

4168

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ERNESTINE MILLER HOWARD, Complainant

vs.

GENE FERRELL HOWARD, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confess XXXX~~ Waiver and Answer 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 ERNESTINE MILLER HOWARD is forever divorced from the said GENE FERRELL HOWARD for and on account of

"CRUELTY"

It is further ORDERED, ADJUDGED AND DECREED that the complainant be, and she is hereby, authorized and empowered to resume the use of her former name, "ERNESTINE WILSON MILLER".

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 payment of the cost of this suit.

It is further ordered that ERNESTINE WILSON MILLER the Complainant pay the cost herein to be taxed, for which executed may issue.

This 19 day of November 1957.

Hubert M. Stee

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.----- Page-----

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

ERNESTINE MILLER HOWARD
Complainant

vs.

GENE FERRELL HOWARD
Respondent

DIVORCE DECREE

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama

(In Equity)

ERNESTINE MILLER HOWARD

Complainant

VS.

GENE FERRELL HOWARD

Respondent

I, DORIS BROWN

as ~~Register and~~ Commissioner

have called and caused to come before me ERNESTINE MILLER HOWARD

witness named in the Requirement for Oral Examination, on the day of NOVEMBER 195 7, at the office of Telfair J. Mashburn, Jr. in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said ERNESTINE MILLER HOWARD

doth depose and say as follows: "My name is Ernestine Miller Howard and I am the complainant in this cause and over the age of twenty-one years. I am a bona fide resident citizen of Baldwin County, Alabama, where I have lived practically all of my life. The respondent, GENE FERRELL HOWARD, is over the age of twenty-one years and is a non-resident of the State of Alabama. The respondent and I were married in Bay Minette, Alabama, on the 26th day of October, 1957. Almost as soon as we were married the respondent began to nag at me to sell my home, which belongs to me and to my two children by a previous marriage, and move to California with him and put my money in a home out there with him. When, because of the children, I refused to consider such a move, he began to exhibit an awful temper and to threaten me with physical violence. Finally, his threats and his manner became so threatening that I became convinced that if I continued to live with him as his wife, he would carry out his threats and would commit actual violence on my person which would necessarily endanger my life or health. I am sure that we can never live together as husband and wife and I feel that it is better for me and my children that I be divorced from the respondent. Because of the children, I feel that I should be permitted to resume the use of my ~~XXXXXXXXXX~~ previous name." Further deponent says not.

Ernestine Miller Howard

ORAL EXAMINATION.

I, Doris Brown, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness _____ and read over to her and she signed the same in the presence of myself _____ and Telfair J. Mashburn, Jr

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness _____ or had proof made before me of the identity of said witness _____; that I am not of counsel or 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 18th day of November, 195 7

Doris Brown (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

ERNESTINE MILLER HOWARD

vs. Complainant

GENE FERRELL HOWARD

Respondent.

Oral Deposition

Filed 11-18, 195 7

Doris Brown Register.
Recorded in _____

Record _____

Vol. _____ Page _____

Register _____

ERNESTINE MILLER HOWARD

Complainant

vs.

GENE FERRELL HOWARD

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

No.

DEMAND FOR ORAL EXAMINATION

COMES the Complainant, by attorney, and represents to the Court as follows :

1. That the following named witnesses reside within one hundred miles from

Bay Minette, in the County of Baldwin

Alabama, the place of trial of said cause, to-wit : ERNESTINE MILLER HOWARD

2. That said Complainant requires an oral examination of said witnesses before a Commissioner appointed by the Register of this Court.

Julian J. Maduberry Jr.
Solicitor for Complainant

NOTE :

Complainant suggests the name of DORIS BROWN

as a suitable and competent person to act as commissioner upon the examination of said witnesses.

Julian J. Maduberry Jr.
Solicitor for Complainant

DEMAND FOR ORAL EXAMINATION

ERNESTINE MILLER HOWARD

Complainant

vs.

GENE FERRELL HOWARD

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed this 18 day of Nov

1947

Alvin [Signature] Register

Moore Printing Co.

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: DORIS BROWN

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine ERNESTINE MILLER HOWARD

a witnesses in behalf of ERNESTINE MILLER HOWARD in a cause pending in our Circuit Court in Baldwin County, of said State, wherein _____

ERNESTINE MILLER HOWARD

is the _____, Complainant

and GENE FERRELL HOWARD

is the _____ Respondent

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

Witness 16 day of November, 195 7

Reid J. ...
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ERNESTINE MILLER HOWARD
Complainant

VS.

GENE FERRELL HOWARD
Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

ERNESTINE MILLER HOWARD,
Complainant,
VS.
GENE FERRELL HOWARD,
Respondent.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. _____

WAIVER AND ANSWER

Comes the respondent in the above styled cause and accepts service of a copy of the bill of complaint in said cause, waives notice of the filing of interrogatories in said cause, and the right to cross same; waives notice of the taking of testimony in said cause, and consents that the same ^{may} be taken and the cause submitted for final decree at any time, without further notice to him.

And for answer to the bill of complaint, respondent says:

1. He admits the allegations contained in paragraph 1 of said bill of complaint.
2. He admits the allegations contained in paragraph 2 of said bill of complaint.
3. He denies each and every allegation contained in paragraph 3 of said bill of complaint and demands strict proof of the same.


RESPONDENT

EXECUTED IN THE PRESENCE OF:



Howard

Co.

Howard

4168

Filed 11-18-57
Avery J. ...
Register

ERNESTINE MILLER HOWARD,
Complainant,
VS.
GENE FERRELL HOWARD,
Respondent.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. _____

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Your complainant, ERNESTINE MILLER HOWARD, respectfully re-
presents unto your Honor and this Honorable Court as follows:

1. That your complainant is over the age of twenty-one years
and is a bona fide resident citizen of said State and County; that
GENE FERRELL HOWARD is over the age of twenty-one years and is a
non-resident of the State of Alabama;

2. That your complainant and the respondent were lawfully
married at Bay Minette, Alabama, on, to-wit: the 26th day of
October, 1957;

3. That almost as soon as they were married the respondent
began to exhibit a violent temper; that he has made numerous threats
of doing your complainant physical harm and, from his manner and
conduct toward her, she is reasonably convinced that, should she
continue to live with him as his wife, he will commit an actual
violence on her person which will necessarily endanger her life or
health; that, because of the respondent's treatment of your com-
plainant, your complainant has been forced to separate from him,
on, to-wit: the 14th day of November, 1957; and that she does not
intend to return to live with him as his wife.

WHEREFORE, THE PREMISES CONSIDERED, your complainant makes
the said GENE FERRELL HOWARD a party respondent to this bill of
complaint, and, in order that complainant may have the relief here-
inafter prayed for, may it please your Honor to cause the State's
Writ of Subpoena to be issued, directed to the said GENE FERRELL
HOWARD, commanding him to plead, answer or demur to this bill of
complaint within the time required by law.

Your complainant further prays that, on a final hearing of
this cause, your Honor will make and enter a decree forever di-
vorcing your complainant from the respondent, and granting to your
complainant the right to resume the use of her former name,

ERNESTINE WILSON MILLER; and your complainant prays for such other, further, different or general relief as in equity and good conscience she may be entitled to receive, and, as in duty bound, your complainant will ever pray, etc.

Julian G. Mansbury, Jr.
SOLICITOR FOR COMPLAINANT.