
 MARIE BARNETT BENSON,
 Complainant,
 -vs-
 JOYCE C. BENSON,
 Defendant.

IN THE CIRCUIT COURT-EQUITY
 SIDE STATE OF ALABAMA.
 BALDWIN COUNTY.

No. _____

TO THE HON. THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA-
 EQUITY SIDE AND THE HON. JOHN D. LEIGH, JUDGE THEREOF,
 SITTING IN EQUITY:-

Comes the complainant and exhibits this, her Bill of Com-
 plaint for divorce against the defendant, Joyce C. Benson, and for
 grounds thereof shows unto this Court and unto your Honor as foll-
 ows:-

1. That both the complainant and the defendant are over
 the age of 21 years; are bona fide residents of Baldwin County, Ala-
 bama, complainant residing at Silverhill and defendant now at Bay
 Minette.

2. That your complainant and the defendant were married
 on heretofore to-wit: January 16th., 1916 and that they have lived
 to-gether as man and wife continuously up to a few years ago, when
 there were various intervals of short duration when they did not so
 live; that on March 30th., 1925 and ever since said date they have
 ceased to live to-gether as man and wife; that on heretofore to-wit:
 March 30th., 1925 your complainant was compelled to leave defend-
 ant and to live separate and apart from him on account of the
 cruelty of defendant to your complainant; that shortly prior to the
 time that your complainant ceased to live with defendant and on
 several different occasions the defendant did commit actual viol-
 ance on the person of complainant attended with danger on life or
 health; that his conduct was such that your complainant had reason-
 able apprehension of a repetition of such violence; that the def-
 endant struck your complainant and knocked her down; that he was

continuously abusing her, cursing her and making dire threats against her and that by reason of these acts and threatened acts, she was compelled to and did seek safety elsewhere.

4. That your complainant is a young woman 27 years old, without any property, income or means of livelihood other than her ability to work and that by reason of having never been compelled to earn her livelihood and not being skilled or versed in any occupation or work, her ability to earn a living for herself is limited to menial tasks; that the defendant is a young man of some thirty-one years of age, able-bodied and an experienced and successful salesman; that his earning capacity is not less than ~~25.00~~ ^{\$ 250.00} per month and that although he has earned in the neighborhood of this amount during the past year or so, he has contributed but very little to the support of your complainant, she being compelled to work and earn her board.

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED, your complainant prays that your Honor will issue or cause to issue all necessary notices and subpoenas to the said defendant, Joyce C. Benson, as are necessary to make him party defendant to this cause, requiring him to appear and plead, answer or demur within the time allowed by law under the pains and penalties of this Court; that your Honor will order and have held a reference by the Register of this Court at which reference the Register be directed to ascertain and report to your Honor a reasonable and proper amount to be allowed your Complainant as alimony Pendente Lite and attorneys fees for the prosecution of this cause and permanent alimony. Complainant prays that your Honor will decree unto her a reasonable amount to be paid her by the defendant Joyce C. Benson, as alimony Pendente Lite and attorneys fees for the prosecution of this cause and that upon a final hearing hereof, your Honor will render, adjudge and decree that the bonds of matrimony heretofore existing between Complainant and the said Joyce C. Benson be forever dissolved and that

(page three)

your complainant be again permitted to contract the marriage relation should she so desire; that your Honor will further decree unto your complainant a reasonable amount to be paid her by the said Joyce C. Benson as permanent alimony and, as in duty bound, she will ever pray, etc.

STONE & STONE,
Solicitors for Complainant.

The defendant, Joyce C. Benson, is required to answer each and every paragraph of the foregoing Bill of Complaint from "1 to 4" both inclusive but answer under oath is hereby expressly waived.

STONE & STONE,
Solicitors for Complainant

The State of Alabama }
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Joyce C. Benson,

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Marie Barnett Benson,

against said

Joyce C. Benson,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 5th day of June,

1925.

T. W. Richerson
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Serve on _____
Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

~~Marie Barnett Benson~~
Marie Barnett Benson,

vs.

Joyce C. Benson,

Stone and Stone,
Solicitor for Complainant.

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this 5th

day of June, 192 5

W.R. Stewart
Sheriff.

Executed this 5th day of

June 192 5
by leaving a copy of the within summons with

Joyce C. Benson

Defendant.

W.R. Stewart
Sheriff.

By _____
Deputy Sheriff.

RECORDED

RECORDED

RECORDED

The State of Alabama, }
BALDWIN COUNTY.

No. 507 CIRCUIT COURT IN EQUITY

Marie Barnett Benson Complainant.

vs.

Joyce C. Benson Defendant.

Motion is hereby made for a Decree Pro Confesso against Joyce C. Benson

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 16th, day of August 1925

Stone and Stone
Solicitor.

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Page

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Marie Barnett

Benson

Vs.

Joyce C. Benson

MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE

Filed *Aug 11* 192*5*

T.W. Kierman
Register.

Recorded in Record,

Vol. Page

Register.

The State of Alabama, }
Baldwin County.

No. 507

CIRCUIT COURT, IN EQUITY

Marie Barnett Benson

Complainant

vs.

Joyce C. Benson

Defendant

In this cause it appears to the Register
that a Summons requiring the Defendant Joyce C. Benson

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said

Summons upon ~~him~~ Joyce C. Benson

was served upon him by the Sheriff of Baldwin County, Alabama, on the

5th day of June 1925

And the said Defendant..... having failed to demur, plead to or answer the said Bill of Complaint to this date
it is now, therefore, on motion of Solicitor for Complainant

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed
against the said Joyce C. Benson

Defendant aforesaid

This 17th day of August 1925

T. W. Richardson
Register

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.

Mari Barnett

Benson

Vs.

Joyce Benson

DECREE PRO CONFESSO ON
PERSONAL SERVICE.

Issued Aug 17 1925

J. W. McIlwain

Register.

RECORDED

INDEXED

1925

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTC CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 507.

Vacation Term, 1925

Marie Barnett Benson
vs.

, Complainant.

Joyce C. Benson,

, Defendant.

To T. W. Richerson, Register:

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Stone & Stone.

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Stone & Stone.
Solicitor for Complainant.

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No. 507..

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THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Marie Barnett Benson

vs.

Joyce C. Benson.

REQUEST FOR DECREE IN
VACATION

FILED August 24th, 1925

D. W. Reel

Register

RECORDED
RECORDED
RECORDED

RECORDED IN RECORD

VOL. PAGE

Register

Marie Barnett Benson

vs.

Joyce C. Benson,

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,
and testimony of Marie Barnett Benson and Mrs. A. M. Anderson,

and in behalf of Defendant upon

T. W. Beckwith

Register

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No. 507

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Marie Barnett Henson

vs.

Joyce C. Benson,

RECORDED

NOTE OF TESTIMONY.

Filed in Open Court this 24th

day of August, 1925

T. W. Pickerson
Register

IN THE CIRCUIT COURT, Baldwin COUNTY, IN EQUITY.

Marie Barnett Benson Complainant.

vs.

Joyce C Benson Respondent.

T W Anderson

as
have called and caused to come before me Marie Barnett Benson
and Mrs A E Anderson,

witness named in the Requirement for Oral Examination, on the 24 day of August
1925, at the office of Register
in Birmingham Alabama, and having first sworn said witness they to speak the truth, the
whole truth, and nothing but the truth, the said they

doth depose and say as follows:

Marie Barnett Benson, the complainant and a witness for complainant, testifies, as follows:- My name is Marie, Barnett, Benson; I am over 21 years old and live in Silverhill, in Baldwin County, Alabama; I have lived in Baldwin County for more than the past 6 years; Joyce C. Benson, who is the defendant in this case in which I am the complainant is also over 21 years old and is a resident of Baldwin County, Alabama. We were both over 21 and were such residents of this county on June 4th, 1925, the date that I filed my complaint in this case. I and the said Joyce C. Benson were married on January 15th, 1916. I have here my marriage certificate; (See certificate attached marked Complainant's Exhibit "A".) We lived together continuously as man and wife up to a few years ago. On account of his treatment to me, beginning a few years ago, we were separated from time to time but only for short intervals. During the month of March, of this year, 1925, we separated and we have never lived together as man and wife since said date. Our separation was brought about on account of his cruel treatment of me; I was compelled to leave him and live away from him on account of such treatment.

Just before I left him finally, the said Joyce Benson committed actual violence on my person attended with danger to my life or my health. On one occasion he struck me with his fist and knocked me down. This was in the presence of Mrs. E. A. Anderson, who saw not only this but other instances when he would strike me. On several occasions about this time which was just before I left him, he would slap me and strike me and threatened to kill me more than once. Mrs. Anderson heard and saw these things.

He also continuously cursed me and made threats against my life.

On account of this actual violence and on account of his threats I feared to stay with him any longer and left him as above stated.

All of these things that lead up to this separation and the separation itself occurred at Silverhill in Baldwin County, Alabama. Since being separated as above named, I have never returned to live with him fearing for my safety if I did so.

Since leaving him I have lived at the Hotel Norden, Silverhill, Alabama, where I worked to earn a livelihood.

Marie Barnett Benson

Mrs. A E Anderson, a witness for complainant, testifies as follows:-
My name is Mrs. A E Anderson and I am a resident of Silverhill, Baldwin County Alabama. I am personally and intimately acquainted with Marie Barnett Benson, the complainant in this cause and with her husband who is the defendant in this cause. I have known them for the past three years or more. I know that Marie Barnett Benson and Joyce C. Benson are husband and wife, although I did not see them married. I met them as husband and wife and that they lived at Silverhill in this county as such up until about March, of this year, when Marie Benson left her said husband.

During the time that I have known these two parties, I have had occasion to see them quite often and to know them in their family life. The defendant, Joyce Benson, has certainly been cruel to his wife above named. I have seen myself these things on different occasions. At one time shortly before they were separated, I saw him in a fit of anger, strike her with his fist and knock her down. On other occasions I have seen him slap her. Often I have intervened in an effort to keep him from hurting her. I have heard the said Joyce Benson on many occasions curse her, abuse her and threaten her life.

All of these things about which I have testified took place at Silverhill in Baldwin County Alabama. I know of no reason that he had for acting like he did. I know the reputation of Mrs. Benson in the Silverhill community where she lives and during all of this time and now it is all of the best, I having heard nothing that would tend to reflect on it in the slightest degree. Mr. Benson, however, became addicted to the use of whiskey and on many occasions would come home drunk, causing disturbances in the neighborhood.

Not only would the said Joyce Benson commit actual violence on his wife but his conduct and threats were such that all of us who knew the conditions feared for her safety.

I am not related to either of the parties to this suit by blood or marriage and have no interest other than to tell the facts as I saw and heard them.

Mrs. A E Anderson

SA
13a
1300

EXAMINATION.

I, T. W. Beckman, as Commissioner
do hereby certify that the foregoing deposition.....on Oral Examination was taken down in writing by me
the words of the witness as and read over to them and W. Williams signed the same in the presence
myself
at the time and place herein mentioned; that I have personal knowledge of the personal identity of said wit-
ness as or had proof made before me of the identity of said witness as; that I am not of counsel or of
any of the parties to said cause, or in 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 24 day of August, 1925
T. W. Beckman (S.)

No. _____ Page _____

The State of Alabama
Barcelon County

IN CIRCUIT COURT, IN EQUITY.

Minnie Barnett Brown

vs. Complainant,

Walter O. Brown

Respondent.

ORAL DEPOSITION.

Filed Aug 24, 1925

T. W. Beckman, Register.

Recorded in

Record

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Register.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

No. 507.

CIRCUIT COURT, IN EQUITY

Marie Barnett Benson

Complainant.

vs.

Joyce C. Benson,

Defendant.

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and testimony of Marie Barnett Benson and Mrs. A. E. Anderson, and testimony as noted by the Register; and, upon consideration thereof, the Court is of 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 the said

Marie Barnett Benson

.....is forever divorced from the said

Joyce C. Benson,

.....for and on account of

Cruelty,

.....as alleged in said Bill of Complaint;

It is further ordered, that the said Marie Barnett Benson be, and she is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Joyce C. Benson pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said Marie Barnett Benson.

It is further ordered, adjudged and decreed that said Marie Barnett Benson shall not again marry except to said Joyce C. Benson until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said Joyce C. Benson, during the pendency of said appeal.

This 5th day of February 1926

John S. Leigh
Judge of the Circuit Court of Baldwin County.

No. 507.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.
BALDWIN COUNTY, ALA.

Marie Barnett Benson

vs.

Joyce C. Benson.

DECREE OF DIVORCE.

Filed in office this

8th

day of

Feb

19*26*

W. R. Rickey
Register.

E. O. M.

RECORDED