

GEORGE McLAIN,
Complainant,
VS.
MARTHA McLAIN,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

ANSWER.

Now comes Martha McLain, the Respondent in the above entitled cause, and for answer to the Bill of Complaint filed therein says:

I, Martha McLain, being the identical person named in the Bill of Complaint, do hereby accept service in the above matter, a copy of the said Bill having been delivered to me, and hereby waive any and all service which may be required or provided by the laws of the State of Alabama.



I further waive any notice as to the taking of testimony in the said cause, and Complainant may take testimony whenever he desires without my being present.

I further agree that said cause may be submitted at any time which suits the convenience of the Complainant without further notice to me and that this Court may enter Decree in said cause at any time it is submitted to it for such Decree, it being my intent to waive all of the formal notices and requisites of the law as to submitting said cause, as to answering said cause and as to taking the depositions of the witnesses in said cause, but insist that the Complainant be required to prove the material allegations of his Bill of Complaint.

I deny each and every allegation of the Bill of Complaint which has not been hereinabove specifically answered and require that strict proof be made of said allegations.


Respondent.

Witnesses:

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

GEORGE McLAIN

Complainant

VS.

MARTHA McLAIN

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~

on ANSWER & WAIVER

and 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 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 that the said GEORGE McLAIN is forever divorced from the said MARTHA McLAIN

for and on account of Abandonment

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

It is further ordered that GEORGE McLAIN and MARTHA McLAIN be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that GEORGE McLAIN the Complainant pay the cost herein to be taxed, for which execution may issue.

This _____ day of September, 19 39

Judge Circuit Court, in Equity.

I, _____, Register of the Circuit Court for Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

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

Register of Circuit Court, in Equity.

GEORGE McLAIN,

Complainant,

VS.

MARTHA McLAIN,

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 Orator, George McLain, brings this his Bill of Complaint against Martha McLain, and thereupon complains and shows unto the Court as follows:

1. Your Orator is over twenty-one years of age and is now and has been for more than twelve months next preceding the filing of this Bill of Complaint, a bona fide resident of Baldwin County, Alabama. The Respondent, Martha McLain, is over twenty-one years of age and is a resident of and resides in Mobile County, Alabama.

2. Your Orator and the Respondent, Martha McLain, were lawfully married at Tensaw, in Baldwin County, Alabama, during the year 1921, by a minister of the gospel, and lived together as man and wife until to-wit, during the year 1934, when they separated.

3. Your Orator further shows unto the Court that during the year 1934, the Respondent, Martha McLain, without fault on the part of your Orator and without his consent, voluntarily abandoned the bed and board of your Orator and that Complainant and Respondent have lived separate and apart continuously since the said last date. Your Orator therefore charges the Respondent with voluntary abandonment from bed and board for two years next preceding the filing of this his Bill of Complaint.

PRAYER FOR PROCESS.

Your Orator prays that the said Martha McLain be made a party respondent to this bill of complaint, and that the usual process of this Honorable Court do forthwith issue to her.

PRAYER FOR RELIEF.

Your Orator prays that upon the final hearing of this cause your Honor will enter and grant unto him a full and complete decree of divorce dissolving the bonds of matrimony now existing between your Orator and the said Martha McLain, and will give and grant to your Orator the right to marry again should he see fit so to do, and your Orator further prays for such other, further and general relief as he may be equitably entitled to the premises considered.

J. B. Blackburn
Solicitor for Complainant.

FOOT NOTE: The said Martha McLain is required to answer each and every paragraph of the foregoing Bill of Complaint which paragraphs are numbered 1 to 3 both inclusive, but not under oath, the oath thereto being hereby expressly waived.

J. B. Blackburn
Solicitor for Complainant.

The State of Alabama, }
Baldwin County

GEORGE McLAIN

Complainant.....

vs.

MARTHA McLAIN

Defendant.....

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

In Equity.

The Complainant, George McLain,

requests the oral examination of the following named witnesses, on behalf of the

Complainant

viz:

George McLain

said witnesses reside in the County of Baldwin

State of Alabama.

Ora S. Nelson

who resides at

Bay Minette, in Baldwin County, Alabama

or, The Register of this Court is suggested as a suitable person to be appointed Commissioner to take the deposition of said witness on such oral examination.

J. B. Bladburn
Solicitor for Complainant

The State of Alabama, {
Baldwin County

CIRCUIT COURT

To ORA S. NELSON

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 George McLain

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein George McLain is

Complainant
and Martha McLain is

Defendant,
on oath to be by you administered, upon George McLain
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 July 19 39

COMMISSIONER'S FEE, \$ _____

WITNESS' FEES, \$ _____

R. S. Duch
By - Harlice Thompson,
Deputy

REGISTER

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

GEORGE McLAIN

Complainant

VS.

MARTHA McLAIN

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Deceit & Coercion~~

~~ANSWER & WAIVER~~ and 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 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 that the said GEORGE McLAIN is forever divorced from the said

MARTHA McLAIN

for and on account of Abandonment

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

It is further ordered that GEORGE McLAIN and MARTHA McLAIN be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that GEORGE McLAIN the Complainant pay the cost herein to be taxed, for which execution may issue.

This 18th day of September 19 39

F. W. Hare

Judge Circuit Court, in Equity.

I, _____, Register of the Circuit Court for Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

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

Register of Circuit Court, in Equity.

CHANCERY EXECUTION

BILL OF COSTS

No. 557-

George Mc Lain,
Complainant

VS.

Martha Mc Lain,
Respondent

PLAINTIFF

DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$	4	35
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	2	00
Entering each return thereof		15	Certified copy of decree	1 00	1	00
Issuing Writ of Attachment	1	00	Report of divorce to State Health Office (Acts 1915)	50		50
Entering each return thereof		15	TOTAL FEES OF REGISTER		7	85
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	Laying 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	Impaneling Jury	75		
Receiving and filing		10	Executing Writ of possession	2 50		
Endorsing each package		10	Collecting execution for costs	1 50	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		1	50
Amount claimed less than \$500, etc.	2	00	RECAPITULATION			
Issuing each subpoena		25	Register's Fees			
Witness certificate, each		25	Sheriff's Fees			
Issuing execution, each		75	Commissioner's Fees			
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	3	00
Each certificate or affidavit, no seal		25	Recording Decree in Probate Court			
Hearing and passing on application, etc.	3	00	TOTAL		10	00
Each settlement with Receiver, etc.	3	00			7	85
Examining each voucher of Receiver, etc.		10			1	50
Examining each answer, etc.	3	00			10	00
Recording resignation, etc.		75			7	85
Entering each certificate to Supreme Court		50			12	35
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,
Baldwin County

No. 557
Circuit Court, In Equity December Term, 1939

To any Sheriff of the State of Alabama—GREETING:
You are hereby commanded, That of the goods and chattels, lands and tenements of _____
George Mc Lain Defendant
you cause to be made the sum of _____ Dollars,
which _____ Plaintiff
Martha Mc Lain
recovered of _____ on the 18 day of September 1939
by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____ Dollars,
\$12.35

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 _____ 1939 to date of collection.
Witness my hand, this 14 day of December 1939
R.S. Dush Register

RECORDED

2-794

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

VS.

NOTE OF TESTIMONY

Filed in Open Court this 18

day of September 1939

R.S. Dorch

REGISTER

The State of Alabama, Baldwin County

CIRCUIT COURT IN EQUITY

No. Page

The State Of Alabama
Baldwin County

In Circuit Court, In Equity

GEORGE KOLATH

vs. Complainant.

MARIEA KOLATH

Respondent.

DIVORCE DECREE

RECORDED

ANSWER

Filed July 20 1929
R.S. Dink, Register
By - Andrew Thompson,
Deputy Register

RECORDED

BILL OF COMPLAINT.

GEORGE McLAIN,

Complainant,

VS.

MARTHA McLAIN,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Filed July 30, 1939
H. S. Buck, Register
By Matthew Thompson
Deputy Register

DEC 1 1939

DEC 1 1939

No. 557

THE STATE OF ALABAMA
Baldwin County.

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

George M. Davis,

Complainant

Martha M. Davis,

Respondent

CHANCERY EXECUTION
Fi. Fa.

\$ 12.35

Total \$ 12.35

Fee Book *Consolidated* Page 557

Execution Docket " " Page " "

J. B. Blackburn
Complainant's Solicitor

ha _____ duly waived _____ right
to the exemption of personal property as to
the collection of the debt for which this execu-
tion is issued.

Register.

Received in office this

14

day of *December* 1939

W. B. Stuart

Sheriff

Execution Docket _____ Page _____

The State of Alabama, }
Baldwin County

By virtue of the within execution I have levied

collected from
J. B. Blackburn Ten Dollars \$10.00, Court
Order of H. E. Smith Deputy Clerk.
Feb 19th 1940

W. B. Stuart
Sheriff

J. B. Blackburn

D.S.

COURT OF EQUITY

Complaint

No. Page

The State Of Alabama
Baldwin County

In Circuit Court, In Equity

GEORGE MCCLAIN

vs. Complainant

MARTHA MCCLAIN

Respondent

DIVORCE DECREE

*Filed Sept. 17, 1939
A.S. Cook, Reporter*

RECORDED

2-491

[Faint, mostly illegible text from the reverse side of the document, including what appears to be a divorce decree and a signature block.]

RECORDED
NO. _____

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

_____ vs. Complainant _____

_____ Defendant _____

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

RECORDED

CIRCUIT COURT OF
Baldwin County, Alabama

IN EQUITY

Complainant..

vs.

Defendant..

DEMAND FOR ORAL EXAMINATION

Filed *July 28* 19*39*

Register.

R. S. Buel
Moore Printing Co. :::: Bay Minette, Ala.

#557

The State of Alabama }
Baldwin County

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

GEORGE McLAIN

COMPLAINANT

vs.

MARTHA McLAIN

RESPONDENT

I, Ora S. Nelson

as ~~Register and~~ Commissioner

have called and caused to come before me George McLain

witness .. named in the Requirement for Oral Examination, on the 12th day of August

19 39, at the office of J. B. Blackburn, Attorney,

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

truth, the whole truth, and nothing but the truth, the said George McLain

doth depose and say as follows:

My name is George McLain. I am a bona fide resident of Baldwin County, Alabama, where I have resided for more than twelve months next preceding the filing of the Bill of Complaint in this cause and am a citizen of Baldwin County, Alabama. I am over twenty-one years of age.

The respondent, Martha McLain is over twenty-one years of age and is a resident of Mobile County, Alabama.

I was lawfully married to the respondent, Martha McLain at Tensaw, in Baldwin County, Alabama, in the year 1921, by a minister of the gospel and lived with her as her husband until the year 1934 when we separated because she abandoned or left me. The respondent, Martha McLain abandoned me in the year 1934 without fault on my part, without my consent, voluntarily abandoned my bed and board and has lived separate and apart from me for more than two years next preceding the filing of the Bill of Complaint in this cause, and since the year 1934.

We were living at Tensaw in Baldwin County, Alabama, when the separation occurred. We were living at my home in Tensaw, when the respondent, Martha McLain, became dissatisfied and left my place to go to her mother's home. This abandonment by the said Martha McLain occurred during the month of January, 1934, she never returned to my home since that date and has continuously lived away from me. We have not lived together as man and wife or otherwise since January, 1934. The abandonment by her of me was without fault on my part and without my consent.

Witnesses

H. E. Smith
Ora S. Nelson

George McLain
mark

ORAL EXAMINATION

I, Ora S. Nelson, 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 . . . and read over to him and he signed the same in the presence of myself and H. E. Smith at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness . . . or had proof made before me of the identity of said witness . . . ; 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 12th day of August 1939.

Ora S. Nelson (L. S.)

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

GEORGE McLAIN,

vs. COMPLAINANT

MARTHA McLAIN,

RESPONDENT

ORAL DEPOSITION

Filed September 18, 1939

R. S. Bruce, Register
RECORDED IN

Record

Vol. _____ Page _____

Register