

D63

NELL L. NEESE,  
Complainant.

vs

LEONARD W. NEESE,  
Respondent.

E Q U I T Y  
CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
*File # 263*

This cause coming on to be heard at this term was submitted upon the bill of complaint, answer 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 in her bill.

It is therefore ORDERED ADJUDGED AND DECREED that the bonds of matrimony heretofore existing between the Complainant and Respondent be and the same are hereby dissolved and the said Nell L. Neese is forever divorced from the said Leonard W. Neese for and on account of his desertion of her as alleged in the bill of Complainant.

IT IS FURTHER ORDERED that the parties hereto are permitted to again contract marriage upon the payment of the costs of this cause but that neither shall marry again except to the other until sixty days after this date and if an appeal be taken within sixty days neither shall marry again except to the other during the pendency of said appeal.

IT IS FURTHER ORDERED that said Respondent pay the costs herein taxes for which execution may issue, and if such execution be returned "no property found" then execution for such costs may issue against the Complainant.

Done this the *6<sup>th</sup>* day of October, 1936.

*J. W. Hare*  
\_\_\_\_\_  
Judge of the Circuit Court of  
Baldwin County.

# CHANCERY EXECUTION

## BILL OF COSTS

No. 263

Neil L. Nease VS. Leonard W. Nease

PLAINTIFF

DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward .....	
Filing each bill and other papers <u>8</u> .....	\$	10	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%.	\$ <del>120</del> 525
Issuing each subpoena .....		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof .....		40	Each notice sent by mail to creditor .....	
Entering each return thereof .....		15	Filing receipting for and docketing each claim, etc. ....	
For each order of publication .....	1	00	For all entries on subpoena docket, etc.	
Issuing Writ of injunction .....	1	50	For all entries on commission docket, etc.	
For each copy thereof .....		50	Making final record, per 100 words .....	
Entering each return thereof .....		15	Certified copy of decree .....	
Issuing Writ of Attachment .....	1	00	Report of divorce to State Health Office (Acts 1915) .....	
Entering each return thereof .....		15	<b>TOTAL FEES OF REGISTER .....</b>	
Docketing each case .....	1	00	<b>FEES OF SHERIFF</b>	
Entering each appearance .....		25	Serving and returning subpoena on deft. \$1 50	
Issuing each decree pro confesso on per ser. 1 00		00	Serving and returning subpoena for witness .....	
Issuing each decree pro confesso on publica 1 00		00	Levying attachment .....	
Each order appointing guardian .....	1	00	Entering and returning same .....	
Any other order by Register .....		50	Selling property attached .....	
Issuing Commission to take testimony .....		50	Impanelling Jury .....	
Receiving and filing .....		10	Executing Writ of possession .....	
Endorsing each package .....		10	Collecting execution for costs .....	
Entering order submitting cause .....		50	Serving and returning sci. fa., each .....	
Entering any other order of court .....		25	Serving and returning notice .....	
Noting all testimony .....		50	Serving and returning writ of injunction 1 50	
Abstract of cause, etc. ....	1	00	Serving and returning writ of exeat. 1 50	
Entering each decree .....		75	Taking and approving bonds, each .....	
For every 100 words over 500 .....		15	Collecting money on execution .....	
Taking account, etc. ....	3	00	Making Deed .....	
Taking testimony, etc .....		15	Serving and returning application, etc. 1 00	
Each report, 500 words or less .....	2	50	Serving attachment, contempt of court. 1 50	
For every 100 words over 500 .....		15	<b>TOTAL FEES OF SHERIFF .....</b>	
Amount claimed less than \$500, etc .....	2	00	<b>RECAPITULATION</b>	
Issuing each subpoena .....		25	Register's Fees .....	
Witness certificate, each .....		25	Sheriff's Fees .....	
Issuing execution, each .....		75	Commissioner's Fees <u>Pro. Reg. Probate</u> 5 00	
Entering each return .....		15	Solicitor's Fees .....	
Taking and approving bond, each .....	1	00	Witness Fees .....	
Making copy of bill, etc .....		15	Guardian Ad Litem .....	
Each notice not otherwise provided for .....		50	Printer's Fees .....	
Each certificate or affidavit, with seal .....		50	Trial Tax .....	
Each certificate or affidavit, no seal .....		25	Recording Decree in Probate Court .....	
Hearing and passing on application, etc. 3 00		00	<b>TOTAL .....</b>	
Each settlement with Receiver, etc. 3 00		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 cent: all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent				
Sub Total Carried Forward .....				

The State of Alabama, {  
Baldwin County }

No. \_\_\_\_\_  
Circuit Court, In Equity \_\_\_\_\_ Term, 193 \_\_\_\_\_

To any Sheriff of the State of Alabama—GREETING:  
You are hereby commanded, That of the goods and chattels, lands and tenements of \_\_\_\_\_ Defendant \_\_\_\_\_  
you cause to be made the sum of \_\_\_\_\_ Dollars,  
which \_\_\_\_\_ Plaintiff \_\_\_\_\_  
recovered of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 193 \_\_\_\_\_  
by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of \_\_\_\_\_ Dollars,  
costs o' suit, and have the same to render to the said \_\_\_\_\_  
and make return of this Writ and the execution thereof, according to law.

Interest from \_\_\_\_\_ 193 \_\_\_\_\_ to date of collection.  
Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 193 \_\_\_\_\_  
398 \_\_\_\_\_ Register

NELL L. NEESE,  
Complainant  
vs  
LEONARD W. NEESE,  
Respondent.

E Q U I T Y  
CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

THE DEPOSITIONS OF NELL L. NEESE AND WILDA P. MAHONEY,  
WITNESSES FOR COMPLAINANT.

Said Witnesses being first duly sworn upon examination  
by Solicitor for Complainant testified as follows:

NELL L. NEESE.

I am the Complainant in this cause, over the age of twenty-one years and am now and have been for more than ten years next prior to this date a bona fide resident of Baldwin County. On July 4th, 1911 I was married to Leonard W. Neese who is also over the age of twenty one years and a resident of Baldwin County though at present domiciled in Pensacola, Florida. We lived together as husband and wife up to four years ago when he voluntarily and without just cause left me and has since that time lived separate and apart from me to the present time, during which period we have at no time resumed marital relations. We have two daughters of this marriage who live with me at Robertsdale.

Nell L. Neese

WILDA P. MAHONEY

I am a resident of Robertsdale, Baldwin County, Alabama, over the age of twenty-one years, married and a sister of the Complainant. I have read over her testimony and know that it is true. Mr. Neese left my sister about four years ago and since that time I know of my personal knowledge they have lived entirely separate and apart without resuming the relations of husband and wife.

Wilda P. Mahoney

I, Virginia E. Greshaw, Commissioner in the above styled cause, hereby certify that on the 3rd day of October, 1936 I caused the witnesses hereinabove named to appear before me at the office of Elliott G. Rickarby, Esq. in Robertsdale, where after being duly sworn and upon examination by Elliott G. Rickarby, Solicitor for Complainant, they testified as is herein set forth; that their testimony was taken down by me as near as might be in the language of each witness and that after having been written down was read over and signed by the witnesses in my presence.

I further certify that I am neither of counsel or of kin of either party in said cause or in any way interested in the result thereof.

Witness my hand and seal this the 3rd day of October, 1936.

*Virginia E. Greshaw* (SEAL).  
Commissioner.

NELL L. NEESE  
Complainant

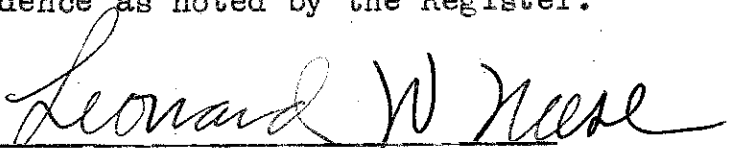
vs

LEONARD W. NEESE  
Respondent

E Q U I T Y  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

Comes LEONARD W. NEESE, Respondent in the above styled cause, and for answer to the bill of complaint says that he denies each and every allegation of same.

Respondent hereby waives service and notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony; of the time and place set for taking same, and of the right to introduce evidence in his own behalf. He further agrees that this cause may be submitted for final decree at any time on the pleading and Complainant's evidence as noted by the Register.

  
Respondent.

Before me, the undersigned Notary personally appeared LEONARD W. NEESE who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand this the *30th* day of  
September, Nineteen Hundred and Thirty-six.

  
Notary Public, Escambia County, Florida.

*My Com. expires Jan 31, 1958*

TO THE HONORABLE FRANCIS W. HARE,

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

SITTING IN EQUITY:

NELL L. NEESE by this her bill of complaint presented against LEONARD W. NEESE respectfully shows:

FIRST: That both she and the said Leonard W. Neese are now and have been for more than ten years next prior to this date over the age of twenty-one years and bona fide residents of Baldwin County, Alabama though the said Leonard Neese is now sojourning in the City of Pensacola, Florida.

SECOND: That Complainant and the said Leonard W. Neese were married at Bay Minette, Alabama on the 4th day of July, 1911 and thereafter lived together as husband and wife in Mobile and later in Robertsdale until the month of August 1931 at which time he abandoned her without just cause and since said time has lived separate and apart from her and the children of said marriage with whom she has resided in the Town of Robertsdale and which abandonment has continued without interruption to the present time.

THE PREMISES CONSIDERED, Complainant prays that Leonard W. Neese be made Defendant to this bill and by proper notice to be served upon him be notified to answer same within the time prescribed by law and to abide by such orders as may be made in the premises.

Complainant further prays that upon the hearing of this cause a decree be rendered forever divorcing her from the said Leonard W. Neese, granting her the right to marry again should she so desire, a suitable allowance for counsel fees for the prosecution of this cause and such sum as alimony payable monthly as will be ascertained to be proper for her support and consistent with the earnings of the Defendant, also such other, further and different relief as to equity may seem meet.

*Oliver B. Rainey*  
Solicitor for Complainant.



RECORDED

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Q-229

Alene

Filed Oct. 6, 1936

R. D. Knack, Register



NELL L. NEESE,  
Complainant.

vs

LEONARD W. NEESE,  
Respondent.

DEPOSITIONS OF NELL L.  
NEESE AND WILDA P. MAHONEY,  
WITNESSES FOR COMPLAINANT.

Filed Oct. 3, 1936

R. S. Duck, Register

RECORDED  
INDEXED  
6-508

NELL L. NEESE  
Complainant

vs

LEONARD W. NEESE  
Respondent

A N S W E R

Filed Oct. 3, 1936  
R. J. Duck, Register

OFFICE OF THE CLERK

IN SENATE, FEBRUARY 19, 1936  
REPORT OF THE COMMISSIONERS OF THE LAND OFFICE  
RE THE LANDS BELONGING TO THE STATE OF NEW YORK  
IN SENATE, FEBRUARY 19, 1936  
REPORT OF THE COMMISSIONERS OF THE LAND OFFICE  
RE THE LANDS BELONGING TO THE STATE OF NEW YORK

Elliott G. Rickard,  
Solicitor.

*Filed Dec. 3, 1936*  
*R. S. Duck, Reporter*

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**LEONARD W. NEESE,**  
Respondent,  
**vs.**  
**NELL L. NEESE,**  
Complainant

RECORDED  
*Duck*  
6508

October 22 1936.

RECEIVED from Robt S Duck, Register  
Five Dollars

Commissioners fee in case of Neese vs Neese, paid by complainant and the  
ref. and  
\$5.00  
Elliott G. Rickarby  
Solicitor for complainant.

8550 REQUEST FOR DECREE IN VACATION.

Moore Ptg. Co.

STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 263 October Term, 193 6

NELL L. NEESE, Complainant

Vs.

LEONARD W. NEESE, Defendant

To ROBERT S. DUCK, Register :

**Answer**

**filed by the**

In the above stated cause an ~~Answer~~ ~~by the~~ ~~Complainant~~ having been ~~filed~~ ~~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 Elliott G. Rickarby

\_\_\_\_\_ 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.

Elliott G. Rickarby  
Solicitor for Complainant (7)

NELL L. NEESE,

Complainant,

vs.

LEONARD W. NEESE,

Respondent.

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,

Testimony of Nell L. Neese and Wilda P. Mahoney,

and in behalf of Defendant upon Answer.

*Robert S. Duck*

Register.

RECORDED  
*Book*  
*6-508*

No. 263

**The State of Alabama**  
BALDWIN COUNTY

**IN EQUITY**  
**Circuit Court of Baldwin County**

NELL L. NEESE,

Complainant,

vs.

LEONARD W. NEESE,

Respondent.

**NOTE OF TESTIMONY**

Filed in Open Court this 5th

day of OCTOBER 1936

*R. S. Duck*  
REGISTER

RECORDED

*Duck*

*6-508*

No. 263

Page

**The State of Alabama,**

Baldwin County.

CIRCUIT COURT, IN EQUITY

NELL L. NEESE,

Complainant,

Vs.

LEONARD W. NEESE,

Respondent.

**REQUEST FOR DECREE IN  
VACATION**

Filed OCTOBER 5, 1936

*R. S. Duck*

Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.