

(2316)

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

SARAH MORRISETTE AUSTIN, Complainant

VS.

ROY EDWARD AUSTIN, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Con-~~
~~fesso~~ on ANSWER 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 MORRISETTE AUSTIN is forever divorced from the
said ROY EDWARD AUSTIN 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 per-
mitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that ROY EDWARD AUSTIN
the DEFENDANT pay the cost herein to be taxed, for which execution may issue.

This 21st day of July, 1949.

Julius H. Marshall, 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.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant.

vs.

Respondent.

DIVORCE DECREE

FILED

JUL 20 1949

ALICE J. DUCK, Register

Sarah Morrisette Austin

Complainant

vs.

Roy Edward Austin

Defendant

THE STATE OF ALABAMA
Baldwin CountyIN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,
Answer and Waiver of the Respondent and Deposition of
Complainant's witness, Sarah Morrisette Austin.

and in behalf of Defendant upon

A. J. H. H. H.
Register.
J. C. H. H. H.

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this

day of, 194

FILED
JUL 19 1949

Attest By The Baldwin Times
Register.

THE STATE OF ALABAMA, }
 Baldwin County

CIRCUIT COURT

TO

Madeline S. Boyers

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 *Sarah Marquette Austin*

as witnesses in behalf of

Complainant

in a cause pending in our Circuit

Court of Baldwin County, of said State, wherein

Sarah Marquette Austin

Austin is

Complainant—

and

Ray Edward Austin is

Defendant,

on oath to be by you administered, upon

Oral Examination

to take and certify the deposition of the witness and return the same to our Court, with all Convenient speed, under your hand.

Witness

19th day of

July

19

1914

Chief Clerk

REGISTER

Commissioner's Fee \$

5.00 Pds

Witness' Fees, \$

NO. _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Complainant _____

VS.

Defendant _____

Commission To Take Deposition

COMMISSIONER:

Witnesses:

FILED
JUL 19 1949
JUL 19 1949

STATE OF ALABAMA
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

WE COMMAND YOU, that you summon ROY EDWARD AUSTIN to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, and there to answer, plead or demur without oath to a bill of complaint, lately exhibited by SARAH MORRISETTE AUSTIN against the said ROY EDWARD AUSTIN, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Defendant shall in no wise omit, under penalty of the law. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, ALICE J. DUCK, Register of said Circuit Court,
this the 19 day of July, 1949.

Alice J. Duck
Register.

SARAH MORRISETTE AUSTIN
COMPLAINANT

VS

ROY EDWARD AUSTIN
DEFENDANT.

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

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

Now comes your Complainant, Sarah Morrisette Austin,
and humbly complaining against the Defendant, Roy Edward Austin,
respectfully represents and shows unto your Honor and this Hon-
orable Court as follows:

1.

That your Complainant and the said Roy Edward Austin,
are each over the age of twenty-one years, and are residents of
Baldwin County, Alabama, at Bay Minette, where they have resided
for more than two years next preceeding the filing of this bill
of complaint.

2.

That they were married at Monroeville, Alabama, on August
24, 1940, and lived together as husband and wife in Baldwin County,
Alabama, at Bay Minette, until July 12, 1949; when they separated,
such separation taking place in Baldwin County, Alabama;

Complainant further alleges that the defendant is a man of violent and ungovernable temper and frequently becomes enraged and when enraged is a dangerous man and often has become enraged at complainant without just cause and reasonable excuse and has cursed and abused complainant and threatened to kill her. That on Tuesday, July 12, he became enraged and attempted to beat your complainant and struck at her with his fists a number of times, but for her getting out of his way and keeping out of his way, he would have done her bodily harm attendant with danger to her life and health. That she separated from him the evening of July 12th, 1949, and they have not lived together as husband and wife since. From his conduct there is probable belief and it is believed that should she continue to live with him he would inflict bodily injury upon her attendant with danger to her life and health.

WHEREFORE your Complainant prays that this Honorable Court will take the jurisdiction of the cause made by this bill of complaint and make the said Roy Edward Austin party defendant hereto and by appropriate process require him to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon the final hearing of this cause this Honorable Court will make and enter a decree forever dissolving the bonds of matrimony existing between this Complainant and the said Defendant and Complainant prays for such other, further or different relief as in equity and good conscience she shall be entitled to receive in the premises.


Solicitor for Complainant.

SARAH MORRISETTE AUSTIN
COMPLAINANT

VS

ROY EDWARD AUSTIN
DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

Comes the Complainant in the above styled cause and requests the oral examination of Sarah Morrisette Austin, as witness for the complainant, who resides in Baldwin County, State of Alabama, at Bay Minette, and suggests Madeline S. Bryars of the Town of Bay Minette, as a suitable person to act as Commissioner to take the deposition of the said witness.

Witness my hand this the 19 day of July, 1949.

J. C. Becke

Solicitor for the Complainant.

Sarah Morrisette Austin
Complainant

Roy Edward Austin
Defendant

Application for
examination

Filed July 19, 1949

Alice J. Luck
Registrar

SARAH MORRISETTE AUSTIN
COMPLAINANT

VS

ROY EDWARD AUSTIN
DEFENDANT

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

And now comes the Defendant in his own proper person and accepts service of the summons and complaint in the above styled cause, and denies each and every allegation contained in the bill of complaint, and demands strict proof of the same.

The Defendant waives notice of the time of taking testimony on behalf of Complainant, the right to cross examine Complainant's witnesses, and agrees that this cause be submitted forthwith for final decree without further notice.

Roy E. Austin
Defendant.

Witnesses:

Madeline S. Byars

Sarah Harriette Austin
Complainant

vs

Ray Edward Austin
Defendant

Answer & Waiver

Filed June 19, 1949

Wick L. Leuck
Register

REQUEST FOR DECREE IN VACATION

Printed by The Baldwin Times

State of Alabama,
Baldwin County.

NO. _____

TERM, 194____.

Sarah Morrisette Austin
Complainant—.

VS.

Ray Edward Austin
Respondent—.

TO R. S. DUCK, REGISTER:

In the above stated cause a motion having been filed
~~having been~~ by the Respondent—,
and evidence having been taken, and the cause being ready for submission for final decree, and
no defense having been interposed, the complainant—, by J. C. Beebe
Solicitor— of record, now files with the Register of this Court this written request to deliver the
papers in this cause to the Judge for final decree in vacation.

J. C. Beebe
Solicitor— for Complainant—.

NO. _____

Sarah Marrisette Austin

Complainant—

VS.

Ray Edward Austin

Respondent—

Request For Decree In Vacation

Filed

July 19, 19*49*

Walter J. Hendrick

Register.

THE STATE OF ALABAMA }
Baldwin County

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

Sarah Morrisette Austin COMPLAINANT

VS.

Roy Edward Austin RESPONDENT

I, Madeline S. Bryars

as ~~Register~~ and Commissioner

have called and caused to come before me Sarah Morrisette Austin

witness— named in the Requirement for Oral Examination, on the 19 day of July
1941, at the office of W. C. Beebe

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

the whole truth, and nothing but the truth, the said Sarah Morrisette Austin

doth depose and say as follows:

My name is Sarah Morrisette Austin, I am twenty-five years of age. I am the Complainant in the suit against Roy Edward Austin for divorce in the Circuit Court of Baldwin County, Alabama, in equity. We are both residents of Bay Minette, Baldwin County, Alabama, where we have resided continuously for the past two and one-half years. We married August 24, 1940 at Monroeville, Alabama. He is 27 years of age. We lived together as husband and wife until Tuesday evening of this week, when we separated, in Bay Minette, Alabama. He is a man of violent and ungovernable temper and frequently and without cause becomes enraged and curses and abuses me. He has continuously grown worse. His conduct has become such that I fear that should I continue to live with him he will do me bodily harm attendant with danger to my life or health. On Tuesday evening he became angry at me and attempted to beat me and struck at me a number of times and I was only able to avoid his blows by getting out of the way. We separated Tuesday and have not lived together since.

Sarah Morrisette Austin

ORAL EXAMINATION

I, Madeline S. Byars, 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— and read over to her and she signed the same in the presence of myself and W. C. Beebe at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness— or had proof 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 19 day of July, 1949.

Madeline S. Byars (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

Complainant

Vs.

Respondent

ORAL DEPOSITION

Filed J, 19____

, Register

RECORDED IN
FILED
JUL 19 1949

Record

Vol. ALICE J. DUCK, Register Page _____

, Register

Fairhope, Alabama
November 27, 1951

WHEREAS on the 21st day of July, 1949, by a decree of the Circuit Court of Baldwin County, in Equity, the bonds of matrimony between one Sarah Morrissette Austin and one Roy Edward Austin were dissolved, and whereas in said decree no provision was made for the custody and support of Sarah Evelyn Austin, born on the 30th day of July, 1946, and whereas the parents of said child are desirous of effectuating a definite and permanent agreement for the custody and support of said child, now therefore it is mutually agreed by said parents whose names are affixed below:

- (1) That the mother, Sarah Morrissette Gramka, of 2231 South Carrollton Avenue, New Orleans, Louisiana, shall have full custody of the daughter, Sarah Evelyn Austin.
- (2) That Roy Edward Austin, Father of Said Sarah Evelyn Austin, shall contribute to her maintenance, in the amount of FIVE (\$5.00) DOLLARS per week, so long as he is employed on a full time basis; said contribution to continue until said Sarah Evelyn Austin has reached the age of Twenty-one (21) years of age, or until she marries, whichever is earlier.
- (3) That each parent shall be allowed to visit the child at reasonable times, and under reasonable circumstances.
- (4) That the parties will ask the Judge of the Baldwin County Circuit Court in Equity, to incorporate this agreement in the decree of divorce, dated the 21st day of July, 1949, which dissolved the bonds of matrimony between the parties to this agreement.

In Testimony whereof, the parties hereto, have hereunto set their hands on this the 27th day of November, 1951.

Sarah Morrissette Gramka (L.S.)
Roy E. Austin (L.S.)

Sworn to and subscribed before me this 27th day of November, 1951, A.D.

Elean R. Nelson
Notary Public for the State of
Alabama at Large.

Fairhope, Alabama
November 27, 1951

WHEREAS on the 21st day of July, 1949,
by a decree of the Circuit Court of Baldwin County, in Equity,
the bonds of matrimony between one Sarah Morrisette Austin and
one Roy Edward Austin were dissolved, and whereas in said de-
cree no provision was made for the custody and support of Roy
Edward Austin, 2nd, child of the said marriage, born on the 29th
day of July, 1941, and whereas the parents of said child are
desirous of effectuating a definite and permanent agreement for
the custody and support of said child, now therefore it is
mutually agreed by said parents whose names are affixed below:

(1) That Roy Edward Austin, the father, shall have full custody
of Roy Edward Austin, 2nd, henceforth, with the exception of a
period of two (2) weeks in the month of July of each year, dur-
ing which period the mother, Sara Morrisette Gramka, of 2231
South Carrollton Avenue, New Orleans, Louisiana, shall have full
custody, the exact days to be chosen by the mother.

(2) That each parent shall be allowed to visit the child at
reasonable time, and under reasonable circumstances.

(3) That the parties will ask the Judge of the Baldwin County
Circuit Court in Equity, to incorporate this agreement in the
decree of divorce, dated the 21st day of July, 1949, which
dissolved the bonds of matrimony between the parties to this
agreement.

In testimony whereof, the parties hereto, have hereunto
set their hands on this the 27th day of November, 1951.

Sarah Morrisette Gramka (L.S.)
Roy E. Austin (L.S.)

Sworn to and subscribed before me this 27th day of November,
1951, A. D.

Edgar R. Nelson
Notary Public for the State of
Alabama at Large.