

Arthur Cunningham, Complainant	}	In The Circuit Court of
vs		Baldwin County, Alabama.
Irene Cunningham, Respondent		In Equity.

To the Honorable Francis W Hare, Judge of the Twenty First Judicial Circuit, which includes Baldwin County:

Humbly complaining, your Orator, Arthur Cunningham, respectfully represents unto your Honor as follows:-

1st. That your Orator, the said Arthur Cunningham, and respondent, the said Irene Cunningham, are each of the full age of twenty one years and over and that your Orator Resides near Gateswood, in Baldwin County, Alabama, Whose P O Address is Muesogee, Florida and that respondent lives and resides at Andalusia, in Covington County, Alabama and whose P O Address is River Falls Street, Andalusia, Ala, care of Grady Benton. That both your Orator and the respondent have ,for more than three years prior to the filing of the Bill of Complaint in this cause, ~~have~~ been bona fide resident citizens of Baldwin County, ~~State~~ of Alabama and are so now, except that the respondent is now living temporarily in Andalusia, in Covington County, Alabama.

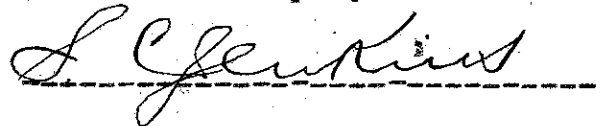
2. That your Orator and respondent , said Irene Cunningham, lawfully intermarried on towit, July 5th, 1923 in Escambia County, near Atmore, Ala. and they lived together as husband and wife until, towit, the 28th day of May, 1937, when said respondent - voluntarily abandoned your Orator, leaving his home in the night without his knowledge; this separation took place while they - were living at or near Gateswood in Baldwin County, Alabama. Said respondent, the said Irene ^{Cunningham} went to stay for awhile with one Dan Hadley, near Dyas Fork in Baldwin County, Alabama and from there she went to Andalusia in Covington county. But prior to this and since their said marriage and cohabitation - together, the respondent the, said Irene Cunningham, had become a leud and immoral woman and that without the consent or knowledge of your Orator she has committed adultery with ^{one} Howard Hall and with divers persons whose names are unknown to your Orator .

3. That of said intermarriage, there were born two children, Christeen Cunningham of the age of ten years and Olivette Cunningham of the age of eight years, both of whom are now in the custody of your Orator .

Wherefore Your Orator prays that your Honor will decree that the bonds of matrimony between your Orator and the said Irene Cunningham be dissolved and grant an absolute divorce to your Orator and grant permission to your Orator to remarry and grant to your Orator the control , care and custody of the two minor children, Christeen and Olivette Cunningham, and if your Orator has not asked for the proper relief, then that your Honor will grant to your Orator such other and further relief as the premises shall require and as to your Honor shall seem meet.

And your Orator further prays that your Honor will grant to your Orator the writ of summons of the State of Alabama, directed to the said Irene Cunningham and commanding her to answer, plead, or demur to the Bill of Complaint herein filed within the time required by law and to stand to and abide by such orders and decrees as to your Honor shall seem meet.

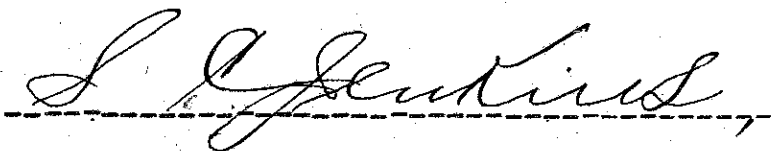
And your Orator will ever pray etc .



Solicitor for the Complainant

Foot Note:

The respondent and defendant is required to answer the allegations of the foregoing Bill of Complaint from paragraph 1 to 3 inclusive, but not under oath, her oath to her answer is hereby expressly waived .



Solicitor for the Complainant.

Arthur Cunningham, Complainant) In The Circuit Court of
vs } Baldwin County, Alabama.
Irene Cunningham, Respondent.) In Equity.

Comes Irene Cunningham, the person named as defendant or respondent in the the said above styled cause now pending in the Circuit Court of Baldwin County, Alabama, in Equity and for her answer to the Bill of Complaint herein says: She denies each and every allegation of the Bill therein made and demands strict proof of the same, except that she admits that she and Arthur Cunningham the complainant in said cause were married on to wit, July 5, 1924 and lived together as husband and wife until to wit, May 28th, 1937 when she left the home of said Arthur Cunningham and they havenot since lived together as husband and wife; she admits that she and Arthur Cunningham have been citizens of Baldwin County, Alabama for more than three years and that they are both over the age of twenty one years; said Irene Cunningham, respondent in said cause, waives service by the sheriff of a subpoena on said Bill of Complaint, also a copy of the interrogatories filed herein and notice of the time of filing the same, also she waives notice of the time and place of the taking of testimony on oral examination of witnesses before the Clerk or Register of the Circuit Court of Baldwin County, Alabama and she consents that the cause may be submitted in vacation to the Judge of the said Circuit Court of Baldwin County for a final decree on the note of testimony to be made up by the register of said court in Equity and who is the Clerk of the Circuit Court of Baldwin County, Alabama

Irene Cunningham

Witnesses:

J. B. Johnson
H. B. Gault

CHANCERY EXECUTION

BILL OF COSTS

No. **351**

Arthur Cunningham,
Complainant

VS.

Irene Cunningham,
Respondent

~~Plaintiff~~
~~Defendant~~

FEES OF REGISTER		Dollars	Cents	Brought Forward	\$	10
Filing each bill and other papers	\$ 10		20		2	
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	2 50
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	1	00	TOTAL FEES OF REGISTER..		
Entering each appearance	25			FEES OF SHERIFF		4 60
Issuing each decree pro confesso on per ser. 1 00				Serving and returning subpoena on deft. \$1 50		
Issuing each decree pro confesso on publica 1 00				Serving and returning subpoena for witness	65	
Each order appointing guardian	1 00			Levying attachment	3 00	
Any other order by Register	50			Entering and returning same	25	
Issuing Commission to take testimony	50			Selling property attached		
Receiving and filing	10			Impanelling Jury	75	
Endorsing each package	10			Executing Writ of possession	2 50	
Entering order submitting cause	50			Collecting execution for costs	1 50	1 50
Entering any other order of court.....	25			Serving and returning sci. fa., each	65	
Noting all testimony	50			Serving and returning notice	65	
Abstract of cause, etc.	1 00			Serving and returning writ of injunction 1 50		
Entering each decree	75			Serving and returning writ of exeat ... 1 50		
For every 100 words over 500.....	15			Taking and approving bonds, each	75	
Taking account, etc.	3 00			Collecting money on execution		
Taking testimony, etc.	15			Making Deed	2 50	
Each report, 500 words or less	2 50			Serving and returning application, etc.. 1 00		
For every 100 words over 500	15			Serving attachment, contempt of court.. 1 50		
Amount claimed less than \$500, etc	2 00			TOTAL FEES OF SHERIFF..		1 50
Issuing each subpoena	25			RECAPITULATION		
Witness certificate, each	25			Register's Fees		4 60
Issuing execution, each	75			Sheriff's Fees		1 50
Entering each return	15			Commissioner's Fees		
Taking and approving bond, each	1 00			Solicitor's Fees		
Making copy of bill, etc	15			Witness Fees		
Each notice not otherwise provided for .. 50				Guardian Ad Litem		
Each certificate or affidavit, with seal ... 50				Printer's Fees		
Each certificate or affidavit, no seal	25			Trial Tax	3 00	3 00
Hearing and passing on application, etc. 3 00				Recording Decree in Probate Court		
Each settlement with Receiver, etc. 3 00				TOTAL.....		9 10
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 aliother 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. **361**

Circuit Court, In Equity

August Term, 193**8**

To any Sheriff of the State of Alabama—GREETING:

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

Arthur Cunningham

Defendant

you cause to be made the sum of **\$ 9,10**

Dollars,

which ~~was~~ *Dismissed*

Plaintiff

recovered of ~~the~~ on the *Aug 13* day of

193**8**

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 *17* day of *Sept.* 193**8**

R.S. Duet

Register

By Audie Thompson, Deputy

Over

RECORDED 7-23

BILL OF COMPLAINT,

Filed July 13 1939
Produced

Quach
RECORDED 7-2-27

ANSWER AND WAIVER.

Filed July 16 1937
R. S. Quach
By Quach

The State of Alabama, {
Baldwin County

CIRCUIT COURT

To Marie Layton.

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 Bertha N Miller, and Reginald VanIderstine.

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

Complainant
and HARRY E MILLER.

Defendant,

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

Witness 21st day of July. 19 37

R. D. ...
REGISTER

COMMISSIONER'S FEE, \$ 5.00

WITNESS' FEES, \$

BERTHA N. MILLER,

Complainant

vs.

HARRY E. MILLER,

Respondent

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

The depositions of Bertha N. Miller and Reginald Van Iderstine, witnesses, examined on behalf of the complainant in the above entitled cause which is pending in the Honorable the Circuit Court of Baldwin County, Alabama, in Equity.

The said witnesses appeared before me at the time and place hereinafter named, and after being duly sworn, the said Bertha N. Miller and Reginald Van Iderstine, upon examination by Robert E. Gordon, one of the Solicitors of record for Complainant, testified as follows:

(See the following six pages of testimony)

TESTIMONY OF MRS. BERTHA N. MILLER

My name is Bertha N. Miller and I am the complainant in the cause now pending in the Circuit Court of Baldwin County, wherein I am suing Harry E. Miller for a divorce. I am over the age of twenty-one years and was over that age when I filed the bill of complaint in this cause. Harry E. Miller is over the age of twenty-one years and was over that age at the time I filed the bill of complaint in this cause. Harry E. Miller and I are both bona fide residents of the County of Baldwin, State of Alabama, and have been such residents for more than ten years continuously, next prior to the filing of the bill of complaint in this cause. Harry E. Miller and I were lawfully married at Monmouth, Illinois, on October 22, 1921, by a Minister of the Gospel. We lived together as man and wife for several years thereafter, and, in fact, until just some weeks before the filing of this bill of complaint.

On June 24, 1937, and while Harry E. Miller and I were at our home at Loxley, Alabama, about twelve o'clock at night, he committed actual violence upon my person by choking me and striking me on my arm and the back of my neck and shoved me around for sometime. He also ordered me to leave the house and at the time threatened to kill me. This all started by reason of the fact that I wanted a colored man to go after Dr. Van Iderstine, who lives at Daphne, for me. I was ill at the time and then it was he flew into a rage and committed the above violence on my person. After this the colored man left and I suppose he went after Dr. Van Iderstine for soon after that he and Dr. Van Iderstine came back. He was in a terrible ^{rage} when Dr. Van Iderstine arrived, used very vile language, and Dr. Van Iderstine had to stop him. When this was all over, my

neck was stiff, my arm was blue and bruised and I had blue marks over my body. The doctor gave me a hypodermic and I was confined to the bed approximately two days. I suffered pain from these bruises, became hysterical and was very much frightened. There was no one in the home beside Mr. Miller and me at the time.

Mr. Miller has committed actual violence on my person several times, and some of the times it was worse than in this instance. On one occasion I recall he struck me in the eye and both of my eyes were discolored for approximately two weeks by reason of it. I would certainly say that the assault made upon me by Mr. Miller was dangerous to my life or health, as I had to go to bed from the effects of it, and I was sick at the time of the assault and had been under the treatment of a doctor for sometime prior thereto, and Mr. Miller knew it. I am firmly convinced that from the conduct of Mr. Miller on the occasion of June 24th, and the occasions before that, that had I continued to live with him, he would have committed further violence upon my person, attended with danger to my life or health. I was a perfect physical wreck at the time Dr. Van Iderstine arrived on that night and it was partially attributable to the attack made upon me by Mr. Miller, because I had already been having hemorrhages and was under the treatment of Dr. Van Iderstine for very serious conditions. Harry E. Miller is now employed regularly and is paid a monthly salary, together with some commission, and his income varies from \$200.00 to \$250.00 per month. I have no income whatever, have no property from which I will get an income because while he and I own the homestead jointly, it is under a heavy mortgage and it takes more than the in-

come from that property to pay the taxes and interest on the mortgage. I get no income at all from any rentals on the property. There are no children born to us.

Bertha N. Miller.

TESTIMONY OF DR. REGINALD VAN IDERSTINE

My name is Reginald Van Iderstine and my home is at Daphne, Alabama; I am over the age of twenty-one years. I am a regularly licensed practitioner of medicine and have been for thirty odd years, and have practiced in Baldwin County approximately thirty years. I am of no relation whatsoever to Harry E. Miller or Mrs. Bertha N. Miller but have known both of them about fifteen years and have been their family physician during that period. I have been in their home on many occasions and was in their home on the night of June 24th, 1937, when a darkey came after me, stating that Mrs. Miller wanted to see me. I arrived there somewhere between twelve and one o'clock, they living at the time at Loxley, which is about ten miles from my residence. When I got there I found Mrs. Miller in a state of nervous collapse. I could get nothing from her as to what the trouble was. I asked where Harry E. Miller was and she motioned on the front gallery. I went out there and I asked him, "Harry, what in the world has gone wrong." He jumped out of the swing chair and said, "Doc, I want you to take that god damned woman out of here." He told me to take her away from there, that he would not live with her another minute and told me to take her to Frank - that is her brother Frank Nottelmann. He raved, swore, cursed and threatened violence to Mrs. Miller. I told him that if he did so, he must do it over me. He turned to me and said what he would do to both of us. He said, "I am looking you straight in the eye when I say it," and I said, "Yes, I am looking you straight in the eye while I am listening to you say it but you are not going to do it."

But he said, "I am going to do it if I have to hang for it." He made repeated efforts to get to Mrs. Miller and I prevented him doing so. He threatened twice, once to kill Mrs. Miller and the other to kill both of us.

I examined Mrs. Miller on that occasion and thirty-six hours later found black and blue spots on her arm, due to this. He didn't handle her while I was there but he admitted he had handled her. He also admitted that he had struck her and abused her on different occasions, on which I was called on to treat Mrs. Miller and had no explanation from Mrs. Miller as to the cause. She was evasive in each and every instance, until I forced a confession from her, that the things she was telling me were not true, there were other reasons and causes why the disfigurements that showed on her body. Then she gave way and told me the story. One of those instances was - and Harry E. Miller admitted it to me - that he did strike her in the back, knocked her up against the door jamb and she fell out on the ~~back~~ gallery and slid all the way across the porch and she strained the long head of the biceps muscle, for which I treated Mrs. Miller for somewhere in the neighborhood of a week. At other times there were other bruises on her body, for which I treated her. Her physical condition at and just before this last assault was very poor. She was under my care at that time and Mr. Miller knew it. As a medical expert and as a friend of the family, it is my opinion that from the conduct of Mr. Miller, Mrs. Miller and any other reasonable person would have had apprehension and reasonable apprehension that he would commit violence on her person, with much danger to her life or health. I considered it absolutely dangerous for her to live with Mr. Miller any fur-

ther and so advised him, he trying to get me to persuade her to come back to him, and the word "dangerous" was used. As the family physician, as a frequent visitor to the home, I consider Mrs. Miller one of the highest characters, above reproach, making a loyal and true wife.

Reginald Van Idersline

I, Marie Layton, the commissioner named in the foregoing commission issued out of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that in a certain cause pending in the Circuit Court of Baldwin County, Alabama, wherein Bertha N. Miller is complainant and Harry E. Miller is defendant, under and by virtue of the power conferred upon me in said commission, and the said Harry E. Miller, the Respondent, having waived all right to have notice served upon him of the taking of the testimony in said cause, and agreeing that the testimony in said cause could be taken at anytime, without notice to him, which said waiver is in writing and filed in this cause in this Honorable Court, together with Respondent's answer to the bill of complaint, on July 19th, 1937, and further waiving, in writing, all notice and the right to be present at the taking of said testimony, and agreeing that same could be taken without notice to him, said waiver and agreement being in writing and bearing date of July 24th, 1937, and being hereto attached, I caused the said Bertha N. Miller and Reginald Van Iderstine, who are known to me and who are known to me to be the identical witnesses named in the commission, to come before me at the time and place hereinafter named, that is to say I caused the said Bertha N. Miller and Reginald Van Iderstine to come before me at 1011 Merchants National Bank Building at Mobile, Alabama, on the 28th day of July, A. D. 1937; that said witnesses were then sworn by me, and upon being examined before me did testify in response thereto as it is hereinabove written, that their testimony was by me reduced to writing as given by them and as near as might be in the identical language of the said witnesses and that after their testimony had been so reduced to writing, it was read over by said witnesses, who assented to and signed the same in my presence.

I further certify that I am not of Counsel or of kin to any of the parties to the cause and am not in any-wise interested in the result thereof.

WITNESS my hand this 29th day
of July, A. D. 1937.

Marie Layton
Commissioner

BERTHA N. MILLER,

Complainant

vs.

HARRY E. MILLER,

Respondent

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

This is to certify that I, Harry E. Miller, Respondent of Record in the above said cause, do hereby waive all right to be present at the taking of the testimony by complainant in the above cause, and do hereby agree that same may be taken by the Commissioner appointed for such purpose, at anytime and place that may suit the complainant and her solicitors without any notice to me of any nature whatsoever, and that when so taken said testimony may be filed in said cause in the Circuit Court of Baldwin County, on the Equity Side, same published, and the cause submitted for formal decree on said testimony, together with the bill of complaint, waiver, agreement as to alimony and said testimony, and such other evidence, testimony, or documents which complainant desires to introduce and add to the note of evidence, at such time as Complainant may desire, either in term time or vacation.

Given under my hand on this the 24th day of July,
1937.

Harry E. Miller

THE STATE OF ALABAMA, BALDWIN COUNTY

BERTHA N. MILLER

Complainant,)

No. vs.

HARRY E. MILLER

Defendant)

CIRCUIT COURT

IN EQUITY

AT BAY MINETTE, BALDWIN COUNTY,

ALABAMA.

This cause is submitted for decree on the pleadings and the testimony as shown by the note of submission on file, and on consideration, it is ordered, adjudged and decreed by the Court that the Complainant is entitled to relief, and that the bonds of matrimony heretofore existing between the Complainant and the Defendant be and the same are henceforth dissolved and annulled.

It is further ordered and decreed that the Complainant Bertha N. Miller be, and hereby is, permitted to again contract marriage, subject to such provisions of the law as regulate the marriage of divorced persons, but in no event before the expiration of sixty days after the rendition of this decree.

And, whereas, the Respondent, Harry E. Miller, has agreed in writing, and which written agreement has been filed in this cause, that he is willing to pay Complainant Fifty (\$50.00) Dollars per month as permanent alimony, it is hereby ordered, decreed, and adjudged that Fifty (\$50.00) Dollars per month is a reasonable amount as such permanent alimony, and it is further ordered, decreed and adjudged that the said Respondent, Harry E. Miller, shall pay to the Complainant, Bertha N. Miller, the sum of Fifty (\$50.00) Dollars per month, beginning with the date of this decree, as permanent

alimony, and for the recovery of which execution may issue and the writ of garnishment may be granted and served. The Court, however, retains jurisdiction of this cause for the purpose of making any other and further orders as to the alimony as to the Court may seem proper.

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

In term time, *August 2nd 1937.*

J. W. Hare

Judge.

NO. _____

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

Betha N Miller.

Complainant

Harry H Miller.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Marie Layton.

WITNESSES:

Received July 30th 1937
O. S. S. S.
Proprietor

...and the fact of ...
...of this case, for which ...
...in this case, ...

Filed Aug. 4, 1937
Robert S. Owen, Register

RECORDED
2-293
Duck

BERTHA N. MILLER,
Complainant
No.....Vs.
HARRY E. MILLER,
Respondent

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

This cause coming on to be heard, is submitted for decree on the pleadings and on the evidence and waivers as noted by the Register.

In Term Time

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

No. *353*

Beth Thompson vs.

Ernest Thompson

PLAINTIFF
DEFENDANT

BILL OF COSTS

FEES OF REGISTER		Dollars	Cents	Brought Forward	
Filing each bill and other papers	\$ 10	100			\$1100
Issuing each subpoena	50		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		40	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Entering each return thereof	15		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		TOTAL FEES OF REGISTER..	
Entering each appearance	25			FEES OF SHERIFF	1550
Issuing each decree pro confesso on per ser.	1 00	100		Serving and returning subpoena on deft. \$1 50	150
Issuing each decree pro confesso on publica	1 00			Serving and returning subpoena for witness	65
Each order appointing guardian	1 00			Levying attachment	1 50
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Issuing Commission to take testimony	50			Selling property attached	
Receiving and filing	10	10		Impaneling Jury	75
Endorsing each package	10			Executing Writ of possession	2 50
Entering order submitting cause	50	50		Collecting execution for costs	1 50
Entering any other order of court.....	25			Serving and returning sci. fa., each....	65
Noting all testimony	50	30		Serving and returning notice	65
Abstract of cause, etc.	1 00	75		Serving and returning writ of injunction	1 50
Entering each decree	75			Serving and returning writ of exeat....	1 50
For every 100 words over 500.....	15			Taking and approving bonds, each	75
Taking account, etc.	3 00			Collecting money on execution	
Taking testimony, etc	15	300		Making Deed	2 50
Each report, 500 words or less	2 50			Serving and returning application, etc..	1 00
For every 100 words over 500	15	1100		Serving attachment, contempt of court..	1 50
Amount claimed less than \$500, etc	2 00			TOTAL FEES OF SHERIFF..	
Issuing each subpoena	25			RECAPITULATION	150
Witness certificate, each	25			Register's Fees	1050
Issuing execution, each	75			Sheriff's Fees	150
Entering each return	15			Commissioner's Fees	
Taking and approving bond, each	1 00			Solicitor's Fees	
Making copy of bill, etc	15			Witness Fees	
Each notice not otherwise provided for ..	50			Guardian Ad Litem	
Each certificate or affidavit, with seal ..	50			Printer's Fees	
Each certificate or affidavit, no seal	25			Trial Tax	3 00
Hearing and passing on application, etc. .	3 00			Recording Decree in Probate Court	
Each settlement with Receiver, etc.	3 00			TOTAL.....	2000
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				
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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 _____ day of _____ 193_____

Register.

BERTHA N. MILLER,

Complainant

vs.

HARRY E. MILLER,

Respondent

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

Now comes the respondent, Harry E. Miller, in his own proper person, and in consideration of an agreement by Bertha N. Miller, complainant, to waive the holding of a reference by the Register for the purpose of ascertaining what would be a reasonable amount to be allowed her as permanent alimony in the above said cause, thereby saving the necessary expense thereof and consumption of time for said reference, and being desirous of doing my duty to the said Bertha N. Miller, I do hereby agree that there shall be allowed to the said Bertha N. Miller the sum of Fifty (\$50.00) Dollars per month as such alimony, beginning with the date of the decree of divorce in said cause, should a divorce be granted her, and that said amount of alimony shall be written in said decree, the Court, however, to retain jurisdiction as to the amount of said alimony, whereby it can be changed to meet my future conditions and abilities to pay same.

Harry E. Miller

NOTE OF EVIDENCE

No.

BERTHA N. MILLER

Complainant

VS.

HARRY E. MILLER

Respondent

At the hearing of this cause the following note

of evidence was taken to-wit.

FOR COMPLAINANT

Bill of Complaint

Respondent's waiver and agreement, as contained in Respondent's answer

Depositions of Bertha N. Miller and Reginald Van Iderstine, witnesses on behalf of Complainant.

Respondent's (Harry E. Miller) agreement as to the amount of alimony to be allowed.

Respondent's waiver as to notice of taking testimony and agreement to submit cause, as attached to Commissioner's certificate.

FOR RESPONDENT

Answer to Bill of Complaint

Attest:



Register.

BALDWIN

The State of Alabama, ~~Mobile~~ County

Bertha N. Miller

Complainant

No.

VS.

Harry E. Miller

Defendant

Baldwin
Circuit Court of ~~Mobile~~ County

IN EQUITY

The complainant

requests the oral examination of the following named witnesses

on her behalf, viz:

Bertha N. Miller

Reginald Van Iderstine

said witnesses reside in the County of Baldwin

State of Alabama

Marie Layton

who resides at Mobile, Alabama

is suggested as a suitable person to be appointed Commissioner to take depositions of

said witnesses on such oral examination

Gordon, Singleton & Leigh

Solicitors for Complainant

CHANCERY EXECUTION
BILL OF COSTS

No. 352 Betha Miller vs Harry E Miller 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				Levyng 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	14 20
Witness certificate, each	25			Sheriff's Fees	1 50
Issuing execution, each	75			Commissioner's Fees	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	3 00
Each certificate or affidavit, no seal	25			Recording Decree in Probate Court	
Hearing and passing on application, etc. 3 00				TOTAL	28 70
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. 352
Baldwin County } Circuit Court, In Equity Aug 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 Harry E Miller Defendant
you cause to be made the sum of Twenty Four and no/100 Cents Dollars,
which Plaintiff
recovered of him on the 2 day of Aug 1937
by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____ Dollars,
costs of 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 22 day of Oct 1937
Res. Deas Register

BERTHA N. MILLER,

Complainant

vs.

HARRY E. MILLER,

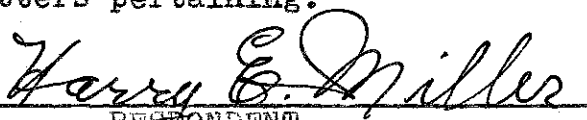
Respondent

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

Now comes Harry E. Miller, respondent in the above said cause, and hereby accepts service of the bill of complaint as filed in this Court in said cause, and hereby waives any and all other notice thereof which may be due him under the rules or provisions of this Honorable Court, and for answer to said bill of complaint, says as follows:

That each and every material allegation of said bill of complaint is untrue and that this respondent demands strict proof thereof.

The respondent further waives all right to have notice served upon him of the taking of the testimony in said cause and hereby agrees that said testimony may be taken at any time that is agreeable to the complainant and her solicitors of record by any commissioner appointed by this Honorable Court and this without notice to him, and that when said testimony is taken, same may be filed in this Court and published and that the cause may be submitted for final decree upon the pleadings and proof at any time agreeable to the complainant. The intent of this instrument being to deny the charges made against this respondent and to waive any and all rights of notice of any nature whatsoever which may be due him in the said cause under the rules of this Honorable Court and the laws of this state in such matters pertaining.


RESPONDENT

ROBT. E. GORDON
DAVID H. EDINGTON
NORVELLE R. LEIGH, JR.

GORDON, EDINGTON & LEIGH
ATTORNEYS AT LAW
1011-15 MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA

July 29, 1937

Mr. Robert S. Duck,
Clerk of Circuit Court,
Bay Minette, Alabama.

Dear Sir:

In re: Bertha W. Miller vs. Harry E. Miller, we herewith enclose the following papers:

1. The original bill of complaint, which has been filed in your court.
2. Answer and waiver of Harry E. Miller, which has also been filed in your court.
3. The testimony as taken by the Commissioner in said cause.
4. A ^{proposed and prepared} decree of divorce and allowance of alimony.
5. Note of evidence.

We are going to ask that you will have an order publishing the testimony and an order of submission of said cause, and especially that you will please sign the note of evidence herewith enclosed. We are very anxious for all of these matters to be complied with as we remember the case which went up from your court and which you discussed with the writer, where the attorneys omitted seeing that a former Register failed to file a properly signed note of evidence. After these matters are complied with, will you please forward the file to Judge Hare, together with all the papers therein, including the enclosed decree and the

#2

agreement on the part of Mr. Miller to pay \$50.00 per month alimony, and ask Judge Hare to act upon it as soon as possible.

We hope that you will not think we are overly careful in calling your attention to the different steps and orders to be taken and made but we are always very anxious that a decree of divorce shall be regular in every way.

Will you please acknowledge receipt of these papers that we may know they reached you safely and will be transmitted to Judge Hare after the above matters have been attended to.

With best wishes,

Sincerely your friends,

GORDON, EDINGTON & LEIGH

By *R. E. Gordon*

REG/L

Encls. 5

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,
AND TO THE HONORABLE JUDGE THEREOF, SITTING IN

EQUITY:

Now comes your complainant, Bertha N. Miller, and files this her bill of complaint against Harry E. Miller and respectfully shows unto your Honor as follows:

That your complainant, Bertha N. Miller, and the said Harry E. Miller are both over the age of twenty-one years, both are bona fide residents of the County of Baldwin, State of Alabama, and have been such residents for a period of more than five years continuously next prior to the filing of this bill of complaint; that your complainant and the said Harry E. Miller were lawfully married at Monmouth, Illinois, on or about October 22, 1921, and that they lived together as man and wife until just a short time prior to the filing of this bill of complaint for divorce.

Your complainant further shows unto your Honor that the respondent, Harry E. Miller, has committed actual violence upon the person of your complainant, attended with danger to her life or health.

And your complainant further shows unto your Honor that from the conduct of the said Harry E. Miller she has reasonable apprehension that he will commit actual violence upon her person, and which will be attended with danger to her life or health.

Your complainant further shows unto your Honor that the said Harry E. Miller has a good position and is earning a good salary and is fully able to make reasonable provision for the support and maintenance of your complainant, and that

she has no sufficient income of her own upon which to maintain herself or to employ a solicitor to represent her in this cause, she having no employment whatsoever at this time.

Wherefore, your complainant prays that your Honor will take jurisdiction of the cause made by this bill of complaint, will cause process to be issued out of this Honorable Court and notice thereof to be served upon the said Harry E. Miller, according to the rules of this Honorable Court and the laws in such matters pertaining, making him party respondent thereto and further requiring him to plead, answer or demur to said bill of complaint within the time required by law, and as prescribed by the rules of this Honorable Court.

And your complainant further prays that your Honor will order a reference to be held by the Register of this Honorable Court to ascertain what would be a reasonable amount to be allowed your complainant as alimony pendente lite, and, also, as her solicitor's fee in this cause, and that when said report is made to this Honorable Court, it will enter a decree ordering the said respondent, Harry E. Miller, to pay such amount as is therein named.

And your complainant further prays that upon the final hearing of this cause that your Honor will enter a decree dissolving the bonds of matrimony now existing between your complainant and the said Harry E. Miller, will grant unto her an absolute divorce, will grant unto her the right to marry again, and such other and further relief as she may be entitled to, the premises considered.

And your complainant further prays that your Honor will order a reference to be held by the Register to ascertain what would be a reasonable amount to be allowed her as permanent alimony, and that upon said report being made and filed, that your Honor will enter a decree requiring the said Harry E. Miller to pay such alimony as shall be fixed by your Honor.

And your complainant prays for such other and further relief as she may be entitled to, the premises considered. And your complainant will ever pray, etc.

Gordon Livingston Leigh
SOLICITORS FOR COMPLAINANT

FOOTNOTE: The respondent is required to answer each and every material allegation of the foregoing bill of complaint, but not under oath, his oath hereto being hereby expressly waived.

Gordon Livingston Leigh
SOLICITORS FOR COMPLAINANT

11/13/27

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,
AND TO THE HONORABLE JUDGE THEREOF, SITTING IN

EQUITY:

Now comes your complainant, Bertha N. Miller, and files this her bill of complaint against Harry E. Miller and respectfully shows unto your Honor as follows:

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Your complainant further shows unto your Honor that the respondent, Harry E. Miller, has committed actual violence upon the person of your complainant, attended with danger to her life or health.

And your complainant further shows unto your Honor that from the conduct of the said Harry E. Miller she has reasonable apprehension that he will commit actual violence upon her person, and which will be attended with danger to her life or health;

Your complainant further shows unto your Honor that the said Harry E. Miller has a good position and is earning a good salary and is fully able to make reasonable provision for the support and maintenance of your complainant, and that

she has no sufficient income of her own upon which to maintain herself or to employ a solicitor to represent her in this cause, she having no employment whatsoever at this time.

Wherefore, your complainant prays that your Honor will take jurisdiction of the cause made by this bill of complaint, will cause process to be issued out of this Honorable Court and notice thereof to be served upon the said Harry E. Miller, according to the rules of this Honorable Court and the laws in such matters pertaining, making him party respondent thereto and further requiring him to plead, answer or demur to said bill of complaint within the time required by law, and as prescribed by the rules of this Honorable Court.

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And your complainant prays for such other and further relief as she may be entitled to, the premises considered.

And your complainant will ever pray, etc.

Gordon Edington & Leigh
SOLICITORS FOR COMPLAINANT

FOOTNOTE: The respondent is required to answer each and every material allegation of the foregoing bill of complaint, but not under oath, his oath hereto being hereby expressly waived.

Gordon Edington & Leigh
SOLICITORS FOR COMPLAINANT