

2416

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA  
Baldwin County

Circuit Court

TO: CATHERINE MASON, Foley, 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 Helen Marie Mattei

Charie Duckworth

as witnesses in behalf of Helen Marie Mattei in a cause pending in our  
Circuit Court in Baldwin County, of said State, wherein

Helen Marie Mattei

\_\_\_\_\_, Complainant  
and \_\_\_\_\_

Angelo Mattei

\_\_\_\_\_, Respondent

on oath, to be by you administered, upon 21 January, 1950  
to take and certify the deposition of the witness and return the same to our Court, with all  
convenient speed, under your hand.

Witness 21 day of January 1950, 1950

Alvin J. Duck  
Register.

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

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

No. 2416

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

HELEN MARIE MATTEI

Complainant

VS.

ANGELO MATTEI

Defendant

**COMMISSION TO TAKE DEPOSITION**

COMMISSIONER:

CATHERINE P. JASON

JAN 21 1950

WITNESSES: Register

HELEN MARIE MATTEI

CHERRIE DUCKWORTH

ARTHUR C. EPPERSON

ATTORNEY AT LAW  
FOLEY, ALABAMA

**THE STATE OF ALABAMA**  
Baldwin County.Circuit Court of Baldwin County, Alabama  
(In Equity)HELEN MARIE MATTEI

Complainant

VS.

ANGELO MATTEI

Respondent

I, CATHERINE MASON

as Register and Commissioner

have called and caused to come before me CHERIE DUCKWORTH

witness named in the Requirement for Oral Examination, on the 21 day of JANUARY, 1950  
194  , at the office of CATHERINE MASON  
in FOLEY, ALABAMA, Alabama, and having first sworn said Witness to speak the  
truth, the whole truth, and nothing but the truth, the said CHERIE DUCKWORTH  
doth depose and say as follows:

My name is Cherie Duckworth. I am over twenty-one years of age and I reside at Robertsdale, Alabama. I am a sister of Helen Marie Mattei.

I remember the last time that Angelo beat up Helen, quite well. It was around the first week in December of last year Helen called me up that Sunday morning on the phone and said that Angelo had beat her up and tried to kill her and wanted me to come up to Loxley. My husband didn't want me to go but I went anyway. Angelo was not there when I got there. Helen's face was all puffed and bruised and one eye was turning black. Helen was very nervous and quite scared. I stayed all of that day and ran the place and also stayed that night as she was afraid Angelo might come back. I went home the next day and a couple of days later she called me again and said that Angelo was back acting funny and would I come up and stay with her because she was afraid Angelo might try to do something serious to her. I went up and stayed with her the rest of the week until Angelo left. Angelo stayed in another cabin while he was there. Helen hasn't had anything to do with Angelo since that night He beat her up so.

*Cherie Duckworth*

NO. 2416 PAGE \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

HELEN MARIE MATTEI

vs. Complainant

ANGELO MATTEI

Respondent.

## Oral Deposition

Filed \_\_\_\_\_, 194

\_\_\_\_\_, Register.

Recorded in

\_\_\_\_\_, Record

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

\_\_\_\_\_, Register.

ORAL EXAMINATION.

I, CATHERINE MASON, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witnesses and read over to her and she signed the same in the presence of myself CATHERINE MASON at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had procured before me of the identity of said witness; that I am not 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 21 day of January, 1950, 194

Catherine Mason (L.S.)

**THE STATE OF ALABAMA**  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

HELEN MARIE MATTEI

Complainant

VS.

ANGELO MATTEI

Respondent

I, CATHERINE MASON

as Register and Commissioner

have called and caused to come before me Helen Marie Mattei

witness named in the Requirement for Oral Examination, on the 20 day of January  
1950, at the office of Catherine Mason

in Foley, Alabama, and having first sworn said Witness to speak the  
truth, the whole truth, and nothing but the truth, the said Helen Marie Mattei  
doth depose and say as follows:

My name is Helen Marie Mattei. I am thirty-three years of age and have resided in Baldwin County, Alabama for the past ten years and still do. Angelo Mattie, my husband is over the age of twenty-one years and he is a resident of Baldwin County, Alabama.

Angelo Mattie and I were married on the second of May 1942 in Pascagoula, Mississippi. We do not have any children.

I left my husband on the night of December the third, 1949. That Saturday afternoon Angelo went to Mobile to see aman about doing some hauling up the state for the man. He was supposed to be back before supper time to help me at the place as Saturday is always our busy day. I closed a little after midnight and he still hadn't come back. I was a little worried but mostly suspected the truth, that was that he was fooling with some woman. I don't remember exactly what time it was when he did come in, probably around three o'clock. I asked him where he had been all night and he said none of my dam business. I told him it was and that I was tired of looking after the place trying to make a living while he chased all over the country spending money on fast women who were only making a fool out of him. We got into quite an argument and then when he took his shirt off He had lip stick on his undershirt. I don't remember much of what was said after that but I do know that I told him that if he could do that I guessed I could to as there was plenty of men hanging around. He jumped on me and started beating me with his fists and said he would teach me once and for all where my place was or he would kill me one. He was so mad I believe he would have killed me then if he hadn't have scared me so bad that I got strength from somewhere to dump him off of me on to the floor between the bed and the wall just as he started to choke me. I ran out of the cabin and just made it to the next one, which luckily the door had been left open, before he caught me. When I slammed the door It locked and he beat on it and cussed me. He woke some of the people up in the other cabins making so much noise. He said he would get me later and then in a few minutes I heard his truck drive away. He didn't come back for about three days. I am afraid to let him get close to me. What few nights he has been there since he has stayed in another cabin. I wouldn't stay with him because he is extremly jealous and high tempered. He beat me up prettybad several times before but this was the first time he ever tried to choke me. I feel like he is trying to get me all of the time now. He has a peculiar look in his eye and it scares me every time he looks at me. He means to do more than just beat me up if he gets the chance.

*Helen Marie Mattei*

ORAL EXAMINATION.

I, Catherine Mason, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness and read over to and signed the same in the presence of myself Catherine Mason at the time and place herein mentioned, that I have personal knowledge of personal identity of said witness or had proom made before me of the identity of said witness; that I am not 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 6 day of January, 1950

Catherine Mason (I. S.)

NO. <u>2416</u>	PAGE _____
THE STATE OF ALABAMA	
BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY.	
HELEN MARIE MATTEI	
vs.	Complainant
ANGELO MATTEI	
	Respondent.
Oral Deposition	
Filed <u>        </u>	<u>194</u>
	Register.
Recorded in _____	
	Record _____
Vol. <u>FILED</u>	Page _____
	Register.
<u>JAN 31 1950</u>	

Alice J. Duck, Register

ARTHUR C. EPPERSON  
ATTORNEY AT LAW  
FOLEY, ALABAMA

HELEN MARIE MATTEI  
Complainant

vs.

ANGELO MATTEI  
Respondent

CIRCUIT COURT IN EQUITY

BALDWIN COUNTY

ALABAMA

AGREEMENT OF PARTIES

WHEREAS, an action for divorce is pending between the parties, and

WHEREAS, the parties are desirous of settling the issue relative to the disposition of joint property of the parties without litigation in regards to the same:

IT IS MUTUALLY UNDERSTOOD AND AGREED By and between the parties as follows:

1. That all of the property real and personal pertaining to the place of business located on U. S. Highway No. 90, Loxley, Alabama known as "The Roost", is to be upon the signing of this agreement the entire property of Helen Marie Mattei free from all liens or claims of the respondent, Angelo Mattei.

2. That the Complainant Helen Marie Mattei assumes all responsibility for payment of all debts, liens, or encumbrances on said property, and that the respondent Angelo Mattei is forever freed from all obligations pertaining to said property.

3. That in event of a final decree of divorce is rendered in this cause the terms of this agreement may be incorporated therein:

WITNESS our hands this 18 day of January 1950.

*Helen Marie Mattei*  
Complainant  
*Angelo Mattei*  
Respondent

No. 2416 PAGE \*\*\*\*\*

THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

HELEN MARIE MATTEI  
Complainant

VS

Angelo Mattei  
Respondent

AGREEMENT OF PARTIES *Exhibit A*

FILED

JAN 21 1950

AUDIE J. DUCK, Register

ARTHUR C. EPPERSON  
ATTORNEY AT LAW  
FOLEY, ALABAMA



HELEN MARIE MATTEI  
Complainant

VS.

CIRCUIT COURT IN EQUITY  
BALDWIN COUNTY  
ALABAMA

ANGELO MATTIE  
Respondent

Now comes the respondent, Angelo Mattei, and for answer to the bill of complaint says as follows:

1. He denies each and every allegation contained in said bill of complaint and demands strict proof of same.

2. The respondent hereby waives notice of taking of testimony in this cause, notice of submitting said cause for final decree and such other, further, or different notice to which he might otherwise be entitled.

CC Beck  
Witness

John Pate  
Witness

Angelo Mattei Jr.  
Respondent

NO. 2446 PAGE  
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THE STATE OF ALABAMA  
BALDWIN COUNTY

Incircuit Court, I n Equity

HELEN MARIE MATTEI  
Complainant

VS.

ANGELO MATTEI  
Respondent

ANSWER and WAIVER

FILED  
JAN 21 1950

ALICE J. DUCK, Register  
ARTHUR C. EPPERSON  
ATTORNEY AT LAW  
FOLEY, ALABAMA

HELEN MARIE MATTEI  
Complainant.

vs.

ANGELO MATTEI, Jr.

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

This cause being submitted for final decree in behalf of the complainant, the complainant offers the following testimony, to-wit:

- 1st. Original bill of complaint
- 2nd. Answer and waiver of respondent
- 3rd. Commission to take testimony
- 4th. Oral depositions of Complainants Witness
- 5th. Agreement of parties.

*Arthur C. Epperson*  
Solicitor for Complainant-

*Delia J. Leucke*  
Register

72074416

STATE OF ALABAMA  
BALDWIN COUNTY

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HELEN MARIE MATTHEI  
Complainant

VS

ANGELO MATTHEI  
Respondent

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CIRCUIT COURT in EQUITY

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NOTE of SUBMISSION

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FILED

JAN 21, 1950

ALICE J. DUCK, Registrar

ARTHUR C. EPPERSON  
ATTORNEY AT LAW  
FOLEY, ALABAMA

RECORDED

CIRCUIT COURT IN EQUITY  
BALDWIN COUNTY  
ALABAMA

HELEN MARIE MATTEI  
Complainant  
vs,  
ANGELO MATTEI  
Respondent

To the Honorable Judge of the Circuit Court of Baldwin County,  
sitting in Equity:

Your Complainant, Helen Marie Mattei, respectfully re-  
presents and shows unto Your Honor:

1. That you Complainant is over the age of twenty-one  
years and is a resident of said State and County, and has been  
a bona fide resident of said state for more than two years  
next preceding the filing of this Bill of Complaint; that Angelo  
Mattei, the respondent, is over the age of twenty-one years  
and resides in Baldwin County, Alabama.

2. That the Complainant and Respondent were lawfully mar-  
ried on or about, to-wit, May 2, 1942 at Pascagoula, Mississippi.  
3. Your Complainant avers and charges that the said Res-  
pondent did on or about the 3rd day of December 1949, and many  
times subsequent thereto assault, beat, hit and strike com-  
plainant; that said Respondent has committed actual violence on  
her person attended with danger to her health or life; com-

plainant avers and charges that Respondent has made numerous  
threats of doing her physical harm and from his manner and con-  
duct toward her, she is reasonably convinced that he will com-  
mit actual violence upon her person, attended with danger to  
her life or health.

4. That Complainant and Respondent have entered into an

agreement with reference to property owned jointly, a copy of  
which is hereto attached as Exhibit A and made a part hereof,  
and by the terms of which agreement, all of the property real  
and personal pertaining to place of business located on U. S.  
Highway No. 90, Loxley, Alabama known as "The Roost", is to be  
the entire property of Helen Marie Mattei free from all liens  
or claims of the respondent, Angelo Mattei and, that the Com-  
plainant Helen Marie Mattei assumes all responsibility for

payment of all debts, liens, or encumbrances on said property,  
and that the respondent Angelo Mattei is forever freed by the  
Complainant from all obligations pertaining to said property.

Complainant avers that this is a reasonable, just and proper agreement and prays the Court in the event a decree of divorce is given in this cause that the Court will decree that the parties keep and abide by the terms of said agreement. The premises considered, your Complainant makes the said Angelo Mattei a party respondent to this bill of Complaint, and in order that the Complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said Angelo Mattei, commanding him to answer, plead or demur to this bill of Complaint, within the time required by law; and that on a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from the said respondent, granting the complainant the right to remarry, and granting the Complainant the right to resume her maiden name, and granting the complainant such other, further and different relief as unto your Honor may seem just and proper, and your complainant will ever pray.

*Arthur C. Spencer*  
Solicitor for Complainant

HELEN MARIE MATTEI  
Complainant  
vs.  
ANGELO MATTEI  
Respondent  
ALABAMA  
BALDWIN COUNTY  
CIRCUIT COURT IN EQUITY

This cause coming on to be heard was submitted upon Bill of Complaint, 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 HELEN MARIE MATTEI is forever divorced from the said ANGELO MATTEI for and on account of cruelty.

Upon consideration of the written agreement entered into between the Complainant and Respondent touching the property of the marriage, it is further ordered, adjudged and decreed by the Court as follows:

1. That all of the property real and personal pertaining to the place of business located on U. S. Highway No. 90, Loxley, Alabama known as "The Roost", is the property of the Complainant, Helen Marie Mattei, free from all claims of the respondent, Angelo Mattei.

2. That the complainant is liable for payment and settlement of all debts, liens, or encumbrances on said property as her sole property and the respondent Angelo Mattei is forever freed from all obligations pertaining to said property.

It is further ordered, adjudged that either 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 the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It further ordered and decreed that the complainant can

resume her maiden name.

It is further ordered that Helen Marie Matzel the Com-

plainant pay the cost herein to be taxed, for which execution

may issue.

This 31st

day of January, 1950.

*Alice J. Duck*  
Judge Circuit Court, in Equity

I, Alice J. 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

1950.

Register of Circuit Court, in Equity.



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

Page \_\_\_\_\_

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THE STATE OF ALABAMA

BALDWIN COUNTY

In Circuit Court, In Equity

HELEN MARIE MATTEI  
Complainant

vs.

ANGELO MATTEI  
Respondent

DIVORCE DECREE

ARTHUR C. EPPERSON  
ATTORNEY AT LAW  
FOLEY, ALABAMA

2416