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TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Oratrix, Opal Garner, presents this Bill of Complaint against Wesley Garner and thereupon your Oratrix complains and shows unto the Court as follows:

1. Your Oratrix is a married woman over twenty years of age and a bona fide resident citizen of Baldwin County, Alabama, where she has resided for more than one year next preceding the filing of this Bill of Complaint and the Respondent, Wesley Garner, is over twenty-one years of age and a resident of Baldwin County, Alabama.

2. Your Oratrix and the said Wesley Garner were lawfully married at Bay Minette in Baldwin County, Alabama, on the 1st day of July, 1939 and lived together as man and wife until Easter Sunday, 1943 when they separated.

On Easter Sunday, 1943, immediately prior to the time your Oratrix separated from the said Respondent, he struck your Oratrix with his hand and threatened to kill her. Because of his said conduct, she was put in fear of being severely injured or done great bodily harm if she tried to continue to live with him. She separated from him immediately thereafter and they have not lived together since the said date.

PRAYER FOR PROCESS

Your Oratrix prays that the Court will take jurisdiction of the cause made by this Bill of Complaint and that due notice thereof be given to the Respondent, Wesley Garner, in the form and manner prescribed by law, requiring him to plead to, answer or demur to the said Bill of Complaint within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

PRAYER FOR RELIEF

The premises considered, your Oratrix prays that upon

OPAL GARNER,  
Complainant,  
VS.  
WESLEY GARNER,  
Respondent.

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

ANSWER OF WESLEY GARNER

Now comes Wesley Garner, the Respondent named in this cause, and for answer to the Bill of Complaint filed herein, denies the allegations thereof and requires strict proof of same. Respondent consents that a Commissioner be appointed to take testimony of the witnesses in this case, that testimony be taken and that the cause be submitted for final decree without notice to him, all of which is hereby expressly waive.

*Wesley Garner*

*FILED*  
*APR 11 1911*  
*WESLEY GARNER*

WESLEY GARNER  
BALDWIN COUNTY, ALABAMA  
IN THE CIRCUIT COURT OF

RECORDS

WESLEY GARNER

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WESLEY GARNER

WESLEY GARNER

FILED

OPAL GARNER,  
Complainant,  
VS.  
WESLEY GARNER,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. \_\_\_\_\_

NOTE OF TESTIMONY.

This cause is submitted on behalf of the Complainant upon the following:

1. Original Bill of Complaint.
2. Answer.
3. Oral deposition of Complainant, Opal Garner, taken before Ora S. Nelson, Commissioner.

Dated this 18th day of September, 1943.

R. S. Luck  
by Alice J. Luck  
Register. A.B.C.

J. B. Blackburn  
Solicitor for Complainant.

ALICE GARNER, PLAINTIFF  
WESLEY GARNER, DEFENDANT  
IN EQUITY  
BALDWIN COUNTY, ALABAMA  
SEPTEMBER 18 1943  
REGISTER  
A.B.C.  
COMMISSIONER  
FILED IN BALDWIN COUNTY  
RECORDED

The State of Alabama, {  
Baldwin County

CIRCUIT COURT

To Ora S Nelson.

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 Opal Garner.

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

Complainant  
and Wesley Garner.

Defendant,

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

Witness 10th. day of Sept. 19 43

*R. D. Duck*

REGISTER

COMMISSIONER'S FEE, \$ \_\_\_\_\_

WITNESS' FEES, \$ \_\_\_\_\_

OPAL GARNER,  
Complainant,  
VS.  
WESLEY GARNER,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. \_\_\_\_\_

FINAL DECREE.

This cause coming on to be heard on this date is submitted for final decree on the original Bill of Complaint, answer of the Respondent and the testimony as noted by the Register, upon consideration of all of which, the Court is of the opinion that the Complainant is entitled to the relief prayed for in her said Bill of Complaint, whereupon it is ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the bonds of matrimony heretofore existing between the Complainant and the Respondent be and the same are hereby dissolved and the Complainant is forever divorced from the Respondent on the ground of cruelty.
2. That the Complainant and the Respondent be and they are each hereby permitted to again contract marriage.
3. That the said parties shall not marry except to each other until sixty days after this date, and if an appeal is taken within sixty days, they shall not again marry, except to each other during the pendency of the said appeal.
4. That the costs of this cause be and they are hereby taxed against the Respondent, for which execution may issue.

ORDERED, ADJUDGED AND DECREED at Monroeville, Alabama,  
on this the 23<sup>rd</sup> day of September, 1943.

J. M. Hale  
Judge.

NO. ~~1000~~ 1000

The State of Alabama  
BALDWIN COUNTY  
CIRCUIT COURT

*Opal Hansen*

Complainant

vs.

*Wesley Hansen*

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

1002  
RECORDED

NOTE OF TESTIMONY

OPAL GARNER,

Complainant,

VS.

WESLEY GARNER,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER \_\_\_\_\_

Filed Sept. 18, 1943.

*R.S. Weeks*  
*Reporter*  
*my office hours, etc.*

Noted this \_\_\_\_\_ day of September, 1943.

Testimony taken before me at \_\_\_\_\_

\_\_\_\_\_ day of September, 1943.

\_\_\_\_\_

\_\_\_\_\_

upon the following:

That \_\_\_\_\_ is admitted on behalf of the complainant

NOTE OF TESTIMONY

Respondent

WESLEY GARNER

AS

Complainant

OPAL GARNER

IN EQUITY

BALDWIN COUNTY, ALABAMA

IN THE CIRCUIT COURT OF





THE STATE OF ALABAMA }  
Baldwin County }

Circuit Court of Baldwin County, Alabama,  
(In Equity)

OPAL GARNER, \_\_\_\_\_ COMPLAINANT

VS.

WESLEY GARNER, \_\_\_\_\_ RESPONDENT

I, Ora S. Nelson \_\_\_\_\_

as ~~Register and~~ Commissioner \_\_\_\_\_

have called and caused to come before me Opal Garner \_\_\_\_\_

witness— named in the Requirement for Oral Examination, on the 18th day of September

1943, at the office of J. B. Blackburn \_\_\_\_\_

in Bay Minette, Alabama, and having first sworn said witness— to speak the truth,

the whole truth, and nothing but the truth, the said Opal Garner \_\_\_\_\_

\_\_\_\_\_ doth depose and say as follows:

TESTIMONY OF OPAL GARNER

My name is Opal Garner.

I am twenty years of age and a resident of Baldwin County, Alabama where I have resided all of my life. I was lawfully married to the Respondent, Wesley Garner, in Bay Minette, Alabama on July 1, 1939 and lived with him as his wife until Easter Sunday in this year when we separated. Shortly before we separated the said Wesley Garner abused and threatened me and struck me with his hand.

ORAL EXAMINATION

I, Ora S. Nelson, as ~~Register~~ Commissioner hereby certify that the foregoing deposition— on Oral Examination was taken down in writing by me in the words of the witness— and read over to her and she signed the same in the presence of myself and J. B. Blackburn at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness— or had proof made before me of the identity of said witness—; that I am not of 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 18th day of September, 1943.

Ora S. Nelson (L. S.)

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Complainant						
Respondent						
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