

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

ALLEN BURRELL, by this his bill of Complaint
presented against ELSIE BURRELL, respectfully shows:

FIRST: That he and the defendant above named are
both over the age of twenty one years and are now and have
been all of their lives bona fide residents of the State of
Alabama, living near Fairhope, in Baldwin County.

SECOND: That on August 18th, 1926 they were lawfully
married at Bay Minette and lived together as husband and wife
up to the month of June, 1930, at which time after repeated
disagreements, they parted and have since lived separate and
apart without resumption of marital relations.

THIRD: That since said separation the said ELSIE
BURRELL has been repeatedly guilty of acts of adultery with
parties and at times and places unknown to Complainant other
than on one occasion in June, 1932, when Complainant found
another man in his home. Complainant further avers that
the Defendant has become the mother of an infant now about
five months of age, of which he is not the father.

FOURTH: That aside from the last mentioned child,
for which he disclaims all responsibility, the parties hereto are
the parents of two children, a boy, Allen, aged five and a
girl Mary, aged three, who are at present living with Defendant.

THE PREMISES CONSIDERED, Complainant prays that the
said Elsie Burrell be made party defendant to this bill and by
proper process be required to answer same within the time pre-
scribed by law.

Complainant further prays that upon the hearing of this
cause a decree be granted forever divorcing him from the said
Elsie Burrell, granting him the custody of his two children,

Allen and Mary, and such other, further or different relief
as to Equity may seem meet.

Elliot G. Rinkby
Solicitor for Complainant.

NOTE: The Defendant is required to answer each paragraph of
the foregoing bill, but not under oath.

Elliot G. Rinkby
Solicitor for Complainant.

ALLEN BURRELL
Complainant

No. 1045. EQUITY.

VS

ELSIE BURRELL,
Defendant.

CIRCUIT COURT
OF
BALDWIN COUNTY.

THE DEPOSITIONS OF ALLEN BURRELL AND MARION CARTER, WITNESSES
FOR COMPLAINANT.

The said witnesses, being by me first duly sworn to tell the truth and true answers to make to the questions to be propounded to them, upon examination by the Solicitor for the Complainant, testified as follows:

A L L E N B U R R E L L ,

I am the complainant in this case, am over the age of twenty-five years and am now and have been all of my live a resident of Baldwin County. On August 16th, 1926 I was married to Elsie Burrell at Bay Minette and lived with her as husband and wife up to the month of June 1930, during which time two children were born, a son, Allen, now eight years of age and a daughter, Mary, now in her seventh year. My wife, like me, is a native of Baldwin County and over the age of twenty-five years.

In the month of June, 1930 as she and I could not get along together, I moved out of the house and left her with the children though I kept her supplied with food and clothes. We lived separate and apart though and have had no relations as man and wife since that time though I would pass by the house perhaps two or three times a week and see the children.

In the month of June 1932 my youngest child fell sick and as I was rather worried about her I went by my house one morning about two o'clock as I was on my way to work. I work for Mr J.E. Gooden and have to be at the turpentine camp early in the mornings to get the stock fed and things in shape for the hands to get out at daylight so have to be on the job before anyone else. When I went into the house to ask after my sick child I found another man in bed with my wife, a white man. I then went off and got a friend, Marion Carter to come back with me and we waited outside till this man came out and saw that he was white. We watched him and saw him go into his house near by. I had been suspecting this as about two or three months before that time my wife gave birth to a bright yellow child. She and I are both very black and I had had nothing to do with her for about two years and this child is clearly the child of a white man. The two older children are mine but this one is not and is pretty good evidence that what I have said is true.



M A R I O N C A R T E R .

I have known Allen Burrell for a number of years and know him to be a steady, hardworking man, well thought of by his employer, Mr Gooden. I know that he and his wife separated about five years ago and that they have not lived together since. I remember the morning when he came by my house and waked me up telling me that he had caught a man in bed with his wife and I went with him and saw a white man who lived in the neighborhood come out of Allen's wife's house and go to his own house in the neighborhood. This was before daylight

but we both recognised the man. About two or three months before that time and about two years after Allen had quit living with her, Allen's wife had a baby. It is bright yellow and both Allen and his wife are black. So are the two older children. Every one that sees it can see that it not Allen's child.

Even though Allen could not live with his wife, he gave her groceries and clothes for the children but she has not done right by him.

Marion Carter
Allen Burrell

I, E. A. Winneman, the commissioner named in the foregoing commission issued by the Circuit Court of Baldwin County, hereby certify that in a case pending on the Equity Side of said Court, wherein Allen Burrell is Complainant and Elsie Burrell is Defendant, under and by virtue of the power conferred on me by said commission I caused Allen Burrell and Marion Carter, the witnesses named therein, to appear before me at the office of E.G. Rickarby Esq in Fairhope, where, after being duly sworn by me, upon examination by E.G. Rickarby, Esq, complainant's solicitor they testified as is here set forth, their testimony being reduced to writing and read over and signed by them in my presence.

I further certify that I am not of counsel or of kin to either party to the cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF I hereto set my hand and seal as Commissioner this the 22nd day of July, 1935.

E. A. Winneman

E. A. Winneman
Marion Carter (SEAL)

Commissioner.

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To Mrs. E. M. Ninneman,

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Marion Carter, Allen Burrell, J. E. Gooden

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

Allen Burrell

Complainant

and

Elsie Burrell

Defendant,

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

Witness 22nd day of July 19 35

Robert L. Welch

REGISTER

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

In Equity

Allen Burrell

vs. Complainant

Elsie Burrell

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Mrs. E.M. Ninneman,

Fee \$2.00 paid.

WITNESSES:

Marion Carter, Allen Burrell,

J.E. Gooden,

CHANCERY EXECUTION

BILL OF COSTS

No. 1090

Allen Russell

Vs.

Allen Russell

Plaintiff

Defendant

FEES OF REGISTER

	Dollars	Cents
Filing each bill and other papers	\$	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
Entering each appearance		25
Issuing each decree pro confesso on per. ser.	1	00
Issuing each decree pro confesso on publica.	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 100 words over 500		15
Taking account, etc.	3	00
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 ser relating to such proceedings	1	00
For services in proceeding to relieve minors, etc., same fee as in similar cases.		
Commission on sales, etc.: 1st \$100, 2 per ct.; 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

For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Each notice sent by mail to creditor	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
Certified copy of decree	1 00
Report of divorce to State Health Office (Acts 1915)	50

Total Fees of Register

FEES 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
Selling property attached	
Impanelling 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	\$993
Sheriff's Fees	
Commissioner's Fees	
Solicitor's Fees	
Witness Fees	
Guardian Ad Litem	
Printer's Fees	
Trial Tax	3 00
Recording Decree in Probate Court	

Total

The State of Alabama,

No. 1090

Baldwin County.

Circuit Court, in Equity

Term, 1931

To Any Sheriff of the State of Alabama—GREETING:

You are hereby commanded, That of the goods and chattels, lands and tenements of

Allen Russell

Defendant

you cause to be made the sum of Twenty and 95/100 Dollars,

which Allen Russell Plaintiff

recovered of Allen Russell on the 25 day of July 1931

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of

Twenty and 95/100

Dollars,

costs of suit, and have the same to render to the said Allen Russell and make return of this Writ and the execution thereof, according to law.

Interest from 1931 to date of collection.

Witness my hand, this 26 day of July 1931

Robert S. Davis

Register.

8350 REQUEST FOR DECREE IN VACATION.

25
MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 1090

Term, 192.....

Allen Burrell

Complainant

vs.

Elsie Burrell

Defendant

To

Robt S. Duncanson, Esq.

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 *E. L. Ristic*

Solicitor 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.

E. L. Ristic

Solicitor for Complainant.

RECORDED

Book

No. *1090*

Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Allen Burrell

Complainant.

vs.

Celsie Burrell

Def.

REQUEST FOR DECREE IN
VACATION

FILED

July

1924

Herbert A. Dean

Register

RECORDED IN RECORD

VOL. PAGE.....

Register

Allen Burrell

vs.

Elsie Burrell

THE STATE OF ALABAMA
Baldwin CountyIN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____
Summons, and Service Thereof, Decree Pro Confesso on Personal
service, Request for Decree in Vacation, and-----

and in behalf of Defendant upon _____

Robert L. Leach

Register.

RECORDED

No. 1090

Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Allen Burrell

Complainant.

vs.

Elsie Burrell

Def't

REQUEST FOR DECREE IN
VACATION

FILED

July

1924

Richard D. Dyer

Register

RECORDED IN RECORD

VOL. PAGE.....

Register

RECORDED
Quick

No. 11090

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

Allen Burrell

vs.

Elsie Burrell

NOTE OF TESTIMONY

Filed in Open Court this 23

day of July 1935

Ruth S. Quick

REGISTER

ALLEN BURRELL,
Complainant,

No. 1090. EQUITY.

versus

CIRCUIT COURT

ELSIE BURRELL,
Defendant.

OF

BALDWIN COUNTY, ALA.

This cause coming on to be heard in Vacation, was submitted upon the Bill of Complaint, Decree Pro Confesso 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.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Complainant and the Defendant be, and the same are hereby dissolved and the parties are forever divorced each from the other on account of the adultery of the Defendant.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant have the care, control and custody of Allen Burrell and Mary Burrell, the minor children of the marriage, but subject to the right of the mother, Defendant here, to visit said children at all reasonable daylight hours.

It is further ordered that neither party shall marry again except to the other until sixty days from the date of this decree and that if an appeal is taken within said sixty days, neither shall marry again except to the other during the pendency of such appeal and in no case until after all costs have been paid.

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

DONE at Monroeville, Alabama this the 25th day of July, 1935.

F. W. Hare

Judge of the Circuit Court of
Baldwin County, Alabama.

RECORDED
Durch

ALLEN BURRELL,
Complainant.

ELSIE BURRELL,
Defendant.

Filed this 24 day July 1951

ed this 4 day

Robert L. Lacey

Chief Minister

The State of Alabama, }
Baldwin County

No. 1090.

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

In Equity.

ALLEN BURRELL,

Complainant

vs.

ELSIE BURRELL,

Defendant

The Complainant

requests the oral examination of the following named witnesses, on behalf of the

Complainant

viz:

Marion Carter, Allen Burrell, J. E. Gooden

said witnesses reside in the County of Baldwin

State of Alabama.

Mrs E. M. Ninneman

who resides at

Fairhope

or, The Register of this Court is suggested as a suitable person
to be appointed Commissioner to take the deposition of said witness on such oral examination.

Solicitor for Complainant.

No. 1090.

CIRCUIT COURT OF
Baldwin County, Alabama

IN EQUITY

.....ALLEN BURRELL.....

-----Complainant-----

vs.

.....ELSIE BURRELL.....

-----Defendant-----

DEMAND FOR ORAL EXAMINATION

Filed July 22nd 1924

-----Register-----

Moore Printing Co. :::: Bay Minette, Ala.

The State of Alabama,
Baldwin County.

{ No. 1090 CIRCUIT COURT IN EQUITY.

Allen Burrell

vs.

Complainant...

Elsie Burrell

Defendant...

In this cause it appears to the Court that a summons requiring the Defendant Elsie Burrell

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to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon Elsie Burrell was served upon her by the Sheriff of Baldwin County, Alabama, on the 12th day of December 1932

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And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of Elliott G. Rickarby, attorney for Complainant

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said Elsie Burrell

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Defendant aforesaid.

This 17th day of January 1934

M. A. Stone Register.

RECORDED

Perch

No. 1090

Page

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

Allen Burrell

vs.

sie Burrell

DECREE PRO CONFESSO ON
PERSONAL SERVICE

Issued February 17, 1934

Robert H. Jones
Register.

Meoro Printing Company, Bay Minette, Ala.

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 ELSIE BURRELL

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

ALLEN BURRELL

against said ELSIE BURRELL

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 25th day of October, 193 2

T. W. Richerson Register.

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

RECORDED

Serve on _____

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

ALLEN BURRELL

vs.

ELSIE BURRELL

(Fairhope, Ala)

ELLIOTT G. RICKARBY

Solicitor for Complainant.

Recorded in Vol. _____ Page _____

The State of Alabama,
BALDWIN COUNTY.

Received in office this _____

day of _____ 193 _____

Sheriff.

Executed this 12th day of
December 193 2

by leaving a copy of the within Summons with

Elsie Burrell

Defendant.

W R Durant

Sheriff.

By J B Wilson

Deputy Sheriff.

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

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presented against ELSIE BURRELL, respectfully shows:

FIRST: That he and the defendant above named are
both over the age of twenty one years and are now and have
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Alabama, living near Fairhope, in Baldwin County.

SECOND: That on August 16th, 1926 they were lawfully
married at Bay Minette and lived together as husband and wife
up to the month of June, 1930, at which time after repeated
disagreements, they parted and have since lived separate and
apart without resumption of marital relations.

THIRD: That since said separation the said ELSIE
BURRELL has been repeatedly guilty of acts of adultery with
parties and at times and places unknown to Complainant other
than on one occasion in June, 1932, when Complainant found
another man in his home. Complainant further avers that
the Defendant has become the mother of an infant now about
five months of age, of which he is not the father.

FOURTH: That aside from the last mentioned child,
for which he disclaims all responsibility, the parties hereto are
the parents of two children, a boy, Allen, aged five and a
girl Mary, aged three, who are at present living with Defendant.

THE PREMISES CONSIDERED, Complainant prays that the
said Elsie Burrell be made party defendant to this bill and by
proper process be required to answer same within the time pre-
scribed by law.

Complainant further prays that upon the hearing of this
cause a decree be granted forever divorcing him from the said
Elsie Burrell, granting him the custody of his two children,

Allen and Mary, and such other, further or different relief
as to Equity may seem meet.

Elliott S. Rickaby,

Solicitor for Complainant.

NOTE: The Defendant is required to answer each paragraph of
the foregoing bill, but not under oath.

Elliott S. Rickaby,

Solicitor for Complainant.

*Received
of the
Bill*

ORIGINAL BILL

Defendant

ESTATE BUREAU

AS

Complainant

ALLEN BUREAU

COPY

COPY.

ALLEN BURRELL

Complainant

VS

ELSIE BURRELL

Defendant

ORIGINAL BILL.

Filed Oct 25, 1932
D. Richardson
Registrar

Solicitor for Complainant.

William E. Richardson

the foregoing bill, but not under oath.

NOTE: The Defendant is required to answer each paragraph of

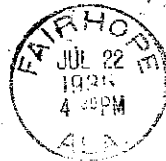
Solicitor for Complainant.

William E. Richardson

as to liability may seem meet.

Allen and Mary, and such others, further or different relief

No. 1090.
EQUITY.
ALLEN BURRELL vs ELSIE BURRELL.
COMPLAINANT'S TESTIMONY.



MR ROBERT S. DUCK,
Register Circuit Court,

Bay Minette,

Alabama.

#1090

Fairhope July 27 1935

Received from R. S. Duck Register
Two Dollars

In full for commissioners' fee in Burrell vs Burrell
\$2.00
Mrs E. M. Mineman

E. M. Timmerman
Carr.

Filed this 24th day July 1905
Peter A. Decker
Clerk of the Court

E. M. Timmerman
Carr.

E. M. Timmerman
Carr.