

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTC CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No.

In Vacation Term, 1923 4

MARY STEWART,

Complainant

vs.

JACOB STEWART,

Defendant

To M. A. STONE, 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 Hybart, Heard & Chason

..... 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.

Hybart, Heard & Chason
Solicitor for Complainant.

44



44

*Filed August 23, 1934
M. A. Stanton*

M. A. Stanton

BEEBE & HALL
LAWYERS
BAYMINETTE, ALA.

44
RECORDED

44

Filed August 23, 1934
W. O. Stovall
S. J. Spivey
BEEBE & HALL
LAWYERS
BAY MINETTE, ALA.

44
RECORDED
INDEXED

AMENDMENT OF COMPLAINT.

MARY S. STEWART,

Complainant,

-VS-

JACOB STEWART,

Respondent.

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

Filed July 23rd, 1934
M. A. Stewart
Register.

LAW OFFICES
HYBART, HEARD
& CHASON
BAY MINETTE, ALABAMA

44

44

MARY S. STEWART,
Complainant,
-vs-
JACOB STEWART,
Respondent.

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

Comes the Respondent and for answer to the Complainant's original bill of complaint and amendment thereunto and to each Count thereof, separately and severally, says:

That he denies each and every allegation contained therein and demands strict proof of the same.

Beebe & Co.
Solicitors for Respondent.

Mary S. Stewart,
Complainant,

VS

Jacob Stewart,
Defendant.

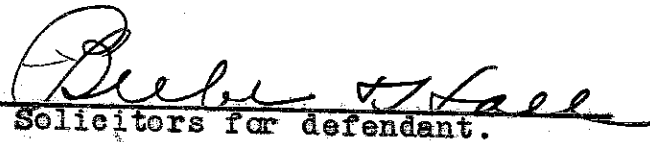
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

CASE NO. 44

Comes the defendant in the above styled cause and
demurs to the complainant's bill of complaint, and says:

There is no equity in the bill.


Solicitors for defendant.

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 Jacob Stewart,
resides at Bon Secour, Alabama.

of Baldwin County, 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 Mary Stewart,

against said Jacob Stewart,

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, M. A. Stone, Register of said Circuit Court, this 27th day of

April 1934

M. A. Stone Register

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

Circuit Court, Baldwin County, Ala.,

IN EQUITY.

335
120/5
2.1
#44

1365
650
715

Mary Stewart
vs.
Jacob Stewart

PLAINTIFF
DEFENDANT

BILL OF COST

	Dollars	Cts.		\$	Cts.
Fees of Register			AMOUNT BROUGHT FORWARD		
Filing each bill and other papers	1	00	For receiving, keeping and paying out or distributing money, etc. 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.	10	15
Issuing each Subpoena		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received.		
Issuing each copy thereof		40	Each Notice Sent by Mail to Creditors		
Entering each return thereof		15	Filing, Receipting for and Docketing each Claim, etc		
For each Order of Publication		1 00	For all entries on Subpoena Docket, etc.		
Issuing Writ of Injunction		1 50	For all entries on Commission Docket, etc.		
For each Copy thereof		50	Making Final Record, per hundred words		
Entering each return thereof		15	Certified Copy of Decree		
Issuing Writ of Attachment		1 00	Report of Divorce to State Health Office, Acts 1915		
Entering each return thereof		15	Total Fees of Register	13	65
Docketing each case	1	00	FEEES OF SHERIFF		
Entering each Appearance		25	Serving and Returning Subpoena on Deft.	\$1	50
Issuing each Decree Pro Confesso on personal service		1 00	Serving and Returning Subpoena for Witness		65
Issuing each Decree Pro Confesso on publication		1 00	Levyng Attachment		3 00
Each Order Appointing Guardian		1 00	Entering and Returning same		25
Any other order by Register		50	Entering and Returning Execution		25
Issuing Commission to Take Testimony		50	Selling Property Attached		25
Receiving and Filing		10	Impaneling Jury		75
Endorsing each package		10	Executing Writ of Possession		2.50
Entering Order Submitting Cause		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	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 Hundred Words Over Five Hundred		15	Taking and Approving Bonds, each		1.00
Taking Account on Reference		3 00	Collecting Money on Execution		
Taking Testimony, etc.		15	Making Deed		2.50
Each Report, Five Hundred Words or less		2 50	Serving and Returning Application		1.00
For every Hundred Words Over Five Hundred		15	Serving Attachment, Contempt of Court		1.50
Amount Claimed, Less than Five Hundred Dollars, etc.		2 00	TOTAL FEES OF SHERIFF	1	50
Issuing each Subpoena		25	Recapitulation		
Witness Certificate, each		25	Register's Fees		
Issuing Execution, each		75	Sheriff's Fees		
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 for Receiver or Trustee		3 00	Recording Decree in Probate Court		
Each Settlement with Receiver or Trustee		3 00	Total	18	15
Examining each Voucher of Receiver or Trustee		10			
Examining each Answer on Exception		3 00			
Recording Resignation or Suggestion of Death of Trustee		75			
Entering each Certificate to Supreme Court		50			
Taking Questions and Answers, etc.		25			
For all other service relating to such proceedings		1 00			
For service in proceeding to relieve minors, etc. same fee as in similar cases.					
Commission on sales, etc.: 1st \$100, 2 percent; all over \$100, and not exceeding \$1000, 1 1/2 per cent; all over \$1,000 and not exceeding \$20,000, 1 per cent; all over \$20,000, 1-4 of 1 per cent.					
Sub Total Carried Forward	10	15			

Paid

Received payment this _____ day of _____ 193__

NOTE: Unless the above costs in this cause are paid within ten days of the present date, execution will be issued and placed in the hands of Sheriff for collection, creating more costs.

MARY STEWART,
Complainant,

-vs-

JACOB STEWART,
Respondent.

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

This agreement made and entered into on this the 25th day of July, 1934, by and between Mary Stewart and Jacob Stewart, WITNESSETH:

WHEREAS, the complainant heretofore filed a suit against the respondent in the Circuit Court of Baldwin County, Alabama, in Chancery, on April 27th, 1934, praying for a divorce and the custody of their two minor children, Loylos Stewart and Glenn Stewart; and

WHEREAS, the said parties have reached an agreement as to the custody, care and control of said children as follows:

The complainant, Mary Stewart, is to have the custody, care and control of the said children with the right to keep them with her so long as she remains unmarried, with the express understanding that the respondent, Jacob Stewart shall have the right to visit them or take them with him from place to place and from time to time.

It is expressly understood that neither party shall have, or allow any liquor to be kept or drunk around the said children.

The parties hereto shall have the right to take the children to such church services or parties they wish. However, neither shall have the right to take the children to parties where there is a possibility of liquor being taken or used.

It is expressly understood that the complainant is to have the custody, care and control of said children, and is likewise called upon to provide for them.

It is expressly understood that neither party to this agreement is to take the children outside the jurisdiction of the Court without the permission of the other party hereto, or the special permission of the Court.

The Court shall retain the jurisdiction of the children and amend or alter this agreement from time to time as it shall see fit.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals in duplicate on this the 25th day of July, 1934.

Witness:

John Hagan

Mary Elizabeth Stewart (SEAL)

Jacob Stewart (SEAL)

The State of Alabama, }
Baldwin County

No. 44

CIRCUIT COURT IN EQUITY

MARY STEWART

Complainant

vs.

JACOB STEWART

Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and upon consideration thereof, the Court is of 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 the complainant is forever divorced from the Defendant, on account of

cruelty

It is further ordered, that the said Mary Stewart be, and she is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Mary Stewart pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said Jacob Stewart.

It is further ordered, adjudged and decreed that the said Mary Stewart shall not again marry except to said Jacob Stewart until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said Jacob Stewart

during the said pendency of appeal

This 24th day of August 19 34.

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY

STATE OF ALABAMA }
BALDWIN COUNTY }

CIRCUIT COURT, IN EQUITY

I, _____, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the _____ day of _____, 19____,

in the cause of _____

Complainant

vs.

Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the _____ day of _____, 19____

Register

STATE OF ALABAMA,
BALDWIN COUNTY.

In the Circuit Court (in equity)

MARY S. STEWART
vs
JACOB STEWART

Bill for Divorce.

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

Comes Mary S. Stewart and humbly complaining against Jacob Stewart and respectfully shows unto your Honor as follows;

FIRST; That your complainant and the defendant herein, Jacob Stewart, are both over the age of twenty one years and both are residents of Baldwin county, Alabama, where both have continuously resided for more than a period of two years next preceeding the filing of this bill; that complainant resides at Magnolia Springs, Alabama, and defendant at Bon Secour, Alabama.

Second; that your complainant and Jacob Stewart, defendant herein, are husband and wife, having intermarried on August 7, 1926, since which time they have lived together as husband and wife until on or about the 18th day of February, 1934, your complainant, by reason of intentional acts of insult and cruel treatment heaped upon her by said defendant was compelled to cease her married relations with defendant, although she was attempting to condone such treatment and live peaceably with the defendant, and on or about the 18th day of February, 1934, said defendant struck her, and she was in fear of greater bodily harm being inflicted upon her by said Jacob Stewart, defendant, and was forced to leave their home and move to her fathers home, where she has lived ever since. Your complainant further avers that it is impossible to again live with the said defendant as she would fear further repetitions of his past conduct.

Third; Complainant further avers that she was at all times a dutiful and affectionate wife.

Fourth; Complainant further avers that she has not condoned or forgiven any of the above set forth acts of cruelty.

~~Sixth~~ Fifth; Complainant further avers that as a result of said marriage with said defendant herein there has been born two minor children, towit;- Loyola, a girl about four years of age, and Glenn, a boy about 2½ years old, both living; that defendant herein is not a fit and proper person to have the custody of said children.

WHEREFORE: The premises considered, your complainant prays that the bonds of matrimony between herself and defendant be dissolved.

The defendant, Jacob Stewart, is required to answer every allegation of the foregoing complaint, but not under oath. Oath is hereby expressly waived.



Attorney for complainant.

The State of Alabama } Circuit Court of Baldwin County, Alabama,
 Baldwin County } (In Equity)

Mary Stewart COMPLAINANT

VS.

Jacob Stewart RESPONDENT

I, M. A. Stone

as Register and Commissioner of The Circuit Court in Chancery

have called and caused to come before me _____

Mary S. Stewart, Annie Cook,

witnesses named in the requirement for Oral Examination, on the 2nd day of August

1934, at the office of M. A. Stone,

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

truth, the whole truth, and nothing but the truth, the said Mary S. Stewart

and Annie Cook doth depose and say as follows:

MARY S. STEWART, complainant.

Jacob Stewart and I are both over the age of twenty-one years and residents of Baldwin County, Alabama, and both have continually resided therein for more than a period of two years preceding April 27, 1934; I reside at Magnolia Springs, Alabama, and Jacob Stewart resides at Bon Secour, Alabama. We are husband and wife, having married on August 7, 1926, since which time we have lived together as husband and wife until on or about the 18th day of February, 1934; that Jacob Stewart on or about the 18th day of February, 1934, struck me on the head; that I was in fear of great bodily harm being inflicted upon me, and was forced to leave home and move to my father and mother's home; that he often threatened me and if I lived with him longer I believe he would seriously injure me; that I did not bring on the above difficulty.

Mary S. Stewart

ANNIE COOK, a witness for complainant.

Mary S. Stewart and Jacob Stewart are both over the age of twenty-one years and residents of Baldwin County, Alabama, and both have continually resided therein for more than a period of two years preceding April 27, 1934; that Mary S. Stewart resides at Magnolia Springs, Alabama, and Jacob Stewart resides at Bon Secour, Alabama. Mary S. Stewart and Jacob Stewart are husband and wife, having intermarried on August 7, 1926, since which time they lived together as husband and wife until on or about the 18th day of February, 1934; that Mary S. Stewart came to my home on February 18, 1934, and that her ear was badly swollen from some blow; that she suffered for two weeks and was unable to properly hear out of her ear for a great length of time; that she has been living with me since that time; that I have heard Jacob Stewart threaten Mary S. Stewart several times and in my opinion she would be in danger of great bodily harm should she continue to live with him; that after February 18, 1934, she was in bad condition for about a month and is not yet fully recovered from the effect of said blow.

Annie Cook

MARY S. STEWART,
Complainant,

-vs-

JACOB STEWART,
Respondent.

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

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

Comes your Complainant in the above styled cause and
amends her Complaint originally filed in said cause as follows:-

By adding thereto paragraph six, as follows:-

6. That your Complainant is a fit and proper person to
have the custody and control of Loyola Stewart, a girl about four
years of age, and Glenn Stewart, a boy about two and one-half years
of age, and is able to care and provide for them, and that said
Defendant, Jacob Stewart, is not a proper person to have the cus-
tody and control of said children, and is not able to provide for
them.

And by adding thereto the following Prayer:-

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED, the Complainant prays that upon
a final hearing hereof your Honor will render, adjudge and decree
that the bonds of matrimony heretofore existing between your Com-
plainant and the Respondent be forever dissolved, and that your
Complainant be again permitted to contract the marriage relation
should she so desire. That the care, custody and control of said
children, Loyola Stewart and Glenn Stewart, be awarded to your
Complainant. Should your Complainant be mistaken in the relief
prayed for, that there be granted unto her such other, further
or different relief to which she is in equity and good conscience
entitled, and as in duty bound she will ever pray, etc.

Hubert Head Shanon
Solicitor for Complainant.

No. 44

~~RECORDED~~

44

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

VS.

NOTE OF TESTIMONY

Filed in Open Court this 28

day of Aug 1934

M. A. Stone
REGISTER

RECORDED

44

No. 44

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

vs.

REQUEST FOR DECREE IN
VACATION

FILED August 23 1934
M. A. Stone
Register

RECORDED IN _____ RECORD

VOL. _____ PAGE _____
M. A. Stone
Register

Docket No. 278
RECORDED

44

SERVE ON _____

Circuit Court of Baldwin County
IN EQUITY

No. 44

SUMMONS

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____ 193_____

SHERIFF

Executed this _____ day of _____

Mary _____ 193_____

by leaving a copy of the within Summons with

7th
RECORDED

Jacob Stewart
Defendant

W.R. Stewart
Sheriff

By *John R. Davis*
Deputy Sheriff

Mary Stewart,

vs.

Jacob Stewart,

Bon Secour, Ala.

A.H. Crovatt,

Solicitor for Complainant

Recorded in Vol. _____ Page _____

Copy

44

Circuit Court, Baldwin County, Ala.
In Equity.

No. *44*

Mary Stewart

vs.

Jacob Stewart

Cost Bill

Paid _____, 193

Register.

44

No

Equity

Mary Stewart

vs

Jacob Stewart

Original Complaint

Reindeer

Filed April 27,
1934

M. A. Stone
Register

RECORDED

ORAL EXAMINATION

I, M. A. Stone 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 2nd day of August 1934.

M. A. Stone (L. S.)

Witness:

John Chason

44

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Mary Stewart

vs.

vs.

COMPLAINANT

Jacob Stewart

vs.

RESPONDENT

ORAL DEPOSITION

Filed 2 August 2nd, 1934

Register.

RECORDED IN

Record

Vol. _____ Page _____

Register

44

44

RECORDED

~~2774~~

Filed Aug 29th 1994
M.J. At Home
Blacks

RECORDED
10/21/34

444

No. 44

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY,
Baldwin County, Ala.

vs

DECREE OF DIVORCE

Filed in office this 24th

day of August, 1934

W. A. Stone
Register.

E. O. M.

MARY STEWART,
Complainant,

-vs-

JACOB STEWART,
Respondent.

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

This agreement made and entered into on this the 25th day of July, 1934, by and between Mary Stewart and Jacob Stewart, WITNESSETH:

WHEREAS, the complainant heretofore filed a suit against the respondent in the Circuit Court of Baldwin County, Alabama, in Chancery, on April 27th, 1934, praying for a divorce and the custody of their two minor children, Loyola Stewart and Glenn Stewart; and

WHEREAS, the said parties have reached an agreement as to the custody, care and control of said children as follows:

The complainant, Mary Stewart, is to have the custody, care and control of the said children with the right to keep them with her so long as she remains unmarried, with the express understanding that the respondent, Jacob Stewart shall have the right to visit them or take them with him from place to place and from time to time.

It is expressly understood that neither party shall have, or allow any liquor to be kept or drunk around the said children.

The parties hereto shall have the right to take the children to such church services or parties they wish. However, neither shall have the right to take the children to parties where there is a possibility of liquor being taken or used.

It is expressly understood that the complainant is to have the custody, care and control of said children, and is likewise called upon to provide for them.

MARY S. STEWART, complainant.

Jacob Stewart and I are both over the age of twenty-one years and residents of Baldwin County, Alabama, and both have continually resided therein for more than a period of two years preceding April 27, 1934; I reside at Magnolia Springs, Alabama, and Jacob Stewart resides at Bon Secour, Alabama. We are husband and wife, having married on August 7, 1926, since which time we have lived together as husband and wife until on or about the 18th day of February, 1934; that Jacob Stewart on or about the 18th day of February, 1934, struck me on the head; that I was in fear of great bodily harm being inflicted upon me, and was forced to leave home and move to my father and mother's home; that he often threatened me and if I lived with him longer I believe he would seriously injure me; that I did not bring on the above difficulty.

Mary S. Stewart

ANNIE COOK, a witness for complainant.

Mary S. Stewart and Jacob Stewart are both over the age of twenty-one years and residents of Baldwin County, Alabama, and both have continually resided therein for more than a period of two years preceding April 27, 1934; that Mary S. Stewart resides at Magnolia Springs, Alabama, and Jacob Stewart resides at Bon Secour, Alabama. Mary S. Stewart and Jacob Stewart are husband and wife, having intermarried on August 7, 1926, since which time they lived together as husband and wife until on or about the 18th day of February, 1934; that Mary S. Stewart came to my home on February 18, 1934, and that her ear was badly swollen from some blow; that she suffered for two weeks and was unable to properly hear out of her ear for a great length of time; that she has been living with me since that time; that I have heard Jacob Stewart threaten Mary S. Stewart several times and in my opinion she would be in danger of great bodily harm should she continue to live with him; that after February 18, 1934, she was in bad condition for about a month and is not yet fully recovered from the effect of said blow.

Annie Cook

MARY S. STEWART,
Complainant,
-vs-
JACOB STEWART,
Respondent.

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

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

Comes your Complainant in the above styled cause and
amends her Complaint originally filed in said cause as follows:-

By adding thereto paragraph six, as follows:-

6. That your Complainant is a fit and proper person to
have the custody and control of Loyola Stewart, a girl about four
years of age, and Glenn Stewart, a boy about two and one-half years
of age, and is able to care and provide for them, and that said
Defendant, Jacob Stewart, is not a proper person to have the cus-
tody and control of said children, and is not able to provide for
them.

And by adding thereto the following Prayer:-

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED, the Complainant prays that upon
a final hearing hereof your Honor will render, adjudge and decree
that the bonds of matrimony heretofore existing between your Com-
plainant and the Respondent be forever dissolved, and that your
Complainant be again permitted to contract the marriage relation
should she so desire. That the care, custody and control of said
children, Loyola Stewart and Glenn Stewart, be awarded to your
Complainant. Should your Complainant be mistaken in the relief
prayed for, that there be granted unto her such other, further
or different relief to which she is in equity and good conscience
entitled, and as in duty bound she will ever pray, etc.

Hybert Head Shanon
Solicitor for Complainant.