

4474

PEGGY JUANITA GECK, : IN THE CIRCUIT COURT  
 Complainant. : OF BALDWIN COUNTY  
 -VS- : ALABAMA  
 CHARLES HENRY GECK, : IN EQUITY  
 Defendant. : CASE NO. \_\_\_\_\_.

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT, SITTING  
 IN EQUITY:

Comes your Complainant, Peggy Juanita Geck, and exhibits this her Bill of Complaint against Charles Henry Geck, Defendant, and would with respect show unto Your Honors and to this Honorable Court as follows:

1. That Complainant and Defendant are each over the age of twenty-one (21) years and are both bona fide resident citizens of Baldwin County, Alabama.

2. That Complainant and Defendant were lawfully married on the 16th day of February, 1956 in Robertsdale, Alabama and lived together as husband and wife until July 11th, 1957 at which time they separated and have not lived together as husband and wife since the date of aforesaid separation; that there was born of their marriage one child, namely, Dennis Charles Geck, born February 5th, 1957.

3. Complainant avers and charges that the Defendant did commit actual violence on her person, attended with danger to her life or health or that from his conduct there was reasonable apprehension of such violence would be committed if she continued to live with him.

PRAYER FOR PROCESS

To the end, therefore, that Equity may be done in the premises, Complainant prays that Charles Henry Geck, the Defendant, may be made a party defendant to this Bill of Complaint, and that process in the usual form and in accordance with the practice of this Honorable Court be issued to him requiring him to answer, plead or demur to this Complainant's Bill of Complaint as he may be advised.

PRAYER FOR RELIEF

Complainant further prays that this Honorable Court at the hearing of this cause may be pleased to render a decree dissolving the bonds of matrimony now existing between Complainant and the Defendant, and to further grant to Complainant and Defendant permission to marry again in the event that they so desire; Complainant further prays for such other, further and general relief as she may be entitled in Equity and good conscience in the premises, for which she will ever pray.

*Robert V. Stanton*

SOLICITOR FOR COMPLAINANT.

1918  
JUN 10 1918  
COURT HOUSE  
COLUMBIA, MISSISSIPPI

no. 4474

**FILED**  
JAN 8 1959  
ALICE L. DUCK, CLERK  
REGISTERED

PEGGY JUANITA GECK, : IN THE CIRCUIT COURT  
 Complainant. : OF BALDWIN COUNTY  
 vs. : ALABAMA  
 CHARLES HENRY GECK, : IN EQUITY  
 Defendant. : CASE NO. \_\_\_\_\_

MOTION FOR REFERENCE AND CUSTODY

TO THE HONORABLE JUDGE OF SAID COURT, SITTING IN EQUITY:

Comes the Complainant in the above styled cause and shows unto Your Honor and to this Honorable Court that she has insufficient means with which to support herself and her said minor child named in the Bill of Complaint filed in this cause nor money or means with which to pay her Solicitor of Record for his services herein and therefore moves the court to refer this cause to the Register of this Honorable Court, and require said Register to hold a reference on a day to be fixed by him and ascertain what would be a reasonable amount of maintenance for her said minor child, to be paid by the Defendant and to the Complaint pending this suit, and what would be a reasonable amount of Solicitor's fee for her Solicitor of Record for his services herein, to be paid by the Defendant, the Defendant being an able bodied man, earning good wages.

And the Complainant would further show unto Your Honor and this Honorable Court that the Defendant has assumed the custody and control of the minor child of the parties; that the said minor child is an infant of tender years and needs a mother's care, and that Complainant is a fit and proper person to have such custody.

WHEREFORE, Complainant further prays that Your Honor will issue an order granting her custody of said minor child pendente lite.

*Peggy Juanita Geck*  
 \_\_\_\_\_

STATE OF ALABAMA:  
 COUNTY OF MOBILE:

Personally appeared before me, the undersigned authority, PEGGY JUANITA GECK, who after being first duly sworn, deposes and says that she knows the contents of the foregoing motion, and that the same are true and correct.

WITNESS MY HAND AND SEAL THIS 21<sup>st</sup> DAY OF January, 1959.

SUBSCRIBED AND SWORN TO BEFORE ME  
 THIS 21<sup>st</sup> DAY OF January, 1959.

*Francis E. Mootes*  
 \_\_\_\_\_  
 NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

*filed 2-16-59;  
 executed 2-16-59;*

The State of Alabama  
Baldwin County

CIRCUIT COURT

PEGGY JUANITA GECK

Plaintiffs

vs.

CHARLES HENRY GECK

Defendants

Summons and Complaint

Filed 2-16 19 59

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

2/16 19 59

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

I have executed this summons

this 2-16 19 59

by leaving a copy with

Charles Henry Geck

Taylor Wilkerson Sheriff

W. A. Talbot Deputy Sheriff

W.A.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. ....

..... TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Charles Henry Geck

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 .....

Charles Henry Geck ....., Defendant .....

by Peggy Juanita Geck ....., Plaintiff .....

Witness my hand this 16th day of February 19 59

*Alice J. Duke* ....., Clerk

PETITION

PEGGY JUANITA GECK,	Ø	IN THE CIRCUIT COURT OF
COMPLAINANT,	Ø	BALDWIN COUNTY, ALABAMA
VS	Ø	IN EQUITY
CHARLES HENERY GECK,	Ø	CASE NO. 4474
RESPONDENT.	Ø	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE 28th JUDICIAL CIRCUIT, IN EQUITY SETTING:

Comes now your Petitioner, Peggy Juanita Geck and shows unto your Honor as follows:

-1-

That the Complainant and Respondent were divorced from one another by a Decree rendered by this Court on the sixth day of May 1959.

-2-

That there was born to the union of the Complainant and Respondent one minor child, Dennis Charles Geck.

-3-

That as a part of the aforesaid Decree your Honor gave your Petitioner, Custody of Dennis Charles Geck, for the month of June of each year, beginning with the month of June 1959.

This said Decree Provides further, that neither of the parties to this suit shall, during the time said child is in their custody and control, remove said child from the State of Alabama without first having secured the consent and permission of this Court.

-4-

Your Petitioner further shows unto your Honor that she is living at 1227 Esplanade Annex in New Orleans, Louisiana.

Premises considered, your Petitioner prays that your Honor will allow her to take Dennis Charles Geck with her and allow her to keep him with her in New Orleans, Louisiana, during the month of June 1959. Your Petitioner prays for such other, further or different relief to which she may be in equity entitled.

Solicitor for Complainant

Wilkins & Brantley

BY:

*Robert M Brantley*

**FILED**

MAY 27 1959

ALICE J. DUCK, CLERK, REGISTER

State of Alabama

Baldwin County

Before me, Tolbert M. Brantley, A Notary Public, in and for said County and State, Personally appeared Peggy Juanita Geck, who is known to me and who being by me first duly sworn, deposes and says that she has read the foregoing Petition, that the statements of facts contained therein are true.

Peggy Juanita Geck

Sworn to and Subscribed before me this 25th day of May 1959.

Tolbert M. Brantley

Notary Public  
Baldwin County, Alabama

FILED

MAY 27, 1959

ALICE J. DICK, CLERK  
REGISTER



4479  
Petition

Peggy J Gech

vs

Charles H Gech

---



the State of Alabama without first having secured the consent and permission of the Circuit Court of Baldwin County, Alabama, in Equity.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this the day and year first above written.

Peggy Juanita Geck (SEAL)  
Peggy Juanita Geck

Charles H. Geck (SEAL)  
Charles Henry Geck

Filed May 1, 1959

Stanley  
Circuit Judge

PEGGY JUANITA GECK  
Complainant  
VS  
CHARLES HENRY GECK  
Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY  
NO. 4474

ANSWER AND CROSS-BILL

Comes now the Complainant, Peggy Juanity Geck, and for answer to the cross-bill heretofore filed in this cause, says as follows:

1.

She admits the allegations of Section 1.

2.

She denies the allegations of Section 2 except the facts of marriage, date and place of marriage the allegations retaining to the birth of the child.

3.

Complainant says she has custody of the child and that she is a fit and proper person to have its care, custody and control.

4.

She denies the allegations of Section 4 and demands strict proof of the same.

5.

She denies the allegations of Section 5 and demands strict proof of the same.

*Filed Apr. 25, 1959  
Alice J. Luck, Reg.*

WILTERS & BRANTLEY

BY: Albert M Brantley

ALBERT S. GASTON

BY: Albert M Brantley

PEGGY JUANITA GECK

Complainant

VS

CHARLES HENRY GECK

Respondent

ANSWER AND CROSS-BILL

FILED

APR 25 1959

ALICE J. DUCK, CLERK  
REGISTER

*Filed 2-25-59  
Alice J. Duck  
Reg.*

PEGGY JUANITA GECK,	)	IN THE CIRCUIT COURT OF
	(	
Complainant,	)	BALDWIN COUNTY, ALABAMA,
	(	
VS.	)	IN EQUITY.
	(	
CHARLES HENRY GECK,	)	NO. _____
	(	
Respondent.	)	

ANSWER AND CROSS-BILL

Now comes the Respondent, Charles Henry Geck, and for answer to the bill of complaint heretofore filed in this cause, says as follows:

1. The allegations of Paragraph 1 of the complaint are admitted. It is alleged, however, that the Complainant was at the time of the filing of the bill of complaint temporarily residing in the City and County of Mobile, Alabama, at 705 South Carolina Street.

2. The fact of the marriage and the date and the place of the marriage of the parties are admitted. It is admitted that there was born to the marriage of the parties one (1) child, Dennis Charles Geck, who is a boy, born February 5, 1957. It is admitted that Complainant and Respondent are separated at this time, but the time of the separation as alleged in the bill of complaint is denied. Respondent further shows that when his son was born in February, 1957, Respondent was serving in the Army of the United States, and shortly after the child was born, Respondent was ordered and sent by the Army overseas to Korea, where he stayed for, to-wit, sixteen (16) months, until, to-wit, July 2, 1958, when he was allowed to return to his home in Alabama, and he lived with Complainant upon his return until, to-wit, July 11, 1958, when he was ordered and was sent by the Army to Fort Carson, Colorado. Respondent had a good home at Fort Carson, Colorado, for Complainant and their child, and Respondent requested Complainant to come live with him in Fort Carson, Colorado, but Complainant unreasonably refused to leave Alabama and come to Colorado to live with Respondent, and Complainant remained in Alabama with their child. Complainant thereby, in effect, abandoned Respondent on,

to-wit, July 11, 1958, and the parties have not lived together since said date.

3. Respondent denies each and every allegation of Paragraph 3 of the bill of complaint.

Having answered each paragraph of the bill of complaint, but for further answer to the bill of complaint, and by way of cross-bill, Respondent who is sometimes hereinafter referred to as Cross-Complainant, shows unto Your Honor and unto this Honorable Court as follows:

1. The allegations of Paragraph 1 of the original complaint and of Paragraph 1 of the answer thereto are adopted as Paragraph 1 of this cross-bill.

2. The allegations of Paragraph 2 of the original complaint are adopted as part of the allegations of Paragraph 2 of this cross-bill, insofar as they relate to the fact, date and place of the marriage of the parties, and insofar as they relate to the fact and date of the birth of Dennis Charles Geck, who was born of the marriage of the parties. The allegations of Paragraph 2 of the answer to the bill of complaint are adopted as the other part of the allegations of Paragraph 2 of this cross-bill.

3. Cross-Complainant further shows that said child is presently in the custody of Complainant, Peggy Juanita Geck, who is hereinafter referred to as Cross-Respondent, and Cross-Complainant avers that it is not to the best interest of said child to so remain, because Cross-Respondent is unfit to have the care, custody and control of said child, as will appear from the further averments of this cross-bill.

4. Cross-Complainant further shows that Cross-Complainant is a fit and proper person to have the care, custody and control of said child and that it would be to the child's best interest that its care, sustody and control be awarded to Cross-Complainant.

5. Cross-Complainant further avers that since the marriage of the parties, Cross-Respondent has committed adultery at various times with various men in various places in Mobile, Alabama; said acts of adultery have been committed without the connivance or consent of Cross-Complainant.

PRAYER FOR PROCESS

WHEREFORE, THE PREMISES CONSIDERED, Cross-Complainant prays that this portion of his answer be taken as a cross-bill, that Complainant, Peggy Juanita Geck, be made the party Cross-Respondent to this cross-bill, and that process be issued to her in the usual form and according to Law and the Rules of Practice of this Honorable Court, requiring her to plead, answer or demur to the cross-bill, as she may be advised, within the time required by Law and the Rules of Practice of this Honorable Court, and, failing therein, that a decree pro confesso, confessing the allegations of the cross-bill, be rendered against her.

PRAYER FOR RELIEF

Upon a final hearing of this cause, Cross-Complainant prays in the alternative as follows:

1. That Complainant's original bill be dismissed and that the costs thereof be taxed against her.
2. That a decree of divorce in favor of Cross-Complainant and against Cross-Respondent be rendered dissolving the bonds of matrimony now existing between Cross-Complainant and Cross-Respondent.
3. That Cross-Complainant be granted the right to remarry should he ever so desire.
4. That Cross-Complainant be awarded the custody and control of the child born of the parties, namely, Dennis Charles Geck.

And Cross-Complainant prays for such other, further, different and



general relief to which he may be entitled, the premises considered.

CHASON AND STONE

BY:

*Malcolm G. Stone, Jr.*

*J. Terry Reynolds, Jr.*

J. Terry Reynolds, Jr.

*William R. Lauten*

William R. Lauten

Solicitors for Respondent-  
Cross-Complainant

Complainant-Cross-Respondent may  
be served by service of a copy of the  
answer and cross-bill on her solicitor  
of record:

Honorable Albert S. Gaston  
Graystone Building  
Mobile, Alabama

*filed Apr. 2, 1959*  
*Alice J. Luck, Reg.*

44741

Peggy Juanita Geck,  
Complainant

vs.

Charles Henry Geck,  
Respondent

Answer and Cross-Bill

**FILED**

APR 2 1959

ALICE J. DUCK, Register

PEGGY JUANITA GECK,	)	IN THE CIRCUIT COURT OF
	(	
Complainant,	)	BALDWIN COUNTY, ALABAMA,
	(	
VS.	)	IN EQUITY.
	(	
CHARLES HENRY GECK,	)	NO. _____
	(	
Respondent.	)	

D E M U R R E R

Now comes the Respondent, Charles Henry Geck, and demurs to the bill of complaint heretofore filed in this cause and assigns as reason therefore the following separate and several grounds, separately and severally:

1. For that there is no equity in the bill.
2. For that it is not averred that the alleged violence was committed since the marriage of the parties.
3. For that from aught that appears from the allegations of the bill the parties lived together as husband and wife since the alleged violence and since the alleged conduct of the Respondent from which there is alleged reasonable apprehension of violence.
4. For that the time of the alleged violence is not averred.
5. For that the place of the alleged violence is not averred.
6. For that the alleged violence is not stated with the particularity required by law.
7. For that the means or manner of the alleged violence is not set out with particularity.
8. For that the alleged conduct of the Respondent from which there is alleged reasonable apprehension of violence is not averred with the particularity required by law, either as to the time, place or manner thereof.
9. For that the averments of the complaint are insufficient to apprise the Respondent of what he may be called upon to answer.

10. For that the averments of Paragraph 3 of the bill of complaint are mere conclusions of the pleader, without sufficient facts alleged to support such conclusions.

And the Respondent further demurs to that aspect of the bill of complaint by which the Complainant seeks a divorce on the alleged ground of actual violence and assigns as to said aspect the same separate and several grounds of demurrer heretofore assigned to the bill of complaint as a whole.

And Respondent further demurs to that aspect of the bill of complaint by which the Complainant seeks a divorce on the alleged ground of conduct on the part of the Respondent from which there is alleged reasonable apprehension of violence, and assigns as to said aspect the same separate and several grounds of demurrer heretofore assigned to the bill of complaint as a whole.

And respondent further demurs to that aspect of the bill of complaint by which Complainant seeks permission to remarry and assigns as to said aspect the same separate and several grounds of demurrer heretofore assigned to the bill of complaint as a whole.

And Respondent further demurs to each and every other aspect, separately and severally, of the bill of complaint and assigns as reason therefore as to each aspect thereof, separately and severally, the same separate and several grounds of demurrer heretofore assigned to the bill of complaint as a whole.

CHASON AND STONE

BY: Madame J. Stone, Jr.

J. Terry Reynolds, Jr.  
J. Terry Reynolds, Jr.

William R. Lauten  
William R. Lauten  
Solicitors for Respondent.

Complainant may be served by service of a copy of the demurrer on her solicitor of record:  
Honorable Albert S. Gaston  
Graystone Building  
Mobile, Alabama

*filed Mar. 19, 1959*  
*Alice J. Duck, Reg.*

4474

FILED

MAR 19 1950

FBI - MEMPHIS

PEGGY JUANITA GECK,  
Complainant,  
VS.  
CHARLES HENRY GECK,  
Respondent.

)  
)  
) IN THE  
)  
) CIRCUIT COURT OF BALDWIN COUNTY,  
)  
) ALABAMA. IN EQUITY.  
)  
) NO. 4474  
)  
)

This day came Peggy Juanita Geck, and by her sworn petition, shows unto the Court that by a decree rendered by this Court on the 6th day of May, 1959, she was given the custody of her minor child, Dennis Charles Geck, for the month of June, 1959.

She further shows unto the Court by her petition that she is now living at 1227 Esplanade Annex, New Orleans, Louisiana, and seeks to have the Court allow her to take the aforesaid minor child to live with her in New Orleans during the month of June, 1959.

Upon consideration thereof, the Court is of the opinion that Peggy Juanita Geck is entitled to the relief she seeks by her petition.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Peggy Juanita Geck be, and she is hereby allowed to take her minor child, Dennis Charles Geck, out of the State of Alabama and with her to 1227 Esplanade Annex, New Orleans, Louisiana, and keep the said child there during the month of June, 1959.

This 28th day of May, 1959.

*Robert M. Stone*  
\_\_\_\_\_  
JUDGE, 28th JUDICIAL CIRCUIT  
OF ALABAMA.

FILED

MAY 27, 1959

ALICE J. DUCK, CLERK  
REGISTER

PEGGY JUANITA GECK, : IN THE CIRCUIT COURT  
Complainant. : OF BALDWIN COUNTY,  
-vs- : ALABAMA.  
CHARLES HENRY GECK, : IN EQUITY  
Defendant. : CASE NO. 4474.

AMENDMENT TO BILL

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT, SITTING  
IN EQUITY:

Comes the Complainant in the above styled cause and amends Paragraph number 3 of the Bill of Complaint as follows:

Complainant avers and charges that the Defendant did commit actual violence on her life or health, to-wit, he struck her and injured her severely the 3rd day of October, 1958 at the home of Defendant's mother. And Complainant further alleges that from Defendant's conduct there was reasonable apprehension such violence would be committed if she continued to live with him.

*filed Mar. 11, 1959*  
*Alice J. Luck, Reg.*

*Albert Larter*  
\_\_\_\_\_  
ATTORNEY FOR COMPLAINANT.

4474

FILED  
MAR 11 1900  
ALICE J. DICK, CLERK  
REGISTER



\$5.00

PEGGY JUANITA GECK,	)	IN THE
Complainant,	)	CIRCUIT COURT OF BALDWIN COUNTY,
VS.	)	ALABAMA. IN EQUITY.
CHARLES HENRY GECK,	)	
Respondent.	)	

PEGGY JUANITA GECK, COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED

Examination by Mr. Gaston.

Q. You are Peggy Juania Geck?

A. Yes sir.

Q. You are the Complainant in this cause?

A. I am.

Q. Wherein Charles Henry Geck is the Respondent?

A. Yes sir.

Q. You are both over the age of 21 years?

A. Yes sir.

Q. You are both resident citizens of Baldwin County, Alabama?

A. Yes sir.

Q. And you have lived in Baldwin County, Alabama for how long?

A. About 12 or 13 years.

Q. And you and the defendant were lawfully married?

A. Yes sir.

Q. When and where?

A. February 16, 1956, in Robertsdale, Alabama.

Q. And you lived together as husband and wife until when?

A. July 11, 1958.

Q. 1958?

A. Yes sir.

Q. Now was any child born to the marriage?

A. Yes sir.

Q. What is his name?

A. Dennis Charles.

Q. When was he born?

A. February 5, 1957.

Q. Do you think that the defendant committed physical violence on your person?

A. Yes sir.

Q. And for that reason you separated from him?

A. Yes sir. He asked for a divorce.

Q. But you did separate?

A. Yes sir.

Q. And you have not lived together as husband and wife since you separated?

A. No sir.

Q. And did you do anything to provoke his actions?

A. No I didn't.

Q. He did lay violent hands on you?

A. Yes sir.

Q. And you feel that you would not be able to live with him any more?

A. Not peacefully.

Q. In otherwords, you feel that it would be a danger to your life and health to continue living with him?

A. Considering what happened, yes.

Q. And you want a divorce?

A. Yes sir.

Q. You are not asking for alimony?

A. Yes -- No I am not.

THE COURT: Are you asking for alimony?

COMPLAINANT: No sir, I am not.

-----  
I hereby certify that the foregoing, consisting of pages 1 and 2 both inclusive, correctly sets forth a true and correct transcript of the testimony taken by me in open Court, on this day in said cause.

This 1st day of May, 1959.

*Louise J. [Signature]*  
Court Reporter

FILED  
MAY 1 1900  
ALICE J. DUCK, CLERK  
REGISTER

ALBERT S. GASTON  
COUNSELOR AT LAW - PROCTOR IN ADMIRALTY  
GRAYSTONE BUILDING  
MOBILE, ALABAMA

TELEPHONE  
HEMLOCK 3-8063

P. O. BOX 820

March 10th, 1959

Hon. Alice M. Duck  
Register of Circuit Court  
Baldwin County, Alabama

Re: Peggy Juanita Geck, Complainant.

-vs-

Charles Henry Geck, Defendant.

Case No. 4474

Dear Mrs. Duck:

Enclosed is an amendment to the complaint in the above styled cause.

I am mailing a copy to Mr. William R. Lauten, Attorney for the Defendant.

Very truly yours,



ALBERT S. GASTON

ASG/fem  
Enclosure

ALBERT S. GASTON  
COUNSELOR AT LAW - PROCTOR IN ADMIRALTY  
GRAYSTONE BUILDING  
MOBILE, ALABAMA

TELEPHONE  
HEMLOCK 3-8063

P. O. BOX 820

January 6th, 1959

Hon. Alice M. Duck, Register  
Circuit Court of  
Baldwin County, Alabama

Re: Peggy Juanita Geck, Complainant  
-vs-  
Charles Henry Geck, Defendant.

Dear Mrs. Duck:

Do not issue any subpoena in this case as we expect to  
obtain an Answer and Waiver.

Very truly yours,



ALBERT S. GASTON

ASG/fem  
Enclosure

Attorney-at-Law  
226 Greystone Building  
Mobile, Alabama

February 14th, 1959

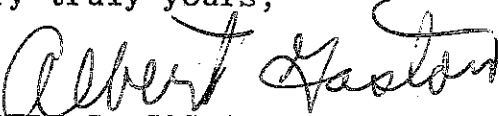
Hon. Alice M. Duck, Register  
Circuit Court of  
Baldwin County, Alabama

Re: Peggy Juanita Geck, Complainant.  
-vs-  
Charles Henry Geck, Defendant.

Dear Mrs. Duck:

Please issue the subpoena in the above styled cause.

Very truly yours,

  
ALBERT S. GASTON

ASG/fem

PEGGY JUANITA GECK,	Y	
Complainant,	Y	IN THE CIRCUIT COURT OF
vs.	Y	BALDWIN COUNTY, ALABAMA
CHARLES HENRY GECK,	Y	
Respondent.	Y	IN EQUITY NO. 4474

FINAL DECREE

This cause coming on to be heard was submitted on behalf of the Complainant on the original Bill of Complaint, the Amendment to the Bill of Complaint, Stipulation of Parties filed in this cause and Testimony heard ore tenus and transcribed by the Reporter and now on file in this cause; and on behalf of the Respondent on the Answer and Cross-bill of the Respondent and the Stipulation of Parties now on file in this cause; and the Court having considered the same is of the opinion that the Complainant, Peggy Juanita Geck, is entitled to a divorce from the Respondent Charles Henry Geck for and on account of cruelty, but that the Respondent Charles Henry Geck should have the care, custody and control of the minor child, Dennis Charles Geck, born to the parties as the result of their marriage, subject to the terms and conditions hereinafter set forth; it is, therefore,

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that the bonds of matrimony heretofore existing between the Complainant and the Respondent be, and the same are hereby dissolved, and that the said Peggy Juanita Geck is forever divorced from the said Charles Henry Geck for and on account of actual violence committed by the Respondent on the person of the Complainant attended with danger to the health of the Complainant.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Respondent, Charles Henry Geck, shall have, and he is hereby awarded the custody and control of the minor child, Dennis Charles Geck, born to the parties of this marriage, subject only to the following:

1. That the Complainant, Peggy Juanita Geck, shall have

the right to visit said child at the home where the said child is kept at reasonable hours and at reasonable intervals;

2. That the Complainant, Peggy Juanita Geck, shall have the right to have said child visit with her one weekend out of each calendar month beginning with the third weekend in the month of May, 1959, and the third weekend in each month thereafter. The visitation herein provided for shall begin at 4:00 o'clock in the evening on Friday and end at 4:00 o'clock in the evening on Sunday;

3. In addition to the above, the Complainant, Peggy Juanita Geck, shall have the right to the custody and control of said minor child during the month of June of each year beginning with the month of June, 1959.

4. Neither of the parties to this suit shall, during the time said child is in their custody and control, remove said child from the State of Alabama without first having secured the consent and permission of this Court.

It is further ORDERED, ADJUDGED and DECREED by the Court that neither party to this suit shall again marry except to each other until sixty (60) days after the rendition of this decree, and that if an appeal is taken within sixty (60) days, neither party shall again marry except to each other during the pendency of said appeal.

It is further ORDERED, ADJUDGED and DECREED by the Court that jurisdiction of this cause shall be, and it is hereby, retained for the purpose of the rendition of such further orders and decrees as will be meet and proper in the circumstances.

It is further ORDERED, ADJUDGED and DECREED that the Respondent, Charles Henry Geck, pay the costs of this suit, for which execution may issue.

Done this the 6 day of May, 1959.

FILED

MAY 2 1959

ALICE J. DUCK, CLERK  
REGISTER

*Hubert M. Lane*  
Circuit Judge