

491

JESSE POSTON)	
Complainant)	IN THE CIRCUIT COURT OF
VS)	BALDWIN COUNTY, ALABAMA
ANNIE B. POSTON)	IN EQUITY, No. 490
Defendant)	

TO THE HONORABLE FRANCIS W. HARE, JUDGE OF THE 21st JUDICIAL COURT, SITTING IN EQUITY:-

Now comes the Defendant, Annie B. Poston, in the above entitled cause and after leave obtained withdraws all former demurrers heretofore filed in this cause and files this her demurrer to the Bill of Complaint heretofore filed by the said Complainant, Jesse Poston, and for grounds for the said Demurrer set down and assigns the following, separate and severally, as follows, to-wit:-

- FIRST. That there is no equity in the said Bill of Complaint.
- SECOND. That the grounds for divorce set out in said Complaint are vague and indefinite.
- THIRD: That the allegation set out in Complaint are merely conclusions of the pleader.
- FOURTH: That the grounds set out in the Complaint are insufficient under the law to entitle the Complainant to the relief prayed for.
- FIFTH: That the Complainant fails to show the time or place of the acts complained of.

ANSWER OF DEFENDANT

Comes the Defendant, the said Annie B. Poston, and without waiving the demurrers hereinbefore filed by her and insisting on same, files this her answer to the said Bill of Complaint as follows, to-wit:

- 1. That the defendant admits that she and the said Jesse Poston were married to each other in Escambia County, Alabama, on the 18th day of December, 1937, and lived together as husband and wife until, to-wit, the 2nd day of May, 1938, and that since that time they have not lived together as husband and wife; and that

both the Complainant and the Defendant are bona fide residents of Baldwin County, Alabama, and are both over the age of twenty-one (21) years; but that defendant denies that she resides now or ever has resided in the State of Florida; and she denies that she ever took a job in a beer-joint or groggery.

2. That the said Defendant denies all of the allegations set out in the Second paragraph of the Bill of Complaint; denies that she has ever become a lewd, unchaste or immoral woman; denies that she committed an act of adultery with one Joel Heathcock or ever had adulterous relations with any other man or men; she further denies that she has been or is at the present time working at a beer-joint in the State of Florida or that she has ever associated with lewd, dissolute or immoral people unless her association with the complainant during their married life could be termed as such.

3. Said defendant, Annie B. Poston, respectfully prays that this answer may be taken as a Cross-Bill in said cause, and alleges as follows: That she has been in no fault in the said marriage relations but has been the dutiful wife, but that on the other hand the complainant and Cross-Defendant, Jesse Poston, has abused and mistreated her and has threatened to do her bodily injury.

4. That the said Jesse Poston owns real and personal property worth in excess of Five Hundred Dollars (\$500.00); that he is an able bodied man and works and makes a salary and wages in excess of Seventyfive Dollars (\$75.00) per month; and that the said Annie B. Poston is now pregnant with a child, the product of the union between herself and the complainant, Jesse Poston, and that she is sick and owns no real estate nor personal property and is unable to obtain medical attention; and that she has employed the firm of Horne & Hodnette to represent her/^{and} that she has no means wherewith to pay them.

5. That the said Annie B. Poston is inciente and soon to be delivered of a child and that she isa suitable person to be

HORNE & HODNETTE

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 **Annie B. Poston**

of _____ 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

Jesse Poston

against said **Annie B. Poston**

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, R. S. Duck, Register of said Circuit Court, this _____ day of

October, 193**8**

_____, Register

By:

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

Jesse Poston, Complainant)
vs.)
Annie B Poston, Respondent.)

In The Circuit Court of Baldwin
County, Alabama.
In Equity.

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

Humbly complaining, Your Orator, the said Jesse Poston, respectfully
represents unto your Honor as follows:-

1. That your Orator, the said Jesse Poston, and the respondent, the
said Annie B Poston, were legally married in Escambia County, Alabama,
on, towit, December 18th, 1937, and lived together as husband and wife
until, towit, the 2nd day of May, 1938, when they separated, while they
were living in Baldwin County, Alabama, and since said time they have
not lived together as husband and wife.

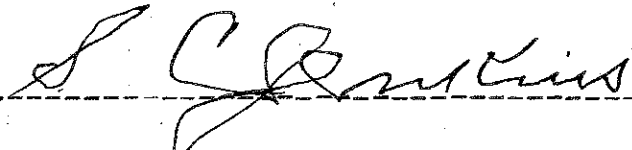
Both your Orator and the respondent have been for more than three
years, prior to and preceding the filing of the Bill of Complaint in
this cause, bona fide resident citizens of Baldwin County, Alabama and
both are over the age of twenty one years. Your Orator resides now at
Perdido, Alabama in said Baldwin County and the respondent resides now
in the state of Florida, near Atmore, Alabama, where she went after
she left your Orator to take a position in a beer joint and grogery
near said town of Atmore, Alabama, but over in the state of Florida,
where she is now employed temporarily.

2. That your Orator further shows unto your Honor, that for some time
before the respondent, the said Annie B. Poston, left your Orator, she
became a lewd, unchaste and dissolute woman, associating with all kinds
of lewd, unchaste and dissolute people; that she committed the act of
adultery with one, Joel Heathcock, and had adulterous relations with
other divers and sundry men. That at the present time, she is working
in a beer joint over in the State of Florida in said joint, where she
still continues to associate with all kinds of lewd, dissolute and im-
moral people.

Wherefore, the premises considered, your Orator, the said Jesse Poston,
prays that a subpoena be issued and directed to the said Annie B Poston,
the respondent in this cause,; that she be brought before or into this
honorable court either on personal service or on publication as provided
by statue and be made to answer the charges herein made against her;

; that she may be made a party defendant to the Bill of Complaint filed in this cause and that upon a final hearing of the evidence in the cause, your Honor will order, adjudge and decree that the bonds of matrimony, heretofore existing between your Orator and the respondent, the said Annie B. Poston, be forever dissolved and that your Honor will, also, order, adjudge and decree that the Complainant, your Orator, may be permitted to marry again and that he be granted such other and further relief as may in equity and good conscience seem meet and proper to your Honor.

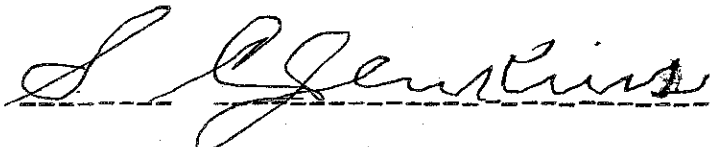
And your Orator will ever pray etc.



Solicitor for the Complainant.

Foot Note:-

The respondent is required to answer each and every paragraph of the foregoin Bill of Complaint from item 1 to item 2 inclusive, but her answer under oath is hereby expressly waived.



Solicitor for the Complainant.

STATE OF ALABAMA,
BALDWIN COUNTY.

PERSONALLY appeared before me, the undersigned authority,
JESSE POSTON, who after being by me first duly sworn, deposes and says,
that he is the complainant in the bill of complaint of Jesse Poston
vs. Annie B. Poston, now pending in the Circuit Court of Baldwin County,
in Equity. Affiant states that the said ANNIE B. POSTON is a non-
resident of the State of Alabama; ~~that her present post office add-

###.~~

Affiant further states and swears that she is a non-res-
ident of the State of Alabama, and that both he and the said Annie
B. Poston are over the age of twenty-one years.

Sworn to and subscribed before me,
this the 4th day of October, 1938.
##,

Maudie Thompson
Deputy Clerk

Jesse Poston

JESSE POSTON,)
COMPLAINANT)
vs)
ANNIE B. POSTON,)
RESPONDENT)

IN THE CIRCUIT COURT OF BALDWIN COUNTY
ALABAMA

IN EQUITY

No. 490

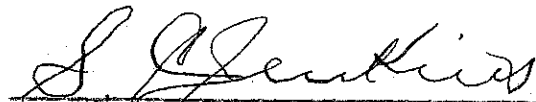
Comes now the Complainant and demurs to the cross bill upon the following separate and several grounds, viz:

1st. The Cross Bill is without equity.

2nd. The Cross Bill does not show that the parties are living separate and apart from each other.

3rd. The Cross bill fails to show that the parties are separated through any fault of the Complainant.

4th. The Cross Bill does not show that the Complainant has failed to support the said Respondent, in accordance with his ability.



Solicitor for Complainant and
Cross Respondent.

CHANCERY EXECUTION

BILL OF COSTS

No. 491

Jesse Pastor
Vs.
Amie B Pastor

Plaintiff

Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$
Filing each bill and other papers.....	\$ 10	40	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%.	20
Issuing each subpoena.....	50	80	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof.....	40	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.....	50
Entering each return thereof.....	15		(Acts 1915)	
Docketing each case.....	1 00		Total Fees of Register.....	770
Entering each appearance.....	25		FEES OF SHERIFF	
Issuing each decree pro confesso on per. ser.....	1 00		Serving and returning subpoena on deft.....	\$1 50
Issuing each decree pro confesso on publication.....	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		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 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.....	320
Issuing each subpoena.....	25		RECAPITULATION	
Witness certificate, each.....	25		Register's Fees.....	770
Issuing execution, each.....	75		Sheriff's Fees.....	201
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.....	1370
Exam'ing each voucher of Receiver, etc.....	10			
Examining each answer, etc.....	3 00			
Recording resignation, etc.....	75			
Entering each cert. 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 ct.; all over \$100 and not exceeding \$1,000, 1½ per ct.; all over \$1,000, an dnot exceeding \$20,000, 1 per ct.; all over \$20,000, ¼ of 1 per ct.				
Sub Total Carried Forward.....				

The State of Alabama, }
Baldwin County. }

No. _____

Circuit Court, In Equity Sept Term, 1941

To Any Sheriff of the State of Alabama—GREETINGS:

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

_____ Defendant.....

you cause to be made the sum of _____ Dollars,

which _____ Plaintiff.....

recovered of Deceased on the 30 day of Sept 1941

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 29th 1941 to date of collection.

Witness my hand, this 29th day of Sept 1941

Register.

into consideration the financial condition of your petitioner; her physical condition, her needs and condition of life; also to ascertain what will be a reasonable fee to be paid by the respondent to the petitioner's solicitors for representing and looking after her interest in this cause; also the nature, quantity and value of the defendant's property, interest and income derived therefrom annually and all wages and salaries paid to him, to determine the sum to be allowed your petitioner out of the income and estate of the respondent into this court and also that the Court will issue an order, Judgement or Decree compelling the Respondent to pay into Court for the remuneration of her solicitors whatever amount be found to be due to the said Solicitors as a reasonable fee for representing and looking after her interests during the pendency of this cause.

Your petitioner avers that a child, Robert Earle Poston, has been born to her since the beginning of this suit and prays that your Honor will order the Register to take testimony concerning the fitness of the parties to be awarded the custody of said minor child.

Arnie B. Poston

Petitioner

THE STATE OF ALABAMA

COUNTY OF ESCAMBIA.

Before me, Robert E. Hodges, a Notary Public in and for said County and State personally appeared Annie B. Poston, who being by me first duly sworn doth depose and say as follows:-

That the allegations set out in the above Petition are true and correct.

Annie B. Poston

Sworn to and subscribed before me this 31 day of January, 1939.

Robert E. Hodges
Notary Public

(SE/L)

RECORDED

John Paster,
Complainant

vs=

Annie Mae Paster,
Respondent

Memorandum to Cross-Bill

Filed January 8, 1934
R. S. Buck, Register

RECORDED

Affidavit

Filed Oct. 4, 1925
R. S. Duesch, Clerk. Registe
By: Hubert Zangman,
Deputy

RECORDED

JESSE POSTON,
Complainant,

vs.

ANNIE B. POSTON,
Respondent.

BILL OF COMPLAINT.

Filed October 4, 1925
A. S. Arch, Register
By: Theodore Thompson,
Deputy

RECORDED

Number 8-

Remuneration & Com. Bill

491

Gen. Foster,

Complainant

vs.

Amos Foster,

Respondent

Filed December 20, 1935

IRI R. DICK

Att. - Register

By *Charles H. Hays*

RECORDED

JESSE POSTON, Complainant,

vs.

ANNIE B. POSTON, Respondent.

ANSWER.

Filed November 8, 1938,

R. S. DUCK

clerk, - register

By *Andrei Chayyan*
Deputy

Serve On _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 497

Summons

VS.

Solicitor for Complainant

Recorded in Vol. _____ Page _____

**THE STATE OF ALABAMA,
Baldwin County**

Received in office this _____

day of _____, 193_____

Sheriff.

Executed this _____ day of _____

, 193_____

by leaving a copy of the Summons with _____

Defendant

Sheriff

By _____
Deputy Sheriff

McBain

Filed January 31, 1934
R.S. Buck, Register
By Arthur H. Thompson, Deputy

RECEIPT FOR REGISTERED ARTICLE No. 236

12 fee paid. 10-7 class postage paid. 1938 (Date)

Declared value, \$ 10.00 (Insured fee paid, \$ 0.00)

From W. H. Dyer, Civ. Clk. (Sender)

Addressed to Thurston, Ala. (Post office and State)

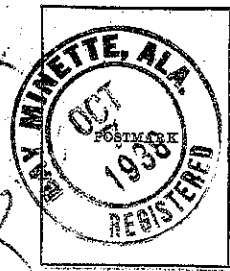
(Street and number) (Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery

Return receipt fee 3 (in person or order) Special delivery fee MA

Delivery restricted to addressee Fee paid 10 Postmaster, per MA

GPO 5-6869



Post Office Inspection OFFICIAL BUSINESS REGISTERED ARTICLE NO. 236 INSURED PARCEL NO. 236 RETURN TO W. H. Dyer NAME OF SENDER W. H. Dyer STREET AND NUMBER Thurston, Ala. POST OFFICE Thurston, Ala. STATE Ala.

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the official number of which appears on the face of this card.

.....
(Signature of addressee or agent)

.....
(Signature of addressee's agent)

.....
Date of Mailing

Form 1010

U.S. POSTAL SERVICE

*John W. ...
...
...
...
...*