

CHANCERY EXECUTION

BILL OF COSTS

Mildred W. Roberts
VS.

No. 602

PLAINTIFF

E. J. Roberts

DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$
Filing each bill and other papers	\$ 10	70		5 30
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
Entering each return thereof	15		Report of divorce to State Health Office (Acts 1915)	50
Docketing each case	1 00	1 00		
Entering each appearance	25	25		
Issuing each decree pro confesso on per ser.	1 00	50		4 15
Issuing each decree pro confesso on publica	1 00	10		2 00
Each order appointing guardian	1 00	10		50
Any other order by Register	50	50		
Issuing Commission to take testimony	50	50		
Receiving and filing	10	10		
Endorsing each package	10	10		
Entering order submitting cause	50	50		
Entering any other order of court	25	50		
Noting all testimony	50	50		
Abstract of cause, etc.	1 00	75		
Entering each decree	75	75		
For every 100 words over 500	15			
Taking account, etc.	3 00			
Taking testimony, etc.	15			
Each report, 500 words or less	2 50			
For every 100 words over 500	15			
Amount claimed less than \$500, etc.	2 00			
Issuing each subpoena	25			
Witness certificate, each	25			
Issuing execution, each	75	75		
Entering each return	15	15		
Taking and approving bond, each	1 00			
Making copy of bill, etc.	15			
Each notice not otherwise provided for	50			
Each certificate or affidavit, with seal	50			
Each certificate or affidavit, no seal	25			
Hearing and passing on application, etc.	3 00			
Each settlement with Receiver, etc.	3 00			
Examining each voucher of Receiver, etc.	10			
Examining each answer, etc.	3 00			
Recording resignation, etc.	75			
Entering each certificate to Supreme Court	50			
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	5 30			
			TOTAL FEES OF REGISTER..	11 95
			FEES OF SHERIFF	
			Serving and returning subpoena on deft. \$1 50	
			Serving and returning subpoena for witness	65
			Levying attachment	3 00
			Entering and returning same	25
			Selling property attached	25
			Impanelling Jury	75
			Executing Writ of possession	2 50
			Collecting execution for costs	1 50
			Serving and returning sci. fa., each	65
			Serving and returning notice	65
			Serving and returning writ of injunction	1 50
			Serving and returning writ of exeat	1 50
			Taking and approving bonds, each	75
			Collecting money on execution	
			Making Deed	2 50
			Serving and returning application, etc.	1 00
			Serving attachment, contempt of court.	1 50
			TOTAL FEES OF SHERIFF..	1 75
			RECAPITULATION	
			Register's Fees	11 95
			Sheriff's Fees	1 75
			Commissioner's Fees <i>Oliver Jones</i>	5 00
			Solicitor's Fees	
			Witness Fees	
			Guardian Ad Litem	
			Printer's Fees	
			Trial Tax	3 00
			Recording Decree in Probate Court	3 00
			TOTAL	\$ 21 70

The State of Alabama, } No. 602
Baldwin County } Circuit Court, In Equity January 8 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 E. J. Roberts, Defendant Defendant

you cause to be made the sum of Twenty-one & 70/100 Dollars,
 which Mildred W. Roberts Plaintiff
 recovered of Respondant on the 8th day of January 1940
 by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of as and for Dollars,

costs of suit, and have the same to render to the said R. S. Duck
 and make return of this Writ and the execution thereof, according to law.

Interest from 193 to date of collection.

Witness my hand, this 7th day of March 1940
R. S. Duck Register
By H. B. Smith, Deputy

MILDRED W. ROBERTS,
Complainant,
VS.
E. J. ROBERTS,
Respondent.

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

And now comes the Respondent, in his own proper person, and for answer to the Complaint herein and to each count thereof, separately and severally, says:

1. That he admits the allegations contained in Paragraphs 1 and 2.
2. That he denies the allegations contained in paragraphs 3, 4, and 5, and demands strict proof of the same.

WITNESSES:

[Signature]

[Signature]

[Signature]
Respondent.

MILDRED W. ROBERTS,
Complainant,
VS.
E. J. ROBERTS,
Respondent.

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

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

Comes your Complainant, MILDRED W. ROBERTS, and humbly complaining against the Respondent, E. J. ROBERTS, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant and Respondent are both bona fide residents of Baldwin County, Alabama, and over twenty-one years of age.
2. That the Complainant and Respondent were married at Mobile, in Mobile County, Alabama, on October 22nd, 1919, and lived together as husband and wife until, on to-wit, December 26th, 1939.
3. That after their marriage, the Respondent became addicted to habitual drunkenness, which condition has grown on him from time to time, until now it is impossible for the Complainant to longer live with him as his wife.
4. That the Complainant and Respondent have one child, a minor, Phyllis Roberts, now eleven years old, and who is now and has been all of her life with the Complainant; that the Complainant is ready, able and fitted to take care of said minor.
5. The Respondent is an able-bodied man, capable of earning sufficient money to pay to the Complainant for the support and maintenance of herself and the said minor child a reasonable monthly alimony; that the Complainant has no funds with which to prosecute this suit and no way of making or providing a living for herself and said minor.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said E. J. ROBERTS party respondent to this Bill of Complaint, requiring him 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;

That your Honor will order a reference to ascertain and determine a reasonable attorney's fee to be paid by the Respondent to the Complainant, and also alimony, pendente lite, to be paid to the Complainant;

Complainant further prays that upon the final hearing of this cause, your Honor will give and grant unto her a decree of absolute divorce, forever barring the bonds of matrimony existing between her and the Respondent, E. J. ROBERTS; that a further decree may be made and entered awarding to your Complainant the custody, care and control of said minor child, Phyllis Roberts, and that the Respondent be required to pay to the Complainant, as permanent alimony, such amount as your Honor shall deem just and proper; that your Honor will give and grant unto her such other, further, different or general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

Mildred W. Roberts
Complainant.

Beulah Mae Bacon
Solicitors for Complainant.

FOOT NOTE:

The Respondent, E. J. ROBERTS, is required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 5, inclusive, but not under oath, oath being hereby expressly waived.

Mildred W. Roberts
Complainant.

Beulah Mae Bacon
Solicitors for Complainant.

MILDRED W. ROBERTS,
Complainant,
VS.
E. J. ROBERTS,
Respondent.

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

And now comes the Respondent, in his own proper person, and waives notice of the time of taking testimony on behalf of the Complainant, the right to cross-examine the witnesses, and agrees that this matter be forthwith submitted for final decree without further notice.

WITNESSES:

[Signature]

[Signature]

[Signature]
Respondent.

RECORDED

Commission To Take Depositions.

Printed by The Baldwin Times, Bay Minette.

THE STATE OF ALABAMA, }
Baldwin County

CIRCUIT COURT

TO O'BYRNE JONES

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 Mildred W. Roberts and Lucille Brown

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

is Complainant and E. J. ROBERTS,

is Defendant, on oath to be by you administered, upon them

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

Witness 6th day of January, 19 40.

Commissioner's Fee \$ 5.00

Witness Fees. \$

R. G. Duke
REGISTER
By H. E. Smith
Deputy

MILDRED W. ROBERTS,
Complainant,
VS.
E. J. ROBERTS,
Respondent.

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

This cause coming on to be heard was submitted upon the original Bill of Complaint, Answer and Waiver, and Testimony, as noted by the Register, and the Court, after due consideration, is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Complainant and the Respondent be, and the same are hereby dissolved, and the Complainant is forever divorced from the Respondent on the ground of habitual drunkenness.

IT IS FURTHER ORDERED that the Complainant and Respondent be and they are hereby permitted to again contract marriage, upon the payment of the costs in this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said MILDRED W. ROBERTS and E. J. ROBERTS shall not again marry, except to each other, until sixty days after this date, and that if an appeal is taken within sixty days, they shall not again marry, except to each other, during the pendency of the appeal.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent pay the costs herein taxed, for which execution may issue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent pay to the Complainant the sum of One Hundred and Twenty-five (\$125.00) Dollars per month as permanent alimony, such amount to be paid on the 1st of each month, provided, however, that in the event that the Complainant shall remarry any payments of alimony herein to the Complainant shall immediately cease. The court retains jurisdiction and authority to change the amount of alimony in the event of changed conditions of the parties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant, MILDRED W. ROBERTS, shall have the custody, care and control of the minor child, Phyllis Roberts, provided, however, that the Respondent shall have the right to visit said child at reasonable times, however, shall have no right

to visit said child while under the influence of liquor.

Dated at Monroeville, Monroe County, Alabama, this 8th
day of January, 1940.

J. M. Hare
Judge of the Circuit Court of Baldwin
County, Alabama.

RECORDED

ANSWER:

MILDRED W. ROBERTS,

Complainant,

VS.

E. J. ROBERTS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed Dec 6 - 1940

*R & D
Rogers
As, Plaintiff
vs
Respondent*

RECORDED

WALVER:

MILFRED W. ROBERTS,

Complainant,

VS.

E. J. ROBERTS,

Respondent.

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

Filed June 6 - 1940
R. S. Brundage
Register
By R. S. Brundage
Deputy

RECORDED

BILL OF COMPLAINT

MILDRED W. ROBERTS,

Complainant,

VS.

E. J. ROBERTS,

Respondent.

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

Filed Jan 6 - 1946
R. S. Dyer
By W. S. Smith
Attorney

RECORDED

AGREEMENT:

MILDRED W. ROBERTS,

Complainant,

VS.

E. J. ROBERTS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed January 6-1940

R. B. Buckle

Register

By 183 Buckle

Deputy

RECORDED

FINAL DECREE:

MILDRED W. ROBERTS,

Complainant,

VS.

E. J. ROBERTS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

*Filed January 8, 1940
R.S. Beal, Register*

THE STATE OF ALABAMA
Baldwin County

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

MILDRED W. ROBERTS

COMPLAINANT

VS.

E. J. ROBERTS

RESPONDENT

I, O'Byrne Jones

as ~~Register and~~ Commissioner

have called and caused to come before me Mildred W. Roberts and Lucile Brown

witnesses named in the Requirement for Oral Examination, on the 10th day of Jan.

1940, at the office of Beebe, Hall & Beebe,

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

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

Mildred W. Roberts doth depose and say as follows:

My name is Mildred W. Roberts. I am the Complainant in the above styled cause. The Respondent, E. J. Roberts, and I are both over twenty-one years of age and residents of Baldwin County, Alabama, and have been for more than three years next preceding the filing of this bill of complaint. The Respondent and I were married at Mobile, in Mobile County, Alabama, on October 22nd, 1919.

The Respondent has recently become addicted to the use of strong drinks, and while under the influence of such drinks has an ungovernable temper; that this condition has grown worse from time to time until it has become impossible for the Complainant to longer live with him has his wife, and on December 26th, 1939, it became necessary for her to leave him; that she has, over a period of time, endeavored and made every effort to induce the Respondent to change his way and to forego the use of strong drink, however, of no avail.

We have one child, Phyllis Roberts, a minor, now eleven years old. This child has been living with me all of her life, and on account of the habits of the Respondent, he is not a fit or proper person to have the care and control of said child.

I have a home in the Town of Fairhope, Baldwin County, Alabama, in which I can keep the said child, and taking into consideration the conditions of the times and expenses necessary to maintain myself and the said child, I believe that \$125.00 per month is a reasonable amount of alimony to be paid by the Respondent to me for the maintenance of myself and the child.

Mildred W. Roberts

ORAL EXAMINATION

I, O'Byrne Jones, as ~~Registered~~ Commissioner hereby certify that the foregoing deposition— on Oral Examination was taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of myself and Hubert M. Hall 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 6th day of January, 1940.

O'Byrne Jones (L. S.)
Commissioner.

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

MILDRED W. ROBERTS

Complainant

Vs.

E. J. ROBERTS

Respondent

ORAL DEPOSITION

Filed Jan 6, 1940

R Swack Register
of Baldwin County
RECORDED IN _____

Record _____

Vol. _____ Page _____

Register _____

LUCILE BROWN, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, DEPOSES AND SAYS:

My name is Lucile Brown. I live at Fairhope, in Baldwin County, Alabama, and am personally acquainted with both the Complainant and Respondent in the above styled cause. I have had occasion over the past several years to see them almost daily.

The Respondent has, since his marriage, become a habitual user of strong drinks, and while under the influence of such drinks has an ungovernable temper. From my own experience and observation, I know that it is impossible for the Complainant to live in any peace in the same house with the Respondent, as his wife. I know that the Complainant has had the duty of caring and providing for their minor child, Phyllis Roberts, and further know that she is perfectly capable of caring and providing for said child.

Lucile W. Brown

MILDRED W. ROBERTS

vs.

E. J. ROBERTS

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, _____
and Testimony of Mildred W. Roberts and Lucile Brown, and Agreement between
the parties.

and in behalf of Defendant upon Answer and Waiver

R. S. Duck

By H. E. Smith

Register.

Deputy

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ Term, 193_____

MILDRED W. ROBERTS _____, Complainant

Vs.

E. J. ROBERTS _____, Defendant

To R. S. DUCK _____, Register :

Answer and Waiver

filed by

In the above stated cause a ~~Decree Pro Confesso~~ having been ~~take 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 Beebe, Hall & 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.

Beebe Hall Beebe

Solicitor for Complainant.

RECORDED

No. _____ Page _____

**The State of Alabama,
Baldwin County,
CIRCUIT COURT, IN EQUITY**

MILDRED W. ROBERTS

Vs.

E. J. ROBERTS

**REQUEST FOR DECREE IN
VACATION**

Filed Jan. 6, 1940

RS Wuch

By R. E. Smith Register:

Deputy

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

MILDRED W. ROBERTS

VS.

E. J. ROBERTS

NOTE OF TESTIMONY

Filed in ~~Open~~ Court this 6th

day of January 1940

R. S. Duck

B. W. Smith REGISTER

Deputy