

BERNICE KITCHENS,

Complainant,

VS.

ORBIE KITCHENS,

Respondent.

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

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

Your Oratrix, Bernice Kitchens, brings this Bill of Complaint against Orbie Kitchens and thereupon your Oratrix complains and shows unto the Court as follows:

1. Your Oratrix is over twenty-one years of age and a bona fide resident of <sup>T Baldwin County</sup> Alabama and the said Orbie Kitchens is over twenty-one years of age and a resident of Barnwell, Alabama.

2. Your Oratrix and the said Orbie Kitchens were lawfully married at Pensacola, Florida on to-wit, June 17, 1931, and lived together as man and wife until about August 22, 1934, when they separated, at which time they were residing in Baldwin County, Alabama.

3. Your Oratrix is the mother and the said Orbie Kitchens the father of Elsie Winona Kitchens, a girl child fifteen months of age who has always resided with your Oratrix, its mother.

4. Your Oratrix further shows unto the Court and your Honor that the said Orbie Kitchens has become addicted after marriage to habitual drunkenness and/or on to-wit, August 22, 1934, and at various times prior thereto, the said Orbie Kitchens became angry with your Oratrix without fault on her part and threatened to beat and kill her, and because of his said acts she was put in fear of being injured or done great bodily harm if she tried to continue to live with the said Orbie Kitchens.

PRAYER FOR PROCESS.

Your Oratrix prays that the said Orbie Kitchens be made a party respondent to this Bill of Complaint and that the

usual process of this Honorable Court do forthwith issue to him.

PRAYER FOR RELIEF.

Your Oratrix prays that upon a final hearing of this cause your Honor will enter and grant unto her a divorce dissolving the bonds of matrimony now existing between your Oratrix and the said Orbie Kitchens, will grant unto her the right to marry again, award unto her the custody and control of the said minor child, Elsie Winona Kitchens. Your Oratrix further prays for such other, further and general relief as she may be entitled to the premises considered.

  
  
\_\_\_\_\_  
Solicitor for Oratrix. 

FOOT NOTE: The said Orbie Kitchens is required to answer each and every paragraph of the foregoing Bill of Complaint numbered 1 to 4 inclusive, but not under oath, his oath thereto being hereby expressly waived.

\_\_\_\_\_  
Solicitor for Oratrix.

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 Orbie Kitchens,

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

Bernice Kitchens

against said Orbie Kitchens

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 11th day of September 1934

M. A. Stone Register

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

BERNICE KITCHENS,

Complainant,

VS.

ORBIE KITCHENS,

Respondent.

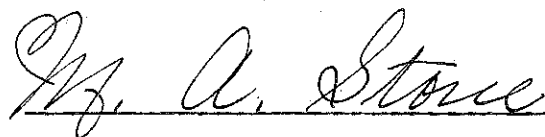
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it being made to appear to the Register that a summons was served upon the Respondent by a Deputy Sheriff of Baldwin County, Alabama, on the 22nd day of September, 1934, requiring him to appear, and plead, answer or demur to the Bill of Complaint in this cause within thirty days from service of said summons and the said Respondent having failed to plead, answer or demur to the said Bill to the date hereof; it is now therefore, on motion of the Complainant, Ordered and Decreed that the Bill of Complaint in this cause be and it hereby is, in all things taken as confessed against the said Orbie Kitchens, Respondent aforesaid.

WITNESS my hand this 23rd day of October, 1934.



Register.

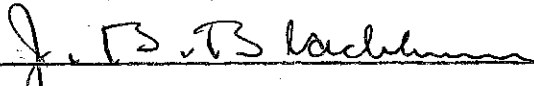
BERNICE KITCHENS,  
Complainant,  
VS.  
ORBIE KITCHENS,  
Respondent.

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

MOTION FOR DECREE PRO CONFESSO.

Motion is hereby made for a Decree Pro Confesso against the Respondent, Orbie Kitchens, on the ground that more than thirty days have elapsed since service of a summons in said cause was made upon him by a Deputy Sheriff of Baldwin County, Alabama, and that he has failed to plead, answer or demur to the Bill of Complaint in said cause to the date hereof.

Dated this 23rd day of October, 1934.

  
Solicitor for Complainant.

The State of Alabama, {  
Baldwin County

CIRCUIT COURT

To Ora Sirmon

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 Bernice Kitchens, Wiley Bishop,

as witnesses in behalf of Complainant, in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Bernice Kitchens

Complainant  
and Orbie Kitchens

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

Witness 29th day of October 19 34

M. A. Stone  
REGISTER

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

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

The State of Alabama }  
Baldwin County

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

BERNICE KITCHENS,

COMPLAINANT

VS.

ORBIE KITCHENS,

RESPONDENT

I, Ora Sirmon,

as ~~Register and~~ Commissioner

have called and caused to come before me Bernice Kitchens and Wiley Bishop

witness es named in the requirement for Oral Examination, on the 29th day of October,  
1934, at the office of J. B. Blackburn,  
in Bay Minette, Alabama, and having first sworn said witness es to speak the

truth, the whole truth, and nothing but the truth, the said Bernice Kitchens and  
Wiley Bishop

doth depose and say as follows:

TESTIMONY OF BERNICE KITCHENS.

I am the Complainant in the above cause. I am over twenty-one years of age and a resident of Baldwin County, Alabama. The Defendant, Orbie Kitchens, is over twenty-one years of age and a resident of Barnwell, in Baldwin County, Alabama. I have resides in Baldwin County, Alabama, all of my life.

I was lawfully married to the Defendant, Orbie Kitchens, in Pensacola, Florida, on Pensacola, Florida on June 17, 1931, and lived with him as his wife until about August 22nd, 1934, at which time we separated. We were residing in Baldwin County, Alabama, at the time of this separation.

I am the mother and Orbie Kitchens is the father of Elsie Winiona Kitchens, a girl child fifteen months old who has always resided with me.

Since I married the said Orbie Kitchens he started drinking and since our said marriage has become and still is an habitual drunkard. On or about August 22, 1934, and on several occasions before that time the said Orbie Kitchens became angry with me without any fault on my part and threatened to beat and kill me. Because of these acts I was put in fear of being done great bodily harm if I tried to continue living with him as his wife.

I reside with my father, Mr. Wiley Bishop, at Barnwell, in Baldwin County, Alabama. He has a good home and is willing to help me care for my minor child and in fact he, my mother and I have cared for the child and paid practically all of its expenses since it was born. The other small part of the expenses were contributed of course by its father, Orbie Kitchens.

Bernice Kitchens

BERNICE KITCHENS,

Complainant,

VS.

ORBIE KITCHENS,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

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

Your Oratrix, Bernice Kitchens, brings this Bill of Complaint against Orbie Kitchens and thereupon your Oratrix complains and shows unto the Court as follows:

1. Your Oratrix is over twenty-one years of age and a bona fide resident of <sup>Baldwin County</sup> Alabama and the said Orbie Kitchens is over twenty-one years of age and a resident of Barnwell, Alabama.
2. Your Oratrix and the said Orbie Kitchens were lawfully married at Pensacola, Florida on to-wit, June 17, 1931, and lived together as man and wife until about August 22, 1934, when they separated, at which time they were residing in Baldwin County, Alabama.
3. Your Oratrix is the mother and the said Orbie Kitchens the father of Elsie Winiona Kitchens, a girl child fifteen months of age who has always resided with your Oratrix, its mother.
4. Your Oratrix further shows unto the Court and your Honor that the said Orbie Kitchens has become addicted after marriage to habitual drunkenness and/or on to-wit, August 22, 1934, and at various times prior thereto, the said Orbie Kitchens became angry with your Oratrix without fault on her part and threatened to beat and kill her, and because of his said acts she was put in fear of being injured or done great bodily harm if she tried to continue to live with the said Orbie Kitchens.

PRAYER FOR PROCESS.

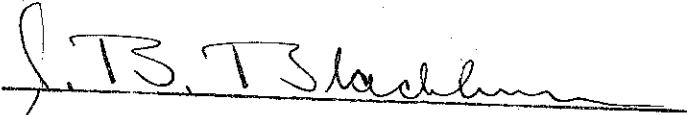
Your Oratrix prays that the said Orbie Kitchens be made a party respondent to this Bill of Complaint and that the



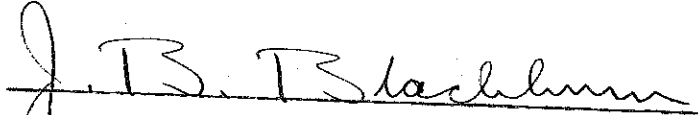
usual process of this Honorable Court do forthwith issue to him.

PRAYER FOR RELIEF.

Your Oratrix prays that upon a final hearing of this cause your Honor will enter and grant unto her a divorce dissolving the bonds of matrimony now existing between your Oratrix and the said Orbie Kitchens, will grant unto her the right to marry again, award unto her the custody and control of the said minor child, Elsie Winiona Kitchens. Your Oratrix further prays for such other, further and general relief as she may be entitled to the premises considered.

  
Solicitor for Oratrix.

FOOT NOTE: The said Orbie Kitchens is required to answer each and every paragraph of the foregoing Bill of Complaint numbered 1 to 4 inclusive, but not under oath, his oath thereto being hereby expressly waived.

  
Solicitor for Oratrix.

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BERNICE KITCHENS,  
Complainant,  
VS.  
ORBIE KITCHENS,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. \_\_\_\_.

DECREE.

This cause coming on to be heard was submitted on the Bill of Complaint, Decree Pro Confesso against the Respondent and the 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 her said Bill.

It is, therefore, Ordered, Adjudged and Decreed by the Court that the bonds of matrimony heretofore existing between the Complainant and Respondent be and the same is hereby dissolved and the said Bernice Kitchens is forever divorced from the said Orbie Kitchens for and on account of the cruelty as alleged in the said Bill of Complaint.

It is further ordered, adjudged and decreed by the Court that the said Bernice Kitchens be and she is hereby permitted to again contract marriage but shall not marry except to the said Orbie Kitchens within sixty days after this date and if an appeal is taken in this cause within sixty days she shall not marry again except to the said Orbie Kitchens during the pendency of the said appeal.

It is further ordered, adjudged and decreed by the Court that the said Bernice Kitchens be and she is hereby granted the custody and control of her minor child Elsie Winiona Kitchens.

It is further ordered, adjudged and decreed by the Court that this cause be retained on the docket for such further orders and decrees as may be or become necessary.

Done at Monroeville, Alabama, on this the 10<sup>th</sup>  
day of November, 1934.

A. M. Hall

Judge of the 21st Judicial Circuit  
of Alabama.

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2000

FILED OF COMPLAINT

BERNICE KETCHUMS, Complainant,  
vs.

ORVILLE KETCHUMS, Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

FILED FOR RECORDS FOR 11 day of  
September, 1994

M. C. Stone  
Proctor

J. B. BLACKBURN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

8581. NOTE OF TESTIMONY

BERNICE KITCHENS,

Complainant,

vs.

ORBIE KITCHENS,

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,  
Decree Pro Confesso against Defendant, Orbie Kitchens and Testimony  
of Bernice Kitchens and Wiley Bishop

and in behalf of Defendant upon

*M. A. Stone*

Register.

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

*Bennett vs. Kitchener*

PLAINTIFF

DEFENDANT

No. 96

*Carrie Kitchener*

## BILL OF COSTS

	Dollars	Cts.			
<b>Fees of Register</b>			<b>Brought Forward</b>		610
Filing each bill and other papers.....	\$	10	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.		
Issuing each Subpoena.....		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per cent of amount received.	15	
Issuing each copy thereof.....		40	Each Notice Sent by Mail to creditors.....	25	
Entering each return thereof.....		15	Filing, Receipting for and Docketing each Claim, etc....	50	
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.....	15	
For each copy thereof.....		15	Making Final Record, per hundred words.....	1 00	
Entering each return thereof.....	1	00	Certified Copy of Decree.....	50	
Issuing Writ of Attachment.....		15	Report of Divorce to State Health Office.....		
Entering each return thereof.....	1	00	Acts 1915		
Docketing each case.....		25	Total Fees of Register.....		960
Entering each Appearance.....	1	00			
Issuing each Decree Pro Confesso on personal service.....	1	00	<b>Fees of Sheriff</b>		
Issuing each Decree Pro Confesso on publication.....	1	00	Serving and Returning Subpoena on Deft.....	\$1 50	
Each order Appointing Guardian.....		50	Serving and Returning Subpoena for Witness.....	65	
Any other order by Register.....		50	Levyng Attachment.....	1 50	
Issuing Commission to Take Testimony.....		10	Entering and Returning same.....	25	
Receiving and Filing.....		10	Selling Property Attached.....	75	
Endorsing each package.....		50	Impaneling Jury.....	2 50	
Entering order Submitting Cause.....		25	Executing Writ of Possession.....	1 50	
Entering any other Order of Court.....		50	Collecting Execution for Costs.....	65	
Noting all Testimony.....	1	00	Serving and Returning Sci. Fa., each.....	65	
Abstract of Cause, etc.....		75	Serving and Returning Notice.....	1 50	
Entering each Decree.....		15	Serving and Returning Writ of Injunction.....	1 50	
For every 100 words over 500.....	3	00	Serving and Returning Writ of Exeat.....	75	
Taking account, etc.....		15	Taking and Approving Bonds, Each.....	2 50	
Taking Testimony, etc.....		2 50	Collecting Money on Execution.....	1 00	
Each Report, 500 words or less.....		15	Making Deed.....	1 50	
For every 100 words over 500.....	2	00	Serving and Returning Application.....	1 50	
Amount claimed less than \$500, etc.....		25	Serving Attachment, Contempt of Court.....	1 50	
Issuing each Subpoena.....		25	Total Fees of Sheriff.....		1 50
Witness Certificate, each.....		75			
Issuing Execution, each.....		15	<b>Recapitulation</b>		
Entering each return.....	1	00	Register's Fees.....		
Taking and Approving Bond, each.....		15	Sheriff's Fees.....		
Making copy of bill, etc.....		50	Commissioner's Fees.....		
Each notice not otherwise provided for.....		50	Solicitor's Fees.....		
Each certificate or affidavit, with seal.....		25	Witness Fees.....		
Each certificate or affidavit, no seal.....		3 00	Guardian Ad Litem.....		
Hearing and passing on application, etc.....		3 00	Printer's Fees.....	3 00	
Each settlement with receiver, etc.....		10	Trial Tax.....		
Examining each voucher of receiver, etc.....		3 00	Recording Decree in Probate Court.....		
Examining each answer, etc.....		75			
Recording resignation, etc.....		50			
Entering each certificate to Supreme Court.....		25			
Taking questions and answers, etc.....		1 00			
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 per cent, all over \$100, and not exceeding \$1,000, 1 1-2 per ct.; all over \$1,000 and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.					
<b>Sub Total Carried Forward</b>			<b>Total</b>		14 10
		610			