrimony hereto existing between complainant and respondent be forever dissolved, and that the custody of said minor child be awarded to complainant, and that complainant be granted leave to re-marry if and when she so desires. And if complainant is mistaken in the relief herein prayed, then complainant prays for such relief as to the Court may seem meet and just and complainant prays for general relief.

HARSH, HARSH & HARE
Solicitors for Complainant

By Francis Har

FOOT-NOTE: Respondent is required to answer each and every allegation of the foregoing bill of complaint, but not under oath, answer under oath being hereby expressly waived.

HARSH, HARSH & HARE
Solicitors for Complainant

By Francis Har

Refer to Exhibit "A"
Agreement.

Mrs. Charlotte Warner,
Complainant

Vs

Ben Warner,
Respondent

IN THE CIRCUIT COURT FOR THE
TWENTY-FIRST JUDICIAL CIRCUIT
OF ALABAMA - IN EQUITY

ANSWER AND WAIVER

Comes respondent and for answer to the bill of complaint served upon him in the above styled cause says as follows:

Respondent denies each of the material allegations of said bill and demands proof thereof.

Ben Warner

Comes respondent and accepts service of a copy of the bill of complaint in the above styled cause and waives other or further service thereof. And respondent waives notice of the time and place of taking testimony in said cause and consents that the same may be taken at any time. And respondent waives notice of the time and place of submitting said cause for hearing and consents that the same may be submitted at any time. And respondent waives all the requirements as to the issuing of a commission to a commissioner to take the testimony in said cause and consents that said testimony may be taken in writing without the issuance of a commission to take the same.

Ben Warner

Refer to Exhibit "A"
Agreement.

RECORD

Mrs. Charlott Warner,
Complainant,

Vs.

Ben Warner,
Respondent.

Answer and Waiver of Defendant,
Agreement.

Filed Sept 5th 1932
D. W. Rice
Register

Handwritten notes:
"A. R. 1880 it refers"
Handwritten signature

Handwritten signature

WHEREAS, a bill of divorce has been filed by Mrs. Charlotte Warner vs. Ben Warner, and the parties are anxious to avoid useless litigation and expense and to avoid references to the Register,

NOW THEREFORE IN CONSIDERATION OF THE PREMISES, in the event the court upon the consideration of the merits of the plaintiff's cause is satisfied that she is entitled to the relief prayed for, then the parties agree and bind themselves as follows, however, with no intention of collusion, or of aiding by agreement said pending divorce:

For valuable consideration, it is agreed by and between the parties hereto that no solicitors' fees or any part of the court costs of the litigation in the pending divorce suit between the parties hereto will be charged to or imposed upon Ben Warner.

It is further understood that the furniture in the premises of the parties hereto shall become the sole property of Ben Warner, and Charlotte Warner waives and disclaims any interest therein.

It is further agreed that certain jewelry described as one diamond engagement ring approximately 1.31 carat, set in platinum mounting, and one dinner ring, nine stone; one diamond ring approximately weight of center stone 85 points, with 16 chips in mounting; one bar pin, is hereby to become the sole property of Ben Warner, as his sole and exclusive property.

It is further agreed that the custody of Elaine Margery Warner shall be in Charlotte Warner except that Ben Warner shall have the privilege at his election of having the custody of said minor child for a period each year to be selected by him, either from June 1st to July 20th, or from July 21st to September 15th, but he shall not be obliged to take the custody of said child during either of said periods unless he elects to do so, and he shall have the privilege of seeing said child at any time.

Both parties hereto agree that the name of said minor child shall not be changed at any time so long as she remains a minor; and in the event of the death of Charlotte Warner, that the custody of said minor child shall be in Ben Warner.

Both parties hereto agree that said Ben Warner is not to pay Charlotte Warner any alimony.

Witness this 16 day of August, 1932.

Charlotte Warner

Ben Warner

Exhibit "A"

FILED

Mrs. Charlott Warner,
Complainant,

VS-

Ben Warner,
Respondent.

Agreement.

Filed Sept 5th 1932

D W Richmond

Referee

A. A. Kirkland

C. L. HYBART

ATTORNEY-AT-LAW

MONROEVILLE, ALA.

September 3, 1932.

Messrs. Hybart, Heard & Chason,
Bay Minette, Alabama.

Gentlemen:

Mr. Francis Hare of Birmingham desires that the enclosed Bill of Complaint be filed in the Circuit Court of Baldwin County, together with answer and waiver of the Defendant, and also desires that a Commission be issued to Miss Pearl Coleman, 1207-1211 Comer Building, Birmingham, Alabama, to take the testimony of Mrs. Charlott Warner and her witnesses in the aforesaid cause. Also file the agreement between the parties.

Please attend to this for Mr. Hare at your earliest convenience, and oblige.

Yours very truly,

C. L. Hybart
C. L. HYBART.

CLE:LL

Commission issued
9/5-32

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

No. *1068*

VS.

PLAINTIFF

DEFENDANT

Charlotte Warner
Bess Warner

Bill of Costs

Fees of Register		Dollars	Cts.	Brought Forward	
Filing each bill and other papers..... <i>3</i>	\$ 10	<i>30</i>		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.	<i>2.60</i>
Issuing each subpoena.....	50	<i>50</i>		Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received,	
Issuing each copy thereof.....	40	<i>40</i>		Each Notice sent by mail to creditors.....	15
Entering each return thereof.....	15	<i>42</i>		Filing, Receipting for and docketing each claim, etc.....	25
For each order of publication.....	1 00	<i>5</i>		For all entries on subpoena docket, etc.....	50
Issuing writ of injunction.....	1 50			For all entries on commission docket, etc.....	50
For each copy thereof.....	50			Making final record, per 100 words.....	15
Entering each return thereof.....	15			Certified copy of decree.....	1 00
Issuing writ of attachment.....	1 00			Report of divorce to State Health office.....	50
Entering each return thereof.....	15			Acts 1915	
Docketing each case.....	1 00	<i>1 00</i>		Total Fees of Register	<i>3.60</i>
Entering each appearance.....	25	<i>25</i>			
Issuing each decree pro confesso on persl ser.....	1 00			Fees of Sheriff	
Issuing each decree pro confesso on publication.....	1 00			Serving and returning subpoena on deft.....	\$ 1 50
Each order appointing guardian.....	1 00			Serving and returning subpoena for witness.....	65
Any other order by Register.....	50			Levy.....	1 50
Issuing commission to take testimony.....	50			Levy..... attachment.....	1 50
Receiving and filing.....	10			Entering and returning same.....	25
Endorsing each package.....	10			Selling property attached.....	
Entering order submitting cause.....	50			Impaneling Jury.....	75
Entering any other order of Court.....	25			Executing writ of possession.....	2 50
Noting all testimony.....	50			Collecting execution for costs.....	1 50
Abstract of cause, etc.....	1 00			Serving and returning sci. fa., each.....	65
Entering each decree.....	75			Serving and returning notice.....	65
For every 100 words over 500.....	15			Serving and returning writ of injunction.....	1 50
Taking account, etc.....	3 00			Serving and returning writ of exeat.....	1 50
Taking testimony, etc.....	15			Taking and approving bonds, each.....	75
Each report, 500 words or less.....	2 50			Collecting money on execution.....	
For every 100 words over 500.....	15			Making deed.....	2 50
Amount claimed less than \$500, etc.....	2 00			Serving and returning application, etc.....	1 00
Issuing each subpoena.....	25			Serving attachment, contempt of court.....	1 50
Witness certificate, each.....	25			Total Fees of Sheriff	<i>1.50</i>
Issuing execution, each.....	75				
Entering each return.....	15			Recapitulation	
Taking and approving bond, each.....	1 00			Register's Fees.....	<i>3.60</i>
Making copy of bill, etc.....	15			Sheriff's Fees.....	<i>1.50</i>
Each notice not otherwise provided for.....	50			Commissioner's Fees.....	
Each certificate or affidavit, with seal.....	50			Solicitor's Fees.....	
Each certificate or affidavit, no seal.....	25			Witness Fees.....	
Hearing and passing on application, etc.....	3 00			Guardian Ad Litem.....	
Each settlement with receiver, etc.....	3 00			Printer's Fees.....	
Examining each voucher of receiver, etc.....	10			Trial Tax.....	3 00
Examining each answer, etc.....	3 00			Recording Decree in Probate Court.....	
Recording resignation, etc.....	75			TOTAL.....	<i>8.10</i>
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.....		<i>2.60</i>		Dismissed without prejudice	

Received payment this _____ day of _____ 193_____

Register.

Cost Bill to Hare & Hare - 2/14/34

Circuit Court, Baldwin County, Ala.
In Equity.

No. 1068

Charlotte Warner

vs.

Ben Warner.

Cost Bill

Paid _____ 193 _____

Register.

Circuit Court, Baldwin County, Ala.
In Equity.

No.

1068

vs.

Cost Bill

Paid

193

Register.

Moore Printing Co. Bay Minette

Circuit Court, Baldwin County, Ala.
In Equity.

No. 1068

Charlotte Warner

vs.

Ben Warner.

Cost Bill

Paid _____ 193

Register.

Moore Printing Co. Bay Minette