

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTC CO.

STATE OF ALABAMA,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY.

No. 588

Term, 1920.

TINY MAYER

, Complainant.

vs.

JOSEPH MAYER,

, Defendant.

To R. S. Duck, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by W. C. Beebe

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

W. C. Beebe

Solicitor for Complainant.

8581. NOTE OF TESTIMONY

TINY MAYER,

Complainant,

vs.

JOSEPH MAYER,

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,
Motion for Decree Pro Confesso; Decree Pro Confesso; Deposition
of Tiny Mayer and Yarmilla Mayer, and Request for Decree in
Vacation;

and in behalf of Defendant upon

R. S. Deuch

Register.

588

The State of Alabama,
Baldwin County.

No. 588 ... CIRCUIT COURT IN EQUITY.

TINY MAYER,

Complainant

vs.

JOSEPH MAYER,

Defendant

Motion is hereby made for a Decree Pro Confesso against

Joseph Mayer,

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant; and that said summons was duly served according to law, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 18th day of April 1940.

Richard Steel
W. C. Green

Solicitor.

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

Comes TINY MAYER, and humbly complaining against JOSEPH
MAYER, respectfully shows unto your Honor as follows:

FIRST:

That your complainant and the said Joseph Mayer are each
over the age of twenty-one years and residents of Baldwin County,
Alabama.

SECOND:

That your complainant and the said Joseph Mayer were
married in Baldwin County, Alabama, in 1923 and lived together in
the County of Baldwin, State of Alabama, as husband and wife until
June, 1938. That the said Joseph Mayer is a man of violence and
ungovernable temper and at various times and places abused and beat
your complainant and threatened to kill her and her children. That
in June, 1938, the said Joseph Mayer, without cause or provocation,
became angered at your complainant and cursed and abused her and
threatened to kill her, and was only prevented therefrom by your
complainant fleeing from the home. That from the said conduct of
the said Joseph Mayer, complainant has reasonable apprehension to
believe that should she continue to live with the said Joseph Mayer,
he would do her bodily harm which would impair her health, and fur-
ther fears that he would kill her. Complainant says that she and
the said Joseph Mayer have not lived together since June, 1938, and
that said acts of cruelty and separation occurred in Baldwin County,
Alabama.

THIRD:

Complainant further shows that there were born to your
complainant and the said Joseph Mayer four children, namely, Jere-
miah, Evelyn, Joseph and Mildred, whose ages are respectively, fif-
teen, thirteen, eleven and eight. That the said minor children are
in the custody of your complainant. That she is without means to
support and educate the said children and to support and maintain

herself. That the said Joseph Mayer is an able-bodied man and earns a substantial wage or salary; that he has made no contribution to the support of your complainant or the said children. That the said Joseph Mayer's conduct is such as to require your complainant to employ counsel in the prosecution of this suit.

WHEREFORE, your complainant prays the said Joseph Mayer be made a party defendant to this bill of complaint and be required to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays this Honorable Court will cause a reference to be held to ascertain what reasonable alimony pendente lite and what reasonable allowance for attorney's fee complainant is entitled to in the premises, and that an order and decree be made directing the said Joseph Mayer to pay such alimony pendente lite and attorney's fee as this Court shall find reasonable and just.

Complainant further prays that upon a final hearing of the cause made by this bill of complaint, this Honorable Court will make and enter an order and decree forever dissolving the bonds of matrimony existing between this complainant and Joseph Mayer, and further order, adjudge and decree that the said Joseph Mayer pay to this complainant such sum as this Honorable Court shall deem reasonable and just for her support and the support of her minor children.

Complainant further prays for such other, further or different relief as in equity and good conscience she shall be entitled to receive.


Solicitors for Complainant.

FOOT NOTE:

Defendant is required to answer each and every allegation in the foregoing bill of complaint, Paragraphs FIRST to THIRD inclusive, but not under oath; oath is hereby expressly waived.


Solicitors for Complainant.

STATE OF ALABAMA, }
BALDWIN COUNTY. }

TINY MAYER,
Complainant,
vs.
JOSEPH MAYER,
Respondent.)

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

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Personal Service 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 Tiny Mayer is forever divorced from the said Joseph Mayer for and on account of Cruelty.

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 Tiny Mayer be, and she is hereby permitted to again contract marriage upon the payment of the cost of this suit.

It appearing that there were born to complainant and respondent four children, namely, Yarmilla, Evelyn, Joseph and Mildred, whose ages are fifteen, thirteen, eleven and eight years respectively, and that the complainant is without means to properly support, maintain and educate the said children, and without proper means of support for herself;

It further appearing that the said respondent, Joseph Mayer, is an able-bodied man whose earnings are sufficient to sub-

stantially contribute to the support and maintenance of the said complainant and of the said minor children;

It is further ordered, adjudged and decreed that complainant have the custody of said minor children.

It is therefore further ordered, adjudged and decreed that complainant have and recover of the respondent, Joseph Mayer, for her support and for the support of the said minor children the sum of \$ 25⁰⁰ per month commencing on the 15th day of May, 1940, and a like amount on the 15th day of each month thereafter.

And it further appearing that the complainant has incurred expenses for counsel in the prosecution of this suit, and that the sum of Fifty Dollars (\$50.00) is a reasonable sum therefor;

It is further ordered, adjudged and decreed that the said complainant have and recover of the said respondent, Joseph Mayer, the further and additional sum of Fifty Dollars (\$50.00) as attorney's fees for her counsel in the premises.

It is further ordered, adjudged and decreed that the said Joseph Mayer pay the costs herein to be taxed.

For all of which let execution issue.

This 2nd day of May, 1940.

A. M. Hare
Judge Circuit Court, in Equity.

The State of Alabama, }
Baldwin County

TINY MAYER,

Complainant.....

vs.

JOSEPH MAYER,

Defendant.....

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

In Equity.

The Complainant, by her solicitor,

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

Complainant, - viz:

Tiny Mayer and Yarmilla Mayer

said witnesses reside in the County of Baldwin,

State of Alabama.

Ida M. Turnbull, who resides at

Bay Minette, 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.

W.C. Beebe

Solicitor for Complainant.

**CHANCERY EXECUTION
BILL OF COSTS**

No. 588 *Yiny Mayer,*
Complainant

Vs. *Joseph Mayer,*
Respondent

Plaintiff
Defendant

FEES OF REGISTER		Dollars	Cents		
Filing each bill and other papers	\$ 10		60	Brought Forward	\$ 4 45
Issuing each subpoena	50			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 copy thereof	40			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Entering each return thereof	15			Each notice sent by mail to creditor	15
For each order of publication	1 00			Filing, receipting for and docketing each claim, etc.	25
Issuing writ of injunction	1 50			For all entries on subpoena docket, etc.	50
For each copy thereof	50			For all entries on commission docket, etc.	50
Entering each return thereof	15			Making final record, per 100 words	15
Issuing Writ of Attachment	1 00			Certified copy of decree	1 00
For each copy thereof	50			Report of divorce to State Health Office (Acts 1915)	50
Entering each return thereof	15				
Docketing each case	1 00	1 00		Total Fees of Register	6 95
Entering each appearance	25				
Issuing each decree pro confesso on per. ser.	1 00			FEES OF SHERIFF	
Issuing each decree pro confesso on publica.	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			Levying attachment	3 00
Issuing commission to take testimony	50	50		Entering and returning same	25
Receiving and filing	10	10		Selling property attached	
Endorsing each package	10	10		Impaneling Jury	75
Entering order submitting cause	50	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	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, etc.	1 00
Amount claimed less than \$500, etc.	2 00			Serving attachment, contempt of court	1 50
Issuing each subpoena	25				
Witness certificate, each	25			Total Fees of Sheriff	3 00
Issuing execution, each	75	75			
Entering each return	15	15		RECAPITULATION	
Taking and approving bond, each	1 00			Register's Fees	6 95
Making copy of bill, etc.	15			Sheriff's Fees	3 00
Each notice not otherwise provided for	50			Commissioner's Fees <i>Surrendrell</i>	5 00
Each certificate or affidavit, with seal	50			Solicitor's Fees	
Each certificate or affidavit, no seal	25			Witness Fees	
Hearing and passing on application, etc.	3 00			Guardian Ad Litem	
Each settlement with receiver, etc.	3 00			Printer's Fees	
Examining each voucher of Receiver, etc.	10			Trial Tax	3 00
Examining each answer, etc.	3 00			Recording Decree in Probate Court	
Recording resignation, etc.	75				
Entering each certificate to Supreme Court	50			Total	\$17 95
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, 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		4 45			

The State of Alabama, { No. 588
Baldwin County. Circuit Court, In Equity August Term, 1940

To Any Sheriff of the State of Alabama—GREETING:
You are hereby commanded, That of the goods and chattels, lands and tenements of

Joseph Mayer Defendant

you cause to be made the sum of \$17.95 Dollars,

which Plaintiff

recovered of on the 2 day of May 1940

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 193 to date of collection.

Witness my hand, this 1 day of August 1940

R. S. Durb, Register.

THE STATE OF ALABAMA,
Baldwin County

}

CIRCUIT COURT

TO IDA M. TURNBULL

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

Tiny Mayer and Yarmilla Mayer

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

Tiny Mayer

is Complainant

and Joseph Mayer

is Defendant,

on oath to be by you administered, upon them

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

Witness 25th day of April, 1940.

R.S. Dorch

REGISTER

Commissioner's Fee \$5.00

Witness' Fees, \$

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

JOSEPH MAYER

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

TINY MAYER

against said JOSEPH MAYER

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 30th day of October, 193 9.

R.S. Duck

, Register

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

CIRCUIT COURT OF
Baldwin County, Alabama

IN EQUITY

..... Tiny Mayer,

..... Complainant.

vs.

..... Joseph Mayer,

..... Defendant.

DEMAND FOR ORAL EXAMINATION

Filed April 25, 1920.

W. S. Hutchins Register.

RECORDED

2, 52344

TINY MAYER,
Complainant,

vs,

JOSEPH MAYER,
Respondent.

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

DIVORCE DECREE.

Clerk-Register

by _____ Aug _____ 1940

Filed this 3 day May 1940

R. S. Dicks

Clerk-Register

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Tiny Mayer,

Complainant

VS.

Joseph Mayer,

Defendant

Commission To Take Deposition

COMMISSIONER:

Witnesses:

Tiny Mayer

Silverhill

Serve On _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 588

Summons

TINY MAYER,
Complainant,

vs.

JOSEPH MAYER,
Respondent.

BEEBE, HALL & BEEBE,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

**THE STATE OF ALABAMA,
Baldwin County**

Received in office this 30

day of Oct, 1939

W.R. Stuart
Sheriff.

Executed this 3rd day of

November, 1939

by leaving a copy of the Summons with

Joseph Mayer

Defendant

W.R. Stuart
Sheriff

By B. G. Kucera
Deputy Sheriff

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Tiny Mayer,

Complainant,

vs.

Joseph Mayer,

Respondent.

**MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE**

Filed *April 19* 19*40*.

R. E. Deeds

Register.

Recorded in Record,

Vol. Page

Register.

RECORDED

2, 523

No. 588

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

Tiny Mayer,

Complainant,

vs.

Joseph Mayer,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 26th
day of April 1930.

R. S. D...

REGISTER

No. 588

Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

TINY MAYER,

Complainant,

vs.

JOSEPH MAYER,

Respondent.

REQUEST FOR DECREE IN
VACATION

FILED April 26, 1924.

R. S. Hunt

Register

RECORDED IN RECORD

VOL. PAGE

Register

DECREE PRO CONFESSO ON
PERSONAL SERVICE.

Filed April 19th, 1940.

R. S. Duick
Register.

RECORDED

TINY MAYER,
Complainant,

vs.

JOSEPH MAYER,
Defendant.

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

BILL OF COMPLAINT.

Filed October 30, 1939

R.S. Duch
Register.

BEEBE, HALL & BEEBE
with
LAWYERS
BAY MINETTE ALABAMA

THE STATE OF ALABAMA
Baldwin County

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

TINY MAYER,

COMPLAINANT

VS.

JOSEPH MAYER,

RESPONDENT

I, IDA M. TURNBULL,

as Register and Commissioner

have called and caused to come before me

Tiny Mayer and Yarmilla Mayer,

witnesses named in the Requirement for Oral Examination, on the 25th day of April,

1940, at the office of Beebe & Hall,

in Bay Minette, Alabama, and having first sworn said witnesses to speak the truth,

the whole truth, and nothing but the truth, the said Tiny Mayer and

Yarmilla Mayer doth depose and say as follows:

My name is Tiny Mayer. I am the wife of Joseph Mayer. Both Joseph Mayer and I are over the age of twenty-one years and residents of Baldwin County, Alabama. We were married in 1923 and lived together as husband and wife until June, 1938. Joseph Mayer is a man of violent and ungovernable temper and at various times and places has abused and beat me and threatened to kill me and to kill my children. One of the first severe beatings that he gave me was in October, 1935, when he unmercifully beat me. He was prosecuted for this beating in the Justice Court of Mr. Thomas Vonashek of Robertsdale, Alabama, and was convicted and fined. His conduct toward me became worse, and in June, 1938, he came home about two o'clock in the afternoon, he had been working in the field, and as soon as he got home he started fussing and cursed me, and without any provocation or retaliation on my part choked me into insensibility. The children tried to pull him off of me and this made him even more violent. The children finally pulled him off of me. But for that interference he probably would have killed me. I had to go to the doctor several times for treatment for the bruises and injuries he inflicted on me. From his conduct I was afraid that if I continued to live with him he would kill me and maybe my children, for at times he was cruel to them. So I separated from him and we have not lived together as husband and wife since then.

I have four children, whose names are Yarmilla, Evelyn, Joseph and Mildred, whose ages are fifteen, thirteen, eleven and eight. These children were born to Joseph Mayer and myself. They are in my custody. Mr. Mayer has not contributed to my or their support since 1938. He is an able bodied man and earns substantial wages or salaries. He owns no property. I am informed and believe that Mr. Mayer earns \$50.00 to \$60.00 a month. It has

ORAL EXAMINATION

I, Ida M. Turnbull, 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 them and they signed the same in the presence of myself _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses, 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 25th day of April, 1940.

Ida M. Turnbull (L. S.)

No. 588 Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

Tiny Mayer,
Complainant

Joseph Mayer,
Vs.

Respondent

ORAL DEPOSITION

Filed April 26, 1940
R.S. Durd, Register

RECORDED IN _____ Record _____

Vol. _____ Page _____
Register _____

been necessary for me to employ counsel in the matter of the prosecution of this suit and I am without funds to pay attorney's fees in this suit.

Mrs. Tiny Mayer

Sworn to and subscribed before me on this the 25th day of May, 1940.

W. C. Beebe

Notary Public, Baldwin County, Alabama.

My name is Yarmilla Mayer. I am the daughter of Joseph Mayer and Tiny Mayer. I will be sixteen years old on May 4th. My father, Joseph Mayer, while we were living with him, was often cruel to us and to mother. He would fuss at us and call us all kinds of bad names. Several times he beat mama and in June, 1938, tried to choke her to death, and if we children hadn't stopped him, he would have killed mama. He and mama have not lived together since June, 1938.

Yarmilla Mayer

Sworn to and subscribed before me on this the 25th day of May, 1940.

W. C. Beebe

Notary Public, Baldwin County, Alabama.