

712

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon the unknown heirs of Henry C. Bartling, Deceased, Baldwin County Colonization Company, a Corporation, Fred Mau and Charles O'Brien to appear in the Circuit Court of Baldwin County, Alabama, Sitting in Equity, at the place of holding same, and plead to, demur or answer the Bill of Complaint of J. C. Ford, within thirty days from service thereof. Witness my hand this 8<sup>th</sup> day of April, 1941.

R. S. Duch

Register.

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

Your Orator, J. C. Ford, presents this Bill of Complaint against the unknown heirs of Henry C. Bartling, Deceased, Baldwin County Colonization Company, a corporation, Fred Mau and Charles O'Brien, and thereupon your Orator complains and shows unto the Court and your Honor as follows:

1. Your Orator is over twenty-one years of age and is a resident of Luverne, in Crenshaw County, Alabama. The names, ages and places of residence of the heirs of Henry C. Bartling are unknown and cannot be ascertained after diligent inquiry. The Baldwin County Colonization Company is a domestic corporation, not a railroad corporation, and the president, secretary, cashier and managing agent are each and all in the belief of your Orator, absent from the State of Alabama and there is no person in the employ of such corporation or doing business for it in this state which may be served with process. The Respondent, Fred Mau, is over twenty-one years of age and a resident of Chicago, Illinois, his exact place of residence and post office address being otherwise unknown and cannot be ascertained after diligent inquiry. The Respondent, Charles O'Brien, is over twenty-one years of age and a resident of Chicago, Illinois, his exact place of residence and post office address being otherwise unknown and cannot be ascertained after diligent inquiry.

2. Your Orator is in the actual peaceable possession of claiming to own in his own right and in fee simple, the following described property situated in Baldwin County, Alabama, to-wit: Southeast Quarter of Northwest Quarter of Section Twenty-nine (29) Township Seven (7) South Range Six (6) East, containing forty acres more or less.

3. The Respondents and each of them claim or are reputed to claim some right, title, interest in or encumbrances upon the said lands and no suit is pending to enforce or test the validity

STATE OF ALABAMA

CRENSHAW COUNTY

Before me, the undersigned authority within and for said County in said State, personally appeared J. C. Ford, who, after being by me first duly and legally sworn, deposes and says: That he has read over the foregoing Bill of Complaint and that the allegations contained therein are true. Affiant further deposes and says that the names of the unknown heirs of Henry C. Bartling, Deceased, are unknown, that he has made diligent inquiry to ascertain the same and that their residence, as he believes, is not in this State.

*J. C. Ford*

Sworn to and subscribed before me  
on this the 21<sup>st</sup> day of March, 1941.

*James O. Senteel*

Notary Public, Crenshaw County, Alabama.

J. C. FORD,  
Complainant,  
VS.  
UNKNOWN HEIRS OF HENRY  
C. BARTLING, et al,  
Respondents.

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

LIS PENDENS NOTICE.

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Complainant in the above entitled cause did on this date file in the Circuit Court of Baldwin County, Alabama, a Bill of Complaint against the unknown heirs of Henry C. Bartling, Deceased, the Baldwin County Colonization Company, a Corporation, Fred Mau and Charles O'Brien to quiet title to the Southeast Quarter of the Northwest Quarter of Section Twenty-nine (29), Township Seven (7) South Range Six (6) East, in Baldwin County, Alabama.

A brief statement of the said case is as follows:

The Complainant alleges that he is in the actual peaceable possession of, claiming to own in his own right, and in fee simple, the said Southeast Quarter of the Northwest Quarter of Section Twenty-nine (29), Township Seven (7) South Range Six (6) East, in Baldwin County, Alabama; that the Respondents claim, or are reputed to claim some right, title, interest in or encumbrance upon the said lands; that no suit is pending to enforce or test the validity of such title or claim and calls upon the said Respondents to set forth and specify their right, title, interest in or encumbrance upon said lands and how and by what instrument the same is derived and created. The Complainant prays for a decree quieting his title to the said property.

Dated this 8<sup>th</sup> day of <sup>April</sup> March, 1941.

J. C. FORD, Complainant,

By J. T. Blackburn  
His Solicitor of Record.

*Equity 712*  
**RECORDED**

SUMMONS AND COMPLAINT.

J. C. FORD,

Complainant,

VS.

UNKNOWN HEIRS OF HENRY C. BARTLING,  
et al,

Respondents.

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

*Filed April 8, 1941*  
*R.S. Dwyer, Clerk*

LIS PENDENS NOTICE.

J. C. FORD,

Complainant,

VS.

UNKNOWN HEIRS OF HENRY C. BARTLING  
et al,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

STATE OF ALABAMA, BALDWIN COUNTY

Filed APR 8 - 1941

11252A

Recorded *See Pending Book* page *193*  
and certify that the following Privilege Tax has  
been paid.

Deed Tax .....

Mortgage Tax .....

*M. R. ...*  
Judge of Probate

By

*R. S. Dink*  
*RM*

50

THE STATE OF ALABAMA }  
Baldwin County }

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

Catherine Marie Brunson  
COMPLAINANT

vs.

Joseph C. Brunson  
RESPONDENT

I, T. J. Mashburn, Jr

as Register and Commissioner

have called and caused to come before me Catherine Marie Brunson and

Mrs. Pearl Atwell

witness es named in the requirement for Oral Examination, on the 16th day of April  
1941, at the office of H. E. Smith, Attorney at Law,  
in Bay Minette, Alabama, and having first sworn said witness es to speak the  
truth, the whole truth, and nothing but the truth, the said witnesses

do ~~de~~ depose and say as follows:

TESTIMONY OF CATHERINE MARIE BRUNSON.

My name is Catherine Marie Brunson and I am the complainant in this cause for divorce against Joseph C. Brunson. I am over the age of twenty-one years, reside in Bay Minette, Baldwin County, Alabama, and have been a bona fide resident of Baldwin County, Alabama, for more than one year next preceding the filing of the bill of complaint in this cause. The respondent, Joseph C. Brunson, is over the age of twenty-one years and resides in Baldwin County, Alabama.

I and the respondent, Joseph C. Brunson, were lawfully married to each other on the 19th day of December 1938 by J. M. Franklin, Justice of the Peace, at Bay Minette, Alabama, and lived together as man and wife until the 3rd day of June, 1940.

On the 3rd day of June, 1940, the respondent, Joseph C. Brunson, committed actual violence on my person attended with danger to my life or health by slapping me with his hand and threatening to do further violence, and there being reasonable apprehension of further acts of such violence, I for my safety and health went to my folks, that is, my mother and sister, hereix in Bay Minette, Alabama, to live. Such acts of violence and quarrelling and threat- ening me had repeatedly occurred for several months before June 3rd, 1940. The respondent and myself have not lived together as man and wife or otherwise since June 3rd, 1940. The respondent is and was on said last date and prior thereto a man of ungovernable temper, was exceedingly jealous of me, always accusing me of things I did not do, and besides striking me, made my life so miserable for me that I lost in weight and was continually in fear of violence from him. I have been since working and making my own living without any support from him. I fear for my safety if I went back to him.

Catherine Marie Brunson

THE STATE OF ALABAMA, }  
Baldwin County }

CIRCUIT COURT

TO T. J. Mashburn Jr.,

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 Catherine Marie Brunson and Mrs. Pearl Atwell

as witnesses in behalf of Complainant in a cause pending in our Circuit

Court of Baldwin County, of said State, wherein Catherine Marie Brunson

Complainant

and Joseph C. Brunson

Defendant,

on oath to be by you administered, upon them

to take and certify the deposition<sup>s</sup> of the witness<sup>es</sup> and return the same to our Court, with all Convenient speed, under your hand.

Witness 16 day of April, 1941.

*A. S. Duch*

REGISTER

Commissioner's Fee \$

Witness' Fees, \$

Catherine Marie Brunson,  
Complainant,  
versus  
Joseph C. Brunson,  
Respondent.

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

ANSWER OF RESPONDENT.

Now comes the respondent, Joseph C. Brunson, and for answer to the bill of complaint filed in the above entitled cause, denies each and every allegation thereof and demands strict and legal proof of the same.

Respondent hereby waives all notice of filing or service of process of the said bill of complaint, and further waives all notice of the taking of testimony in said cause and of the submission of said cause for final decree.

Respondent having fully answered prays to be dismissed with his cost in this behalf expended.

WITNESS:

A. E. Stapleton

Joseph C. Brunson  
Respondent.

Catherine Marie Brunson, :  
Complainant, :  
vs :  
Joseph C. Brunson, :  
Respondent. :

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

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT, SITTING IN  
EQUITY:

Your complainant, Catherine Marie Brunson, brings this her bill of complaint against Joseph C. Brunson, and respectfully shows and alleges unto your Honor and the Court as follows:

1. Complainant is over the age of twenty-one years, resides in Bay Minette, Baldwin County, Alabama, and has been a bona fide resident of Baldwin County, Alabama, for more than one year next preceding the filing of this her bill of complaint. The respondent, Joseph C. Brunson, is over the age of twenty-one years and resides in Baldwin County, Alabama.

2. Complainant and the respondent were lawfully married to each other on the 19th day of December, 1938, by J.M. Franklin, Justice of the Peace, at Bay Minette, Alabama, and lived together as man and wife until, to-wit: the 3rd day of June, 1940.

3. On said last date of, to-wit: the 3rd day of June, 1940, the respondent committed actual violence on the person of complainant attended with danger to her life or health by slapping her with his hand and threatening to do further violence, and there being reasonable apprehension of further acts of such violence, complainant for her safety and health on said last date left their home in Bay Minette, Alabama, and went to her folks also in Bay Minette, Alabama, to live. Such acts of violence and quarreling and threatening had repeatedly occurred for several months before said last date. Complainant and respondent have not lived together as man and wife or otherwise since said date of, to-wit: June 3, 1940.

WHEREFORE, the premises considered, complainant prays that a summons be issued directed to the said Joseph C. Brunson, requiring him to appear and plead, answer or demur to this bill of complaint within the time required by law; and that upon a final hearing hereof your Honor and the Court will grant to complainant a decree of absolute divorce from the said Joseph C. Brunson, with permission to complainant to remarry, should she see fit so to do; and that such other and further relief may be granted to complainant as your Honor may deem proper in the premises.

*H. C. Smith*  
Solicitor for Complainant.

THE STATE OF ALABAMA, }  
Baldwin County.

No. 713

Circuit Court, In Equity

-----  
Catherine Marie Brunson

vs.

Complainant

-----  
Joseph C. Brunson

Defendant

and waiver

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, ~~answer~~ ~~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.

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For and on account of cruelty;  
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It is further ordered that the said Catherine Marie Brunson and Joseph C. Brunson be, and they are hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Joseph C. Brunson 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 be issued against the said Catherine Marie Brunson.

It is further ordered, adjudged and decreed that said Catherine Marie Brunson shall not again marry except to said Joseph C. Brunson until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Joseph C. Brunson during the said pendency of appeal.

This 17<sup>th</sup> day of April 1931

*J. M. 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 \_\_\_\_\_ 1931 in the cause of \_\_\_\_\_ Complainant

vs.

-----  
as appears of record in said Court. Defendant

Witness my hand and the seal of said Court, this the \_\_\_\_\_ day of \_\_\_\_\_ 1931

Register

Catherine Marie Brunson

Complainant

vs.

Joseph C. Brunson

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, \_\_\_\_\_  
answer of Respondent; commission to take deposition; \_\_\_\_\_  
testimony of Catherine Marie Brunson and Mrs. Pearl Atwell; \_\_\_\_\_  
request for decree in vacation; \_\_\_\_\_

and in behalf of Defendant upon \_\_\_\_\_ answer and waiver \_\_\_\_\_

*R. S. Duch*

Register.



**RECORDED**

No. \_\_\_\_\_

**The State of Alabama**  
**BALDWIN COUNTY**

**IN EQUITY**  
**Circuit Court of Baldwin County**

vs.

**NOTE OF TESTIMONY**

Filed in Open Court this 16<sup>th</sup>

day of April 1941

*R. S. Sueb*

REGISTER

**RECORDED**

No. \_\_\_\_\_ Page \_\_\_\_\_

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

Vs.

**REQUEST FOR DECREE IN  
VACATION**

Filed April 16, 1941

R. S. Such  
Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

**RECORDED**

No. \_\_\_\_\_

**THE STATE OF ALABAMA,  
BALDWIN COUNTY**

**CIRCUIT COURT, IN EQUITY  
Baldwin County, Ala.**

VS.

**DECREE OF DIVORCE**

Filed in office this 17<sup>th</sup>

day of April 1981

R. S. Duch

REGISTER

E. O. M. \_\_\_\_\_

**RECORDED**

*all of Complaint*

*Filed April 14, 1941.  
R. S. Duch, Register*

Answer RECORDED

Filed April 14, 1941  
R.S. Arch, Registrar

NO. \_\_\_\_\_

**THE STATE OF ALABAMA**

**Baldwin County**

**CIRCUIT COURT**

Complainant \_\_\_\_\_

vs.

Defendant \_\_\_\_\_

**Commission To Take Deposition**

**COMMISSIONER:**

**Witnesses:**

I, T. J. Mashburn, Jr 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 es and read over to them and they 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 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 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 16th day of April 1941.

J. J. Mashburn, Jr (L. S.)  
Commissioner

No. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE OF ALABAMA,  
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

**ORAL DEPOSITION**

Filed April 16, 1941

W. S. Black, Register.

RECORDED IN

Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register

TESTIMONY OF MRS. PEARL ATWELL

My name is Pearl Atwell. I am the mother of the complainant, Catherine Marie Brunson, am over twenty-one years of age, and reside in Bay Minette, Baldwin County, Alabama, and have so resided for about four years. I have known the respondent practically ever since I moved to Bay Minette.

I of course remember when my daughter, the complainant, and the respondent, got married. The first time they had a disagreement that I know of was about a month after they got married when she was sick and almost had pneumonia. For some reason he got mad and made her come on over to my home. I know that they had trouble continually and it finally got so bad that she left and came with me to live as she could not stay with him any longer. I have not seen him strike her but she told me that he had done so. She was in very bad health when she came back to my home, but after she left him and went to work she has almost regained her health.

Mrs Pearl Atwell