

2308

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Charles Linberg Duck, to appear and plead, answer or demur within thirty days from the service hereof, to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in equity, by Carole Duck, as Complainant and against Charles Linberg Duck, as Respondent.

Witness my hand this 29th day of June, 1949.

Carole J. Duck
Register

=====

CAROLE DUCK	∅	IN THE CIRCUIT COURT OF
COMPLAINANT	∅	BALDWIN COUNTY, ALABAMA
VS.	∅	IN EQUITY
CHARLES LINBERG DUCK	∅	
RESPONDENT	∅	

TO HON. TELFAIR J. MASHBURN JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Your Complainant, Carole Duck, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant is a bona fide resident of Baldwin County, Alabama, and twenty years of age; that the Respondent is a bona fide resident of Baldwin County, Alabama, and over twenty-one years of age.

2.

That your Complainant and the Respondent married at Lucedale, Mississippi, on January 8, 1947, and lived together as husband and wife until on to-wit, December 28, 1948.

3.

That on to-wit, December 28, 1948, and on various occasions the Respondent threatened and abused your Complainant and did actual violence to her by striking her which necessarily endangered her life and health; that the conduct of the Respondent was such as to give your Complainant every reasonable apprehension to believe, and she did actually believe that if she continued to live with him he would carry out his threats and do further violence to her which would necessarily endanger her life and health.

4.

That there was born between your Complainant and the Respondent, one

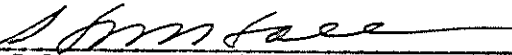
child, CHARLES STEPHEN DUCK, now nineteen months old; that said child is now and has been all of his life with your Complainant ; that she is the suitable, fit and proper person to have his care, custody and control.

5.

That the Respondent is an able bodied man and fully capable of supporting the child.

WHEREFORE the premises considered your Complainant prays that your Honor will, by proper process make the said Charles Linberg Duck, party respondent to this bill of complaint, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law, and the practice of this Honorable Court;

Complainant further prays that your Honor will upon a final hearing hereof, award to her a decree of divorce forever barring the bonds of matrimony existing between your Complainant and the Respondent; that your Honor will award to her such amount as may seem proper, as permanent alimony to be paid by the Respondent to her toward the maintenance and support of the minor child, Charles Stephen Duck; that she be awarded the custody, care and control of said child; that she be granted such other, further, difference or general relief as she may be in equity and good conscience entitled to receive.


Solicitor for Complainant.

no 2308

COMPLAINT

CAROLE DUCK

COMPLAINANT

CHARLES LINBERG DUCK

RESPONDENT

Filed this _____ day of June, 1949.

FILED

JUN 29 1949

ALICE J. DUCK, Register

STATE OF ALABAMA ()
BALDWIN COUNTY ()

KNOW ALL MEN BY THESE PRESENTS, That this agreement made and entered into by and between CAROLE DUCK, First Party, and CHARLES LINBERG DUCK, Second Party, WITNESSETH:

1.

WHEREAS, the parties hereto are husband and wife, and have concluded that they can no longer live together; and

2.

WHEREAS they have one child, CHARLES STEPHEN DUCK, now nineteen months old; and

3.

WHEREAS they have reached an agreement as to the permanent custody and control of the said minor child and the support thereof.

The First Party is to have the permanent care and control of the Minor child, CHARLES STEPHEN DUCK, with the right of the Second Party to visit him at reasonable times;

The Second Party will pay to the First Party toward the support and maintenance of said child the sum of TWENTY (\$20.00) DOLLARS, per month, payable between the 1st and 10th of each month.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 3 day of June, 1949.

Carole Duck (SEAL)
Charles Lindbergh Duck (SEAL)

STATE OF ALABAMA ()
BALDWIN COUNTY ()

I, J. M. Tree, a Notary Public, in and for said County, in said State, hereby certify that Carole Duck, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 3 day of June, 1949.

J. M. Tree
Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA ☐
BALDWIN COUNTY ☐

I, *J. M. Lee*, a Notary Public, in and for said County, in said State, hereby certify that Charles Linberg Duck, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the *3* day of June, 1949.

J. M. Lee
Notary Public, Baldwin County, Alabama.

The State of Alabama, Baldwin County

Circuit Court, In Equity

CAROLE DUCK, Complainant

vs.

CHARLES LINBERG DUCK, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on 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 Carole Duck is forever divorced from the said Charles Linberg Duck for and on account of Cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court that the Complainant Carole Duck, be and is hereby awarded the care, custody and control of the minor child, Charles Stephen Duck, subject to the right of the Respondent to visit him at reasonable times.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, by the Court that the Respondent pay to the Complainant toward the maintenance and support of the minor child, Charles Stephen Duck, the sum of \$20.00 per month to be paid between the 1st and 10th of each month hereafter.

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 the payment of the cost of this suit.

It is further ordered that Complainant the pay the cost herein to be taxed, for which execution may issue.

This day of , 19

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. _____ Page _____

The State of Alabama
Baldwin County

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

Carole Duck
COMPLAINANT
VS
Charles Linberg Duck
RESPONDENT

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

Now comes the Respondent and accepts service of summons and complaint in this cause.

The Respondent admits the allegations as to ages, residences, and marriage, but denies all other allegations contained in the bill of complaint, and demands strict proof of the same.

The Respondent waives notice of the time of taking of testimony on behalf of the Complainant; the right to cross examine Complainant's witnesses; and agrees that this cause be submitted for final decree with further notice.

Charles Linberg Duck

STATE OF ALABAMA
BALDWIN COUNTY

I, Stewart, a Notary Public, in and for said County, in said State, hereby certify that Charles Linberg Duck, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 3 day of June, 1949.

Stewart
Notary Public, Baldwin County, Alabama

707308

ANSWER AND WAIVER

CAROLE DUCK

COMPLAINANT

VS.

CHARLES LINBERG DUCK

FILED
JUN 29 1949
ALICE J. DUCK, Register

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: LOUISE MORRIS

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 CAROLE DUCK

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

Complainant
and CHARLES LINBERG DUCK
Respondent

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

Witness 3 day of June, 1949

Alice French
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 2308

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

CAROLE DUCK

Complainant

VS.

CHARLES LINBERG DUCK

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

FILED

JUN 29
WITNESSES: 1949

ALICE J. DUCK, Register

[Faint, mostly illegible text from the reverse side of the document, including what appears to be a signature and possibly a date.]

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

CAROLE DUCK

Complainant

VS.

CHARLES LINBERG DUCK

Respondent

I, Louise Morris

as Register and Commissioner

have called and caused to come before me CAROLE DUCK

witness named in the Requirement for Oral Examination, on the 3 day of June 1949, at the office of in Baldwin County, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Carole Duck doth depose and say as follows:

My name is Carole Duck. I am twenty years of age, and am a bona fide resident of Baldwin County, Alabama.

Charles Linberg Duck, is over twenty-one years of age, and a bona fide resident of Baldwin County, Alabama.

The Respondent and I married in Lucedale, Mississippi, in January 8, 1947. We lived together as husband and wife, until December 28, 1948.

The Respondent soon after we were married began to curse and abuse me and often committed actual violence to my person which necessarily endanger my life and health. The conditions grew worst from time to time until, on December 28, 1948, the Respondent struck me and I was forced to cease living with him and have not lived with him since that time. The conduct of the Respondent was such as to give me every reasonable apprehension to believe, and I did actually believe that if I continued to live with him he would carry out his threats and do further violence to my person which would necessarily endanger my life and health.

The Respondent and I have one child, Charles Stephen Duck, now nineteen months old. I am living with my father and mother, were I have a home for myself and child. The Respondent has no home and no place to keep the child. I am the suitable and proper person to have the care, custody and control of a child of such tender years. The Respondent is an able bodied man and capable of aiding me in the support of the child. He has agreed to help me with the child and has also agreed that I should have its permanent custody and control.

Carole Duck

Mrs. Lonnie

Forte, a witness for the Complainant being first duly sworn, deposes and says: I am the mother of Carole Duck, the Complainant in the above styled cause. My husband and I were both opposed to the marriage between the Complainant and the Respondent and did not believe that they could make a go of it. They have been having trouble almost continuously since their marriage. I have considered the matter most seriously, both being young, and I am to the conclusion that it is to the best interest of both of them and to all persons concerned, that they be granted a divorce and permitted to go their respective ways.

I have a home near Bay Minette and my daughter is perfectly welcome to come and live with me and her father, and to make her home with us for herself and her baby child.

Mrs. Louisa Forte

ORAL EXAMINATION.

I, Louise Morris, 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—and read over to them and they signed the same in the presence of myself H. M. Hall

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness—or had proom 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 2 day of June, 1949.

Louise Morris (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

CAROLE DUCK

vs. Complainant

CHARLES LINBERG DUCK

Respondent.

Oral Deposition

Filed _____, 194____
FILED, Register.

JUN 29 1949
Recorded in
ALICE J. DUCK, Register Record

Vol. _____ Page _____

_____, Register.

CAROLE DUCK

vs.

CHARLES LINBERG DUCK

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, _____

Answer and waiver of Respondent and testimony of Complainant

and in behalf of Defendant upon _____

W. M. Hall

Alief Duck

 Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

CAROLE DUCK

vs.

CHARLES LINBERG DUCK

NOTE OF TESTIMONY

Filed in Open Court this
day of **FILED**
JUN 29 1949, 194.....

Alice J. Duck, Register
Register.

FILED
JUN 29 1949
REGISTER

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

CAROLE DUCK, Complainant

vs.

CHARLES LINBERG DUCK, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Answer and Confession~~ on ~~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 Carole Duck is forever divorced from the said Charles Linberg Duck for and on account of Cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court that the Complainant Carole Duck be and is hereby awarded the care, custody and control of the minor child, Charles Stephen Duck, subject to the right of the Respondent to visit him at reasonable times.

~~IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court that the Respondent pay to the Complainant toward the maintenance and support of the minor child, Charles Stephen Duck, the sum of \$20.00 per month to be paid between the 1st and 10th of each month hereafter.~~

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 the payment of the cost of this suit.

It is further ordered that Complainant

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

This 26th day of July, 1949.

Jefferson A. Mashburn, 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. 7348 Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

CAROLE DUCK

Complainant

vs.

CHARLES LINBERG DUCK

Respondent

DIVORCE DECREE

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

CAROLE DUCK, Complainant

vs.

CHARLES LINBERG DUCK, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Answer and waiver~~ on 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 Carole Duck is forever divorced from the said Charles Linberg Duck for and on account of Cruelty

~~IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court that the Complainant Carole Duck be and is hereby awarded the care, custody and control of the minor child, Charles Stephen Duck, subject to the right of the Respondent to visit him at reasonable times.~~

~~IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court that the Respondent pay to the Complainant toward the maintenance and support of the minor child, Charles Stephen Duck, the sum of \$20.00 per month to be paid between the 1st and 10th of each month hereafter.~~

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 the payment of the cost of this suit.

It is further ordered that Carole Duck the Complainant pay the cost herein to be taxed, for which execution may issue.

This day of 19

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. 2308 Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

CAROLE DUCK
Complainant

vs.

CHARLES LINBERG DUCK
Respondent

DIVORCE DECREE

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

~~TRAVIS RODGERS~~ CAROLE DUCK, Complainant

vs.

~~EURIE RODGERS~~ CHARLES LINBERG DUCK, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on 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 Carole Duck is forever divorced from the said Charles Linberg Duck for and on account of Cruelty

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court that the Complainant Carole Duck be and is hereby awarded the care, custody and control of the minor child, Charles Stephen Duck, subject to the right of the Respondent to visit him at reasonable times.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court that the Respondent pay to the Complainant toward the maintenance and support of the minor child, Charles Stephen Duck, the sum of \$20.00 per month to be paid between the 1st and 10th of each month hereafter.

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 the payment of the cost of this suit.

It is further ordered that Carole Duck the Complainant pay the cost herein to be taxed, for which execution may issue.

This _____ day of _____, 19_____

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. 2308 Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

CAROLE DUCK
Complainant

vs.

CHARLES LENBERG DUCK
Respondent

DIVORCE DECREE