

(2868)

Dorothy Robinson Hetherington

vs.

Charlie James Hetherington

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,

Testimony of Complainant and witness, Sarah Crandall

and in behalf of Defendant upon

Decree Pro Confesso by Personal Service

E. G. Rickarby

[Handwritten Signature]

Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 26th

day of Nov, 1942

Alice J. ...
Register.

Printed by the Baldwin Times

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

DOROTHY ROBINSON HETHERRINGTON, Complainant

vs.

CHARLEY JAMES HETHERRINGTON, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Personal Service 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 Dorothy Robinson Hetherrington is forever divorced from the said Charley James Hetherrington for and on account of

CRUELTY. It is further ordered that the Complainant, Dorothy Robinson Hetherrington, be awarded the care and custody of the minor child of this marriage, BENNY JAMES HETHERRINGTON, and that the Respondent pay the Complainant the sum of \$30.00 per month payable on the 1st and 15th, for the support of said child, first payment to be made thirty days from the rendition of this decree, Respondent to pay the further sum of \$75.00 to E. G. Rickarby, Jr., Solicitor for Complainant, as his Solicitor's fee in this case.

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 CHARLEY JAMES HETHERRINGTON the Defendant pay the cost herein to be taxed, for which execution may issue.

This 26th day of November, 1952

Jessie G. Mashburn, 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. 2888 Page _____

The State of Alabama
Baldwin County

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

STATE OF ALABAMA:

COUNTY OF BALDWIN:

My name is E. A. CRAMER and I am a practicing attorney of the Baldwin County Bar and as such am familiar with the usual and customary fees charged for services in divorce cases and that in my opinion a fee of SEVENTY FIVE DOLLARS (\$75.00) is the reasonable fee for the Complainant's counsel in an action where a woman is suing for divorce, alimony, and custody of the children if no contest is made.


E. A. Cramer
Affiant

Subscribed and sworn to before me this the 21st day of November, 1952.


Commissioner

THE STATE OF ALABAMA, }
Baldwin County

No. 2888 Circuit Court, In Equity.

DOROTHY ROBINSON HETHERRINGTON

Complainant...

Vs.

CHARLEY JAMES HETHERRINGTON

Defendant....

Motion is hereby made for a Decree Pro Confesso against CHARLEY JAMES HETHERRINGTON

Defendant.....

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant....; and that said summons was duly served according to law, and that said Defendant... ha S failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 27 day of October 19 58

RICKARBY & RICKARBY

By: [Signature]
E. G. Rickarby, Jr. Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

DOROTHY ROBINSON HETHERINGTON

Vs.

CHARLEY JAMES HETHERINGTON

Motion for Decree Pro Confesso on
Personal Service

Filed 10-27 1952

Eric J. ...
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Wendy Robinson Heatherington
 Complainant,
 Vs.
Charlie James Heatherington
 Respondent.

In the Circuit Court.
 In Equity No. _____.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent _____

Charlie James Heatherington

by the Sheriff of Mobile County, on the 12th day of Sept, 1952

And it further appears to the Register, that that the said _____

Charlie James Heatherington

_____ the Respondent, having to the date hereof,

failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,

on motion of E. B. Rackard, Jr. Solicitors

for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,

and it hereby is, in all things taken as confessed against the said _____

Charlie James Heatherington

This 30th day of Oct, 1952

Wendy J. Leach
Register.

No. _____

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

Complainant,

Vs.

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this _____ day of _____

194_____.

Register.

To the

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

Comes DOROTHY ROBINSON HETHERRINGTON and by this her bill of complaint presented against CHARLEY JAMES HETHERRINGTON, respectfully shows:

FIRST: That the Complainant is seventeen years of age and the Defendant is over the age of twenty-one years and that both are now and have been for more than three years next preceeding the filing of this bill of complaint, bona fide residents of Baldwin County, Alabama, and Complainant resides in Daphne, Alabama.

SECOND: That the Complainant and Defendant were married at Pascagoula, Mississippi on the 8th day of December, 1951 and lived together as man and wife in Daphne, Alabama until the latter part of May, 1952, when she had to leave him because of his failure to support her and because of his conduct towards her.

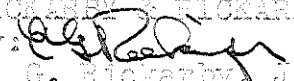
THIRD: That the Defendant committed actual violence on the person of his wife attended with danger to her life and health by stabbing her in the back with a knife at her mother's home on or about Friday, August 29, 1952, in Daphne, Alabama.

FOURTH: That to this marriage there has been born a son, Benny James Hetherrington, who is now six months old and is in need of his mother's care. Complainant further shows that the Defendant, her husband, is an able bodied man earning approximately Thirty Dollars per week and is well able to help with the support of his son.

THE PREMISES CONSIDERED, Complainant prays that the Defendant, Charley James Hetherrington, be made party defendant to this cause and be required to answer same within the time required by law.

Complainant further prays that on a hearing of this cause a decree be rendered forever divorcing her from the said Defendant and granting her the right to remarry should she so desire and to have the care and custody of her son and that the Defendant be required to contribute a reasonable amount for the support of his son together with a reasonable sum for her attorney in representing her in this proceeding.

Complainant prays for such other, further or different relief as to Equity may seem meet.

RICKARBY & RICKARBY
By: 
E. G. Rickarby, Jr.
Solicitor for Complainant



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DOROTHY ROBINSON HERRINGTON,
Complainant
-vs-
CHARLEY JAMES HERRINGTON,
Defendant

BILL OF COMPLAINT

*Filed
September 6, 1952*

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The State of Alabama, County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Charlie James Hetherrington

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Com-
plaint filed in said Circuit Court, in equity, for said County of said State. By

..... Dorothy Robinson Hetherrington

against Charlie James Hetherrington

Herein fail not. Due return make of this writ as the law directs.

Witness this 8th day of September , 19 52

..... *W. J. Duck* , Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

(D)
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No. 2888

Page.....

The State of Alabama

295
v Baldwin COUNTY.

IN CIRCUIT COURT, IN EQUITY

DOROTHY ROBINSON HETHERINGTON

12 X
5
vs.
CHARLIE JAMES HETHERINGTON

83 Ave. D. Prichard Ala.

SUMMONS

Returned by the Sheriff and filed in office, this
the..... day of....., 19.....
....., Register.

Works for Glover Mixture Co.
Prichard

Received in office, this the 9 day of

Sept 1952
J. H. Halcombe, Sheriff.

I have executed the within by leaving a copy
thereof with Charlie

James Hetherington

defendant named herein, on this the 12th

day of September, 1952
W. H. Halcombe, Sheriff.

By H. B. Sanders, Deputy.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Florence C. Isbell

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 Dorothy Robinson Hetherington and Sarah Crandall

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

Complainant
and Charlie James Hetherington

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 25th day of November, 1952

Alice J. Verrick
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Complainant—

vs.

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

My name is DOROTHY ROBINSON HETHERRINGTON and I am filing this suit for divorce against CHARLEY JAMES HETHERRINGTON. I am a bona fide resident of Baldwin County, Alabama, and have lived here for over the last three years and I am still living there in Daphne with my mother. My husband, Charley James Hetherrington, and I were married on the 8th day of December, 1951 and we lived together in Daphne with my mother until the latter part of May, 1952, when we separated because of his cruelty to me and because he would not support me. He had been cruel to me on numerous times and bit me on the cheek and was so cruel to me that our baby was born prematurely and was a seven months baby.

After we separated in May, he would come back and bother me from time to time and on Friday, August 29, 1952, he came to my mother's house and was acting mean and pulled out a knife and threatened to kill me and cut me on the back with this knife. This made me sick and his physical violence toward me was dangerous to my life and health. I have this young baby and cannot work because I have to stay home and take care of it and need support for my baby. My husband is working at Glover Fixture Co. in Prichard, Alabama, and I know he is making Twenty-nine Dollars (\$29.00) per week because that was the amount of the check for his pay when he brought it home and he still has the same job.

I am asking that he help contribute to the support of his child and pay for the costs of me getting this divorce.

Dorothy Hetherrington

Subscribed and sworn to before me this the 21st day of
November, 1952.

Shirley C. Isbell
Commissioner

My name is SARAH CRANDALL and I am the mother of DOROTHY ROBINSON HETHERRINGTON who is filing suit for divorce against CHARLEY JAMES HETHERRINGTON. My daughter, Dorothy Robinson Hetherrington, lives with me at my home in Daphne, Baldwin County, Alabama, and she has been living here in Daphne all her life and is still living here now. On or about the 8th day of December, 1951, Dorothy married Charley James Hetherrington at Pascagoula, Mississippi, and since that time they have lived together at my home until the last part of May, 1952, when they separated because he failed to support her and because he was mean to her and would often jump on her and beat her up and I would have to separate them.

In the last part of August, 1952, Charley James Hetherrington, came to my house and started a disturbance with my daughter, Dorothy Hetherrington. I was not in the room at the time but I heard the noise of the fight and I ran in the room to see what was happening and he had left at that time. In about two minutes he came back to the house and knocked on the screen trying to get in. At that time he had a knife in his hand but I had locked the screen and would not let him in. I have not seen him since that time except when we appeared as witnesses in the County Court where he was convicted for cutting Dorothy. He cut my daughter in the center of her back and she was taken to Dr. Jordan's Clinic where her back was sewed up.

The cruelty above mentioned was actual violence which was dangerous to my daughter's life and health. Dorothy has a son born of this marriage who is now eight months old and Dorothy is taking care of her child and it is to the best interest of this child to stay with his mother, Dorothy Robinson Hetherrington.

Sarah Crandall

Subscribed and sworn to before me this the 21st day of November, 1952.

Glenn C. Dyer
Commissioner

C E R T I F I C A T E

I, Florence C. Isbell, acting as Commissioner duly appointed by the Register, hereby certify that in the case of DOROTHY ROBINSON HETHERRINGTON -vs- CHARLEY JAMES HETHERRINGTON, pending on the Equity side of the Circuit Court of Baldwin County, Alabama, I caused Sarah Crandall, Dorothy Robinson Hetherrington, and E. A. Gager, witnesses for the Complainant, to appear before me at my office in the Bank Building, Fairhope, Alabama, where, after being duly sworn, upon examination by the Solicitor for the Complainant, they testified as is therein written and their testimony, after being reduced to writing, was read over and signed by them.

I further certify that I am neither of counsel or kin to either party to the cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF, I hereto set my hand and seal as Commissioner this the 25th day of November, 1952.

Florence C. Isbell
Commissioner