

2857

Voncille

ALICE G. AUSTIN,  
Complainant

v.

ROY EDWARD AUSTIN,  
Respondent

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA

IN EQUITY

DECREE

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:

1. That the bonds of matrimony heretofore existing between the complainant and the respondent be, and th 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 complaiant 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<sup>th</sup> day of July, 1952.

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

ALICE G. AUSTIN,  
Complainant

v.

ROY EDWARD AUSTIN,  
Respondent

) IN THE CIRCUIT COURT OF BALDWIN  
) COUNTY, ALABAMA

) IN EQUITY  
)

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

*Aeric J. Rusk*  
*Registrar*

ALICE G. AUSTIN,  
Complainant

v.

ROY EDWARD AUSTIN,  
Respondent

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA

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 admits the 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 E. Austin

STATE OF ALABAMA )  
COUNTY OF BALDWIN )

I, Cecil Stroman, 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 20th day of July, 1952.

Cecil Stroman  
Notary Public

RECORDED

ALICE G. AUSTIN,  
Complainant

v.

ROY EDWARD AUSTIN,  
Respondent

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, 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 pre-  
ceding the filing of this bill of complaint; that respondent is also  
over the age of twenty-one years and resides in Baldwin County, Ala-  
bama.

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. Complainant 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 violence or threats of violence upon  
her person, attended with danger to her life or health.

The premises considered, your complainant 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.

Edgar R. Nelson  
Edgar R. Nelson, Solicitor  
for the Complainant

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2857

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Roy Edward Austin

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Roy Edward Austin, Defendant

by Alice G. Austin, Plaintiff

Witness my hand this 28th day of July 19 52

Alice G. Austin, Clerk

No. 2857

**RECORDED**

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

ALICE G. AUSTIN

Plaintiffs

vs.

ROY EDGAR AUSTIN

Defendants

SUMMONS and COMPLAINT

Filed 7-28-52, 19

*W. J. French* Clerk

*Returned <sup>sent</sup> on order  
of Plaintiff's atty  
Taylor Wilkins  
Sheriff*

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

*July 28, 1952*, 19

*Taylor Wilkins*, Sheriff

I have executed this summons

this \_\_\_\_\_, 19  
by leaving a copy with

Sheriff

Deputy Sheriff

The premises considered, your complaint 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 subpoena 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

her person, attended with danger to her life or health, as man and wife, commit further violence or threats of violence upon reasonably convinced that he will, if the parties continued to live fact strike her; and from his manner and conduct toward her, she is the respondent made threats of doing her physical harm, and did in during the time the parties were living together as man and wife, 4. Complainant further avers that, on several occasions,

weeks ago; since which time they have lived separate and apart. as man and wife from the date of their marriage until about eight 3. Complainant further avers that the parties lived together

on, to-wit, the 29th day of July, 1958, at Fairhope, Alabama. 2. That your complainant and respondent were lawfully married

same. over the age of twenty-one years and resides in Baldwin County, Ala- ceding the filing of this bill of complaint; that respondent is also resident of said state and county for more than two years next pre- is a resident of Baldwin County, Alabama, and has been a bona fide 1. That complainant is over the age of twenty-one years, and

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

Circuit Court of Baldwin County, Alabama, sitting in Equity:

To the Honorable Telford S. Newburn, Jr., Judge of the

ALICE G. AUSTIN, Complainant  
 v.  
 ROY EDWARD AUSTIN, Respondent  
 IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA  
 IN EQUITY



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.

Edgar R. Nelson  
Edgar R. Nelson, Solicitor  
for the Complainant

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No 2857

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Roy Edward Austin

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against \_\_\_\_\_

Roy Edward Austin

\_\_\_\_\_, Defendant

by Alice G. Austin

\_\_\_\_\_, Plaintiff

Witness my hand this 28th day of July 1952

Alice G. Austin, Clerk

**THE STATE OF ALABAMA**  
BALDWIN COUNTY

**CIRCUIT COURT**

ALICE G. AUSTIN

Plaintiffs

vs.

ROY EDGAR AUSTIN

Defendants

**SUMMONS and COMPLAINT**

Filed 7-22-52, 19\_\_\_\_

*Alice G. Austin* Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at \_\_\_\_\_

RECEIVED IN OFFICE

\_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, Sheriff

I have executed this summons

this \_\_\_\_\_, 19\_\_\_\_

by leaving a copy with \_\_\_\_\_

\_\_\_\_\_  
Sheriff

\_\_\_\_\_  
Deputy Sheriff

ALICE 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 answer 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 twenty-one years and have been a resident of Baldwin County, Alabama, for more than two years. I am 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 further violence upon my person, attended with danger to my life or health, if allowed to do so.

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

Alice G. Austin

J. E. Perkins (SEAL)  
Commissioner

I, L. E. Beckman, 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 29<sup>th</sup> day of July, 1952.

L. E. Beckman  
%%%

2857

Testimony

Alice B. Austin

vs

Roy Edward Austins

FILED

JUL 29 1952

ALICE J. DUCK, Registrar

ALICE 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 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. They 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 complainant. Aside from this, I do not know why the parties separated.

Answered, subscribed and sworn to before me this 28<sup>th</sup> day of July, 1952.

E.H. Gooden

F. E. Perkins SEAL  
Commissioner

I, F. E. Perkins, 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 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 the result thereof.

Given under my hand and seal this 28<sup>th</sup> day of July, 1952.

F. E. Perkins

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,

  
Edgar R. Nelson.