

BERDELLA EULER HUXFORD

NO. _____

Complainant

E Q U I T Y

-vs -

CIRCUIT COURT OF BALDWIN

BENJAMIN H. HUXFORD

COUNTY, ALABAMA

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Agreement, Answer and Waiver, Note of Evidence, 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 BERDELLA EULER HUXFORD is forever divorced from the said BENJAMIN H. HUXFORD for and on account of apprehension of cruelty.

It is further ORDERED, ADJUDGED and DECREED that the said BENJAMIN H. HUXFORD convey to the said BERDELLA EULER HUXFORD the house and lot in the City of Mobile, Mobile County, Alabama, known as 29 South Carlin Street; which is subject to a mortgage in the sum of Three Thousand Dollars (\$3000.00), payable to the Merchants National Bank of Mobile, Mobile, Alabama; and whereas BENJAMIN H. HUXFORD desires to pay off said mortgage he is hereby ORDERED to pay off said mortgage in accordance with the agreement filed in this court in this cause.

It is further ORDERED, ADJUDGED and DECREED that the said BENJAMIN H. HUXFORD convey to the said BERDELLA EULER HUXFORD all the household furniture in the Fairhope, Baldwin County, Alabama, residence and, also, in the house at 29 South Carlin Street, Mobile, Mobile County, Alabama, with the exception of the piano and deep freezer, by proper conveyance.

It is further ORDERED, ADJUDGED and DECREED that the said BENJAMIN H. HUXFORD is to contribute for the support of BERDELLA EULER HUXFORD the sum of Fifty Dollars (\$50.00)

per month each month, and that the said money be deposited to the account of Berdella Euler Huxford in the Merchants National Bank of Mobile, Alabama, before the fifth day of each month, starting on the fifth day of the next month, 1951, and continuing said payments until said Berdella Euler Huxford remarries.

It is further ORDERED, ADJUDGED and DECREED that neither party to this suit shall again marry, except to each other, until sixty (60) days after the rendition of this decree, and that if appeal is taken within sixty (60) days, neither party shall again marry except to each other during the pendency of said appeal.

It is further ORDERED, ADJUDGED and DECREED that the Complainant after the rendition of this decree may resume her maiden name.

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 is further ORDERED that BERDELLA EULER HUXFORD, the Complainant, pay the cost herein to be taxed, for which execution may issue and it is further ORDERED that the court reserve the right to make such further order as may be necessary to enforce the provision of this decree.

This 20th day of August, 1951.

Jeffrey A. Madhuber, Jr.
Judge of the 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 , 1951.

Register of Circuit Court, In Equity.

BERDELLA EULER HUXFORD

Complainant

-vs-

BENJAMIN H. HUXFORD

Respondent

NO. _____

E Q U I T Y

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA

Comes the Complainant in the above styled cause and shows to the Court that the Bill for Divorce heretofore filed sets out an agreed property settlement between the parties, wherefore Complainant prays that the Court approve said agreement and order the Respondent to convey the property agreed to be set over to Complainant so that a final decree of divorce adjusting all equities may be rendered.

Richard A. Huxford
Huxford

no 2628

Received in Sheriff's Office
this 4 day of June 1951
TAYLOR WILKINS, Sheriff

Executed 6-14 1951
by serving copy of within Summons and
Complaint on

Benjamin H. Hylford

Taylor Wilkins Sheriff
By H. F. Hall Deputy Sheriff

RECORDED

FILED

JUN 11 1951

Alice I. Buck, Register

RECORDED

RECORDED

- 42 -

RECORDED

RECORDED

BERDELLA EULER HUXFORD

NO. _____

Complainant

E Q U I T Y

-VS-

CIRCUIT COURT OF BALDWIN

BENJAMIN H. HUXFORD

COUNTY, ALABAMA

Respondent

DEPOSITION OF BERDELLA EULER HUXFORD
AND DEPOSITION OF MABLE YATES

The above named appeared before me at the time and place hereinafter stated and upon examination by counsel for Complainant, after being sworn, testified as follows:

BERDELLA EULER HUXFORD

My name is Berdella Euler Huxford and I am married to Benjamin H. Huxford. We were married on the 18th day of October, 1940, and have lived together as husband and wife in Fairhope, Alabama, until we separated about the 1st day of March, this year. We are both over the age of twenty-one years and have been bona fide residents of Baldwin County, Alabama, for, at least, five years next preceeding the filing of this bill of complaint. Over a year ago we started having trouble-- more and more friction. In March, last year, my husband struck me with his fist and since that time we have ceased to live together as man and wife, and have tried to keep up the appearance of a marriage, but it has not been successful and have had more and more friction. My husband has made repeated threats about striking me and finally left him on the 1st day of March, 1951. Since then we have discussed this separation and have worked out an agreement that we think is a fair and proper agreement as to the division of the marital property, and a proper amount for my support. I have attached a copy of this agreement to my bill of complaint for divorce and ask that the Court take this agreement in consideration when rendering this decree.

Berdella Euler Huxford
Complainant.

MABLE YATES

My name is Mable Yates and I am a resident of Fairhope, Alabama, receiving my mail on the rural route as I live outside the City. I have known Mr. and Mrs. Huxford for fifteen years. I know that both of these parties are bona fide residents of Alabama, are over the age of twenty-one years and are now living in Fairhope, Baldwin County, Alabama, and are husband and wife. They have been living in Fairhope, Alabama, for the last five years. I have never seen Mr. Huxford cruel to Mrs. Huxford, but I do know that they have not been getting along so well. In referring to Mr. and Mrs. Huxford I mean Berdella Euler Huxford and Benjamin H. Huxford.

Mable Yates
Witness for Complainant.

CERTIFICATE

I, Martha W. McReavy, acting as commissioner by appointment by the Register of the Circuit Court of Baldwin County, Alabama, hereby certify that in the case of Berdella Euler Huxford -versus- Benjamin H. Huxford, pending on the Equity side of the Circuit Court of Baldwin County, I caused BERDELLA EULER HUXFORD and MABLE YATES to appear before me in my office in the Bank Building, Fairhope, Alabama, and where, after being duly sworn, upon examination by the solicitor for the Complainant, they testified as heretofore written, and their testimony, after being reduced to writing, was read over and signed by them.

I further certify that I am neither of counsel nor of kin to either party to the cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF, I hereto set my hand and seal as commissioner, this the thirteenth day of April, 1951.

Martha W. McReavy
Commissioner

NO. _____
E Q U I T Y

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

BERDELLA EULER HUXFORD,

Complainant

-vs-

BENJAMIN H. HUXFORD,

Respondent

DEPOSITIONS OF BERDELLA
EULER HUXFORD and MABLE YATES

FILED

MAY 4 1951

ALICE J. DUCK, Register

CERTIFICATE

BERDELLA EULER HUXFORD

Complainant

- vs -

BENJAMIN H. HUXFORD

Respondent

NO. _____

E Q U I T Y

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA

NOTE OF EVIDENCE

This case is submitted on original bill of complaint, answer and waiver of respondent, agreement between the parties, and testimony of complainant and her witness, Mrs. Mabel Yates taken by deposition.

Done this the

16th

day of April, 1951.

Alvin J. Ricker

Register

RICKARBY & RICKARBY

By

E. G. Rickarby, Jr.

E. G. Rickarby, Jr.,
Solicitors for Complainant

RECORDED

NO.
E Q U I T Y
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

BERDELLA EULER HUXFORD

Complainant

-VS-

BENJAMIN H. HUXFORD

Respondent

NOTE OF EVIDENCE

FILED

16 1951

RICKARBY & RICKARBY
Solicitors for Complainant

BERDELLA EULER HUXFORD,

NO. _____

Complainant,

E Q U I T Y

-vs-

CIRCUIT COURT OF BALDWIN
COUNTY, STATE OF ALABAMA

BENJAMIN H. HUXFORD,

Respondent

ANSWER and WAIVER

Comes BENJAMIN H. HUXFORD, respondent in the abovestyled cause, and for answer to the Bill of Complaint says he denies each allegation of same.

Respondent hereby waives 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 of the right 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 of this Court.

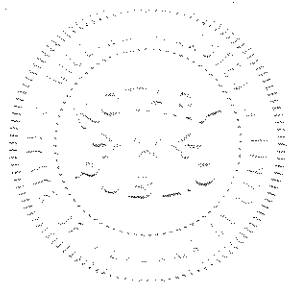

Respondent.

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned Notary Public in and for said County in said State, personally appeared BENJAMIN H. HUXFORD, who is known to me to be the Respondent above named, and who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

APRIL Witness my hand and official seal this the 11 day
of ~~APRIL~~, Nineteen Hundred Fifty-one.


Notary Public, Baldwin County, Alabama.



RECORDED

NO. 2628

EQUITY
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

BERDELLA EULER HUXFORD

Complainant

-VS-

BENJAMIN H. HUXFORD,

Respondent

ANSWER and WAIVER

FILED

APR 13 1951

ALICE J. DUCK, Register

LAW OFFICES

RICKARBY & RICKARBY

ELLIOTT G. RICKARBY

FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

11 April 1951

Mrs. Alice J. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

With this we are handing you bill of divorce in
HUXFORD -vs- HUXFORD, together with check for
costs.

Please have these papers filed, and oblige.


We are, also, enclosing Answer and Waiver, and ask
that commission be issued to Mrs. Martha W. McReavy
to take testimony.

Yours very truly,

for 
RICKARBY & RICKARBY

EGR, JR.:M
Enc.
1157

Please phone me
as soon as you date the
Commission so I can go
ahead & take testimony



COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO:

Mrs. Martha W. McReavy

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 *Berdeline Euler Stupford*

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

Berdeline Euler Stupford

and *Benjamin W. Stupford*, Complainant

Respondent

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

Witness

13th

day of

April

, 195*1*

Anna J. Hensley
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 2628

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Berdelia Euler Hufford

Complainant—

VS.

Benjamin W. Hufford

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

LAW OFFICES

RICKARBY & RICKARBY

ELLIOTT G. RICKARBY

FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

May 14, 1951

Mrs. Alice Duck
Register Circuit Court
Bay Minette, Alabama

Re: HUXFORD vs HUXFORD

Dear Mrs. Duck:

With this I hand to you note of evidence
and decree and ask that you have this case submitted
and return it as soon as possible.

Yours very truly,

for
RICKARBY & RICKARBY

Enc: Decree
CC: B.E.Huxford
B.H.Huxford
EGRJR/mt

BERDELLA EULER HUXFORD,

Complainant

-vs-

BENJAMIN H. HUXFORD,

Respondent

NO. _____

E Q U I T Y

CIRCUIT COURT OF BALDWIN
COUNTY, STATE OF ALABAMA

TO THE

HONORABLE TELFAIR J. MASHBURN,
JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, STATE OF ALABAMA, IN EQUITY:

Comes BERDELLA EULER HUXFORD and by this her
Bill of Complaint presented against BENJAMIN H. HUXFORD, respect-
fully shows:

FIRST: That both complainant and defendant are over the age
of twenty-one years; and are now, and have been for more than five
years next preceeding the filing of this bill of complaint, resi-
dents of Baldwin County in the State of Alabama; and are now resi-
dents of Fairhope; and their post office address is Fairhope, Ala-
bama.

SECOND: That complainant and respondent were married on or
about the eighteenth day of October, Nineteen Hundred Forty, and
lived together as husband and wife until on or about the first day
of March, Nineteen Hundred Fifty-one.

THIRD: That to this marriage there were no children born.

FOURTH: That prior to February, Nineteen Hundred Fifty, com-
plainant and respondent lived together as man and wife, having
more and more friction, but that in March, Nineteen Hundred Fifty,
defendant committed actual physical violence to the person of his
wife, this complainant, by striking her with his fist and that
from that time they ceased to live together as husband and wife,
but tried to keep up their marriage; but they from time to time
have had more and more friction and the defendant has repeatedly
struck this complainant. They have now separated and worked out
an arrangement that they ask the Court to confirm as to property
settlement in this marriage, copy of which agreement is hereto

attached and marked Exhibit "A!"

THE PREMISES CONSIDERED, Complainant prays that BENJAMIN H. HUXFORD be made a party defendant to this cause, and by proper process, and required to answer this bill of complaint within the time prescribed by law.

Complainant further prays that upon a hearing of this Bill, the Court will take into consideration the agreement of the parties allowing the property settlements therein; and the Court will upon the hearing of this cause render a decree forever divorcing this complainant from BENJAMIN H. HUXFORD, and give the Complainant the right to change her name should she so desire, and such other, further or different relief as to equity may seem met.

Bendalla Louise Huxford
Complainant.

RICKARBY & RICKARBY

By

E. G. Rickarby, Jr. SOLICITORS FOR
COMPLAINANT.

Complainant's address is
Fairhope, Alabama

RECORDED

NO. 2628

EQUITY
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

BERDELLA EULER HUXFORD,

Complainant

-vs-

BENJAMIN H. HUXFORD,

Respondent

BILL OF COMPLAINT

FILED

APR 13 1951

ALICE J. DUCK, Register

RICKARBY & RICKARBY

Solicitors for Complainant

EXHIBIT "A"

STATE OF ALABAMA
COUNTY OF BALDWIN

WHEREAS, BERDELLA EULER HUXFORD and BENJAMIN H. HUXFORD are not living together as husband and wife; and

WHEREAS, BERDELLA EULER HUXFORD is filing a suit for divorce; and

WHEREAS, there are no children to this marriage; and

WHEREAS, BENJAMIN H. HUXFORD is desirous of providing for the support of his wife, BERDELLA EULER HUXFORD, by deeding to her the house and lot in the City of Mobile, Alabama, at 29 South Carlin Street; is giving to her all his right, title and interest in the community owned household furniture, which is all the furniture in the Fairhope, Alabama, residence and the house at 29 South Carlin Street, Mobile, Alabama, with the exception of the piano and the deep freezer; and is contributing for her support the sum of Fifty Dollars (\$50.00) per month to be deposited in the Merchants National Bank of Mobile, Alabama, Before the fifth day of each month until she remarries; and

WHEREAS, the house at 29 South Carlin Street, Mobile, Alabama, is subject to a mortgage in the sum of Three Thousand Dollars (\$3000.00) payable to the Merchants National Bank of Mobile, Alabama; and

WHEREAS, BENJAMIN H. HUXFORD desires to pay off said mortgage he hereby agrees to pay off said mortgage; and should the said BERDELLA EULER HUXFORD sell said property prior to the time said mortgage is paid off the said BENJAMIN H. HUXFORD agrees that he will continue making the payments on said obligation until he has it paid in full even though it may not be held by the said Merchants National Bank of Mobile, Alabama; and

WHEREAS, the said BERDELLA EULER HUXFORD is of the opinion that the above settlement is a reasonable and fair settlement, both parties respectively ask the Court to incorporate said agreement in the divorce decree for which she is asking in this cause.

Done this the 11th day of April, Nineteen Hundred Fifty-one.

Berdella Euler Huxford
Ben Huxford

STATE OF ALABAMA

COUNTY OF BALDWIN

I, E. G. RICKARBY, JR., a Notary Public in and for said County in said State, hereby certify that BERDELLA EULER HUXFORD, whose name is signed to the foregoing agreement, and who is known to me, acknowledged before me on this day, that, being informed of the contents of this agreement, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 11th day of April, 1951.



Notary Public, Baldwin County, Alabama

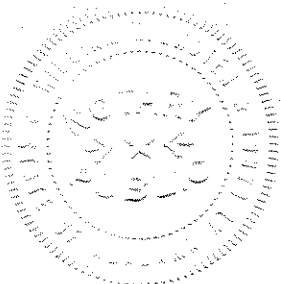
STATE OF ALABAMA

COUNTY OF BALDWIN

I, WILLIAM R. LAUTEN, a Notary Public in and for said County in said State, hereby certify that BENJAMIN H. HUXFORD, whose name is signed to the foregoing agreement, and who is known to me, acknowledged before me on this day, that, being informed of the contents of this agreement, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 11th day of April, 1951.


Notary Public, Baldwin County, Alabama



RECORDED

NO. 2628
EQUITY

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

BERDELLA EULER HUXFORD,

Complainant

-vs-

BENJAMIN H. HUXFORD,

Respondent

EXHIBIT "A"
A GREEEMENT

FILED

APR 13 1951

ALICE A. DUCK, Register

2628

COMMITTEE OF BALDWIN

STATE OF ALABAMA