

990

# The State Of Alabama, Baldwin County

## CIRCUIT COURT, IN EQUITY

LAURA BELLE HORTON Complainant

VS

JOHN BUNYAN HORTON Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree ~~Pro. Con. 13~~ ~~of 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 Laura Belle Horton is forever divorced from the said

JOHN Bunyan Horton

for and on account of adultery.

IT IS FORTHER ORDERED AND ADJUDGED that the Complainant have the sole care and custody of Beverly Bath April Gaines Horton, the youngest child of this marriage and the Respondent the care and custody of the other children, namely, Mary Rebecca, John Bunyan, Jr Gavelle and Anna Marie Horton, subject to the right of either parent to visit and see the children in the custody of the other parent at any reasonable daylight hour.

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 Respondent pay the cost herein to be taxed, for which execution may issue.

This 7<sup>th</sup> day of September, 1943.

*J. N. Hall*  
Judge Circuit Court, in Equity.

I, Robert 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 September, 1943.

Register of Circuit Court, in Equity.

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

**The State Of Alabama**  
Baldwin County

In Circuit Court, In Equity

LAURA BELL HORTON

vs. Complainant.

JOHN BUNYAN HORTON

Respondent.

**DIVORCE DECREE**

That the bonds of matrimony here  
between the said Laura Belle Horton and the said John Bunyan Horton were  
lawfully contracted and consummated by them in and to the said State of Alabama  
on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_ Alabama.

It is further ordered and decreed that the said parties be and they are hereby  
separated as to all and singular the rights and duties of husband and wife  
including the right of cohabitation and the right of consortium and the right  
of support and maintenance and the right of inheritance and the right of  
testamentary disposition and the right of custody of the children of the said  
marriage and the right of the said parties to be deemed as if they had never  
been married together.

It is further ordered that the said parties be and they are hereby  
permanently enjoined from entering into any further marriage with each other  
until such time as they shall be lawfully divorced.

It is further ordered that the said parties be and they are hereby  
permanently enjoined from entering into any further marriage with each other  
until such time as they shall be lawfully divorced.

The Court hereby orders that the said parties be and they are hereby  
permanently enjoined from entering into any further marriage with each other  
until such time as they shall be lawfully divorced.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_ Alabama.

\_\_\_\_\_  
Clerk of the Circuit Court, Baldwin County, Alabama

Laura Belle Horton.

VS.

John Bunyan Horton.

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 Laura Belle Horton.

and in behalf of Defendant upon

Answer and waiver.

*[Handwritten Signature]* Register.

To the

HONORABLE F. W. HARE,

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,

IN EQUITY:

Comes LAURA BELLE HORTON, and by this her Bill of Complaint presented against JOHN BUNYAN HORTON, shows:

FIRST: That she and the defendant above named are over the age of twenty-one years and are now and have been for their lifetimes, bona fide residents of Baldwin County. That they were married in Bay Minette on or about May 2nd, 1928 and have lived together as husband and wife in or near Fairhope up to within a few months prior to the filing of this bill.

SECOND: That six children were born of this marriage of whom five are now living, Mary Rebecca, aged eleven years, John Bunyan, Jr, nine, Gavelle, eight, Anne Marie, four, all of these now living with and cared for by their father and an infant daughter, Beverly Beth April Gaines Horton, now with Complainant who is now living apart from Defendant in Mobile.

THIRD: That within the past seven or eight months, and possibly prior to that time, the Defendant has been committing acts of adultery, but with whom, where and when Complainant does not know of her own knowledge, though she she has suspected this for some time. Confirmation of her suspicions and the ability to prove same is only recent, and since she has this, she has not condoned said acts in any way but is now living separate and apart from Defendant. She now charges Defendant with adultery committed with women unknown to her at various places along the vicinity of Fish River, East of Fairhope in the months of December, January and February last, but the exact times and places she does not know of her own knowledge.

THE PREMISES CONSIDERED, Complainant prays that said John Bunyan Horton be made Defendant to this bill and by proper notice 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

John B. Horton, granting her the right to marry again should she so desire, the sole custody of the infant daughter, Beverly Beth April Gaines Horton, the right to see and be visited by the four older children and such other, further or different relief as to equity may seem meet.

*Elliott B. Ainsley*  
Solicitor for Complainant.

LAURA BELLE HORTON

Complainant

vs.

JOHN BUNYAN HORTON

Defendant.

E Q U I T Y

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA.

Comes JOHN BUNYAN HORTON, 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 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.

JB Horton  
Respondent.

Before me, the undersigned Notary, personally appeared JOHN BUNYAN HORTON, who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the 29th day of July, 1943.

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

LAURA BELLE HORTON,  
Complainant,

vs

JOHN BUNYAN HORTON,  
Respondent.

E Q U I T Y.

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

DEPOSITIONS OF LAURA BELLE HORTON, J. E. BRADFORD and  
WILLARD LAY, WITNESSES FOR COMPLAINANT.

The said witnesses, being by me first duly sworn, upon examination by the Solicitor for Complainant, testified as follows:

LAURA BELLE HORTON.

I am the Complainant in this cause. Both my husband and I are over the age of twenty-one years and natives of Baldwin County. I am now working in Mobile but my husband still lives in Fairhope where the four oldest children live with him. The youngest child, an infant of three months, is with me. We were married at Bay Minette on April 20, 1929 but have lived in Fairhope up to last February when I left him and went to Mobile, or rather Prichard, just north of Mobile where I now live with some of my people.

For the last year my husband and I have not gotten on well together. We parted several times and then went back together. This last time I left him in February 1943 and we have been apart ever since. It is only recently that I have been able to secure evidence of my husband's infidelity, which, however, I had strongly suspected but since I have this I have not condoned this in any way. As may be supposed, I do not know of this of my own knowledge but do not hesitate to charge him with this on information and belief.

To our marriage was born six children, the first of whom died in infancy. The children living are Mary Rebecca, aged eleven, John Bunyan Jr, nine, Gabelle, eight, Ann Marie, four and the baby, now with me, Beverly Beth April Gaines Horton. I have agreed for my husband to keep and care for the four older children, but want to keep the baby with me and to have the right to have the other children with me when I want them for visits. I am not going back to my husband but am willing for him to have him keep and care for the older children.

*Mrs Laura Belle Horton*

J. E. BRADFORD.

I am a resident of Fairhope and have known J. B. Horton for a long time. I do not know anything of my own knowledge of his improper relations with women but I do know that several times last winter, about six or seven months ago, I have seen him with a woman who is known to be of loose character and with whom he was apparently on the best of terms. I have seen him walking with her late in the evenings in lonely places and several times saw he with him in a car on a country side road several miles east of Fairhope at night. They were alone in the car and apparently much interested in each other. I do not know what they were up to but have strong suspicions

*This man deals with  
come back to the office*

.....  
WILLARD LAY.

I live near Fairhope and have known J.B.Horton a long time. We have been quite intimate together and have gone out together a lot. We have gone with the same girls and had some pretty good times together. Several times in the early part of the year he and I took a couple of girls out to Fish River in a car. We had a quiet place to go and when we would get there one pair of us would stay in the car and the other pair go down the river a little ways and stay a while, then would come back to the car for a while. This was at night. Sometimes we would have something to eat when we were back together again. The girls we took were two widows and neither of them was any too prudish. We would have a good time and get back home about twelve or one o'clock that night. While I do not know of my own knowledge that J.B. would have any sexual intercourse with the girl he went into the woods with, I know that was what we took the girls there for and what they expected and do not think that they were disappointed. I have known of his taking other girls out at night in his car and they would be girls who were out for a good time and who generally managed to get it.

*Willard Lay*  
.....

I, Joseph Pose, acting as Commissioner by agreement of parties in the above styled cause, hereby certify that I caused Laura S. Horton, J.E.Bradsford and Willard Lay, witnesses for Complainant to come before this day in the Town of Fairhope, where, after being duly sworn to tell the truth, upon examination by Complainant's Solicitor, they testified as is above written; that their testimony, after being reduced to writing, was read over and signed by them.

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

WITNESS my hand and seal as Commissioner this the sixth day of July, 1943.

*Joseph Pose*  
Commissioner.



RECORDED

No. 990. \_\_\_\_\_

The State of Alabama,  
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Laura Belle Horton.

VS.

John Bunyan Horton.

NOTE OF TESTIMONY

Filed in Open Court this 6th

day of Sept. 194 3

*R. R. Rucker*

Register.

990

RECORDED

LAURA BELLE HORTON,  
Compt.

VS

JOHN EUNYAN HORTON,  
Respt.

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ANSWER AND WAIVER.

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557

July 18-20-42

Book 2-143

1170

Filed Sept 3 1945  
B. J. [Signature]

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Laura Belle Horton,  
Complainant.

vs

John Bunyan Horton,  
Respondent.

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DEPOSITIONS.

Subdopt 3194  
B. B. B. B.

Commissioner's fee, \$3.00  
Paid by Complainant.