

1007

The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

JULIA MCCUBBIN

Complainant

VS

JAMES MCCUBBIN

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Deedess Pro Confesso~~ on Answer of Respondent 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 Julia McCubbin is forever divorced from the said

James McCubbin

for and on account of extreme cruelty

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~~

~~he, and~~ ~~hereby permitted to~~ ~~re-marry~~ ~~upon the~~ ~~payment of the cost of~~ ~~this suit~~

It is further ordered that Julia McCubbin

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

This 9th day of October, 1943

J. M. Starn
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.

No. 1007 Page

The State Of Alabama
Baldwin County

In Circuit Court, In Equity

Julia McCubbbin
vs. Complainant.

James McCubbbin
Respondent.

DIVORCE DECREE

COPY

JULIA MCCUBBIN,
Complainant,
vs.
JAMES MCCUBBIN,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

BILL OF COMPLAINT

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

PART ONE

Your complainant, Julia McCubbin, respectfully shows to
Your Honor that she is over the age of 21 years and a bona fide
resident of Baldwin County, Alabama, residing in Foley therein and
that the respondent James McCubbin is also over the age of 21 years
and a resident of Baldwin County, Alabama.

PART TWO

1. Your complainant further avers that she was lawfully
married to the respondent in Bay Minette, Alabama on the 2nd day
of November, 1942, has resided in Baldwin County, Alabama ever since
said marriage and for many years prior thereto and at all times since
said marriage has conducted herself toward the respondent as a
faithful and obedient wife.

2. That ever since said marriage the respondent has been
guilty of extreme cruelty toward your complainant. He is addicted
to the use of intoxicating liquor and when under the influence
thereof, extremely quarrelsome and violent, when he has many times
abused, struck and beat and threatened your complainant and has
committed actual violence upon her person so that her health has
been affected and she has been able to live with him only about two
months since said marriage and finds her married life under such
conditions intolerable that she desires a divorce from the res-
pondent.

PRAYER FOR PROCESS

Wherefore your complainant prays that Your Honor will
grant to her the writ of summons of the State of Alabama, command-
ing the respondent James McCubbin to appear before this honorable
court within the time allowed by law to answer, demur or otherwise
plead to this bill of complaint and to abide such order and

decree as may be entered therein; and your complainant shall ever pray, & c.

PRAYER FOR RELIEF

Your complainant further prays that upon the final hearing of this cause Your Honor will grant to her a decree of divorce from the respondent James McCubbin and that she may have such other, further and different relief in the premises as may be just and equitable.


Solicitor for Complainant

JULIA MCCUBBIN,
Complainant,
vs.
JAMES MCCUBBIN,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

ANSWER

Comes now the respondent and for answer to the bill of complaint says:

He admits the averments of Part One of said bill.

He admits that he and the complainant were married as alleged and denies each and every other allegation in said bill contained and demands strict proof thereof.

The respondent hereby stipulates and agrees that testimony in behalf of the complainant may be taken orally at any time without notice to him, the right of cross examination being hereby waived and he further consents and agrees that this cause may be submitted for decree at any time and without notice.

Wherefore having fully answered the respondent prays that he may go hence without day.

James McCubbin
Respondent

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To Sara Poe

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 Julia McCubbin and Juanita Abbet

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

Complainant
and James McCubbin

Defendant,
on oath to be by you administered, upon oral interrogatory to take and certify the depositionS of the witnessS and return the same to our Court, with all convenient speed, under your hand.

Witness 8th day of October 19 43

R.S. Duck

REGISTER

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

JULIA MCCUBBIN,
Complainant
vs.
JAMES MCCUBBIN,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY
DEPOSITION

TESTIMONY OF JULIA MCCUBBIN

My name is Julia McCubbin and I am the complainant in this action for divorce.

I have lived in Foley for a number of years past and was married to the respondent in Bay Minette, Alabama on the 2nd day of November, 1942 and we have both lived in Baldwin County, ever since.

My marriage to the respondent was a mistake. He is a man who drinks considerably and whenever he is under the influence he apparently finds it impossible to control his temper and the slightest argument or misunderstanding between us would lead to threats, abuse and physical violence on his part to me. Almost from the time we were married, he would push and slap me around and threaten me with violence and he has many times been guilty of actual violence upon my person and threats of even greater violence which made me live in constant fear of him and seriously affected my nerves and health.

We only lived together about four months until I was obliged to leave him and we were separated about two months. Then I yielded to his requests for a reconciliation and his promise to treat me better and went back to him but that only lasted about two months and on last July 10, he struck me again and I left him and we have not lived together since and I am sure that we can never live together happily and will both be better off divorced.

Julia McCubbin

TESTIMONY OF JUANITA ABBOT

My name is Juanita Abbot, I live in Foley, Alabama and I have known Julia McCubbin, the complainant in this divorce suit for the past four years and have known her husband since shortly before they were married and ever since.

I lived in the same house with them during the time they lived together and was in their company a good deal of the time and have had many opportunities to observe his treatment of her.

He is a man who drinks and becomes violent when he is under the influence of liquor.

I have heard their quarrels on numerous occasions when I did not see them and know that he has struck her, committed actual violence on her person numerous times and I have heard him threaten to do her serious injury.

On one occasion when they separated the last time, I saw him strike her.

She left him once and then went back to him upon his promise to do better but his promises were not kept and I know that her health, particularly her nerves were affected by living with him and that she was in fear of injury from him and I am sure they never can live together happily.

Juanita A. Abbot

CERTIFICATE

I, Sara Poe, by virtue of the attached commission, the commissioner to take the testimony of Julia McCubbin and Juanita Abbot, witness on the behalf of the complainant, do hereby certify that I caused said witnesses to appear before me in my office in Foley, Alabama on the 5th day of October, 1943, and that said witnesses, after being duly sworn, testified orally and their testimony was by me reduced to shorthand, later transcribed on the typewriter, read over and signed by said witnesses.

That I have personal knowledge of the identity of the said witnesses and I am not of counsel or of kin to any of the parties in this cause or interested in the result thereof.

IN WITNESS WHEREOF: I have hereunto set my hand this 5th day of October, 1943.



Commissioner

NO _____

The State of Alabama

BALDWIN COUNTY

CIRCUIT COURT

Julia McCubbin

Complainant

vs.

James McCubbin

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

1007
RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

JULIA MCCUBBIN, Complainant

vs.

JAMES MCCUBBIN, Respondent

ANSWER

Filed 10-8-43
J.S. Wicks

JULIA McCUBBIN,
 Complainant,
 VS.
 JAMES MCCUBBIN,
 Respondant

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 in behalf of Defendant upon Answer

R.S. Dyer Register.
 By Alice J. Dyer, A.R.

RECORDED

No. 1007

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

JULIA McCUBBIN

Complainant,

VS.

JAMES McCUBBIN

NOTE OF TESTIMONY

Filed in Open Court this 8th

day of Oct 1943

R. S. Alcock

Register.