

Testimony on Oral Examination
of the witnesses-Marvin Brown,
J. F. Milstid and J. G. Meadows
witnesses for the complainant in
the case of Marvin Brown vs. Nora
Mae Brown in the Court of Baldwin
County, Alabama, taken on the 10th
day of November, 1934.

Lawrence Fountain
Commissioner

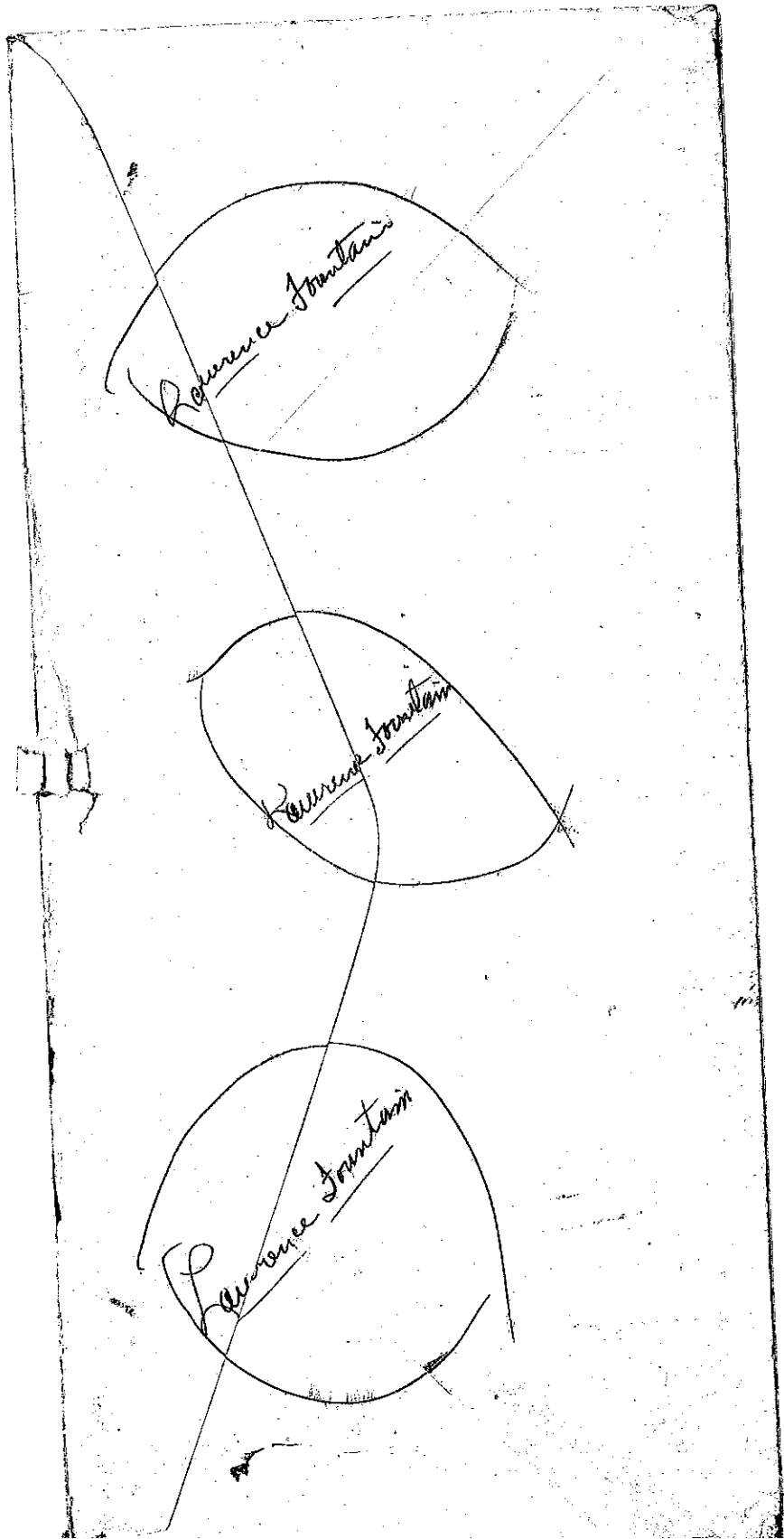


92

Mrs. M. A. Stone,
Register
Bay Minette, Alabama.

*Filed Nov. 19 - 34
M. A. Stone
Reg.*

AFTER FIVE DAYS RETURN TO
FRANK G. HORNE
ATTORNEY-AT-LAW
ATMORE, ALABAMA



Marvin Brown

vs.

Nora Mae Brown

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, _____
Commission to Take Testimony, Deposition of Marvin Brown, J. F.
Milstid and J. G. Medows, and Request for Decree in Vacation,

and in behalf of Defendant upon Answer and Waiver

W. A. Stone

Register.

92

No. 92

~~RECORDED~~
sub

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

Marvin Brown

vs.

Nora Mae Brown

NOTE OF TESTIMONY

Filed in Open Court this _____

day of _____ 193_____

REGISTER

The State of Alabama, Baldwin County.

IN CIRCUIT COURT, IN EQUITY

Marius Brown Complainant

vs.

Nora Mae Brown Defendant

In the above stated cause a ~~Decree Pro Confesso~~ having been taken against the Defendant, and the evidence having been taken and the cause being ready for submission for final decree, and ~~no~~ defense having been interposed, the Complainant by his Solicitors of Record, now files with the Register of said Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Frank S. Hame
Solicitor for Complainant.

No.

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Page

Over

RECORDED

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The State of Alabama,

.....COUNTY.

Circuit Court, in Equity

vs. Complainant.

Defendant.

Request for Decree in Vacation

Filed 13 day of Nov, 1934

J. A. Stone, Register.

Recorded in

Record

Vol. Page

Register.

The State of Alabama, } No. 92 CIRCUIT COURT IN EQUITY
Baldwin County }

Marvin Brown, Complainant

vs.

Nora Mae Brown 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

Abandonment

It is further ordered, that the said Marvin Brown be, and he 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 Marvin Brown 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 Nora Mae Brown

It is further ordered, adjudged and decreed that the said Marvin Brown shall not again marry except to said Nora Mae Brown until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Nora Mae Brown

during the said pendency of appeal

This _____ day of _____ 19____

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 _____ 9____,

No. _____

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.
Baldwin County, Ala.

VS

DECREE OF DIVORCE

Filed in office this _____

day of _____, 19____

Register.

E. O. M. _____

92

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

No. 92

Martin Brown
VS.

PLAINTIFF

Nora Mae Brown

DEFENDANT

BILL OF COSTS

Fees of Register	Dollars	Cts.	Brought Forward	
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.	3 50
Issuing each Subpoena.....		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per cent of amount received.	
Issuing each copy thereof.....		40	Each Notice Sent by Mail to creditors.....	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 hundred 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.....	6 70
Entering each Appearance.....		25		
Issuing each Decree Pro Confesso on personal service.....	1	00	Fees of Sheriff	
Issuing each Decree Pro Confesso on publication.....	1	00	Serving and Returning Subpoena on Deft.....	\$1 50
Each order Appointing Guardian.....	1	00	Serving and Returning Subpoena for Witness.....	65
Any other order by Register.....		50	Levyng Attachment.....	1 50
Issuing Commission to Take Testimony.....		50	Entering and Returning same.....	25
Receiving and Filing.....		10	Selling Property Attached.....	75
Endorsing each package.....		10	Impanelling Jury.....	75
Entering order Submitting Cause.....		50	Executing Writ of Possession.....	2 50
Entering any other Order of Court.....		25	Collecting Execution for Costs.....	1 50
Noting all Testimony.....		50	Serving and Returning Sci. Fa., each.....	65
Abstract of Cause, etc.....	1	00	Serving and Returning Notice.....	65
Entering each Decree.....		75	Serving and Returning Writ of Injunction.....	1 50
For every 100 words over 500.....		15	Serving and Returning Writ of Exeat.....	1 50
Taking account, etc.....	3	00	Taking and Approving Bonds, Each.....	75
Taking Testimony, etc.....		15	Collecting Money on Execution.....	
Each Report, 500 words or less.....	2	50	Making Deed.....	2 50
For every 100 words over 500.....		15	Serving and Returning Application.....	1 00
Amount claimed less than \$500, etc.....	2	00	Serving Attachment, Contempt of Court.....	1 50
Issuing each Subpoena.....		25	Total Fees of Sheriff	
Witness Certificate, each.....		25		
Issuing Execution, each.....		75	Recapitulation	
Entering each return.....		15	Register's Fees.....	6 40
Taking and Approving Bond, each.....	1	00	Sheriff's Fees.....	
Making copy of bill, etc.....		15	Commissioner's Fees.....	3 00
Each notice not otherwise provided for.....		50	Solicitor's Fees.....	
Each certificate or affidavit, with seal.....		50	Witness Fees.....	
Each certificate or affidavit, no seal.....		25	Guardian Ad Litem.....	
Hearing and passing on application, etc.....	3	00	Printer's Fees.....	
Each settlement with receiver, etc.....	3	00	Trial Tax.....	3 00
Examining each voucher of receiver, etc.....		10	Recording Decree in Probate Court.....	
Examining each answer, etc.....	3	00		
Recording resignation, etc.....		75	Total	14 70
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 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.				
Sub Total Carried Forward		3 80		

Received payment this _____ day of _____ 193_____

Register.

92

Circuit Court, Baldwin County, Ala.
In Equity.

No. 92

Marius Brown

VS.

Nara Ma Brown

Cost Bill

Paid _____, 193_____

Register

Moore Ptg. Co.

FRANK G. HORNE
ATTORNEY-AT-LAW
ATMORE, ALABAMA

November 8, 1934.

Mrs. M. A. Stone,
Register,
Bay Minette, Alabama.

Dear Mrs. Stone:

You will find enclosed waiver in the case of Marvin Brown vs. Nora Mae Brown. Please send me a commission to Lawrence Fountain as commissioner to take the depositions on oral examination of the following witnesses who reside at Atmore, Alabama: Marvin Brown, J. F. Milstid and J. G. Meadows. I want this waiver by in the morning as I want this divorce in the next few days.

I will send you request for decree in vacation in the White divorce case in the next few days.

Very truly yours,


FRANK G. HORNE

THE STATE OF ALABAMA:.....BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY, AT BAY MINETTE? ALABAMA.

MARVIN BROWN, COMPLAINANT vs. NORA MAE BROWN, DEFENDANT.

Comes Nora Mae Brown the person named in the bill of complaint in this case as defendant and for answer to said Bill of Complaint denies the allegations thereof and demands strict proof of same. She also waives service by the Sheriff of Subpoena on said bill of complaint, a copy of the interrogatories filed in the cause, notice of the filing of them, waives the ten days allowed by law to cross them, the right to cross them, and consents that the cause be submitted in vacation to the Judge for decree in vacation on note of testimony to be made by the Register.

Nora Mae Brown
DEFENDANT.

The state of Alabama:.....Covington County.

Before me, O. M. Martin, a Justice of the peace in and for said County and state, personally appeared Mrs. Nora Mae Brown, who is known to me and whose name is signed to the foregoing answer to a certain Bill of Complaint filed on the 5th day of November, 1934 wherein Marvin Brown is the Complainant and Nora Mae Brown is the defendant, and who is known by me to be the identical person named in said Bill of Complaint in this Cause acknowledged before me on this day that being informed of the allegations of the Bill of Complaint filed against her by Marvin Brown, who is her husband, she signed the answer hereto attached voluntarily on the day same bears date. And I further certify that she signed the answer in my presence.

Given under my hand and seal this 5th day of Nov., 1934.

Brown

vs.

Brown

92



File & open 9th 1994
M. J. A. Stone
Michigan

The State of Alabama, { No. 92 CIRCUIT COURT IN EQUITY
Baldwin County }

Marvin Brown, Complainant

vs.

Nora Mae Brown 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 dis-

solved, and the complainant is forever divorced from the Defendant, on account of _____

Abandonment

It is further ordered, that the said Marvin Brown

be, and _____ he 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 Marvin Brown

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 Nora Mae Brown

It is further ordered, adjudged and decreed that the said Marvin Brown

shall not again marry except to said Nora Mae Brown

until sixty days after this date, and that if an appeal is taken within sixty days _____ he shall not

marry again except to said Nora Mae Brown

_____ during the said pendency of appeal

This 15th day of November 1934

F. W. Hare

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 _____ 9____,

No. 92

RECORDED
APR 22 1933

92

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY,
Baldwin County, Ala.

William Brown

VS

John Brown

DECREE OF DIVORCE

Filed in office this Nov 15th

day of _____, 1933

W. R. Stone
~~as~~ Register.

E. O. M.

MARVIN BROWN, :
 Complainant. : IN THE CIRCUIT COURT OF BALDWIN
 vs. : COUNTY, ALABAMA. IN EQUITY.
 Nora Mae Brown, :
 Defendant. : NO. 92

TO HONORABLE FRANCIS W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL DISTRICT OF THE STATE OF ALABAMA: GREETING.

Now comes your orator, Marvin Brown, humbly complaining of the defendant, Nora Mae Brown, in a matter of divorce as will hereinafter appear, and represents and shows unto Your Honor as follows:

FIRST.

That your orator and the defendant are over the age of twenty one years and have both resided in Baldwin County, Alabama for more than three years next preceding the filing of this Bill of Complaint.

SECOND.

That your orator and the defendant were married in Baldwin county, Alabama on, to-wit, the 13th day of April, 1929 and lived together as man and wife until, on, to-wit, the 21st day of July, 1932.

THIRD.

That on, to-wit, the 21st day of July, 1932 the defendant without any just cause or good excuse voluntarily abandoned your orator from bed and board and has not returned to live with him as his wife since the date of the said abandonment.

PRAYER FOR PROCESS

To the end that equity may be had in the premises your orator prays that the said Nora Mae Brown be made a party defendant to this Bill of Complaint and that a subpoena be issued and served on her, requiring her to plead, answer or demur to the Bill of Complaint within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Your orator prays, premises considered, that on a final hearing of this cause your Honor will make and enter a decree dissolving the bonds of matrimony heretofore existing between your orator and the defendant and permitting him to again marry should he so desire. Your prays such other further and general relief to which he may be entitled, premises considered, and your orator will ever pray, etc.

Frank E. Horn
SOLICITOR FOR THE COMPLAINANT

FOOTNOTE:

DEFENDANT IS REQUIRED TO ANSWER EACH AND EVERY PARAGRAPH OF THE FOREGOING BILL OF COMPLAINT, NUMBERED "FIRST" "SECOND" AND "THIRD", BUT NOT UNDER OATH ANSWER UNDER OATH BEING HEREBY EXPRESSLY WAIVED.

Frank E. Horn

92

RECORDED
Book

Martin Brown

vs

Tom MacBroom

Filed Nov 7 1934

Wm. D. Stone

Register

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To Lawrence Fountain

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 Marvin Brown, J. F. Milstid and J. G. Medows.

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

Marvin Brown is the Complainant

and

Nora Mae Brown is the Defendant,

on oath to be by you administered, upon them

to take and certify the deposition s. of the witness es. and return the same to our Court, with all convenient speed, under your hand.

Witness 9th day of NOV. 19 34

M. A. Stone

REGISTER

COMMISSIONER'S FEE, \$ _____

WITNESS' FEES, \$ _____

NO _____

The State of Alabama

BALDWIN COUNTY

CIRCUIT COURT

92

Marvin Brown

Complainant

vs.

Nora Mae Brown

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Lawrence Fountain

WITNESSES:

Marvin Brown,

J. F. Wilstid,

J. G. Meadows

The State of Alabama, BALDWIN County

IN CIRCUIT COURT, IN EQUITY

Marvin Brown Complainant

vs.

Nora Mae Brown Defendant

Oral examination before the ~~REGISTRAR~~ of the following witnesses:

Marvin Brown, J. F. Milstid

who reside in Alabama, said examination being conducted in Atmore, Alabama,

on this the 10th day of November, 1934 and there being present

The commissioner and the said witnesses

The said Marvin Brown being first sworn to speak the truth, the whole truth, and nothing but the truth, testified as follows: I am the complainant in the above styled case. I married the defendant on, to-wit, the 13th day of April, 1929. We are both over the age of twentyone years and have been bona fide residents of Baldwin County for more than three years next preceding the filing of the bill of complaint in this case. On, or about the 21st day of July, 1932 the defendant, without any just cause or good excuse abandoned me and has never returned to live with me as my wife. The abandonment was voluntary on her part and was without any fault on my part.

Marvin Brown

I, Lawrence Fountain, as Commissioner

hereby certify that the foregoing deposition..... on oral examination were taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of each other, at the time and place herein mentioned; that I have personal knowledge of the personal identity of the 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 in any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court, and placed the same on file in my office.

Given under my hand and seal this the 10th day of November, 1934

Lawrence Fountain (L. S.)

WITNESS FEES.

I hereby certify that the following named witnesses are entitled to the amounts stated below:

.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....
.....	days' attendance at \$1.50 per day.....	\$.....

REGISTER'S FEES.

.....	days at \$1.50 per day.....	\$.....
.....	words at 20 cents per hundred.....	\$.....

The said ~~Franklin~~ J. F. Milstid being first sworn to speak the truth, the whole truth and nothing but the truth, testified as follows: I know the complainant and the defendant in this case. They were married on or about the 13th day of April, 1929. They are both over the age of twentyone years and have both resided in Baldwin County, Alabama for the three years next preceding the filing of this bill of Complaint. On or about the 21st day of July, 1932 the defendant without any just cause or good excuse abandoned the complainant and has never returned to live with him as his wife. I know that the defendant voluntarily left him and I know that it was without any fault on the part of the complainant.

J. F. Milstid

J. G. Meadows, being first duly sworn to speak the truth, the whole truth and nothing but the truth, testified as follows:

I know the complainant and the defendant in this case. They are both over the age of twenty one years and reside in Baldwin County, Alabama where they have resided for more than three years next preceding the filing of the Bill of Complaint in this case. They were married in April 1929 and lived as man and wife in Baldwin County until on or about the 21st day of July, 1932 at which time without any just cause or good excuse the defendant abandoned the complainant and has never since returned to live with him as his wife.

J. G. Meadows