

2347

Louise Rutherford,
Complainant.

Vs.

Earnest Rutherford,
Respondent.

In the Circuit Court
of Baldwin County, Ala .
In Equity.

No. _____

I, Earnest J. Rutherford, the above named Respondent, hereby accept and acknowledge service of a copy of the bill of complaint filed in the above entitled cause, and hereby waive any further or additional service or time in said matter, and agree that testimony may be taken in said cause, and said cause submitted to the Court, ~~xxx~~ at any time, without further notice to me.

Dated this the ____ day of August, 1949.

Earnest J. Rutherford

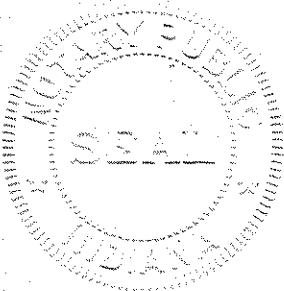
The State of Indiana }

County of Vanderburg

I, the undersigned authority, a Notary Public in and for said County in said State hereby certify that Earnest J. Rutherford, whose name is signed to the foregoing acceptance of service and waiver, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing acceptance of service and waiver, he executed the same voluntarily on the day the same bears date.

Given under my hand on this the 29 day of August, 1949.

Beatrice Seals Corn Exp Aug 1, 1950
Notary Public.



Louise Rutherford,
Complainant.

Vs.

Earnest J. Rutherford,
Respondent.

In the Circuit Court of
Baldwin County, Alabama.

In Equity.

No. _____

To the Honorable T. J. Mashburn, Jr., Judge of said Court:

Comes now the above named complainant, Louise Rutherford, and shows unto this honorable Court the facts following:

1st. That complainant is a resident of Baldwin County, Alabama, and has resided in Baldwin County, Alabama for more than one year next preceeding the filing of this bill of complaint, and that complainant is over the ave of twenty one years.

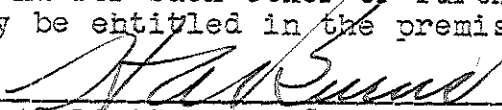
That the respondent is over the age of twenty one years and is a non-resident of the State of Alabama, at present residing at #304 E. Michigan St., Evansville, Ind.

2nd. That complainant and respondent were legally married in Baldwin County, Alabama, or Mobile County, Alabama on to-wit, the 8th day of January, 1944, and lived together as man and wife until to-wit, April 26, 1948, when complainant and respondent reparated and have not since lived together.

3rd. That no children were born of the above mentioned marriage.

4th. That on to-wit, April 26, 1948 and at other times prior thereto, the respondent committed actual violence upon the person of complainant, attended with danger to her life or health. That from respondent's conduct, there is a reasonable apprehension that should she continue to live with the respondent, he will commit such violence upon the person of your complainant.

Premises considered, your petitioner prays that a summons be issued directed to the said Earnest J. Rutherford, requiring him to appear, plead, answer or demurr to your petitioner's bill within the time allowed for pleading, and that upon a final hearing of this petition, your honor will grant your petitioner a decree of absolute divorce from the said Earnest J. Rutherford, and for such other or further relief ~~xxx~~ to which she may be entitled in the premises.


Solicitor for Complainant.

THE STATE OF ALABAMA }
Baldwin County }

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

Louise Rutherford

COMPLAINANT

vs.

Ernest Rutherford

RESPONDENT

I, G. E. Perkins

~~as Register and Commissioner~~

have called and caused to come before me Mrs. W. J. Herring, Clifford Bishop
Willie Bishop and Louise Rutherford

witness named in the requirement for Oral Examination, on the 3 day of Sept
1949, at the office of H. A. Burns
in Fairhope, Alabama, and having first sworn said witnesses to speak the
truth, the whole truth, and nothing but the truth, the said

Mrs. W. J. Herring doth depose and say as follows:

My name is Mrs. W. J. Herring and I live on School Street in the Town of Fairhope, Baldwin County, Alabama. I am 52 years of age and I am the Mother of the Complainant, Louise Rutherford. I have lived in Fairhope, Alabama, about fourteen years. I know Ernest Rutherford, he is my daughters husband. He and my daughter lived at my home in Fairhope after they were married. I know Ernest's character and disposition. Ernest is a very quick tempered person and easily aroused. He has a vile temper when he is mad and loses all control of himself. Ernest was irritated all the time he was with me in my home, he did not think he was doing well at his work in Mobile, and he was just constantly out of sorts about that, and the least thing annoyed him. He would fly into a fit of anger and take it out on his wife. I have seen him strike Louise, my daughter. He hit her in the face and he hit her hard enough to leave a mark on her. Louise has come to me many times and showed me marks of where he had hit and abused her.

When Louise and Ernest were married, Louise was a strong, healthy girl. When the two separated, April 26, 1948 Louise was in bad health and since that time I have tried to nurse her back to strong health. She has improved but still is not in a well condition. This is the direct result of his, Ernest's, treatment in my opinion. I really don't believe that had she not left her husband when she did, she would not be alive today.

Mrs W. J. Herring

I, G. E. Perkins 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 witnesses— and read over to them— and they— signed the same in the presence of myself and H. A. Burns at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses— or had proof made before me of the identity of said witnesses—; 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 day of September 194 9.

E. E. Perkins (L. S.)
As Commissioner.

No. _____	Page _____
THE STATE OF ALABAMA, BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY	
LOUISE RUTHERFORD	
COMPLAINANT	
vs. EARNEST RUTHERFORD	
RESPONDENT	
ORAL DEPOSITION	
Filed _____, 194 _____	_____, Register.
RECORDED IN _____ Record	
Vol. _____	Page _____
_____, Register	

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: JUDGE G. E. PERKINS

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 Mrs. W. J. Herring, Clifford Bishop, Willie Bishop,
and Louise Rutherford

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

LOUISE RUTHERFORD

Complainant
and EARNEST J. RUTHERFORD

Respondent

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

Witness 6th day of Sept, 194 9

W. J. Herring
Register

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

LOUISE RUTHERFORD

Complainant

vs.

EARNEST RUTHERFORD

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

Louise Rutledge

vs.
Eunice Rutledge

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,

Wain and testimony of Mrs. M. J. Herring
Clifford Bishop, Willie Bishop and
Louise Rutledge

and in behalf of Defendant upon

H. H. Herring
Sol. for Complainant

Register.

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

LOUISE RUTHERFORD

vs.

EARNEST RUTHERFORD

NOTE OF TESTIMONY

Filed in Open Court this 6th Sept

day of Sept, 1949

Dee J. R. R. R.
Register.

Printed By The Baldwin Times

The State of Alabama, Baldwin County

Circuit Court, In Equity

LOUISE RUTHERFORD

, Complainant

vs.

EARNEST RUTHERFORD

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~DEEDS OF MARRIAGE~~ on ANSWER & 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 LOUISE RUTHERFORD is forever divorced from the said EARNEST RUTHERFORD 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 LOUISE RUTHERFORD the COMPLAINANT pay the cost herein to be taxed, for which execution may issue.

This 6th day of Sept., 1919

Jeffair J. Marshall
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. 2347 Page _____

The State of Alabama
Baldwin County

In Circuit Court, In Equity

LOUISE RUTHERFORD

Complainant
vs.

EARNEST RUTHERFORD

Respondent

DIVORCE DECREE

*Filed 9-6-49
A. J. Ruck
Reg -*