

The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ALMA CALLAWAY

Complainant

VS

JOHN H. CALLAWAY

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Verdict Pro Confesso~~ on Answer of Respondent 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 ALMA CALLAWAY is forever divorced from the said

JOHN H. CALLAWAY

for and on account of Extreme 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 Alma Callaway and John H. Callaway be, and they/are hereby permitted to again contract marriage upon the payment of the cost of this suit.

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

This 26th day of April, 19 43.

[Signature]

Judge Circuit Court, in Equity.

I, _____, 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 _____, 19 _____

Register of Circuit Court, in Equity.

ALMA CALLAWAY,

Complainant,

vs.

JOHN H. CALLAWAY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

ANSWER

Comes now, John H. Callaway, the above named Respondent and for answer to the Bill of Complaint admits the averments in Part One of said Bill.

Respondent further admits that he was married to the Complainant as averred in said Bill but denies each and every other allegation thereof:

Respondent avers that he is not a member of any of the armed forces of the United States and consents and agrees that a Commissioner may be appointed to take the testimony, testimony taken and this cause submitted for decree, all without further notice to him.

John H. Callaway
Respondent

ALMA CALLAWAY,
Complainant,
vs.
JOHN H. CALLAWAY,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

BILL OF COMPLAINT

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

PART ONE

Your Complainant respectfully shows to the Court that she is over the age of twenty-one years and a bona fide resident of Baldwin County, Alabama, and that the Respondent is also over the age of twenty-one years and a resident of Baldwin County, Alabama.

PART TWO

1. Your Complainant further alleges and shows to the Court that she was lawfully married to the Respondent in Pensacola, Florida, on the 21st day of August, 1931, and ever since said marriage has conducted herself towards Respondent as a faithful and obedient wife.

2. That notwithstanding his marital duties and responsibilities, the Complainant has ever since said marriage been guilty of extreme cruelty towards your Complainant; he has many times abused and threatened her with physical violence and on numerous occasions has been guilty of physically assaulting your Complainant and on Christmas day, 1942, he slapped and struck your Complainant and at that time she separated from him and they have not lived together since.

3. That the cruel and abusive treatment of the Respondent has affected the health of your Complainant and she is unable to live with the Respondent longer as his wife and desires a divorce from him.

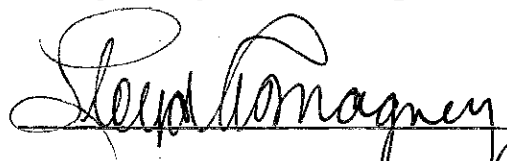
PRAYER FOR PROCESS

WHEREFORE, your Complainant prays that your Honor will grant to her the writ of summons of the State of Alabama, commanding the Respondent to appear and answer, demur or plead to, this Bill of

Complaint within the time allowed by law and abide such order and decree as may be entered herein and your Complainant will ever pray & c.

PRAYER FOR RELIEF

Your Complainant further prays that upon the final hearing of this cause your Honor will grant to her a decree of absolute divorce from the Respondent and that she may have such other and further relief in the premises as may be just and equitable.


Solicitor for Complainant

THE STATE OF ALABAMA,
Baldwin County

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CIRCUIT COURT

TO EDITH HOWELL

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 ALMA CALLAWAY and OTHA NALL

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

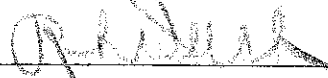
Complainant and JOHN H. CALLAWAY is

Defendant,

on oath to be by you administered, upon oral interrogatories

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

Witness 17th day of April, 1943.



REGISTER

Commissioner's Fee \$

Witness' Fees, \$

ALMA CALLAWAY,

Complainant,

vs.

JOHN H. CALLAWAY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

DEPOSITION

TESTIMONY OF ALMA CALLAWAY

My name is Alma Callaway and I am the Complainant in this action for divorce.

I was married to the Respondent in Pensacola, Florida, on August 21, 1931, and we have made our home in Baldwin County ever since that time.

We never had any children.

For several years now the Respondent has been extremely cruel and abusive to me. He would find fault with everything I did and fly into a rage on the slightest provocation and, when angry, would threaten to beat me and kick me out of the house and on several occasions, he has actually assaulted me. The last time being last Christmas day, at which time he got angry and slapped me.

This constant bickering and his threats to hurt me were even worse than the actual assaults and had the effect of making me very nervous and ill and I find it impossible to live with him any longer and have not lived with him since last Christmas and desire a divorce on account of his cruel treatment of me.

Alma Callaway

Alma Callaway,
Complainant,
-vs-
John Callaway,
Respondent.

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

DEPOSITION.

TESTIMONY OF OTHA NALL.

My name is Otha Nall, I live in Foley, Alabama, and I have been well and personally acquainted with John Callaway and his wife Alma for many years. She and I have been close friends and they have been much in my home and I in theirs and have had many opportunities to observe their life together.

In recent years he seems to have become tired of her and has refused to go out with her or take her with him, has been fault-finding and hard to get along with and apt to fly into a rage with her over the most trivial matters. I have never seen him use actual physical violence to her, although I have heard he did, but I have seen and heard him threaten her, order her out of the house and for some time now she has lived in fear that he would injure her and this has affected her health and her nervous condition, she has lost weight and is ill and miserable all because of his treatment of her.

It is too bad they cannot live together happily but he has been so cruel and abusive that she could stand it no longer and I am sure they will both be better off separated.

Otha Nall

CERTIFICATE

STATE OF ALABAMA)
BALDWIN COUNTY{

I, Edith Howell, by virtue of the attached Commission, the Commissioner to take the testimony of Alma Callaway and Otha Nall, do hereby certify that I caused said witnesses to come before me, in my office in Foley, Alabama, on the 20th day of April, 1943, and after said witnesses had been duly sworn, their testimony was taken down by me in shorthand and later reduced to typewriting, read and signed by said witnesses.

That I am not of counsel or of kin to any of the parties to this proceeding nor in any manner interested in the result thereof.

IN WITNESS WHEREOF: I have hereunto set my hand this 20th day of April, 1943.

Edith Howell

Commissioner

953
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

RECORDED

ALMA CALLAWAY,

Complainant,

vs.

JOHN H. CALLAWAY,

Respondent.

ANSWER

Paul Spivey 7/19/43
P. Spivey

THOMAS A. HANNEY
Attorney
Peters, Alabama.

The State Of Alabama, Baldwin County

CIRCUIT COURT IN EQUITY

No. 922 Page.....

The State Of Alabama

Baldwin County

In Circuit Court, In Equity

vs. Complainant.

Respondent.

DIVORCE DECREE

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NO. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ALMA CALLAWAY

Complainant

VS.

JOHN CALLAWAY

Defendant

Commission To Take Deposition

COMMISSIONER:

Witnesses:

Alma Callaway.

VS.

John H Callaway.

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 Alma Callaway and Otha Nell.

and in behalf of Defendant upon
Answer and Waiver,

Produce Register.

No. 922

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Alma Callaway

VS.

John Callaway.

NOTE OF TESTIMONY

Filed in Open Court this 21st

day of April, 1943

Paul
Register.