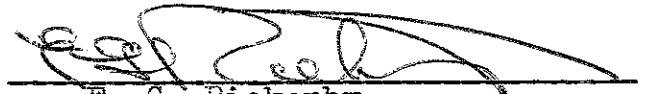
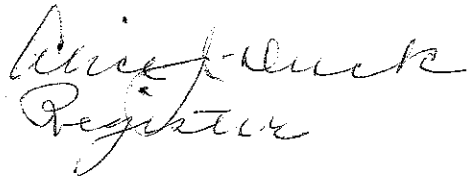


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|----------------------|---|-------------------------|
| ETHEL RUTH ATCHISON, | § | IN THE CIRCUIT COURT OF |
| COMPLAINANT | § | BALDWIN COUNTY, ALABAMA |
| -VS- | § | IN EQUITY |
| WILLIAM W. ATCHISON, | § | |
| RESPONDENT | § | |

NOTE OF EVIDENCE

This cause is submitted on final decree on Complainant's bill, answering waiver filed by Respondent, depositions of Complainant and Elizabeth Carnley.


E. G. Rickarby
Solicitor for Complainant


Register

STATE OF ALABAMA

BALDWIN COUNTY

TESTIMONY OF ELIZABETH CARNLEY

My name is ELIZABETH CARNLEY, and I know ETHEL RUTH ATCHISON, who is bringing a suit for divorce against WILLIAM W. ATCHISON and I have known her all my life; she is my mother.

She is over twenty-one years old and has lived here in Baldwin County for the, practically all my life and she is still a resident of Baldwin County and working in Foley, Alabama.

Mr. WILLIAM W. ATCHISON, the defendant in this case, was born in Bay Minette, Alabama and was raised there. He lived over in Mobile four or five months when my mother was working over there and came back here with her within the last four or five months. At the time they were living in Mobile they still had their home here in Baldwin County and regarded it as their home, they were just working over in Mobile.

My mother and Mr. Atchison were married in July, 1957, over in Lucedale, Mississippi, and lived together as husband and wife until Sunday a week ago, that is the 24th of January, 1959, when my mother started this divorce case.

I knew that Mr. Atchison was drinking six or seven months ago but during the last four or five months he has been worse about his drinking. I would see him about once every two weeks when he would be noticeably drinking. Since he and my mother have been married he has been twice arrested for drunkenness there in Bay Minette and has been drunk many times. At the time my mother and he were married he was not so addicted to drinking and it did not become a problem to later on.

Elizabeth Carnley
ELIZABETH CARNLEY

Subscribed and sworn to before me on this the 31st
day of January, 1959.

Sue S. Lunn
COMMISSIONER

FILED

FEB 13 1959

ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

TESTIMONY OF ETHEL RUTH ATCHISON

My name is ETHEL RUTH ATCHISON and I am bringing this suit for divorce against my husband, WILLIAM W. ATCHISON. I have been a resident of Baldwin County since 1924 and am still living here in Baldwin County. I own my home and live outside of Fairhope and am living just outside of Fairhope, Baldwin County, Alabama, now.

My husband, WILLIAM W. ATCHISON, lived in Bay Minette, Alabama, before we were married and after we were married, we came down here to Fairhope and lived together as husband and wife until we were separated as hereinafter mentioned.

We were married on the 6th day of July, 1957, at Lucedale, Mississippi and lived together as husband and wife until the 24th day of January, 1959.

When we were married my husband did not drink heavily but after we were married, he started drinking in May, 1958, and would make a habit of getting drunk about once a month and the condition has gone from bad to worse.

On the 24th of January my husband, WILLIAM W. ATCHISON, was arrested from being drunk in Bay Minette, Alabama, and put in jail there and I decided to bring this suit for divorce. We have arranged a settlement of our property and there are no children born to this marriage, and I am asking for this divorce to be granted forever divorcing me from my husband, WILLIAM W. ATCHISON.

Ethel Ruth Atchison
ETHEL RUTH ATCHISON

Subscribed and sworn to before me on this the 30th
day of January, 1959.

Sue S. Lyman
COMMISSIONER

FILED
FEB 31
ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

I, SUE S. LYNN, Commissioner acting under stipulation of parties in the divorce suit of ETHEL RUTH ATCHISON versus WILLIAM W. ATCHISON, pending in the Equity side of the Circuit Court of Baldwin County, Alabama, hereby certify that I have caused the witnesses in this cause, namely, ETHEL RUTH ATCHISON and ELIZABETH CARNLEY who were known to me and known to be the identical witnesses called by the parties to come to my office in the Bank Building in the City of Fairhope, Baldwin County, Alabama, where said witnesses after being first duly sworn by me, upon examination of E. G. Rickarby, Solicitor for the Complainant, did testify as shown by the attached testimony, and that their testimony was by me, reduced to writing as given by them as near as might be in their identical language and, after being reduced to writing, was read over by the said witnesses who assented to and signed the same in my presence.

I further certify that I am not of counsel or kin to either of the parties to this cause, nor any wise interested in the results thereof.

IN WITNESS, I hereunto set my hand as Commissioner on this the 31st day of January, 1959.


Commissioner

Testimony

FILED

FEB 13 1959

ALICE J. DUCK, CLERK
REGISTER

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ETHEL RUTH ATCHISON

, Complainant

vs.

WILLIAM W. ATCHISON

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Waiver 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 ~~ETHEL RUTH ATCHISON~~ is forever divorced from the said WILLIAM W. ATCHISON for and on account of Habitual Drunkenness

It is further ordered, adjudged and decreed that the Complainant is given the right to resume her former name.

It is futher 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 futher 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 futher ordered that ~~ETHEL RUTH ATCHISON~~ the Complainant pay the cost herein to be taxed, for which executed may issue.

This 4 day of February 1959

Hubert M. Stace

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

ETHEL RUTH ATCHISON

Complainant

vs.

WILLIAM W. ATCHISON

Respondent

DIVORCE DECREE

FILED

FEB 4 1959

ALICE I. DUCK, CLERK
REGISTER

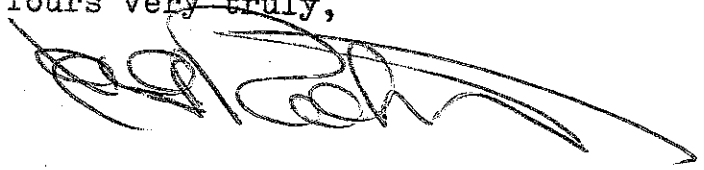
LAW OFFICES
E. G. RICKARBY
BANK BUILDING
FAIRHOPE, ALABAMA
January 31, 1959

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

Dear Mrs. Duck:

Enclosed please find Bill of Divorce of Atchison versus Atchison, Waiver, Testimony, of Mrs. Atchison and her witness, Note of Evidence, decree in triplicate, check for costs and please get this on the Judge's desk as quickly as possible so that these people can go their seperate ways.

Yours very truly,



EGR/sl
encl.

FILED

FEB 13 1959

ALICE J. DUCK, CLERK
RECEIVED

| | | |
|----------------------|---|-------------------------|
| ETHEL RUTH ATCHISON, | ¶ | IN THE CIRCUIT COURT OF |
| COMPLAINANT | ¶ | BALDWIN COUNTY, ALABAMA |
| -VS- | ¶ | IN EQUITY |
| WILLIAM W. ATCHISON | ¶ | |
| RESPONDENT | ¶ | |
| | ¶ | |

BILL OF COMPLAINT

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

Comes ETHEL RUTH ATCHISON and by this her Bill of Complaint presented against WILLIAM W. ATCHISON, respectfully shows:

FIRST: That the Complainant and Respondent are both over the age of twenty-one years and both are now and have been for over three years residents of the state of Alabama, and the Respondent has been a bona fide resident of Baldwin County, Alabama, for over three years next preceding the filing of this Bill of Complaint and the Complainant is now a resident of Baldwin County, Alabama, living at Fairhope Baldwin County, Alabama.

SECOND: Complainant and Respondent were married on or about the 6th day of July, 1957, at Lucedale, Mississippi, and have lived together as husband and wife until the 24th day of January, 1959, when they separated because of the Respondent's conduct, hereinafter set down.

THIRD: That the Respondent has become addicted to habitual drunkenness after marriage.

FOURTH: There are no children born to this marriage.

THE PREMISES CONSIDERED, Complainant prays that WILLIAM W. ATCHISON, be made party defendant to this cause, by proper process requiring him to plead, answer or demur in accordance with the rules and practices of this Honorable Court.

And the Complainant further prays that upon a hearing of this cause, a decree of divorce be rendered forever divorcing the Complainant from the Respondent, and granting to the Complainant the right to remarry should she so desire, and such other further different relief as to equity may seem meet.


E. G. RICKARBY
Solicitor for Complainant

RECORDED

4498

Ethel Ruth Atchison
vs.

William W. Atchison

Bill of Complaint

FILED

FEB 27 1959

ALICE J. BUCK, CLERK
REGISTER

ETHEL RUTH ATCHISON,
COMPLAINANT

-VS-

WILLIAM W. ATCHISON
RESPONDENT

Q
Q
Q
Q
Q

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER AND WAIVER

Comes the Respondent, WILLIAM W. ATCHISON, in the above styled cause and for answer to the Bill of Complaint heretofore filed in said cause, and to each and every paragraph thereof, says:

He denies each and every allegation contained therein and demands strict proof thereof.

Respondent hereby submits himself to the jurisdiction of this Honorable Court and waives notice of the time and place for taking testimony in said cause, waives the issuance of a formal commissioner to take testimony in said cause and consents that testimony may be taken without further notice to him and further waives notice of the time and place of submission of said cause and consents that said cause may be submitted for final decree at any time or place without further notice to him of such submission.

William W. Atchison
WILLIAM W. ATCHISON, RESPONDENT

STATE OF ALABAMA

BALDWIN COUNTY

I, John V. Dick, a Notary Public in and for said state and county, do hereby certify that WILLIAM W. ATCHISON whose name is signed to the foregoing instrument and who is known to me acknowledged before me on this day that being informed of the contents of said instrument he executed the same, voluntarily, on the day the same bears, date.

Witness my hand and official seal the 30TH day of January, 1959.

John V. Dick
Notary Public, Baldwin County, Ala.

RECORDED

Answer & Waiver

FILED

FEB 18 1930

ALICE J. DUCK, CLERK
REGISTER

4498