

The State Of Alabama, Baldwin County  
CIRCUIT COURT, IN EQUITY

Sarah Kathryn Cummins Applewhite Complainant

VS

Clarence H. Applewhite Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Answer and Confession~~  
on answer and waiver 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 here-  
tofore existing between the Complainant and Defendant be, and the same are hereby, dissolved,  
and that the said Sarah Kathryn Cummins Applewhite  
is forever divorced from the said

Clarence H. Applewhite

for and on account of Cruelth

It is furthered ordered, adjudged and decreed that the  
maiden name of complainant, namely: Sarah Kathryn Cummins,  
be, and the same is, restored to her, the complainant.

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 complainant and respondent  
be, and are hereby permitted to again contract marriage upon the payment of the cost of  
this suit.

It is further ordered that Sarah Kathryn Cummins Applewhite  
the complainant pay the cost herein to be taxed, for which execution may issue.

This 27<sup>th</sup> day of September

19 44  
J. V. Harl  
Judge Circuit Court, in Equity.

I, R. 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, 19 44

Register of Circuit Court, in Equity.



THE STATE OF ALABAMA }  
Baldwin County }

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

Sarah Kathryn Cummins Applewhite COMPLAINANT

vs.

Clarence H. Applewhite RESPONDENT

I, R. S. Duck

as Register and Commissioner

have called and caused to come before me Sarah Kathryn Cummins Applewhite  
and Joseph S. Weinberg

witness es named in the requirement for Oral Examination, on the 26th day of September  
1944, at the office of myself

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

truth, the whole truth, and nothing but the truth, the said Sarah Kathryn Cummins

Applewhite doth depose and say as follows:

My name is ~~Saxx~~ Sarah Kathryn Cummins Applewhite. I am the complainant in this cause for divorce against the respondent, Clarence H. Applewhite. I am over the age of twenty-one years and am now, and have been for more than one year next preceding the filing of the bill of complaint in this cause, a bona fide resident of Baldwin County, Alabama. The respondent is over the age of twenty-one years of age and is a resident of Baldwin County, Alabama.

I and the said respondent were lawfully married to each other on the 13th day of ~~Sxxx~~ April, 1944 and lived together as man and wife until the 25th day of May, 1944. We were married at Lucedale, Mississippi. Our home was at Daphne, Baldwin County, Alabama.

On this last date of May 25, 1944, the respondent committed actual violence on my person attended with danger to my life or health and from this conduct there was reasonable apprehension of further acts of such actual violence on the part of respondent on my person attended with danger to my life or health. On this last date he struck me with his hand or fist and bruised me considerably, and he also threatened to do me serious bodily harm, and he having struck me on several occasions immediately preceding said last date, I fearing for the safety of my life or health, refused to live with him further as his wife and we have not lived together as man and wife or otherwise since said last date. On account of his treatment of me, I had lost several pounds in weight, my nerves were badly shattered and if I had been compelled to stay on, my life and health would have been in serious danger. He was so high-tempered that he would fly into a rage about the slightest thing that did not go to suit him and I was afraid to live with him further.

My maiden name was Sarah Kathryn Cummins and I would like to have it restored to me.

Sarah Kathryn Cummins

Joseph S. Weinberg, being first duly sworn, testifying as a witness in behalf of complainant, deposes and says as follows:

My name is Joseph S. Weinberg. I am over the age of twenty-one years and reside in Mobile, Alabama. I have known the complainant for many years as she has been a friend of my family and we have visited in each other's homes very frequently. I have known the respondent for a short time before their married in April of this year.

The respondent drank intoxicating liquors to excess almost every day and its effect on him made him very quarrelsome and contentious and I might say dangerous. About a week after they were married he got on a big drunk and was gone from their home for at least two days. When he drank he would seem to take it all out on the complainant. I have seen him this way on numerous occasions and it was just unbearable for her to have to put up with it. He threatened her with violence on several of these occasions that we were with them, and it was not safe for her to be with him alone. Just before their separation in the latter part of May, 1944, she had become very nervous and if she had not left him, it is my conviction that she would have lost her health entirely. Since they separated, she has been working and making her own living without any help from him.

Joseph S. Weinberg

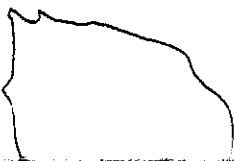
I, R. S. Duck as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself and H. E. Smith, Solicitor for complainant

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es; 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 26th day of September 1944

R. S. Duck (L. S.)



No. 1301

Page

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

VS.

RESPONDENT

ORAL DEPOSITION

Filed R. S. Duck, 1944

R. S. Duck Register

RECORDED IN

Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register

Sarah Kathryn Cummins Applewhite

\_\_\_\_\_

VS.

Clarence H. Applewhite

\_\_\_\_\_

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, \_\_\_\_\_  
answer and waiver of respondent, and oral depositions of witnesses  
for complainant, namely: Sarah Kathryn Cummins Applewhite and  
Joseph S. Weinberg.

and in behalf of Defendant upon answer and waiver.

\_\_\_\_\_  
\_\_\_\_\_

CC Smith  
Solicitor for complainant.

Register.

RECORDED

No. 1201

The State of Alabama,  
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Sarah Kathryn Cummins Applewhite

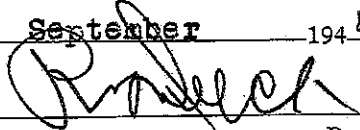
VS.

Clarence H . Applewhite.

NOTE OF TESTIMONY

Filed in Open Court this 26th

day of September 1944



Register.





1307

Arms and Whims

Filed Sept 26 1944  
R. D. Smith  
Jepher

SARAH KATHRYN CUMMINS APPLEWHITE )  
Complainant )  
-VS- )  
CLARENCE H. APPLEWHITE, )  
Respondent. )

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

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT:

Now comes the complainant, Sarah Kathryn Cummins, Applewhite, brings this her bill of complaint against the respondent, Clarence H. Applewhite, and respectfully alleges and represents unto your Honor and the Court as follows:

1. She and respondent are each over the age of twenty-one years. Complainant is, and has been for more than one year next preceding the filing of this her bill of complaint, a bona-fide resident of Baldwin County, Alabama. Respondent is a resident of Baldwin County, Alabama.

2. Complainant and respondent were lawfully married to each other on the 13th day of April, 1944, and lived together as man and wife until to-wit: May the 25th, 1944.

3. On said last date of May the 25th, 1944, respondent committed actual violence on the person of complainant attended with danger to her life or health, and from his conduct there was reasonable apprehension of further acts of actual violence on the part of respondent on the person of complainant attended with danger to her life or health. On said last date; respondent, <sup>struck complainant with his fist, and</sup> also threatened to do complainant, serious bodily harm, and he having struck ~~and~~ ~~struck~~ ~~complainant~~ on several occasions immediately preceding said last date, complainant, fearing for the safety of her life or health, refused to live with him further as his wife and they have not lived together as man and wife or otherwise since said last date.

4. Complainant further alleges that her maiden name was Sarah Kathryn Cummins and she prays the court to restore to her such maiden name.

WHEREFORE, the premises considered, Complainant prays the Court that the said Clarence H. Applewhite, be made party-respondent, to this bill of complaint and that due process issue for service upon him.

And Complainant further prays that upon the final hearing hereof your Honor and the Court will be pleased to give and grant to her a decree of complete divorce from the respondent Clarence H. Applewhite, with permission to again marry, should she see fit, so to do, and that her maiden name of Sarah Kathryn Cummins, be restored to her. And complainant further prays that for all such other, further and different relief, orders and decrees as she may be entitled to, the premises considered.

H. E. Smith  
Solicitor for Complainant.

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SARAH KATHRYN CUMMINS, APPELWHITE  
Complainant

-VS-

CLARENCE H. APPELWHITE,  
Respondent.

In the Circuit Court of  
Baldwin County, Alabama  
In Equity

Filed Sept. 26 1944  
W. J. [Signature]