

2314

Alfred Horn

vs.

Earl B. 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, _____

Testimony of complainant and witness

and in behalf of Defendant upon _____

Decree for Confession on Personal Service

Alfred J. French

Register.

*H.M. HALL -
Atty*

No. 2314

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

Angel Horn

vs.

Earl B. Horn

NOTE OF TESTIMONY

Filed in Open Court this 27th
day of Nov, 1949

Alvin J. Leach
Register.

Printed by the Baldwin Times

CIRCUIT COURT COMPLAINT

Printed By Baldwin Times, Bay Minette, Ala.

Hazel Horn
Complainant,
Vs. Earl Horn
Respondent.

In the Circuit Court.
In Equity No. _____.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent _____

Earl Horn

by the Sheriff of Baldwin County, on the 19 day of July,
1949.

And it further appears to the Register, that the said Hazel Horn

_____, the Respondent, having to the date hereof,
failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,
on motion of H. M. Hall Solicitors
for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,
and it hereby is, in all things taken as confessed against the said Earl Horn

This 2 day of November, 1949.

Alice L. Muck
Register.

No. _____

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

HAZEL HORN

Complainant,

Vs.

EARL HORN

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this _____ day of _____,

194____.

Register.

Baldwin Times Print

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon EARL B. HORN, 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 Hazel Horn, as Complainant and against Earl B. Horn, as Respondent.

WITNESS my hand this _____ day of July, 1949.

Register

HAZEL HORN	Ø	IN THE CIRCUIT COURT OF
	Ø	BALDWIN COUNTY, ALABAMA
VS. COMPLAINANT	Ø	
EARL B. HORN	Ø	IN EQUITY
RESPONDENT	Ø	

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

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

1.

That your Complainant and the Respondent are both over twenty-one years of age, and bona fide residents of the State of Alabama; that your Complainant lives at Bay Minette in Baldwin County, Alabama, and the Respondent at the time being in Montgomery, Montgomery County, Alabama.

2.

That your Complainant and the Respondent married at Bay Minette, Alabama, on November 3, 1946, and lived together as husband and wife, until on to-wit, March 5, 1949.


3.

That on to-wit, March 5, 1949, and on several occasions prior thereto the Respondent threatened and abused your Complainant and often threatened to do violence to her person, which would necessarily endanger 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 actual violence to her person which would necessarily endanger her life and health.

That there was born to the marriage between your Complainant and the Respondent, one child, a daughter, now nineteen months old, Hazel Ilane; that said child is now and has been all of its life with your Complainant, her mother; that she is the suitable, fit and proper person to have her care, custody and control; that the Respondent is not a suitable person to have the care, custody and control of said minor child.

WHEREFORE the premises considered your Complainant prays that your Honor will, by proper process make the said Earl B. Horn, 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 she be awarded the custody, care and control of the minor child, Hazel Ilane Horn; that she be granted such other, further, different or general relief as she may be in equity and good conscience entitled to receive.


Solicitor for Complainant.

COMMISSION TO TAKE DEPOSITIONS

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 HAZEL HORN

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

, Complainant
and EARL HORN

Respondent

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

Witness 5 day of November, 1949.

Alvin J. Smith
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

HAZEL HORN

Complainant

vs.

EARL HORN

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Hazel Horn

Complainant

VS.

Earl Horn

Respondent

I, Louise Morris

as Register and Commissioner in the above cause

have called and caused to come before me Hazel Horn

witness named in the Requirement for Oral Examination, on the 5 day of November
1949, at the office of H. M. Hall

in Baldwin County, Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said Hazel Horn

doth depose and say as follows:

My name is Hazel Horn. I am a bona fide resident of the State of Alabama, living at Bay Minette, and am over twenty-one years of age. The Respondent is over twenty-one years of age and a bona fide resident of Alabama, living presently in Montgomery.

The Respondent and I married at Bay Minette, Alabama, on November 23rd, 1946. We lived together as husband and wife, until on to-wit, March 25, 1949.

The Respondent on to-wit, March 25, 1949, and on several occasions prior thereto, threatened and abused me and often threatened to do violence to my persons, which would necessarily endanger my life and health. The conduct of the Respondent was such as to give me every reasonable apprehension to believe and I do actually believe that if I continued to live with him he would carry out his threats and do actual violence to my person which would necessarily endanger my life and health.

The conduct of the Respondent toward me and our baby rendered it absolutely impossible for me to live with him. The Respondent would stay out at nights quite often and when he would come in, he would always be in a violent temper and would abuse both me and the baby. I have considered it quite a bit and know that it is absolutely impossible for me to try to live with him. We have one child, a daughter, now 22 months old, Hazel Ilane Horn. The Respondent has never cared for the baby as he should, and would often when in one of his violent spells take it out on the baby and mistreat her.

I have a home in Bay Minette with my mother and a suitable fit and proper place for the child. I am able to take care of her and willing to assume the responsibility of caring and providing for her.

The Respondent is not a suitable, or fit person to have the care and control of a child of such tender years.

Mae Cottongim, a witness for the Complainant, being first duly sworn deposes and says: My name is Mae Cottongim. I am the mother of the Complainant in this cause. The Respondent soon after he and my daughter married, began mistreating her and made life miserable for her. This condition continued even after the baby was born, until it was such that my daughter was unable to live with him in. My daughter has a baby and a home with me and the baby is being properly cared for in every manner.

I know that conditions were such between my daughter and the Respondent as to render it impossible for her to live with him.

Mrs. Mae Cottongim

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 her and she 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 prom 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 5 day of November, 1949

Louise Morris (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

HAZEL HORN

vs. Complainant

EARL HORN

Respondent.

Oral Deposition

Filed 11-7, 1949

Wesley Duck, Register.

Recorded in

Record

Vol. _____ Page _____

Register.

THE STATE OF ALABAMA,
Baldwin County

No. _____ Circuit Court, In Equity.

Hazel Horn

Complainant---

Vs.

Earl Horn

Defendant----

Motion is hereby made for a Decree Pro Confesso against _____

Earl Horn

Defendant-----

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant ----; and that said summons was duly served according to law, and that said Defendant.. has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 2 day of November 19 49

H. M. Hall

Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

HAZEL HORN

Vs.

EARL HORN

Motion for Decree Pro Confesso on
Personal Service

Filed 11-2-1949

W. J. Leach
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

The State of Alabama, Baldwin County

Circuit Court, In Equity

Hazel Horn, Complainant

vs.

Earl Horn, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Personal service 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 Hazel Horn is forever divorced from the said Earl Horn for and on account of

Cruelty

IT IS THEREFORE ORDERED, ADJUDGED AND DECREE by the Court, that the Complainant be and she is hereby awarded the custody, care and control of the said minor child, Hazel Ilane Horn.

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

This 12th day of November, 1949.

Jeffrey J. Masbury, 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 the _____ day of _____, 19_____

Register of Circuit Court, In Equity.

2314

No. _____ Page _____

The State of Alabama
Baldwin County

In Circuit Court, In Equity

HAZEL HORN
Complainant
vs.

EARL HORN
Respondent

DIVORCE DECREE

Filed
11-12-49
Recd. Due
Register