

981

The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

RUTH H. CHILDRESS, Complainant
VS
ERNEST LEO CHILDRESS, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Answer and 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 Ruth H. Childress, is forever divorced from the said Ernest Leo Childress

for and on account of Cruelty

It is further ordered and decreed that the Complainant may resume her maiden name

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 both parties be, and are hereby permitted to again contract marriage upon the payment of the cost of this suit.

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

This 11th day of August, 1943.

J. M. Hare
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.

CIRCUIT COURT IN EQUITY

FILED IN CASE NO. _____

No. Page

The State Of Alabama
Baldwin County

In Circuit Court, In Equity

RUTH H. CHIDRESS,

vs. Complainant.

ERNEST LEO CHIDRESS,

Respondent.

DIVORCE DECREE

It is further ordered that the complainant shall pay to the respondent the sum of \$100.00 as costs of this proceeding, and that the respondent shall pay to the complainant the sum of \$100.00 as costs of this proceeding, and that the costs of this proceeding shall be paid by the parties in equal shares.

It is further ordered that the parties shall pay to the clerk of the court the sum of \$100.00 as costs of this proceeding, and that the costs of this proceeding shall be paid by the parties in equal shares.

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RUTH H. CHILDERS,
Complainant,

E Q U I T Y .

vs

CIRCUIT COURT OF

ERNEST LEO CHILDERS,
Respondent.

BALDWIN COUNTY, Alabama.

Comes ERNEST L. CHILDERS, Respondent in the above styled cause and for answer to the Bill of Complaint, says he denies each and every allegation of same.

Respondent hereby waives service and notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony; of the time and place set for taking same and the right to cross-examine or to introduce evidence in his own behalf. He further agrees that this cause may be submitted for final decree at any time on the pleading and Complainant's evidence as noted by the Register.

Ernest Leo Childers
Respondent.

BEFOREME, the undersigned Notary, personally appeared this day Ernest L. Childers who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the fourth day of August, 1943.

J. E. Perkins
Notary Public, Baldwin County, Alabama.

981

RECORDED

RUTH H. CHILDRESS,
Complainant,

versus

ERNEST LEO CHILDRESS,
Respondent.

ANSWER AND WAIVER.

Ernest Leo Childress

[Handwritten signature]

RUTH H. CHILDRESS
Complainant,

E Q U I T Y

CIRCUIT COURT OF

vs

BALDWIN COUNTY, Alabama.

ERNEST LEO CHILDRESS,
Respondent.

DEPOSITIONS OF RUTH H. CHILDRESS AND IRENE HARBISON,
WITNESSES FOR COMPLAINANT.

The said witnesses, having been first duly sworn by me, the undersigned Commissioner, to tell the truth, upon examination by the Solicitor for the Complainant, testified as follows,

RUTH H. CHILDRESS.

I am the Complainant in this cause and, like my husband, am over the age of twenty-one years and a native born resident of Alabama. He and I were married August 8th, 1936 at Atmore and have lived together as husband and wife up to the middle of June last. Then I left him and have been living apart from him ever since.

In the last three or four years my husband has started drinking heavily and when drunk, is quarrelsome and abusive. Of late he has been abusing and cursing me without cause and threatens me for no reason whatever. When he is in liquor he is dangerous and keeps getting worse so that I am now afraid to continue living with him for fear that he will injure me or perhaps kill me in one of his drunken rages. He will not work steadily and I have had to support both him and myself by my work in the Laundry here in Fairhope where we live. In addition to this, about two years ago I found that he was having improper relations with another woman and left him. He promised to quit this and he and his people begged me so hard that I went back to live with him, hoping that he would do better. Recently, however, I have learned that he is going with other women again and I know that if anything is said to him about this it will make trouble and perhaps make him hurt me so I know that we cannot live together any more with safety to myself both an account of his behaviour with other women and his drunkenness and threats.

IRENE HARBISON.

Ruth H. Childress

Ruth Childress is my sister and I know of what a hard time she has been having with her husband. In the last year or two he has started drinking pretty hard and running with other women. When he is drinking he is mean and curses and abuses his wife. I have never seen him strike her but a man who drinks and gets as ugly and mean as he does when in liquor is liable to do anything. I have seen him going to parties with other women and while I do not know of my own knowledge of any misbehavior with them, the class of women who go to wild parties with other women's husbands are not going to be any too proper. He is drinking a lot now and does nothing for her support. She works at the Laundry and supported both herself and him for a number of months before she left him. He has gotten much worse about liquor in the past year and is now drunk a good deal of the time so I know she has good reason to be afraid of him and that she is right in leaving him.

Irene Harbison

C E R T I F I C A T E .

I, JOSEPH POSE, acting as Commissioner by agreement of the parties in a cause pending in the Equity Side of the Circuit Court of Baldwin County, Alabama wherein RUTH H. CHILDRESS is complainant and ERNEST L. CHILDRESS Respondent, hereby certify that I caused MRS RUTH H. CHILDRESS and MRS IRENE HARBISON a witness for Complainant who is known to me to come before me this day in the Town of Fairhope where, after being duly sworn by me to tell the truth, upon examination by E. G. Rickarby, Esq, Solicitor for Complainant, she testified as is hereinbefore written; that her testimony, after being reduced to writing was read over and signed by her in my presence.

I further certify that I am not of counsel or of kin to either party to this cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF, I hereto set my hand and seal as Commissioner this the Fifth day of August, 1943.

Joseph Pose
Commissioner,

To The

HONORABLE F. W. HARE,

JUDGE of CIRCUIT COURT, BALDWIN COUNTY, ALABAMA

IN EQUITY:

Comes RUTH H. CHILDERS, and by this her bill of complaint presented against ERNEST LEO CHILDERS shows:

FIRST: That Complainant and the Defendant above named are life long residents of the State of Alabama, now living in Baldwin County, and were married on August 8, 1936 at Atmore, living together as husband and wife up to the middle of June, 1943.

SECOND: That about two years ago, Complainant discovered that Defendant was maintaining adulterous relations with another woman and left him for a short period. At the earnest request of his family and on his promise of reformation, she went back to live with him, but that he has recently been guilty of adultery with another woman, which act since it was learned of, has not been condoned.

THIRD: That since their marriage aforesaid, Defendant has become addicted to habitual drunkenness, and of late is not only intoxicated practically every week end but frequently through out the week, and will not work, and she is compelled to support him and herself by her work in a laundry.

FOURTH: That during his drunken periods, the Defendant has repeatedly threatened and abused Complainant, and while he has, so far, done her no bodily injury, from his threats and violent behavior, she fears to continue to live with him, feeling that to do so, will invite personal injury to her health or even life in one of his drunken spells, which grow with time.

The premises considered Complainant prays that the said ERNEST L. CHILDERS be made Defendant to this bill and by proper process be required to answer same within the time prescribed by law.

Complainant further prays that on the hearing of this cause a decree be rendered forever divorcing her from the said ERNEST L. CHILDERS granting her the right to marry again should she so desire, to resume her maiden name and such other further or different relief as to equity may seem meet.

Clifford G. Raines
Solicitor for Complainant

2-20-43
P. J. [unclear]
[unclear]

RUTH H. CHILDRESS

VS.

ERNEST LEO CHILDRESS

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 and waiver and Testimony of Ruth H. Childress and Irene ~~Harrison~~ *Harrison*.

and in behalf of Defendant upon

R. D. [Signature]
Register.

No. 981

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

RUTH H. CHILDRRESS

VS.

ERNEST LEO CHILDRRESS

NOTE OF TESTIMONY

Filed in Open Court this 9th

day of July 1947



Register.