

ELIZABETH S. BERGLIN
Complainant,

E Q U I T Y

No. 997.

versus

MARVIN O. BERGLIN,
Respondent.

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

DEPOSITIONS OF ELIZABETH S. BERGLIN AND E. H. GOODEN

WITNESSES FOR COMPLAINANT.

Before me, the undersigned Commissioner, acting by agreement of the parties, personally appeared to above named witnesses, who, after being first sworn, testified in substance as follows;

ELIZABETH S. BERGLIN.

I am the Complainant in this cause. I am over the age of twenty-one years and have been a bona fide resident of the State of Alabama for more than two years next prior to this date. On July 19th, 1939 I married Marvin O. Berglin in Montgomery and since that time have lived with him as his wife until comparatively recently when I left him for the reason hereinafter stated and since then have lived apart from him but still in Fairhope which has been our home since our marriage. He is also over the age of twenty-one and has always lived in Fairhope.

Of late my relations with my husband have been very unhappy. He has been cruel to me and from the way he is acting, while he has not yet struck me I can see that if I continue to live with him this will be but a question of time. I am afraid to continue to live with him as from his threats and actions I know that he will some day do me serious harm injurious to my life and health.

Elizabeth S. Berglin

E. H. GOODEN

I am well acquainted with both parties to this cause. They are both over the age of twenty-one and live in Fairhope.

For some time I have known that they were having trouble, and while I have never known of any acts of cruelty on his part toward his wife, I was at the house just before they parted some two months ago and heard a very bitter quarrel between them. My being present probably kept things from being worse than they were, but from his attitude, I feel confident that it would be very unwise for Mrs. Berglin to continue to live with her husband as he has a violent temper and with things between them as they are, he might do her some serious injury in a fit of rage. I can see why she is leaving him on this account.

E. H. Gooden

CERTIFICATE

I, Helen P. Baugh, acting as commissioner by agreement of parties hereby certify that in the case of ELIZABETH S. BERGLIN vs. MARVIN O. BERGLIN, pending in the Equity side of the Circuit Court of Baldwin County, I caused ELIZABETH S. BERGLIN and E. H. GOODEN, witnesses for the Complainant, to appear before me at my office in the Bank Building, Fairhope, Alabama, where, after being duly sworn upon examination by the solicitor for the Complainant, they tested 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 neither of counsel nor of kin to either party of the cause or in anywise interested in the result thereof.

In witness thereof, I hereto set my hand and seal as commissioner this the 29th day of September, 1943.

Helen P. Baugh
Commissioner.

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The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ELIZABETH S. BERGLIN

Complainant

VS

MARVIN O. BERGLIN

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Answer and Waiver~~ ~~as 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 ELIZABETH S. BERGLIN

is forever divorced from the said

MARVIN O. BERGLIN

for and on account of Cruelty

It is further ordered 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 MARVIN O. BERGLIN the Respondent pay the cost herein to be taxed, for which execution may issue.

This 30th day of September, 1943.

J. N. 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

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The State Of Alabama
Baldwin County

In Circuit Court, In Equity

ELIZA EITH S. BERGLIN

vs. Complainant.

MARVIN O. BERGLIN

Respondent.

DIVORCE DECREE

It is further ordered that the complainant do pay to the respondent the sum of \$100.00 within thirty days of the date of this decree, and if she fails to do so, the respondent is authorized to file a motion for enforcement of this decree.

It is further ordered that the respondent do pay to the complainant the sum of \$100.00 within thirty days of the date of this decree, and if he fails to do so, the complainant is authorized to file a motion for enforcement of this decree.

The 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 entitled cause, whereof this decree is a part and entered in my office.

Witness my hand and seal this 10th day of _____ 19__.

Register of Circuit Court in Baldwin County, Alabama

ELIZABETH S. BERGLIN,
Complainant,

No. 997. EQUITY.

CIRCUIT COURT OF

versus

BALDWIN COUNTY,

MARVIN O. BERGLIN,
Respondent,

ALABAMA.

COMES Marvin O. Berglin, Respondent in the above styled cause and for answer to the Bill of Complaint, says that he denies each allegation of same.

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

Marvin O. Berglin

Respondent.

BEFORE ME, the undersigned Notary personally appeared Marvin O. Berglin who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

WITNESS my hand this the 29th day of September, 1943.

J. E. Jenkins

Notary Public, Baldwin County, Ala.

TO THE

HONORABLE FRANCIS W. HARE,

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

IN EQUITY:

Comes ELIZABETH S. BERGLIN and by this her bill of complaint presented against MARVIN O. BERGLIN, respectfully shows that:

FIRST: Complainant and Respondent are life long residents of the State of Alabama, over the age of twenty-one years, now living in Fairhope. That they were married in the City of Montgomery on July 19, 1939 and lived together as husband and wife in the City of Fairhope until a short time previous to this date.

SECOND: That since said marriage the Defendant has shown toward Complainant repeated acts of physical cruelty and from his conduct and actions up to this time, she has reasonable grounds to believe that if she continues to live with him it will be dangerous to her health and possibly her life.

THE PREMISES CONSIDERED, the Complainant prays that said MARVIN O. BERGLIN be made a party to this bill and be required to answer same within the time prescribed by law.

Complainant further prays that upon hearing of this cause decree be rendered forever divorcing her from the said MARVIN O. BERGLIN, 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.

Elizabeth S. Berglin
Solicitor for Complainant.

ELIZABETH S. BERGLIN
Complainant
vs.
MARVIN O. BERGLIN
Respondent

Depositions of ELIZABETH S.
BERGLIN and E. H. GOODEN.

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Frederick T. 30/1943
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Commissioner's Fee \$2.50
Not Paid

RECORDED

No. _____

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

VS.

NOTE OF TESTIMONY

Filed in Open Court this 30

day of Sept 1943

R. D. [Signature]

Register.