

Ethel Younce
Complainant.

Vs.

Clayton Younce
Respondent.

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

To the Honorable Judges of the Circuit Court of Baldwin County,
Sitting in Equity:

Your complainant, Ethel Younce, respectfully represents
and shows unto your Honors:

1. That complainant is over the age of twenty-one years
and is a resident of said State and County, and has been a
bona fide resident of said State for more than two years next
preceding the filing of this bill of complaint; that Clayton
Younce is over the age of twenty-one years and resides in
Baldwin County, Alabama.

2. That your complainant and respondent were lawfully
married on or about, to-wit, October 21, 1928, at Summerdale,
Alabama.

3. Your complainant avers and charges that the said re-
spondent did on or about the 5th day of June, 1948, and many
times subsequent thereto assault, beat, hit and strike com-
plainant; that said respondent has committed actual violence
on her person attended with danger to her health or life;
complainant avers and charges that respondent has made numerous
threats of doing her physical harm and from his manner and con-
duct toward her, she is reasonably convinced that he will commit
an actual violence upon her person, attended with danger to her
life or health.

The premises considered, your complainant makes the said
Clayton Younce a party respondent to this bill of complaint, and
in order that complainant may have the relief herein prayed
for, may it please your Honors to cause the State's writ of
subpoena to be issued, directed to the said Clayton Younce,
commanding him to answer, plead or demur to this bill of com-
plaint, within the time required by law; and that on a final
hearing of this cause, that your Honors will enter a decree

divorcing your complainant from said respondent, granting the complainant the right to remarry, and granting the complainant the right to resume her maiden name; and that your Honors will grant such other, further and different relief as unto your Honors may seem just and proper, and your complainant will ever pray.

Arthur C. Epperson
Solicitor for Complainant

Ethel Younce
Complainant.

Vs.

Clayton Younce
Respondent.

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married on or about, to-wit, October 21, 1928, at Summerdale,
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in order that complainant may have the relief herein prayed
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commanding him to answer, plead or demur to this bill of com-
plaint, within the time required by law; and that on a final
hearing of this cause, that your Honors will enter a decree

divorcing your complainant from said respondent, granting the complainant the right to remarry, and granting the complainant the right to resume her maiden name; and that your Honors will grant such other, further and different relief as unto your Honors may seem just and proper, and your complainant will ever pray.

Arthur C. Epperson
Solicitor for Complainant

Ethel Younce
Complainant.

Vs.

Clayton Younce
Respondent.

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

This cause, coming on to be heard, was submitted for final decree upon the pleadings and proof as noted by the Register. Upon consideration thereof, it is ordered, adjudged and decreed by the Court as follows:

1. That the bonds of matrimony heretofore existing between the complainant and respondent are dissolved, and the said Ethel Younce is forever divorced from the said Clayton Younce.

2. That both parties are hereby permitted to again contract marriage, subject to the provisions of paragraph four hereof.

3. That the costs of Court accrued herein be and the same hereby are taxed against the respondent, for the collection of which execution may issue, and if such execution is returned "no property found" then execution for costs may issue against the complainant.

4. That the complainant shall not marry again except to the respondent until sixty (60) days after this date, and if an appeal from this decree is taken within sixty (60) days from the date hereof complainant shall not marry again except to the respondent during the pendency of said appeal.

Ordered and decreed, this the _____ day of _____, 1949.

Circuit Judge, in Equity Sitting.

Ethel Younce
Complainant.

vs.

Clayton Younce
Respondent.

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

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4. That the complainant shall not marry again except to the respondent until sixty (60) days after this date, and if an appeal from this decree is taken within sixty (60) days from the date hereof complainant shall not marry again except to the respondent during the pendency of said appeal.

Ordered and decreed, this the _____ day of _____, 1949.

Circuit Judge, in Equity Sitting.

Ethel Younce
Complainant.

Vs.

Clayton Younce
Respondent.

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

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Ordered and decreed, this the _____ day of _____, 1949.

Circuit Judge, in Equity Sitting.

Ethel Younce
Complainant.

vs.

Clayton Younce
Respondent.

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

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Ordered and decreed, this the _____ day of _____, 1949.

Circuit Judge, in Equity Sitting.

Ethel Younce
Complainant.

Vs.

Cleyton Younce
Respondent.

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

ANSWER TO BILL OF COMPLAINT

Comes the respondent in the above styled cause and files
the following answer and waiver by the complainant filed herein:

1. Respondent admits each and every material allegation contained in Paragraph One of the Complainant's complaint herein.
2. Respondent admits each and every material allegation contained in Paragraph Two of the Complainant's complaint herein.
3. Respondent denies each and every material allegation in Paragraph Three of said bill of complaint and DEMANDS STRICT PROOF of all material allegations of said paragraph.

WAIVER

The respondent hereto waives any and all further notice or service of process in this cause and stipulates that same may go hence to its final disposition without any notice to him or of any service of process. Respondent hereby specifically waives any and all other or further notice or service herein.

Cleyton Younce
Respondent

Witnesses

H B Rogers

A W Faulk

ETHEL YOUNCE
Complainant.

VS.

CLAYTON YOUNCE
Respondent.

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

Now comes the plaintiff and propounds interrogatories to
ETHEL YOUNCE, a witness whose testimony, when taken, will be
material evidence for the plaintiff on the trial of the above
cause.

Interrogatories to ETHEL YOUNCE, witness:

First Interrogatory:

What occurred on the 5th day of June, 1948 in relation to your
charge of physical cruelty against the respondent?

STATE OF ALABAMA,
BALDWIN COUNTY.

Arthur C. Epperson
Attorney for the Plaintiff.

Before me Pearl L. Duneau a Notary Public in and
for said State and County, personally appeared Arthur C. Epperson
who being by me first duly sworn deposes and says: That he is
agent and attorney for the plaintiff, Ethel Younce; that the
witness whose testimony is to be taken is a woman; that the
witness, Ethel Younce, is a material witness for the plaintiff
and her evidence to be secured by this deposition will be
material evidence for the plaintiff on the trial of this cause.

Arthur C. Epperson
Attorney for Plaintiff.

Sworn to and subscribed before me this 6th day of July, 1949.

Pearl L. Duneau
Notary Public.

The name of Catherine Mason, Foley, Alabama, is suggested
as a fit and suitable person to take down the answers to the
foregoing interrogatories and it is requested that a commission
issue to her for that purpose.

Arthur C. Epperson
Attorney for the Plaintiff.

ARTHUR C. EPPERSON
ATTORNEY AT LAW
POPPE BUILDING
FOLEY, ALABAMA

July 11, 1949

Mrs. Alice Duck
Clerk, Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

In re: Ethel Younce
Complainant.
Clayton Younce
Respondent.

I am forwarding an oral deposition in the referred case with the commission to take deposition. Week before last when I was in your office I didn't see the judge, therefore I am still uncertain as to the necessity of my personal appearance before him to present this evidence and obtain a decree. If it is necessary please notify me of the date he has set for the hearing and I will be there. Thank you.

Yours truly,

Arthur C. Epperson
Arthur C. Epperson

AE/cm

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Catherine Mason, Foley, Alabama

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 Ethel Younce

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

_____, Complainant
and Clayton Younce

_____, Respondent
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 7th day of July, 1949

Wiley J. Welch
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ETHEL YOUNCE

Complainant

VS.

CLAYTON YOUNCE

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

CATHERINE MASON

WITNESSES:

ETHEL YOUNCE

Ethel Younce
Complainant.

Vs.

Clayton Younce
Respondent.

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

To the Honorable Judges of the Circuit Court of Baldwin County,
Sitting in Equity:

Your complainant, Ethel Younce, respectfully represents
and shows unto your Honors:

1. That complainant is over the age of twenty-one years
and is a resident of said State and County, and has been a
bona fide resident of said State for more than two years next
preceding the filing of this bill of complaint; that Clayton
Younce is over the age of twenty-one years and resides in
Baldwin County, Alabama.

2. That your complainant and respondent were lawfully
married on or about, to-wit, October 21, 1928, at Summerdale,
Alabama.

3. Your complainant avers and charges that the said re-
spondent did on or about the 5th day of June, 1948, and many
times subsequent thereto assault, beat, hit and strike com-
plainant; that said respondent has committed actual violence
on her person attended with danger to her health or life;
complainant avers and charges that respondent has made numerous
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duct toward her, she is reasonably convinced that he will commit
an actual violence upon her person, attended with danger to her
life or health.

The premises considered, your complainant makes the said
Clayton Younce a party respondent to this bill of complaint, and
in order that complainant may have the relief herein prayed
for, may it please your Honors to cause the State's writ of
subpoena to be issued, directed to the said Clayton Younce,
commanding him to answer, plead or demur to this bill of com-
plaint, within the time required by law; and that on a final
hearing of this cause, that your Honors will enter a decree

divorcing your complainant from said respondent, granting the complainant the right to remarry, and granting the complainant the right to resume her maiden name; and that your Honors will grant such other, further and different relief as unto your Honors may seem just and proper, and your complainant will ever pray.

Arthur C. Epperson
Solicitor for Complainant

no 2309

Ethel Younce
vs.

Clayton Younce

Bill of Complaint

FILED

JUN 29 1949

ALICE J. DUCK, Register

Vs.

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

Comes the respondent in the above styled cause and files the following answer and waiver by the complainant filed herein:

2. Respondent admits each and every material allegation contained in Paragraph Two of the Complainant's complaint herein.

The respondent hereto waives any and all further notice or service of process in this cause and stipulates that same may go hence to its final disposition without any notice to him or of any service of process. Respondent hereby specifically waives any and all other or further notice or service herein.

Clyton Younce
Respondent

Witnesses

F. S. Rogers

C. M. Faulk

ETHEL YOUNCE
Complainant.

VS.

CLAYTON YOUNCE
Respondent.

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

Now comes the plaintiff and propounds interrogatories to
ETHEL YOUNCE, a witness whose testimony, when taken, will be
material evidence for the plaintiff on the trial of the above
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Interrogatories to ETHEL YOUNCE, witness:

First Interrogatory:

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charge of physical cruelty against the respondent?

STATE OF ALABAMA,
BALDWIN COUNTY.

Arthur C. Epperson
Attorney for the Plaintiff.

Before me Earl L. Dineen, a Notary Public in and
for said State and County, personally appeared Arthur C. Epperson
who being by me first duly sworn deposes and says: That he is
agent and attorney for the plaintiff, Ethel Younce; that the
witness whose testimony is to be taken is a woman; that the
witness, Ethel Younce, is a material witness for the plaintiff
and her evidence to be secured by this deposition will be
material evidence for the plaintiff on the trial of this cause.

Arthur C. Epperson
Attorney for Plaintiff.

Sworn to and subscribed before me this 6th day of July, 1949.

Earl L. Dineen
Notary Public.

The name of Catherine Mason, Foley, Alabama, is suggested
as a fit and suitable person to take down the answers to the
foregoing interrogatories and it is requested that a commission
issue to her for that purpose.

Arthur C. Epperson
Attorney for the Plaintiff.

THE STATE OF ALABAMA, {
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

ETHEL YOUNCE

Complainant

VS.

CLAYTON YOUNCE

Respondent

I, CATHERINE MASON

as Register and Commissioner

have called and caused to come before me ETHEL YOUNCE

witness named in the Requirement for Oral Examination, on the 11th day of July 1949, at the office of Catherine Mason in Foley, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said ETHEL YOUNCE doth depose and say as follows:

There has been different times when my husband and me would get into an argument and it most always would lead up to him striking me or kicking me. I know of once he threw a hammer at me which if it had of hit me would have been very serious. I just closed the door in time and as it was it broke a hole in the screen. Those kind of arguments got to be pretty often and I was afraid to be close to him because he might hit me. My health began to get bad and the Dr. told me it was my nerves. I told the Dr. what was happening between me and my husband. The Dr. told me as long as things went on like that I would not get any better. I told my husband what the Dr. had said and he said there wasn't a dam thing wrong with me that I was just trying to find something to whine about and get him in debt. I was getting ready to go to bed when I told him this. We argued some and he said well if you don't want to stay in it you can go live with that bus driver you are always shining up to. I called him a liar but I was so mad I didn't care whether he would hit me or not. I started to get up from the bed out of his reach but he slapped me so hard I fell to the floor. I got up and he run around taking all of my clothes out of the closet and bureau and threw them out in the hall and said he was going to throw me out with them. I was afraid he might do me up right so I got out and I haven't had anything to do with him since.

Ethel Younce

ORAL EXAMINATION.

I, CATHERINE MASON, 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 Ethel Younce—signed the same in the presence of myself Catherine Mason

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 11th day of July, 1949.

Catherine Mason (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

ETHEL YOUNCE

vs. Complainant

CLAYTON YOUNCE

Respondent.

Oral Deposition

Filed 7-12, 1949

W. J. Duck, Register.

Recorded in

Record

Vol. _____ Page _____

, Register.

ETHEL YOUNCE

vs.

CLAYTON YOUNCE

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,

Testimony of Complainant

and in behalf of Defendant upon Answer and waiver

Arthur Epperson

Beige J. Leach
Register.

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

ETHEL YOUNCE

VS.

CLAYTON YOUNCE

NOTE OF TESTIMONY

Filed in Open Court this 13th

day of July, 1949

W. H. R. R. R.
Register.

Printed By The Baldwin Times

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ETHEL YOUNCE

, Complainant

vs.

CLAYTON YOUNCE

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint ~~XXXXXX~~ 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 ETHEL YOUNCE is forever divorced from the said CLAYTON YOUNCE for and on account of

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

This 13th day of July, 1942

Jelfae J. Mashburn, Jr.
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 _____ day of _____, 19_____

Register of Circuit Court, In Equity.

2309

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED
JUL 14 1949
ALICE L. DICK, Register