

688

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

WE COMMAND YOU, That you summon J. W. KINSEY 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 ELLA STROUD KINSEY against said J. W. KINSEY, and further to do and perform what said Judge shall order and direct in that behalf. And this the said Respondent 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, H. S. DUCK, Register of said Circuit Court, this 8th day of January, 1941.

A. S. Duck
Register.

ELLAS STROUD KINSEY,)
Complainant,)
VS.)
J. W. KINSEY,)
Respondent.)
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.

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

And now comes your Complainant, ELLA STROUD KINSEY, and humbly complaining against the Respondent, J. W. KINSEY, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant and Respondent are both residents of Baldwin County, Alabama, and over twenty-one years of age.
2. That your Complainant and the Respondent were married at Bay Minette, in Baldwin County, Alabama, on November 20th, 1939, and lived together as husband and wife, until on to-wit, March 20th, 1940.
3. That on to-wit, March 20th, 1940, and various times prior thereto, the Respondent threatened and abused your Complainant and often threatened to do violence to her person; that his conduct was such as to give your Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with him as his wife, that he would carry out his threats and do violence to her person, which would necessarily endanger her life and health.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said J. W. KINSEY 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.

Complainant further prays that upon a 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, J. W. KINSEY, and that a further decree be entered restoring to your Complainant her former name, Ella Stroud; Complainant prays for 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.

BEEBE & HALL,

By: *Shubert*

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

January Term, 1941

Wm. S. Wood, Plaintiff vs. J.W. Kelsey, Defendant

BILL OF COSTS

Table with columns: REGISTER'S FEES, AMOUNT, SHERIFF'S FEES, AMOUNT, and SUMMARY OF FEES, COSTS, AND JUDGMENT. Includes handwritten entries and a final total of 9.10 for Register's Fees and 1.50 for Sheriff's Fees.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO MRS. O'BYRNE J. WHITLEY,

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 Ella Stroud Kinsey and C. B. Fugh

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

is Complainant and J. W. Kinsey

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 9th day of January, 1941.

R. S. Dush

REGISTER

Commissioner's Fee \$ 5.00

Witness' Fees, \$

ELLA STROUD KINSEY,
Complainant,
VS.
J. W. KINSEY,
Respondent.

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

And now does the Respondent, in his own proper person, and for answer to the Complainant's Bill of Complaint, 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 paragraph 3, and demands strict proof of the same.

The Respondent waives notice of the time of taking testimony on behalf of the Complainant; the right to cross-examine the Complainant's witnesses and consents that this cause be submitted forthwith for final decree without further notice.

WITNESSES:

W. B. Ross
J. M. Hall

J. W. Kinsey
Respondent.

ELLA STROUD KINSEY,
Complainant,
VS.
J. W. KINSEY,
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 of the Respondent, and Proof 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 FURTHER 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 cruelty.

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 ELLA STROUD KINSEY shall not again marry, except to the said J. W. KINSEY, until sixty days after this date, and that if an appeal is taken within sixty days, she shall not again marry, except to the said J. W. KINSEY, 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 Complainant be restored her former name: Ella Stroud.

Dated at Moundville, Monroe County, Alabama, this 11th day of January, 1941.


Judge of the 21st Judicial Circuit of Ala.

688

RECORDED

Executed Jan 8 1941
by serving copy of within Summons &
Complaint on

J. W. Kinsey

BILL OF COMPLAINT

ELLA STROUD KINSEY,

Complainant,

VS.

J. W. KINSEY,

Respondent.

By *W. R. Stuart* Sheriff
W. B. Hamilton Deputy Sheriff

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

Filed January 8, 1941.
R. S. Duch, Register

RECORDED

FINAL DECREE OF DIVORCE:

ELLA STROUD KINSEY,

Complainant,

vs.

J. W. KINSEY,

Respondent.

IN THE DISTRICT COURT OF

WALDEN COUNTY, ALABAMA,

IN EQUITY.

Filed January 13, 1941
R.S. Dorch, Register

RECORDED

APPEAL AND ANSWER:

ELLA STROUD KIRGENT,

Complainant,

VS.

J. W. KIRBY,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EX PARTE.

Filed January 9, 1941

R. S. Dusk, Register

RECORDED

NO. _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

ELLA STROUD KINSEY,

Complainant

VS.

J. N. KINSEY

Defendant

Commission To Take Deposition

COMMISSIONER:

Mrs. O'Byrne J. Whitley

Witnesses:

Ella Stroud Kinsey

C. E. Rush

THE STATE OF ALABAMA }
Baldwin County }

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

ELLA STROUD KINSEY

COMPLAINANT

vs.

J. W. KINSEY

RESPONDENT

I, O'Byrne J. Whitley

as Register and Commissioner

have called and caused to come before me Ella Stroud Kinsey and C. W. Fugh

witness ^{es} named in the requirement for Oral Examination, on the 9th day of January

1941, at the office of Beebe C. Hall, Bay Minette, Alabama

in _____, Alabama, and having first sworn said witness ^{es} to speak the

truth, the whole truth, and nothing but the truth, the said Ella Stroud Kinsey

doth depose and say as follows:

My name is Ella Stroud Kinsey. I am a resident of Baldwin County, Alabama, 63 years of age. The Respondent, J. W. Kinsey, is a resident of Baldwin County, Alabama, and about 68 or 70 years of age. We were married at Bay Minette, Alabama, on November 20th, 1939. Mr. Kinsey, at the time we were married, had a home some several miles out of Foley and we moved out there and lived until March 20th, 1940, when it became necessary for me to leave. Mr. Kinsey had no way for me to go back and forth to town. Soon after we were married, we learned that it was absolutely impossible for us to live together as husband and wife. Mr. Kinsey is a man of high temperament and often, when mad, threatened and abused me. His conduct was such as to give me every reasonable apprehension to believe, and I did believe, that if I should live with him as his wife, he might do violence to my person, which would necessarily endanger my life and health.

My name, before marriage, was Ella Stroud. I would like, very much, for the Court to restore my maiden name.

I know from my experience with Mr. Kinsey that it is absolutely impossible for us to live together as husband and wife. We have agreed on a division of property, and I am claiming no alimony or property settlement from Mr. Kinsey.

Ella Stroud Kinsey

I, O'Byrne J. Whitley 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 Hubert W. Hall

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 9th day of January 1941.

O'Byrne J. Whitley (L. S.)
Commissioner

No. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

ELLA SPENCER KIRKSEY,

COMPLAINANT

J. W. KIRKSEY

VS.

RESPONDENT

ORAL DEPOSITION

Filed January 9, 1941

R. S. Lusk, Register.

RECORDED IN

Record

Vol. _____ Page _____

Register

C. E. PUGH, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN,
DEPOSES AND SAYS:

My name is C. E. Pugh. I live at Foley, in Baldwin County, Alabama. I am personally acquainted with J. W. Kinsey, who lives about three miles from Foley. I am also personally acquainted with Mrs. Ella Stroud Kinsey. The Complainant and Respondent were married sometime about November 20th, 1939. The Complainant lived with the Respondent only a short time. While I was not around them very much, it was generally understood in the community where they lived that it was impossible for them to live together as husband and wife. I know of my own personal knowledge that they have not lived together as husband and wife since sometime in March, 1940, and since that time the Respondent has contributed nothing toward the support of the Complainant. I am, from what I have gained from personal knowledge and from what I have heard in the community, in a position to state that the Complainant and the Respondent cannot live together as husband and wife.



ELIA STROUD KINSEY.

VS.

J. W. KINSEY.

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, _____

Testimony of Elia Stroud Kinsey and C. E. Pugh, and Request for Decree in

Vacation: Commission to Take Deposition issued to Mrs. O'Byrne J. Whitley;

and in behalf of Defendant upon Answer & Waiver

R. S. Duck

Register.

RECORDED

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

ELLA STROUD KINSEY,

VS.

J. W. KINSEY.

NOTE OF TESTIMONY

Filed in Open Court this 9

day of January 1941

R. S. Ditch

REGISTER

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ Term, 193_____

ELIA STANLEY KINSEY, _____, Complainant

Vs.

J. W. KINSEY _____, Defendant

To Hon. R. S. HUX _____, Register :

an answer and waiver having been filed by the respondent,
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 BEEBE & HALL.

_____ 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,
By: Wm Hall
Solicitor for Complainant.

RECORDED

No. _____ Page _____

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

ELLA STROUD KINSBY,

Vs.

J. W. KINSBY

**REQUEST FOR DECREE IN
VACATION**

Filed January 9, 1941

R. S. Duck

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.