

(3605)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARTHA HORN, Complainant  
vs.

ELMER HORN, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Conesso~~  
Answer and Waiver and Testimony as noted by the Register, and upon con-  
sideration 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  
MARTHA HORN is forever divorced from the  
said ELMER HORN for and on account of  
Habitual Drunkenness.

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 the Complainant and Respondent be, and they are hereby permitted to  
again contract marriage upon payment of the cost of this suit.

It is further ordered that Elmer Horn  
the Respondent pay the cost herein to be taxed, for which executed may issue.

This 3 day of September, 1955

*Hubert M. Stace*

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.

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

MARTHA HORN

Complainant

VS.

ELMER HORN

Respondent

I, Frances G. Mallory

as Register and Commissioner in Chancery

have called and caused to come before me Martha Horn and Mrs. Merlin Morris

witnesses named in the Requirement for Oral Examination, on the 3rd day of September,  
195 5, at the office of C. G. Chason

in Foley, Alabama, and having first sworn said Witness es to speak the  
truth, the whole truth, and nothing but the truth, the said Martha Horn and Mrs. Merlin  
Morris doth depose and say as follows:

Statement of Martha Horn:

My name is Martha Horn. I am over the age of twenty-one years and a resident of Bon Secour, Alabama; Elmer Horn is a resident citizen of Baldwin County, Alabama, and is over the age of twenty-one years; I married Elmer Horn on the 31st day of March, 1955, and had known him approximately 8 months prior to marriage; I had known of him taking an occasional drink prior to marriage, but he had never been drunk or never drank excessively. Since we were married he has been drinking constantly and has become addicted to habitual drunkenness, and this habit and his drunkenness is still continuing. There are no children of this marriage, and I was compelled to separate from Elmer Horn on or about the 18th day of August, 1955, as a result of his becoming addicted to habitual drunkenness.

Signed: Martha Horn

Statement of Mrs. Merlin Morris: (Dorcas Morris)

My name is Mrs. Merlin Morris. I am personally acquainted with Martha Horn and Elmer Horn, who were married on March 31, 1955, and I was acquainted with them prior to the marriage. Prior to this time Elmer Horn drank very little, but since marriage has been drinking constantly and has become addicted to habitual drunkenness. Both Martha Horn and Elmer Horn are resident citizens of Bon Secour, Alabama, Baldwin County, both are over the age of twenty-one years, and they have no children. Martha Horn was compelled to leave Elmer Horn about the middle of August, as a result of his excessive drinking.

Signed: Mrs. Dorcas Morris

ORAL EXAMINATION.

I, Frances G. Mallory, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and C. G. Chason at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witnesses; that I am not of counsel or 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 3rd day of September, 195 5.

Frances G. Mallory  
[Signature]

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THE STATE OF ALABAMA	
BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY	
MARTHA HORN	
vs.	Complainant
ELMER HORN	
	Respondent.
Oral Deposition	
Filed <u>FILED</u> , 195 <u>5</u>	Recorded in _____
SEP 3 1955	Register.
ALICE J. DICK, Register	Record
Vol. _____	Page _____
	Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: FRANCES G. MALLORY

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 Martha Horn and Mrs. Merlin Morris

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

Martha Horn

\_\_\_\_\_, Complainant  
and Elmer Horn

\_\_\_\_\_, Respondent

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

Witness 3rd day of September, 1955

Archie J. Ansel  
Register.

Commissioner's Fee, \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_

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

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

MARTHA HORN

Complainant—

**vs.**

ELMER HORN

Defendant—

**COMMISSION TO TAKE DEPOSITION**

COMMISSIONER

WITNESSES:

MARTHA HORN

vs.

ELMER HORN

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, \_\_\_\_\_  
and Testimony of Martha Horn and Mrs. Merlin Morris

and in behalf of Defendant upon Answer and Waiver

*Elmer Horn*  
Solicitor for Complainant

*Wing J. Duck*  
Register.

No. ....

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

MARTHA HORN

vs.

ELMER HORN

NOTE OF TESTIMONY

Filed in Open Court this .....

day of ..... , 194.....

FILED  
SEP 3 1955

Register.

Printed By The Baldwin Times

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

September 2, 1955

Mrs. Alice J. Duck, Register  
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Bill of Complaint, Answer and Waiver,  
Testimony of Martha Horn and Mrs. Merlin Morris, Commission  
to take Deposition and Note of Testimony in the Divorce  
Action of Horn -vs- Horn.

Also enclosed herewith is my check in the amount of \$12.00  
to cover Costs of Court.

Yours very truly,

  
C. G. Chason

CGC:fm

encls. 6



MARTHA HORN,

Complainant,

-vs-

ELMER HORN,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes the Respondent in the above styled cause and accepts service of a Bill of Complaint heretofore filed in said cause; waives notice of the filing of interrogatories in said cause, and the right to cross same; waives notice of the taking of testimony in said cause, and consents that the same may be taken and the cause submitted for final decree.

And for answer to the Bill of Complaint heretofore filed in this cause, Respondent says:

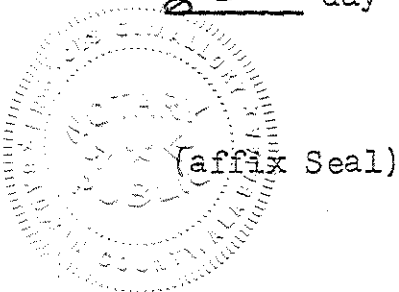
1. He admits the allegations contained in Paragraph 1 of said Bill of Complaint.

2. He admits the allegations contained in Paragraph 2 of said Bill of Complaint.

3. He denies each and every allegation contained in Paragraph 3 of said Bill of Complaint and demands strict proof thereof.

Elmer Horn  
Respondent

Sworn to and subscribed before me, a Notary Public, on this the 2nd day of September, 1955.



Francis G. Mallory  
Notary Public, Baldwin County  
State of Alabama

MARTHA HORN,

Complainant,

-vs-

ELMER HORN,

Respondent.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT, BALDWIN  
COUNTY, ALABAMA, Sitting in Equity:

Comes your Complainant, Martha Horn, and files this her Bill  
of Complaint for divorce against Elmer Horn, and respectfully  
represents and shows unto your Honor:

1. That the Complainant is over the age of twenty-one years  
and is a bona fide resident citizen of Baldwin County, Alabama,  
having been such a bona fide resident citizen of Baldwin County,  
Alabama, for more than one year. That Elmer Horn is a resident of  
Baldwin County, Alabama, and is over the age of twenty-one years.

2. That your Complainant and Respondent were lawfully  
married on, to-wit, March 31, 1955. The Complainant and Respon-  
dent separated August 18, 1955.

3. Complainant further avers that the Respondent has, since  
marriage, become addicted to habitual drunkenness, and that said  
habit continues to this date. There were no children of this  
marriage.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED, your Complainant prays that Elmer  
Horn be made a party defendant to this cause by the usual process  
of this Honorable Court, requiring him to plead, answer or demur  
within the time and under the penalties prescribed by the rules of  
this Court and the Statutes in such cases made and provided; that  
upon final hearing of said cause that she be granted a div orce  
from said Respondent. Should your Complainant be mistaken in the  
relief prayed for, that there be granted to her such other, further  
different and general relief to which she may be entitled and as in  
duty bound she will ever pray.

  
Solicitor for Complainant