

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

No. 345 Martha Austin vs. Frank Austin PLAINTIFF

DEFENDANT

**BILL OF COSTS**

FEES OF REGISTER		Dollars	Cents	Brought Forward .....	
Filing each bill and other papers .....	\$ 10	100			\$4 70
Issuing each subpoena .....	50			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 copy thereof .....	40			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Entering each return thereof .....	15			Each notice sent by mail to creditor ...	15
For each order of publication .....	1 00			Filing receipting for and docketing each claim, etc. ....	25
Issuing Writ of injunction .....	1 50			For all entries on subpoena docket, etc.	50
For each copy thereof .....	50			For all entries on commission docket, etc.	50
Entering each return thereof .....	15			Making final record, per 100 words.....	15
Issuing Writ of Attachment .....	1 00			Certified copy of decree .....	1 00
Entering each return thereof .....	15			Report of divorce to State Health Office (Acts 1915)	50
Docketing each case .....	1 00	100			
Entering each appearance .....	25	25		<b>TOTAL FEES OF REGISTER..</b>	
Issuing each decree pro confesso on per ser.	1 00			<b>FEES OF SHERIFF</b>	1070
Issuing each decree pro confesso on publica	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			Levying attachment.....	1 50
Issuing Commission to take testimony .....	50	50		Entering and returning same.....	25
Receiving and filing .....	10	10		Selling property attached .....	
Endorsing each package .....	10	10		Impaneling Jury .....	75
Entering order submitting cause .....	50	50		Executing Writ of possession .....	2 50
Entering any other order of court.....	25	25		Collecting execution for costs .....	1 50
Noting all testimony .....	50	50		Serving and returning sci. fa., each .....	65
Abstract of cause, etc. ....	1 00			Serving and returning notice .....	65
Entering each decree .....	75			Serving and returning writ of injunction	1 50
For every 100 words over 500.....	15			Serving and returning writ of exeat....	1 50
Taking account, etc. ....	3 00	470		Taking and approving bonds, each .....	75
Taking testimony, etc .....	15			Collecting money on execution .....	
Each report, 500 words or less .....	2 50			Making Deed .....	2 50
For every 100 words over 500 .....	15			Serving and returning application, etc..	1 00
Amount claimed less than \$500, etc .....	2 00			Serving attachment, contempt of court..	1 50
Issuing each subpoena .....	25			<b>TOTAL FEES OF SHERIFF..</b>	
Witness certificate, each .....	25			<b>RECAPITULATION</b>	
Issuing execution, each .....	75			Register's Fees .....	1070
Entering each return .....	15			Sheriff's Fees .....	500
Taking and approving bond, each .....	1 00			Commissioner's Fees .....	
Making copy of bill, etc .....	15			Solicitor's Fees .....	
Each notice not otherwise provided for .....	50			Witness Fees .....	
Each certificate or affidavit, with seal .....	50			Guardian Ad Litem .....	
Each certificate or affidavit, no seal .....	25			Printer's Fees .....	
Hearing and passing on application, etc. ....	3 00			Trial Tax .....	3 00
Each settlement with Receiver, etc. ....	3 00			Recording Decree in Probate Court .....	
Examining each voucher of Receiver, etc .....	10				
Examining each answer, etc. ....	3 00			<b>TOTAL.....</b>	1870
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 .....					

Received payment this 13 day of 193

Register.

348

# The State of Alabama, Baldwin County

## CIRCUIT COURT, IN EQUITY

MARTHA AUSTIN,

Complainant

vs.

FRANK AUSTIN,

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree ~~Pro Confesso~~ ~~OR~~ Stipulations in 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 said bill.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby, dissolved, and that the said Martha Austin is forever divorced from the said

Frank Austin

for and on account of Cruelty.

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

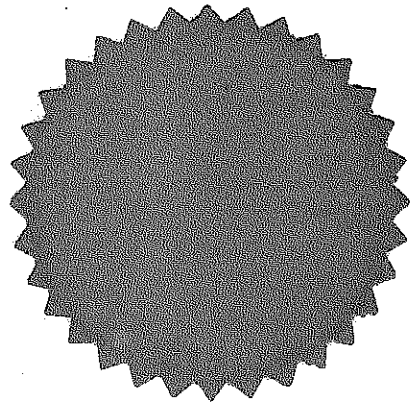
It is further ordered that Martha Austin and Frank Austin be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Frank Austin the Respondent pay the cost herein to be taxed, for which execution may issue.

This 16th day of July, 1937.

*F. W. Hall*  
Judge Circuit Court, in Equity.

I, \_\_\_\_\_, Register of the Circuit Court for Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.



Witness my hand and seal this the \_\_\_\_\_ day

of \_\_\_\_\_, 19\_\_\_\_\_

Register of Circuit Court, in Equity.

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 **Frank Austin.**

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

**Martha Austin.**

against said **Frank Austin.**

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 **28th** day of **June** 193**7**



Register

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

MARTHA AUSTIN,  Complainant,  -vs-  FRANK AUSTIN,  Defendant.	}	IN THE CIRCUIT COURT--IN EQUITY  STATE OF ALABAMA  BALDWIN COUNTY.
---	---	--

TO THE HONORABLE THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA, AND THE HON. FRANCIS W. HARE, JUDGE THEREOF, SITTING IN  
EQUITY:-

Comes your Complainant, Martha Austin, and exhibits this,  
her Bill of Complaint for Divorce against Frank Austin, and shows  
unto your Honor and unto this Court as follows:-

FIRST:

That your Complainant and the Defendant are both over  
the age of twenty-one years and are bona fide residents of Baldwin  
County, Alabama, residing near Daphne, Alabama, and have been such  
residents all their lives.

SECOND:

That your Complainant and the Defendant were married, on,  
heretofore, to-wit, October, 1922, and have lived together as man  
and wife since that time and until, on account of the matters herein-  
after complained of, your Complainant was compelled to leave the  
Defendant and live separate and apart from him; that on, to-wit,  
June 24th, 1937, that the said Defendant came into the home of your  
Complainant and drew back his fist and threatened the life of your  
Complainant, telling her that he would kill her, and from his con-  
duct there was a reasonable apprehension that Defendant, Frank  
Austin, would commit such actual violence on the person of your  
Complainant, attended with danger to her life or health.

PRAYER FOR PROCESS & RELIEF.

THE PREMISES CONSIDERED, your Complainant prays that the  
above named Frank Austin be made party defendant to this cause by  
the usual process of this Honorable Court, requiring him to appear  
and plead, answer or demur within the time and under the penalties  
prescribed by the rules of this Court and the statutes in such cases  
made and provided; that upon a final hearing of this cause that your

MARTHA AUSTIN,  
Complainant,  
-VS-  
FRANK AUSTIN,  
Respondent.

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

STATE OF ALABAMA,  
BALDWIN COUNTY.

Comes the Respondent in the above styled cause, and denies the allegations of the Complaint heretofore filed in said cause, and each and every count thereof, separately and severally.

Respondent hereby waives any and all notice of taking of testimony and notice of submission of cause, and all other notices in connection with said cause.

*Frank Austin Jr.*

The State of Alabama, }  
Baldwin County

CIRCUIT COURT

To Miss Mary Green

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 Martha Austin, and Virginia

Petree,

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

Complainant

and Frank Austin.

Defendant,

Them.

on oath to be by you administered, upon \_\_\_\_\_ to take and certify the deposition... of the witness.... and return the same to our Court, with all convenient speed, under your hand.

Witness 15th day of July. 19 37

R. Ducl

REGISTER

COMMISSIONER'S FEE, \$ \_\_\_\_\_

WITNESS' FEES, \$ \_\_\_\_\_

TESTIMONY OF MARTHA AUSTIN.

My name is Martha Austin. I am over the age of twenty-one years and a resident of Baldwin County, Alabama, residing near Daphne. I have been such a resident for more than fifteen years next preceding the filing of the Bill of Complaint in this cause. Frank Austin is over the age of twenty-one years and is a resident of Baldwin County, Alabama. Frank Austin and I were married some time in the month of October, 1922, and we have lived together as man and wife in this County until and on account of certain things as hereinafter set out, I was forced to leave him. On June 24th, 1937, while Frank Austin and I were living together as man and wife, he came into the house where I was living and drew back his fist and threatened to kill me. I had reasonable apprehension from his conduct that he would commit actual violence on my person, attended with danger to my life or health. I am in a poor state of health and am in a very weakened condition, and was at that time, and Frank Austin is a strong, able bodied, healthy man and fully able to carry out the threats he made against me. On account of the facts aforestated I was compelled to leave Frank Austin and have remained separate and apart from him since that time.

*Martha Austin*

TESTIMONY OF VIRGINIA PETEET.

My name is Virginia Peteet, and I am eleven years of age. I have lived in the house with Martha Austin and Frank Austin over a year. I was present in the home of Martha Austin on June 24th, 1937, and saw Frank Austin come in and shake his fist at Martha Austin and I heard Frank Austin threaten to kill Martha Austin. I have been living with Martha Austin since that time, and she and Frank Austin have not lived together as man and wife since that time; that Martha Austin had done nothing to Frank Austin to cause the attempted assault on her.

Virginia Peteet



Circuit Court, Baldwin County, Ala.  
In Equity.

No. 348

*Plaintiff*

VS.

*Defendant*

**COST BILL**

Paid \_\_\_\_\_, 193\_\_

Register

MOORE PRINTING CO., BAY MINNETTE, ALA.

Book  
9-211

RECORDED

Miss Judy G. 1939  
Rochester  
New York

Original. RECORDED *2-21*

No. \_\_\_\_\_ Page \_\_\_\_\_

The State of Alabama  
Baldwin County

In Circuit Court, In Equity

*Martha Austin.*

vs. Complainant.

*Frank Austin.*

Respondent.

DIVORCE DECREE

*Filed July 19, 1937.  
H.S. Cook, Register*

RECORDED  
211  
Dyck

Serve on Frank Austin.

Daphne. A. Baldwin  
Circuit Court of Baldwin County  
IN EQUITY

No. 348

**S U M M O N S**

Martha Austin.

VS.  
Frank Austin.

**THE STATE OF ALABAMA,**

**BALDWIN COUNTY**

Received in office this \_\_\_\_\_

day of \_\_\_\_\_, 193\_\_\_\_\_

\_\_\_\_\_  
SHERIFF

Executed this July 22<sup>d</sup> day of  
\_\_\_\_\_ 1937

by leaving a copy of the within Summons with

Frank Austin

\_\_\_\_\_  
Defendant

M. H. Williams  
Sheriff

By C. W. Anderson  
Deputy Sheriff

Hybert & Chasen.  
Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

RECORDED *Over*  
NO. 548

**The State of Alabama**  
**BALDWIN COUNTY**

**CIRCUIT COURT**

**Martha Austin.**

vs. **Complainant**

**Frank Austin.**

**Defendant**

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER:**

**Mary Green.**

**WITNESSES:**

*Duch*  
**RECORDED**

2-290

No. \_\_\_\_\_

**The State of Alabama**  
**BALDWIN COUNTY**

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

VS.

**NOTE OF TESTIMONY**

Filed in Open Court this 15<sup>th</sup>

day of July 1937

*R. S. Duch*

REGISTER

RECORDED *Duch*  
7:249

No. 348. Page \_\_\_\_\_

**The State of Alabama,**  
Baldwin County.  
CIRCUIT COURT, IN EQUITY

**Martha Austin.**

Vs.

**George Austin.**

**REQUEST FOR DECREE IN  
VACATION**

Filed July 15th, 1937

*R. Duch*

Register.

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

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

Register.

*Duch*  
RECORDED

2-290

No. \_\_\_\_\_

**The State of Alabama**  
BALDWIN COUNTY

**IN EQUITY**  
Circuit Court of Baldwin County

VS.

**NOTE OF TESTIMONY**

Filed in Open Court this 15<sup>th</sup>

day of July 1937

*R. S. Duch*

REGISTER



RECORDED

*Duch*  
7:249

No. 348.

Page \_\_\_\_\_

**The State of Alabama,**

Baldwin County.

CIRCUIT COURT, IN EQUITY

**Martha Austin.**

Vs.

**George Austin.**

**REQUEST FOR DECREE IN  
VACATION**

Filed July 15th, 1937

*R. Duch*

Register.

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

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

Register.

ORAL EXAMINATION

I, Mary F. Green 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 John Chason 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 July 19 37.

Mary F. Green. (L. S.)

No. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

VS.

RESPONDENT

ORAL DEPOSITION

Filed July 15<sup>th</sup>, 193 7

M. S. Dink, Register.

RECORDED IN

Record

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

Register

The State of Alabama }  
Baldwin County

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

MARTHA AUSTIN,

COMPLAINANT

VS.

FRANK AUSTIN,

RESPONDENT

I, Mary F. Green

as ~~Register and~~ Commissioner

have called and caused to come before me Martha Austin and Virginia Peteet

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

1937, at the office of Hybart & Chason

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

truth, the whole truth, and nothing but the truth, the said Martha Austin and Virginia

Peteet doth depose and say as follows:

349

# The State of Alabama, Baldwin County

## CIRCUIT COURT, IN EQUITY

J. W. HARRELL, Complainant

vs.

EMMA HARRELL, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on \_\_\_\_\_ 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 said bill.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby, dissolved, and that the said J. W. HARRELL, is forever divorced from the said

EMMA HARRELL,

for and on account of Desertion, and that the said Respondent Emma Harrell, is hereby given the right to use her maiden name of Emma Honeycutt.

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

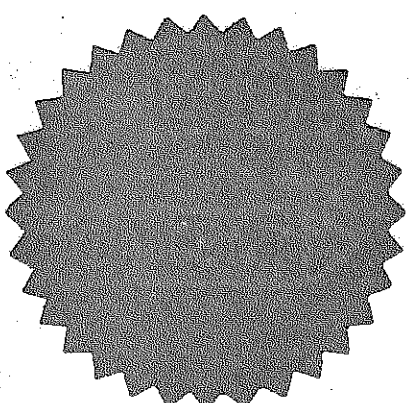
It is further ordered that J. W. Harrell, and Emma Harrell, be, and are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that J. W. Harrell, the Complainant pay the cost herein to be taxed, for which execution may issue.

This 29<sup>th</sup> day of June, 1937.

*J. W. Hare*  
Judge Circuit Court, in Equity.

I, \_\_\_\_\_, Register of the Circuit Court for Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.



Witness my hand and seal this the 9 day

of June, 1937

Register of Circuit Court, in Equity.

J. W. Harrell,  
Complainant,  
VS.  
Emma Harrell,  
Respondent.

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA,  
IN EQUITY, 349

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA, IN EQUITY.

Your Complainant, J.W. Harrell, exhibits this ,  
his bill of complaint, against Emma Harrell, and  
respectfully shows unto your Honor as follows, to-wit:

First:

That complainant and the respondent are both  
residents of the State of Alabama, and the complainant  
has been a resident of Baldwin County, for more than  
three years next, immediately preceeding the filing of  
this Bill of Complaint ; that both the respondent and  
the Complainant are over the age of twenty-one years  
and that the Complainant married the respondent on or  
about December 1923, in the city of Calera,  
and further that there is no fruits of the said marriage.

Second:


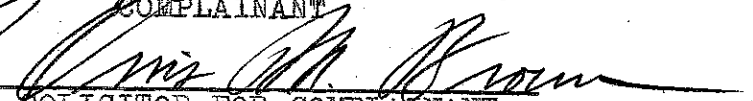
Complainant alleges and avers that the respondent  
lived with him as husband and wife from December 1923  
to on or about the month of October, 1928, at which time  
the respondent voluntarily left the bed and board of  
your complainant without cause of or fault on his part,  
and has never returned to your complainant, nor  
cohabited with him as husband and wife from this month of  
October 1928, to the date of the filing of this bill. Said  
abandonment by the respondent continuing for more than  
two years & next, preceeding the filing of this bill.

Prayer for Process

The premises considered, complainant prays that said Emma Harrell be made a party to this Bill of Complaint and that she be brought into Court by personal service by any method adopted by the court directing her to plead, answer or demur to the allegations as set out against her in said Bill of Complaint as filed in this cause in all respects as required by law and under the rules of this Honorable Court.

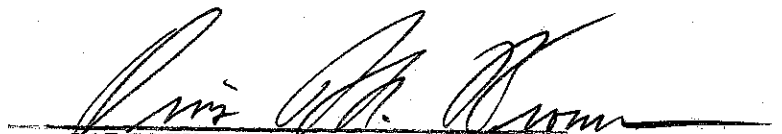
Prayer For Relief

And your complainant prays that upon the final hearing of this cause, this Honorable Court will grant unto him an absolute divorce, dissolving entirely the bonds of matrimony now existing between him and Emma Harrell and granting him the right to remarry and your complainant prays for such other and further relief as in Equity and good conscience he may be entitled to in the premises for which he will ever pray.

  
COMPLAINANT  
  
SOLICITOR FOR COMPLAINANT

FOOT NOTE

The Respondent is required to answer, but not under oath, the same being hereby expressly waived, as to each and every paragraph of the foregoing Bill of Complaint, numbering from one to two both inclusive

  
SOLICITOR FOR COMPLAINANT

The State of Alabama, }  
Baldwin County

CIRCUIT COURT

To Joyce Ganus

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 J. W. Harrell, Mrs. Nettie Harrell and S. A. McDaniels

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

Complainant  
and

Emma Harrell, Defendant,

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

Witness 28th day of June 1937

Asst. Clk.

COMMISSIONER'S FEE, \$ 5.00

REGISTER

WITNESS' FEES, \$ \_\_\_\_\_

STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. \_\_\_\_\_ Spring Term, 1937

J. W. Harrell, \_\_\_\_\_, Complainant

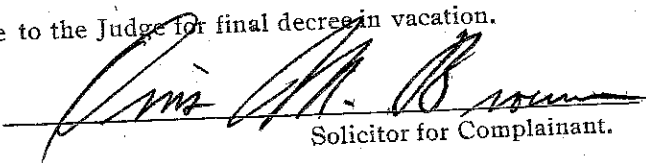
Vs.

Emma Harrell, \_\_\_\_\_, Defendant

To Hon. R. S. Duck, \_\_\_\_\_, 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 Orvis M. Brown, \_\_\_\_\_

\_\_\_\_\_ 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.

  
Solicitor for Complainant.



ANSWER & WAIVER

J. W. HARRELL  
Complainant,

VS.

EMMA HARRELL  
Respondent

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

NO. 349

Comes the Respondent in the above styled cause and for answer to the complaint filed, therein, says as follows:

1: The Respondent admits the allegations of paragraph one.

2: The Respondent denies each and every allegation contained in paragraph two.

The Respondent waives notice of the time of and taking of testimony in this cause as well as other procedure.

The Respondent ask that she be given the right to marry again, and the right to use her maiden name of Emma Honeycutt upon the final decree of this cause.

Mrs Emma Harrell  
RESPONDENT.

WITNESS:

J A Harrell  
Walter Cooper

Note: I hereby accept service of the Bill of Complaint in the above styled cause, dated June 21~~th~~ 1937 A.D.

Mrs Emma Harrell  
RESPONDENT.

The State of Alabama }  
Baldwin County

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

J. W. Harrell

COMPLAINANT

VS.

Emma Harrell

RESPONDENT

I, Joyce Ganus

as Register and Commissioner

have called and caused to come before me J. W. Harrell, Nettie Harrell, and  
S. A. McDaniel,

witnesses named in the requirement for Oral Examination, on the 28 day of June  
1937, at the office of Orvis M. Brown,

in Robertsdale, Alabama, and having first sworn said witnesses to speak the  
truth, the whole truth, and nothing but the truth, the said

witnesses doth depose and say as follows:

Testimony of J. W. Harrell

My name is J. W. Harrell, I am the complainant in this  
cause. I am a resident of Robertsdale, Baldwin County, Alabama,  
and have been for the past fifteen years, I and the respondent  
Emma Harrell, were married in the town of Calera, Shelby  
County, Alabama, in December of 1923.

We are both over the age of twenty-one year, and have  
been residing here for over three years past prior, and  
immediately preceding the filing of this Bill of Complaint.

There was never born to us any children of this marriage  
and we have not lived together since she deserted me in  
October of 1928. She left me contrary to my will and desire, and  
I have at all times been ready and willing and glad to have  
her return to me but she has constantly refused and still  
refused to return to me. I always tried to do my best in the  
way of providing a living for her, and she never went  
for the want of any-thing while that she lived with me.  
I have patiently waited and hoped that she would return but  
she said that she never intended to return.

*J. W. Harrell*

ANSWER & WAIVER

J. W. HARRELL  
Complainant,

VS.

EMMA HARRELL  
Respondent

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

NO. 349

Comes the Respondent in the above styled cause and for answer to the complaint filed, therein, says as follows:

1: The Respondent admits the allegations of paragraph one.

2: The Respondent denies each and every allegation contained in paragraph two.

The Respondent waives notice of the time of and taking of testimony in this cause as well as other procedure.

The Respondent ask that she be given the right to marry again, and the right to use her maiden name of Emma Honeycutt upon the final decree of this cause.

Mrs Emma Harrell  
RESPONDENT.

WITNESS:

J A Harrell  
Walter Cooper

Note: I hereby accept service of the Bill of Complaint in the above styled cause, dated June 21st 1937 A.D.

Mrs Emma Harrell  
RESPONDENT.

Testimony of Mrs. Nettie Harrell

My name is Nettie Harrell, I am a resident of Robertsdale, and have lived here for over ten years next prior to the date hereof.

I have known the complainant and the respondent in this matter for a number of years prior to my moveing to Robertsdale, Alabama, and I know of my own personal knowledge that they were married at Caaera, Alabama, in December of 1923, and further that there was never any childern born to them of the said marriage, and I know further that they are both over the age of twenty one quite a few years.

I know of my own personal knowledge that that Emma Harrell left and deserted the said J. W. Harrell in October of 1928, without any cause or fault on his part, and that he has at all times been will-ing to accept her back and wanted her to return to him but she has always refused and still continues to refuse to return to him. He always provided a good home for her and good liveing but she decided to leave.

I know further that they have not lived to-gether since that they were seperated in 1928, and that they have continued to live seperate and apart for more than three years next ,preceeding the filing of this Bill.

*Nettie Harrell*

Testimony of S. A. McDaniel

My name is S. A. McDaniel, I am a resident of Robertsdale, Alabama, and have been all of my life, I am over the age of twenty-one year.

I have known, J. W. Harrell, for a number of years or every since that I can remember. I know that he married Emma Harrell, about 1923, the exact date I do not remember, and I know further that she left him in October of 1928, and that she has not lived with him since that time. He has tried to get her to return to him but she has always refused to do so and says that she will never return to him. They did not ever have any childern of this marriage. I know further that they are both over the age of twenty-one year.

He always tried to provide a good liveing for her and did, but she did not appreciate this and decided to leave, against his will.

*S. A. Mc Daniel*

*Duch*

RECORDED 7-209

No. 349

Page \_\_\_\_\_

**The State of Alabama,**  
Baldwin County.  
**CIRCUIT COURT, IN EQUITY**

J. W. Harrell,

Vs.

Emma Harrell,

**REQUEST FOR DECREE IN  
VACATION**

Filed June 27, 1937

T. S. Duch

Register.

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

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

Register.

*Book*

RECORDED 7-105

ANSWER & WAIVER.

100-349

*Filed June 25, 1932  
R. S. Duck, Applicant*

The State of Alabama  
BALDWIN COUNTY  
CIRCUIT COURT

J. W. Harrell

Complainant

vs.

Emma Harrell

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Joyce Gannus

WITNESSES:

J. W. Harrell

Nettie Harrell  
S. A. McDaniel

ORAL EXAMINATION

I, Joyce Ganus as Register and Commissioner hereby certify that the foregoing depositions on Oral Examination was taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of myself and O. M. Brown at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; 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 28th day of June 1937.

Joyce Ganus (L. S.)

No. 349 Page 2

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

J. W. Harrell

COMPLAINANT

vs.

Emma Harrell

RESPONDENT

ORAL DEPOSITION

Filed June 27, 1937

N. S. Duvall, Register.

RECORDED IN

Record

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

\_\_\_\_\_, Register



\_\_\_\_\_

\_\_\_\_\_

J. W. Harrell,  
vs. Complainant

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Emma Harrell,  
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, \_\_\_\_\_

~~Answer & Waiver, of Defendant, Testimony of J. W. Harrell,  
Nettie Harrell, and S. A. McDaniels,~~

and in behalf of Defendant upon Answer & Waiver

*R. S. Duck*  
Register.

RECORDED *Duck*  
2-284

No. 349

**The State of Alabama**  
BALDWIN COUNTY

**IN EQUITY**  
Circuit Court of Baldwin County

J. W. Harrell,

vs.

Emma Harrell,

**NOTE OF TESTIMONY**

Filed in Open Court this 28<sup>th</sup>

day of June 1937

*R. S. Duck*

REGISTER



July 2nd 1922

Received from Vir. M. Brown

Five and 00/100 Dollars

Commission for Hamill by Hamill

Joyce Janus