

support and for her solicitor's fee pending the hearing of this cause.

Marion Gail Ness  
Complainant

Subscribed and sworn to before me on this 22 day of December 1941.

Richard Demere  
Notary Public, Baldwin County  
Alabama

STATE OF ALABAMA  
COUNTY OF BALDWIN

TO ANY SHERIFF IN THE STATE OF ALABAMA

You are hereby commanded to summon Delmer Nathan Ness who resides at Fairhope, Alabama, to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, to be held for said County at the place of holding the same, then and there to make answer to this Bill of Complaint of Marion Gail Ness.

Witness my hand this 27 day of December 1941.

Richard Demere  
Register in Chancery

STATE OF ALABAMA  
COUNTY OF BALDWIN

Marion Gail Ness, being duly sworn, says that she is the Complainant whose name is subscribed to the foregoing Bill of Complaint; that she has heard the above Bill of Complaint read, and knows the contents thereof; that the said Bill of Complaint is true of her own knowledge; except as to the matters and things therein stated to be upon information and belief, and as to those matters and things she believes it to be true.

Defendant's address is  
2019 I Street, Washington, D. C.

Marion Gail Ness

Subscribed and sworn to by the said Marion Gail Ness before me this 22 day of December 1941.

Richard Demere  
Notary Public, Baldwin County,  
Alabama

MARION GAIL NESS, Complainant       ↓       IN THE CIRCUIT COURT OF  
vs.                                       ↓       BALDWIN COUNTY, ALABAMA,  
DELMER NATHAN NESS, Respondent       ↓       IN EQUITY

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

Comes your Complainant, Marion Gail Ness, and respectfully exhibits this her Bill of Complaint against Delmer Nathan Ness and shows unto Your Honor as follows:

ONE: Your Complainant is a married woman over the age of twenty-one (21) years and the Respondent is a married man over the age of twenty-one (21) years. Both are bona fide resident citizens of Baldwin County, Alabama.

TWO: The Complainant and Respondent intermarried on January 31, 1930, at Pascagoula, County of Jackson, State of Miss. , and now are and ever since have been husband wife.

THREE: On divers occasions between August, 1939 , and December 22, 1941 , the date of this Bill, Respondent has conducted himself towards Complainant in such a manner as to cause her to be apprehensive of violence attendant with danger to life, limb and health. That on or about March 15, 1941 , Respondent threatened to kill her by knocking her in the head. That on or about July 13, 1941 , he ran away from the house in a rage of anger and that at various times he has threatened to beat her to death and has been guilty of extreme and repeated cruelty to the Complainant and has used abusive and threatening language towards her so as to put her in fear for her life, limb and health.

#### PRAYER FOR PROCESS

Your Complainant also prays Your Honor to grant to Complainant all appropriate and legal process and that the same be directed to the said Delmer Nathan Ness, Respondent, demanding him to personally appear before this Honorable Court within the time required by law and to then and there answer fully and completely the several paragraphs of this Bill of Complaint and that he be required to abide and obey all orders and decrees of this Court which to Your Honor may seem meet and proper.

PRAYER FOR RELIEF

Complainant further prays that she be granted a divorce between herself and Respondent and that the bonds of matrimony between them be separated. Complainant further prays that an order be rendered directing the Register to hold a reference to determine the amount which Respondent should pay to Complainant for maintenance and support pending this litigation and for the services of her Solicitor and that it also be determined at such a reference or references the amounts which should be paid to her permanently for her maintenance and support. Complainant prays for the right to remarry at the end of sixty (60) days from the date of signing the final decree.

Complainant further prays for such further relief as she may be entitled to in equity and good conscience.

Marion Gail Ness  
Complainant

Richard D. Demoree  
Solicitor for Complainant

FOOT NOTE: The Respondent is required to answer each and every allegation of the foregoing Bill of Complaint, paragraphs one to three thereof, but not under oath, oath thereto being hereby expressly waived.

Marion Gail Ness  
Complainant

Richard D. Demoree  
Solicitor for Complainant

Respondent's address is Fairhope, Baldwin County, Alabama.  
*Temporarily - 2019 25T - N.W. - Washington D.C.*

MARION GAIL NESS, Complainant | IN THE CIRCUIT COURT OF  
vs. | BALDWIN COUNTY, ALABAMA,  
DELMER NATHAN NESS, RESPONDENT | IN EQUITY

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

Comes the Complainant in the above styled cause and moves the Court to render an order granting a reference to determine the amount which should be paid by the Respondent to her for her maintenance and

# The State Of Alabama, Baldwin County

## CIRCUIT COURT, IN EQUITY

MARION GAIL WESS

Complainant

VS

DELNER NATHAN WESS

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decress Pro Confesso on ANSWER & WAIVER 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 MARION GAIL WESS is forever divorced from the said

DELNER NATHAN WESS

for and on account of CHELTY

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 MARION GAIL WESS AND DELNER NATHAN WESS <sup>they are</sup> be, and \_\_\_\_\_ hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that MARION GAIL WESS the Complainant pay the cost herein to be taxed, for which execution may issue.

This 28th day of April, 1942

E. W. HARK

Judge Circuit Court, in Equity.

I, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the 29th day of April, 1942

R. S. Duck

Register of Circuit Court, in Equity.

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**The State Of Alabama**

Baldwin County

In Circuit Court, In Equity

MARION GAIL NESS .....

vs. Complainant.

DEBBIE NATHAN NESS .....

Respondent.

**DIVORCE DECREE**

# The State Of Alabama, Baldwin County

## CIRCUIT COURT, IN EQUITY

MARION GAIL NESS

Complainant

VS

DELMER NATHAN NESS

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decress Pro Confesso on ANSWER & WAIVER 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 MARION GAIL NESS is forever divorced from the said

DELMER NATHAN NESS

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 MARION GAIL NESS AND DELMER NATHAN NESS be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that MARION GAIL NESS the Complainant pay the cost herein to be taxed, for which execution may issue.

This 28<sup>th</sup> day of April 1942.

J. W. Hall  
Judge Circuit Court, in Equity.

I, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 1942

\_\_\_\_\_  
Register of Circuit Court, in Equity.

The State Of Alabama, Baldwin County

CIRCUIT COURT IN EQUITY

Complaint

No. .... Page .....

The State Of Alabama  
Baldwin County

In Circuit Court, In Equity

vs. Complainant.

Respondent.

DIVORCE DECREE

That the said Respondent and Complainant were

It is further ordered that the Respondent shall pay to the Complainant the sum of \$1000.00 as and for the Complainant's share of the marital property.

It is further ordered that the Respondent shall pay to the Complainant the sum of \$500.00 as and for the Complainant's share of the marital property.

It is further ordered that the Respondent shall pay to the Complainant the sum of \$250.00 as and for the Complainant's share of the marital property.

It is further ordered that the Respondent shall pay to the Complainant the sum of \$125.00 as and for the Complainant's share of the marital property.

It is further ordered that the Respondent shall pay to the Complainant the sum of \$62.50 as and for the Complainant's share of the marital property.

It is further ordered that the Respondent shall pay to the Complainant the sum of \$31.25 as and for the Complainant's share of the marital property.

It is further ordered that the Respondent shall pay to the Complainant the sum of \$15.62 as and for the Complainant's share of the marital property.

THE STATE OF ALABAMA,  
Baldwin County



CIRCUIT COURT

TO MRS. BETH H. McCOLLERS

FAIRHOPE, ALABAMA

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 MARION GAIL NESS

as witnesses in behalf of COMPLAINANT in a cause pending in our Circuit Court of Baldwin County, of said State, wherein MARION GAIL NESS

Complainant

and DELMER NATHAN NESS is

Defendant,

on oath to be by you administered, upon MARION GAIL NESS

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

Witness \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

*R. D. Shuck*

REGISTER

Commissioner's Fee \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_



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

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

MARION GAIL NESS

Complainant

VS.

DELMER NATHAN NESS

Defendant

Commission To Take Deposition

COMMISSIONER:

Mrs. Beth H. McCullers

Witnesses:

Mrs. Elizabeth B. Slaughter