

262

CATHERINE KELTERBORN,
Complainant,

NO.

VS.

IN EQUITY

ALBERT KELTERBORN,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

This cause coming on to be heard upon the petition of complainant for a writ of ne exeat republica restraining the defendant from leaving the jurisdiction of this Court without complying with the orders thereof, and it appearing from the allegations of the petition and inspection of the record that such writ was heretofore issued by the Honorable the Chancery Court for the Thirteenth District of the Southwestern Division, State of Alabama, on August 16, 1916, which said Court had at that time jurisdiction of this cause, but that said writ was not executed but returned "not found in Mobile or Baldwin Counties"; and it further appearing that the said defendant has now returned to the State of Alabama;

It is hereby ordered and decreed that a further writ of ne exeat republica issue forthwith, requiring any Sheriff of the State of Alabama to cause the said Albert Kelterborn to enter into bond with sufficient surety in the sum of THREE HUNDRED DOLLARS, payable to the said Catherine Kelterborn and approved by her, and conditioned that the said Albert Kelterborn will not go nor attempt to go beyond the limits of Mobile and Baldwin Counties without leave of this Court first had, and in event of failure or refusal to make such bond and security said sheriff will then commit him to jail, there to be safely kept until he shall have entered into such bond and security, or is otherwise discharged by law.

Done in term time at Bay Minette, Alabama, this the 31st day of May, 1920.

John D. Leigh

Judge of the Circuit Court
of Baldwin County, Alabama.

NO. 262

IN EQUITY.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Catherine Kelterborn,
vs.
Albert Kelterborn.

ORDER OF
WRIT OF NE EXEAT REPUBLICA.

Filed May 31, 1970
D. W. Minner
Register

RECORDED

Rickarby, Frazer & Beebe,
Solicitors.

CATHERINE KELTERBORN,
Complainant,

VS.

ALBERT KELTERBORN,
Defendant.

NO.

IN EQUITY.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

Comes the complainant and shows unto the Court that on August 15, 1916, she filed a bill in Chancery at Mobile, which then had jurisdiction of the parties to the cause, and that in due time a decree of divorce was rendered on June 13, 1917, which said decree gave complainant custody of the children of the marriage, and an order of reference to the Register to ascertain and report suitable alimony and solicitors' fees to be allowed complainant out of defendant's estate; that said reference was duly held by the then Register in Chancery and upon same a decree was made February 1, 1917, allowing complainant the sum of Fifty Dollars as solicitors' fees and a further sum of Twenty-five Dollars per month as alimony.

Complainant further shows that when this bill was instituted the defendant was a resident of the town of Fairhope, but that on learning that divorce proceedings had been filed and that an effort was being made to make him support his wife and children, he secreted himself so as to avoid service of process, and absconded from the State, so that personal service was not had upon him, but service was duly made according to law by publication; that in anticipation of such action, complainant prayed to the Court for a writ of ~~ne exeat republica~~, which said writ was granted by the Honorable Thomas H. Smith, then Chancellor, on August 16th, returnable on the third Monday in September, 1916, but which said writ was not served for the reason set out above.

Complainant now further shows that after the lapse of more than three years, defendant has returned to Alabama, and persists in coming to Fairhope and annoying and threatening complainant, and placing himself again within the jurisdiction of this Honorable Court.

Complainant further shows that by an Act of the 1915 Legislature, jurisdiction of causes arising in Baldwin County was transferred from the Chancery Court at Mobile to this Honorable Court, and all papers and records relating to pending causes should have been transferred to the custody of the Register at Bay Minette; that owing to a misunderstanding of the law, this was not done nor was the sole jurisdiction of this Court in causes arising in Baldwin County recognized as applying to causes pending in the Chancery Court of Mobile until a recent decision of the Supreme Court, for which reason complainant is informed that the reference held by the Register in Mobile after January 17th, the date when said transfer went into effect was involved and that thereafter the Circuit Court of Mobile has no further jurisdiction in this cause.

WHEREFORE, the premises considered, complainant prays:

1st. That the time in which to execute the original order of reference having expired, an alias order of reference be made commanding the Register to hold a reference forthwith to ascertain a reasonable amount to be allowed complainant as solicitors' fee and a further sum proper to be allowed her as permanent alimony for the support of herself and two children.

2nd. That an alias writ of ne exeat issue requiring the defendant to give security not to again leave the State without making suitable provisions to obey the mandates of this Court.

3rd. That such other and further order be made as may seem proper in the premises.

Price Carby Frazer & Beck
Solicitors for the Complainant.

3rd

No. 262

IN EQUITY.

In the Circuit of Baldwin
County, Alabama.

Catherine Kelterborn,
Complainant,

-Vs-

Albert Kelterborn.
Defendant.

Motion for alias order
of reference and writ
of no exeat. ~~it no exeat.~~

Filed May 31, 1920
J W Beckman
Register

RICKARBY, FRAZER, & BEMBE,
Solicitors.

CATHERINE KELTERBORN,
Complainant,

VS.

ALBERT KELTERBORN,
Defendant.

NO.

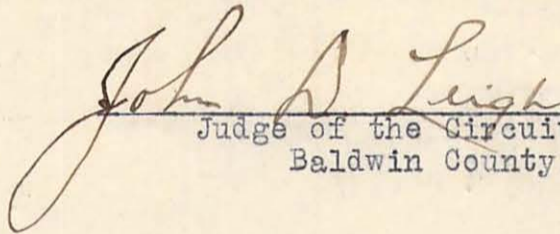
IN EQUITY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

This cause coming on to be heard upon the petition of complainant for an order of reference to ascertain a suitable amount to be allowed her as ^{temporary} permanent alimony and counsel fees, and, it appearing from the allegations of the petition and inspection of the record that such order of reference had heretofore been made on January 13, 1917, but was not legally executed within three months as required by law, through no fault of complainant;

It is hereby ordered and decreed that the Register of this Court hold a reference to ascertain and report suitable alimony and solicitors' compensation to be allowed complainant out of defendant's estate.

Done in term time at Bay Minette, Alabama, on May 24, 1920.



Judge of the Circuit Court of
Baldwin County, Alabama.

2nd

NO. 262

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Catherine Kelterborn,

vs.

Albert Kelterborn.

ORDER OF REFERENCE.

Dated May 31, 1920
J. W. McIlwain
Register

RECORDED

Rickarby, Frazer & Beebe,
Solicitors.