

276

WYNONA ~~Richardson~~ *Richardson*
Complainant

VS

THOMAS WALTHALL ~~Richardson~~ *Richardson*
Defendant

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

NO. _____

TO THE HONORABLE FRANCIS W. HARE, JUDGE OF THE TWENTY-
FIRST JUDICIAL CIRCUIT OF THE STATE OF ALABAMA, SITTING IN
EQUITY:

Now comes the complainant, your oratrix Wynona ~~Richardson~~ *Richardson*,
Humbly complaining of the defendant, Thomas Walthall ~~Richardson~~ *Richardson*,
in a suit of divorce as will hereinafter appear and represents
and shows unto your Honor as follows:

FIRST: That both she and the defendant are bona fide
residents of the State of Alabama and that the defendant is a
bonafide resident of Baldwin County, Alabama, and that both
she and the complainant are over the age of twenty-one years.

SECOND: That on, to-wit, the 26th day of February, 1932
the complainant and the defendant were married to each other in
Baldwin County Alabama and lived together immediately thereafter
as man and wife.

THIRD: That shortly after the marriage of the complainant
and the defendant the defendant commenced to drink liquor to excess
and his conduct in this line grew worse and worse as the years
passed until eventually he became a habitual and confirmed
drunkard and the complainant left him on or about the 26th day
of April, 1936. That the defendant while in his drunk^{en} stupors
and under the influence of intoxicants or narcotics he would
treat the complainant in a cruel and inhuman manner and had
often threatened her life and abused her in many ways, that this
conduct on his part grew worse and worse and that on, to-wit,
the 26th day of April 1936, the defendant struck the complainant
and threatened to kill her and would have done her serious bodily
injuries and killed her if she had not escaped from him; on that
occasion she did escape from him and took her child and left the
home in which they were temporarily staying and has never re-
turned to live with him as his wife. That this conduct on the

part of the defendant was attended with grave danger to her life and health and that she can no longer live with him in any degree of safety or comfort and that she has not condoned him for his fault in this matter.

FOURTH: That to the union of the marriage of the Complainant and the Defendant there was born one child, a girl, named Joyce Yvonne ~~Richardson~~ ^{Richerson}, on to-wit, the 24th day of December, 1932. That this child has been in the custody of the complainant practically ever since the separation of the parties and is with her at the present time, that she loves this child with the lasting love and affections of a mother and is well able to care for the said child while the defendant, owing to his habits and conduct, is not a suitable person to be intrusted with the care of the said child. That the complainant does not have any work or employment at the present time and that she has been compelled to retain solicitors to represent her in this matter and is not able to pay for the same while the defendant is a strong, able-bodied, man well able to work and provide for the complainant and absolutely refuses and fails to do so.

PRAYER FOR PROGRESS

To the end that equity maybe had in the premises the Complainant prays that the said THOMAS WALTHALL ~~RICHARDSON~~ ^{RICHerson} be made party defendant to the Bill of Complaint and that a summons be issued and served on him requiring him to plead, answer or demur to the within complaint within the time and under the penalties prescribed by law and the rules of the Honorable Court.

PRAYER FOR IMMEDIATE RELIEF

Premiss considered, your oratrix prays that your Honor will at once order the clerk of this Honorable Court to enter a reference to ascertain the extent of the income and owning of the defendant and to ascertain what amount should be paid to the complainant as temporary alimony during the pendency of this action and to ascertain what is a reasonable attorney's fee to

be paid her solicitors in this cause and that during the pendency of this suit, that she be given the absolute and complete custody of the said minor child, Joyce Yvonne ~~Richardson~~ ^{Richerson}.

PRAYER FOR FINAL RELIEF

Premises considered the complainant prays that on a final hearing of this cause your Honor will make and enter a decree granting to the complainant an absolute divorce from the said THOMAS WALTHALL ~~Richardson~~ ^{Richerson} and grant to her the right to again remarry should she so desire. The complainant prays that in and by virtue of said decree she be given the custody of the said minor child, the said Joyce Yvonne ~~Richardson~~ ^{Richerson}, subject to the further orders of this Court and that and by virtue of the decree she be granted permanent alimony in such sums and amount as your Honor may ascertain she be entitled to. Complainant prays such further, other and general relief to which she may be entitled, the premises considered, and the complainant will ever pray, etc.

Horne & Hodnette

HORNE & HODNETTE
Solicitors for the Plaintiff

FOORNOTE:

DEFENDANT IS REQUIRED TO ANSWER EACH AND EVERY PARAGRAPH OF THE FOREGOING BILL OF COMPLAINT NUMBERED ONE TO FOURTH, BOTH INCLUSIVE, BUT NOT UNDER OATH, ANSWERS UNDER OATH BEING HEREBY EXPRESSLY WAIVED.

Horne & Hodnette

HORNE & HODNETTE

Solicitors for the Plaintiff.

CHANCERY EXECUTION

BILL OF COSTS

No. 276 *Sty...* *Rest...* VS. *...* PLAINTIFF
... DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward	
Filing each bill and other papers	\$	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%.	
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	15
Entering each return thereof		15	Filing receipting for and docketing each claim, etc.	25
For each order of publication	1	00	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 (Acts 1915)	50
Entering each return thereof		15	TOTAL FEES OF REGISTER..	
Docketing each case	1	00	FEES OF SHERIFF	
Entering each appearance		25	Serving and returning subpoena on deft.	\$1 50
Issuing each decree pro confesso on per ser.	1	00	Serving and returning subpoena for witness	65
Issuing each decree pro confesso on publica	1	00	Levying attachment	3 00
Each order appointing guardian	1	00	Entering and returning same	25
Any other order by Register		50	Selling property attached	
Issuing Commission to take testimony		50	Impanelling Jury	75
Receiving and filing		10	Executing Writ of possession	2 50
Endorsing each package		10	Collecting execution for costs	1 50
Entering order submitting cause		50	Serving and returning sci. fa., each	65
Entering any other order of court		25	Serving and returning notice	65
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	75
For every 100 words over 500		15	Collecting money on execution	
Taking account, etc.	3	00	Making Deed	2 50
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	TOTAL FEES OF SHERIFF..	
Amount claimed less than \$500, etc.	2	00	RECAPITULATION	
Issuing each subpoena		25	Register's Fees	
Witness certificate, each		25	Sheriff's Fees	
Issuing execution, each		75	Commissioner's Fees	
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	3 00
Each certificate or affidavit, no seal		25	Recording Decree in Probate Court	
Hearing and passing on application, etc.	3	00	TOTAL	
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 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, } No. 276
Baldwin County } Circuit Court, In Equity July Term, 1937

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 ... 1937
 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 ... 1937 to date of collection.
 Witness my hand, this ... day of ... 1937
... 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 THOMAS WALTHALL RICHIERSONN

of Mobile 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

WYNONA RICHIERSONN

against said THOMAS WALTHALL RICHIERSONN

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, Robert S. Duck, Register of said Circuit Court, this 16th day of November 1936

RS Duck Register

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

WINONA RICHERSON,

Complainant,

VS.

THOMAS W. RICHERSON,

Respondent.

) Circuit Court of Baldwin County,

) Alabama, IN EQUITY. #276

Now comes the Complainant, Winona Richerson, and after leave had and obtained, moves the Court to dismiss her bill heretofore filed in this cause.

Horne & Hodnette
HORNE & HODNETTE
Attorneys for Complainant.

WINONA RICHERSON,
Complainant,
-vs-
THOMAS W. RICHERSON,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY. NUMBER 276.

Comes Thomas W. Richerson, named as respondent in this proceeding, by his attorney and appearing for the purpose of motion and limiting his appearance to the motion prays judgment of the court that the proceedings in this cause be quashed, and the cause be abated, because, he says severally and separately:

ONE - Before filing this bill of complaint the said Winona Richerson, on to-wit November 6th, 1936, through her attorney Elliott G. Rickarby filed a bill of complaint praying for a divorce from the respondent, the custody of the minor child, Joyce Yvonne Richerson, and alimony, in the Circuit Court of Mobile County, Alabama, a copy of which bill of complaint is attached to this plea in abatement, marked Exhibit A, is now referred to and by reference made part hereof, and on the following day, viz: November 7th, 1936, this respondent filed an answer and cross bill in said cause denying the charges made against him and asking that the custody of said minor child, Joyce Yvonne Richerson, be awarded to him. A copy of said answer and cross bill is hereto attached, marked Exhibit B, is now referred to and by reference made part hereof, and this respondent alleges that the causes made by the said original and cross bills are now pending in the Circuit Court of Mobile County, Alabama.

This respondent further shows that he is a bona fide resident of Mobile County, Alabama, and that the separation between this respondent and the complainant occurred in Mobile, Alabama, and that the Circuit Court of Mobile County, Alabama, has full and complete jurisdiction over the parties and subject matter of said original and cross bills.

TWO - This respondent further shows that he is a bona fide resident of Mobile in Mobile County, Alabama, and that the separation between this respondent and the complainant occurred in Mobile, Alabama, and that this court has no jurisdiction in the premises, all of which this defendant is ready to verify.

Wherefore he prays judgment of the said summons and complaint and these proceedings be quashed.

Thomas W. Richerson

STATE OF ALABAMA,
COUNTY OF MOBILE.

Before me, Julia P. McMillan, a notary public in and for said State and County, personally appeared Thomas Walthall Richerson, who is known to me and who being sworn says: Affiant is respondent in the foregoing cause and that the allegations in the foregoing plea in abatement are true.

Thomas Walthall Richerson

Sworn to and subscribed before me this 18th day of November, 1936.

Julia P. McMillan
Notary Public, Mobile County, Alabama.

B. X. [unclear] Jr.
attorney

EXHIBIT A

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

SITTING IN EQUITY:

WINONA RICHERSON by this her bill of complaint presented against THOMAS RICHERSON, JR., respectfully shows:

FIRST: That she is now and has been all her life a native born citizen of the State of Alabama, residing in Baldwin County, over the age of twenty-one years, and Thomas W. Richerson, Jr., is also over the age of twenty-one years and a resident of Mobile County.

SECOND: That Complainant and Thomas W. Richerson, Jr., were lawfully married in Baldwin County on February 26th, 1932, living together as husband and wife first in Bay Minette and later at Stapleton until on or about the 1st day of April, 1936, when she was compelled to leave him because of his behavior and mistreatment since which time she has resided with her parents until recently when she secured employment for the support of herself and child in the City of Mobile.

THIRD: That after said marriage complainant's husband commenced to treat her with cruelty and has on a number of occasions committed actual violence on her person attended with danger to life and health and has furthermore when intoxicated made threats against her life which she has reasonable apprehension may be carried into effect.

FOURTH: That since said marriage respondent has repeatedly become intoxicated and during such attacks becomes violent and dangerous.

FIFTH: That there was born to this marriage one child, Joyce Yvonne, now four years of age who has largely, since her birth, been supported by complainant's parents except for such help as she has recently been able to give from her own employment. Said child has resided with complainant though allowed to visit and stay with her father's people in Mobile, where she is at present and recently the child's father has refused to return her to her mother in direct violation of the agreement under which the child was turned over to him.

THE PREMISES CONSIDERED, complainant prays that Thomas W. Richerson, Jr., be made defendant to this bill and by proper process of law be notified to answer same and abide by such orders and decrees 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 Thomas W. Richerson granting her the custody of the child of said marriage, the right to marry again should she so desire and such other, further or different relief as may in equity be proper.

Elliott G. Rickarby
Solicitor for Complainant.

EXHIBIT B

WINONA L. RICHERRSON;		
Complainant;		
-vs-		IN THE CIRCUIT COURT OF
THOMAS W. RICHERRSON, JR.,		MOBILE COUNTY, ALABAMA.
Respondent.		IN EQUITY. No. _____

And now comes Thomas W. Richerson, respondent, and answering the bill says:

Respondent admits the ages and marriage between the parties as alleged, and that this respondent is a resident of Mobile County, but denies the charges of cruelty and further denies that since the separation the complainant has lived with her parents or has been compelled to support herself, and he alleges that complainant lived and respondent believes she still lives in Mobile.

This respondent further denies that the child born of said marriage, Joyce Yvonne Richerson, has been supported by the complainant's parents and he alleges that the said child has been supported by this respondent.

And now having fully answered the bill this respondent brings this cross bill against the complainant and alleges:

- 1 - The ages and residences of this cross complainant and the cross respondent.
- 2 - The minor child born of said marriage, viz: Joyce Yvonne Richerson, is now living with this cross complainant in the City of Mobile, Alabama, and is attending kindergarten from this cross complainant's home.
- 3 - This cross complainant is able and willing and anxious to care for and support the said minor child and is in a position to furnish her with proper surroundings or a proper education.

The premises considered cross complainant prays that the said Winona L. Richerson be made a party respondent to this cross bill and be required to answer the charges made in all things as required by the rules and practice of this court and that upon the hearing of said cause the custody of the said minor child, viz: Joyce Yvonne Richerson, be awarded to this cross complainant.

B. F. McMillan, Jr.
Solicitor for Respondent
and Cross complainant.

FOOT NOTE: The cross respondent Winona L. Richerson is required to answer each and every allegation and paragraph of the foregoing cross bill but her oath thereto is hereby expressly waived.

B. F. McMillan, Jr.
Solicitor for Cross complainant.

2072

Thomas Wal thall Richardson
27 S. Lafayette, St.,
Mobile, Alabama
Serve on _____

Circuit Court of Baldwin County
IN EQUITY

No. 276

SUMMONS

WYNONA RICHMONSON,

Complainant,

vs.

THOMAS WALTHALL RICHMONSON,

Respondent.

HORNE & HODNETT
Solicitor for Complainant

Recorded in Vol. _____ Page _____

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RECORDED
Book
6-539

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this

16th

day of

Nov

1932

W. H. Jenkins

SHERIFF

Executed this

17

day of

November

1932

by leaving a copy of the within Summons with

Thomas Walthall

Richardson

Defendant

R. S. Mulvanick

Sheriff

By *A. Turner*

Deputy Sheriff

RECORDS
Bureau
6-541

In Present Court

Resmie Council

Specs No 776

Plea in Court
- Week

Filed Nov 23 1986
Rudolph
Deputy

Atty's Mission
Ref for Report