

1242

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

FRANCOIS HORN

Complainant

VS.

RUBY HORN

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree and Confession~~ on Answers 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 Francois Horn.

is forever divorced from the said Ruby Horn

for and on account of Abandonment.

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

This 28th day of December, 1944

J. M. Hare
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. 1243 Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

vs. Complainant

Respondent

DIVORCE DECREE

Filed this _____ day of

_____, 194

Register

The State of Alabama, Baldwin County

IN CIRCUIT COURT, IN EQUITY

Francois Horn Complainant

vs.

Ruby Horn Defendant

Commissioner

Oral examination before the Register of the following witnesses:

Francois Horn and Lillie Bell Davis

who reside in Alabama, said examination being conducted in Atmore Alabama,

on this the 23rd day of December, 1944, and there being present

The Commissioner and the said witnesses

witnesses

The said witnesses being first sworn to speak the truth, the whole truth and nothing but the truth, testified as follows:

TESTIMONY OF FRANCOIS HORN

My name is Francois Horn. I am the Complainant in this cause. I am over the age of twenty one years and the respondent is over the age of twenty one years. I reside in Alabama and have so resided for more than one year next preceding the date I filed my Bill of Complaint in this cause. The Respondent is a non resident and resides at Pensacola, Florida. We were married to each other at Biloxi, Harrison County, Mississippi on the 10th day of September, 1932. On the 1st day of October, 1932 the respondent, without any just cause or good excuse voluntarily abandoned me from bed and board and has never since returned to live with me as my wife. This abandonment has been continuous and absolute since it occurred.

Francois Horn

TESTIMONY OF LILIE BELL DAVIS.

My name is Lillie Bell Davis. I know the Complainant and the Responent in the above styled cause. They are both over the age of twenty one years. The Complainant is a bona fide resident of the State of Alabama and has so resided for more than one year before he filed his suit for divorce and the responent is a non resident and resides at Pensacola, Florida. They were married to each other at Biloxi, Harrison County, State of Mississippi on the 10th day of September, 1932 and lived together thereafter as man and wife until on the 1st day of October, 1932 at which time the responent without any just cause or good excuse voluntarily abandoned the complainant from ~~her~~ bed and board and has never since return d to live with him as his wife. This abandonment has been continuous and absolute since it occurred.

Lillie Bell Davis

I, A. B. Tennant, as Commissioner

hereby certify that the foregoing deposition S on oral examination were taken down by me in writing in the words of the witnesses es and read over to them and they signed the same in the presence of each other and commissioner, at the time and place herein mentioned; that I have personal knowledge of the personal identity of the said witness es, or had proof made before me of the identity of said witness es; that I am not of counsel or of kin to any of the parties to said cause; or in any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court, and placed the same on file in my office.

Given under my hand and seal this the 23rd day of December, 1944

W. B. Tennant (L. S.)

WITNESS FEES.

I hereby certify that the following named witnesses are entitled to the amounts stated below:

----- days' attendance at \$1.50 per day ----- \$-----
 ----- days' attendance at \$1.50 per day ----- \$-----
 ----- days' attendance at \$1.50 per day ----- \$-----
 ----- days' attendance at \$1.50 per day ----- \$-----
 ----- days' attendance at \$1.50 per day ----- \$-----
 ----- days' attendance at \$1.50 per day ----- \$-----
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 ----- days' attendance at \$1.50 per day ----- \$-----
 ----- days' attendance at \$1.50 per day ----- \$-----
 ----- days' attendance at \$1.50 per day ----- \$-----

REGISTER'S FEES

----- days at \$1.50 per day ----- \$-----
 ----- words at 20 cents per hundred ----- \$-----

The State of Alabama,

Baldwin COUNTY

IN CIRCUIT COURT, IN EQUITY

Hann

vs. Complainant,

Hann

Defendant.

Deposition Taken Before Register on Oral Examination

Deposition of _____

for _____

Filed 26 day of Dec, 1944

Published by order of the Court, _____

day of _____, 19 _____

R. Beck
Register.

Francis Horn

THE STATE OF ALABAMA
Baldwin County

vs.

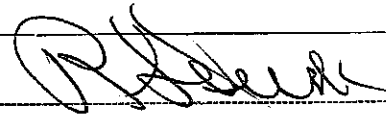
Ruby Horn

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,

and Testimony of Francis Horn and Lillie Belle Davis

and in behalf of Defendant upon Answer & Waiver



Register.

No. 1242

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

Horn

vs.
Horn

NOTE OF TESTIMONY

Filed in Open Court this 26th

day of Dec, 1934

REGISTER

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

A B Tennant

TO

residing at Atmore, 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

Francois Horn and Lillie Bell Davis

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

is Complainant

and Ruby Horn

is Defendant,

on oath to be by you administered, upon Oral Examination

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

Witness 21st day of December, 1944

R. Deuch

REGISTER

Commissioner's Fee \$ _____

Witness' Fees, \$ _____

NO. _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Complainant _____

VS.

Defendant _____

Commission To Take Deposition

COMMISSIONER:

Witnesses:

ANSWER AND WAIVER OF DEFENDANT.

FRANCOIS HORN :
COMPLAINANT : IN THE CIRCUIT COURT OF BALDWIN
VS. : COUNTY, ALABAMA.
RUBY HORN : IN EQUITY: NO. _____
DEFENDANT. :

Now comes Ruby Horn, the defendant in the above styled cause and for answer to the complaint heretofore exhibited in this cause says as follows:

1. The defendant admits all of the allegations contained in the first paragraph as to the ages and residences of the parties.
2. The defendant admits that the marriage between the parties took place as set out in the Bill of Complaint.
3. The defendant expressly denies the allegations of the third paragraph of the Bill of Complaint and demands strict proof of the same.

The defendant waives notice of the time and place of filing this cause of action, waives service of a summons and a copy of bill as required by law, waives notice of application for appointment of a commissioner to take the testimony in this cause on oral examination, waives notice of the time and place of taking the said testimony, waives notice of the submission of the cause, waives any and all other notices to which she may otherwise be entitled in this cause, and consents that the cause be submitted on note of testimony to be made by the register for final hearing and decree during vacation.

Ruby Horn
DEFENDANT

WITNESSES:

W. H. Herwood
R. H. Brantson

1242

Hans
03

Hans

Armen and Wain

July 18 1944
R. P. P. P.
P. P. P.

BILL OF COMPLAINT

FRANCOIS HORN :
COMPLAINANT : IN THE CIRCUIT COURT OF BALDWIN
VS. : COUNTY, ALABAMA.
RUBY HORN : IN EQUITY. NO. _____
RESPONDENT. :

TO THE HONORABLE FRANCIS W. HARE, PRESIDING JUDGE
OF THE TWENTY FIRST JUDICIAL CIRCUIT OF THE STATE OF ALABAMA.
SITTING IN EQUITY.

Now comes the Complainant, Francois Horn, humbly
complaining of the respondent, Ruby Horn, in a matter of divorce
as will hereinafter appear, and represents and shows unto Your
Honor as follows:

FIRST: That both the Complainant and the respondent are
over the age of twenty years. That the complainant is a bona
fide resident of The State of Alabama and has so resided for more
than one year next preceding the filing of the Bill of Complaint
in this cause. That the Respondent is a non resident and resides
at Pensacola, Florida.

SECOND: That the Complainant and the respondent were
married to each other at Biloxi, Harrison County, Mississippi
on, to-wit, the 10th day of September, 1932.

THIRD: That on, to-wit, the 1st day of October, 1932 the
respondent, without any just cause or good excuse, voluntarily
abandoned the complainant and has never since returned to live
with him as his wife. That this abandonment has been continuous
and absolute since it first occurred.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises
the complainant prays that Ruby Horn be made party respondent
to this Bill of Complaint and that a summons be issued, and
together withna copy of this Bill of Complaint, be served on

her as required by law, and that she be required to plead, answer or demur to the within Bill of Complaint, within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF.

Premises considered, the complainant prays that on a final hearing of this cause Your Honor will make and enter a decree dissolving the bonds of matrimony heretofore existing between the complainant and the respondent and will grant the complainant the right to again contract marriage, and will grant to him a full and absolute divorce from the said respondent.

Complainant prays all other, further and additional relief, to which he may be entitled, the premises considered, and he will ever pray, etc. etc.


HORNE & HODNETTE
SOLICITORS FOR THE COMPLAINANT.