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ALICE G. AUSTIN, Complainant

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ROY EDWARD AUSTIN, Respondent

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN EQUITY

DE CREE

This cause, coming on to be heard, was submitted for final decree upon the bill of complaint, waiver and answer, and testimony as shown by the note of submission, and upon consideration thereof the court is of the opinion that the complainant is entitled to the relief prayed for in the bill. It is therefore,

Ordered, Adjudged, and Decreed by the court:

- l. That the bonds of matrimony heretofore existing between the complainant and the respondent be, and the same are hereby dissolved. and the said ALICE G. AUSTIN is forever divorced from the said ROY EDWARD AUSTIN, for and ee on account of the cruelty averred in the bill of complaint and testified to by the witnesses.
- 2. That neither the complainant nor the respondent shall again marry, except to each other, until sixty days after the date of this decree of divorce.
 - 3. That the complaimant shall be and hereby is entitled to resume her maiden name, to-wit, Alice Gurganus, henceforth in all transactions.
 - 4. That the respondent pay the costs herein to be taxed, for which execution may issue.

Ordered and decreed this 29 day of July, 1952.

Telfair J. Mashburn, Jr.
Circuit Judge of Baldwin County
Alabama, Sitting in Equity

ALICE G. AUSTIN,
Complainant

COUNTY, ALABAMA

COUNTY, ALABAMA

ROY EDWARD AUSTIN,
Respondent

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA

NOTE OF TESTIMONY

This cause was submitted in behalf of Complainant upon the Bill of Complaint, and testimony of the Complainant and of one E.H. Gooden, and in behalf of the Respondent upon his answer and waiver.

Edgar Nelson
Attorney for complainant

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ALICE G. AUSTIN, Complainant

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

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ROY EDWARD AUSTIN, Respondent

IN EQUITY

WAIVER AND ANSWER

Comes the respondent in the above-styled cause and waives service by the sheriff of sub-poena on said bill, a copy of the interrogatories or notice of the taking of testimony; waives the right to give testimony in his own behalf in said cause, waives issuance of formal commissions to take the testimony of witnesses and consents that the cause be submitted to the court for final decree.

And for answer to the bill of complaint filed in this cause, respondent says:

- (1) He admits the allegations contained in paragraph 1 of the bill of complaint.
- (2) He admits the allegations contained in paragraph 2 of the bill of complaint.
- (3) He admitsthe allegations contained in paragraph 3 of the bill of complaint.
- (4) He denies each and every allegation contained in paragraph 4 of said bill of complaint and demands strict proof thereof.

Roy 6. Austra

STATE OF ALABAMA) COUNTY OF BALDWIN)

I, Col Mana, a notary public in and for said county and state, hereby certify that Roy Edward Austin, whose name is signed to the foregoing answer to a bill of complaint filed in the Circuit Court of Baldwin County, Alabama, wherein Alice G. Austin is the complainant and Roy Edward Austin is the respondent; and who is known to me to be the identical person named as respondent in the bill of complaint in this cause, acknowledged before me on this date that, being informed of the allegations of the bill of complaint filed against him by the complainant, who is his wife, he signed the answer hereto attached voluntarily on the day the same bears date.

And I further certify that he signed the answer in my presence. Given under my hand and seal this the 200 day of July, 1952.

Notary Rublic

ALICE G. AUSTIN, ON THE CIRCUIT COURT OF BALDWIN Complainant COUNTY, ALABAMA

V.

ROY EDWARD AUSTIN, IN EQUITY

Respondent

To the Honorable Telfair J. Mashburn, Jr., Judge of the Circuit Court of Baldwin County, Alabama, sitting in Equity:

Your complainant, Alice G. Austin, respectfully represents and shows unto your honor:

- 1. That complainant is over the age of twenty-one years, and is a resident of Baldwin County, Alabama, and has been a bona fide resident of said state and county for more than two years next preceding the filing of this bill of complaint; that respondent is also over the age of twenty-one years and resides in Baldwin County, Alabama.
- 2. That your complainant and respondent were lawfully married on, to-wit, the 29th day of July, 1950, at Fairhope, Alabama.
- 3. Complainant further avers that the parties lived together as man and wife from the date of their marriage until about eight weeks ago; since which time they have lived separate and apart.
- 4. Complainment further avers that, on several occasions, during the time the parties were living together as man and wife, the respondent made threats of doing her physical harm, and did in fact strike her; and from his manner and conduct toward her, she is reasonably convinced that he will, if the parties continued to live as man and wife, commit further vibence or threats of violence upon her person, attended with danger to her life or health.

The premises considered, your complainment makes the said respondent, Roy Edward Austin, 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 sub-poena to be issued, directed to Roy Edward Austin, commanding him to answer, plead, or demur to this bill of complaint, within the time required by law; and that on a final hearing of this cause, that

your honor will enter a decree divorcing the complainant from said respondent, granting the complainant the right to re-marry and granting the complainant the right to resume her maiden name, to-wit, Alice Gurganus, and that your honor will grant such other further and different relief as unto your honor may seem just and proper, and your complainant will ever pray, etc.

Edger R. Nelson, Solicitor for the Complainant

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CIRCUIT COURT, BALDWIN COUNTY

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IN THE CIRCULT COURT OF BALDWIN

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Your completests, Alice G. Austin, respectivity represents and

shows unto your honors

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on, to-wit, the 29th day of July, 1950, at Fairhope, Alabama. 2. That your completinant and respondent were lawfully merried

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your honor will enter a decree divorcing the complainant from said respondent, granting the complainant the right to resume her maiden name, and granting the complainant the right to resume her maiden name, to-wit, Alice Gurganus, and that your honor will grant such other further and different relief as unto your honor may seem just and proper, and your complainant will ever pray, etc.

Adge 8. Nelson, Solicitor for the Complainant

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THE STATE OF ALABAMA BALDWIN COUNTY CIRCUIT COURT ALICE G. AUSTIN Plaintiffs vs. Plaintiffs Pl	\$	357 Page
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ALTCE G. AUSTIN,
Complainant

V.

ROY EDWARD AUSTIN
Respondent

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

IN EQUITY

STATE OF ALABAMA BALDWIN COUNTY

By virtue of an agreement between the parties in the case of ALICE G. AUSTIN v. ROY EDWARD AUSTIN. pending in the Circuit COURT of Baldwin County, Alabama, the undersigned, acting as commissioner, has caused ALICE G. AUSTIN, complainant in the case, to come before me; who, being duly sworn true maswer to make to the questions asked by oral interrogatories by the undersigned, deposed and answered as follows:

My name is Alice G. Austin. I am over the age of twentyone years and have been a resident of Baldwin County, Alabama, for more than two years. Iam married to the respondent in this case; the marriage being performed in Fairhope, Baldwin County, Alabama, on July 29, 1950. We lived together as man and wife from the time of our marriage until about eight weeks ago; since which time we have lived separate and apart. I left the bed and board of the respondent because, on several occasions, during the time that we lived together as man and wife, the respondent struck me in anger, to my great physical discomfort and apprehension of further harm. On many other occasions, since and before the actual physical violence afore-mentioned, the respondent made threats of doing me physical harm, and from his manner and conduct toward me, I am reasonably convinced that he will commit firther violence upon my person, attended with danger to my lifeor health, if allowed to do so.

Answered, subscribed and sworn to before me this 29th day of July, 1952.

alies G. auster

Album (SEAL)
Commissioner

I, Johnson, as 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 at the time and place herein mentioned; that I have personal knowledge of the personal identity of said identity witness, the complainant; that I am not of counsel or kin to any of the parties to the said cause, or in any manner interested in the result thereof.

Given under my hand and seal this 25th day of July, 1952.

G. E. Deskins

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ALICE G. AUSTIN, Complainant)	IN THE CIRCUIT COURT OF BALDW	IIN
▼•	Ì	COUNTY, ALABAMA	
ROY EDWARD AUSTIN,	5	IN EQUITY	

STATE OF ALABAMA) BALDWIN COUNTY

By virtue of an agreement between the parties in the case of Alice G. Austin v. Roy Edward Austin, pending in the circuit court of Baldwin County, Alabama, the undersigned, acting as commissioner has cause E.H. Gooden, a witness in the case, to come before me; who, being duly sworn, true answer to make to the questions asked by oral interrogatories by the undersigned, deposed and answered as follows:

My name is E.H. Gooden. I am over the age of twenty-one years and have been a resident of Baldwin County, Alabama, for more than five years. I know both the complainant and the respondent. The y were married in Fairhope, about two years ago, and lived together as man and wife until about two months ago. I have surmised for some time that things were not running too smoothly with the marriage. On one or two occasions I have seen and heard the respondent threaten to strike, and actually strike the complainment. Aside from this, I do not know why the parties separated.

Answered, subscribed and sworn to before me this day of July, 1952.

C. Certer, as commissioner, hereby certify that the deposition on oral examination was taken down in writing by me in the words of the witness and read over to him, and she signed the same in the presence of myself at the time and place herein mentioned; that I have personal knowledge of the identity of the witness; that I am not of counsel or kin to any of the parties to said cause, or in any manner interested in theresult thereof.

Given under my hand and seal this 2 4 day of July, 1952.

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EDGAR R. NELSON

ATTORNEY-AT-LAW

PITMAN BUILDING

FAIRHOPE, ALABAMA
July 28, 1952

Mrs. Alice Duck, Clerk of the Circuit Court Baldwin County
Bay Minette, Alabama

Dear Mrs Duck:

I enclose papers and check for costs in the case of Alice G. Austin v. Roy Edward Austin. Please take the file to Judge Mashburn for decree. Thank you.

Sincerely.

Edger R. Nelson.