

(3801)

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

JEAN COMSTOCK, Complainant

vs.

JOHN B. COMSTOCK, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on answer and 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 JEAN COMSTOCK is forever divorced from the said JOHN B. COMSTOCK for and on account of

CRUELTY

It is further ordered, adjudged, and decreed by the court that the complainant be and she is hereby awarded the care, custody, and control of the minor child born to the union of said parties, namely, Judith Ann Comstock with the respondent being hereby given the right to visit said child at all reasonable times.

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 John R. Comstock the Respondent pay the cost herein to be taxed, for which executed may issue.

This 31st day of May 1956

Robert M. Hale 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

Complainant

vs.

Respondent

DIVORCE DECREE

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 3801

August TERM, 19 56

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

JEAN COMSTOCK

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

JEAN COMSTOCK

Complainant

~~Defendant~~

by

JOHN R. COMSTOCK

Respondent

~~X Plaintiff~~

Witness my hand this 30th day of August 19 56

Deirdre J. ... Clerk

No. 3801

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

JEAN COMSTOCK

Plaintiffs

vs.

JOHN COMSTOCK

Defendants

SUMMONS and COMPLAINT

Filed AUG. 30, 19 56

Alice J. Duck, Clerk

James R. Hendrix

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at _____

RECEIVED IN OFFICE

_____, 19_____

_____, Sheriff

I have executed this summons

this _____, 19_____

by leaving a copy with _____

_____, Sheriff

_____, Deputy Sheriff

JEAN COMSTOCK
Complainant

VS.

JOHN R. COMSTOCK
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

NO. 3801

PETITION FOR CHANGE OF CUSTODY.

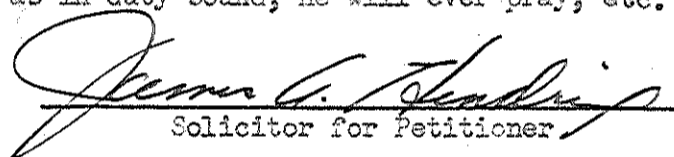
TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA:

Comes now JOHN R. COMSTOCK, Petitioner, and respondent in the above styled cause, and respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That on the 31 day of May, 1956, a decree of divorce was granted to the complainant in the above styled cause, JEAN COMSTOCK, by this Honorable Court.
2. That in and by the terms of said decree the complainant was awarded the care, custody and control of their minor child, Judith Ann Comstock, age five.
3. That custody was given to the complainant by agreement between the parties because your petitioner had no place to carry said child, and he thought the complainant would give her the proper supervision and care.
4. That since said decree was made and entered, conditions have changed in the following respects:
 - (a) Your petitioner has since said divorce has established a fit and proper home to which he could carry said minor child, Judith Ann Comstock, and give her the proper care and supervision, if your Honorable Court should see fit to grant him custody; that he now has a fit and proper person living in the home in which he has established, which person is a relative of his, to rear said child and to give to her the care and guidance which she requires. That your Petitioner is now in a position to better care for, maintain and rear said child.
 - (b) That Jean Comstock, the Complainant has failed to give said minor child the proper care and supervision; that she has abandoned said child and left her with the Complainant's mother who at present is in a state of ill

health and is unable to properly care for said minor child; that the Complainant has neglected said child since the divorce was granted to the Complainant and your Petitioner herein; that Complainant has proven that she is not a fit and proper person to have the care, custody and control of said minor child.

WHEREFORE, THE PREMISES CONSIDERED, your petitioner prays that this Honorable Court will take jurisdiction of this petition; that it will fix a suitable day for the hearing of the same; that it will give Jean Comstock notice of this petition and the day set for hearing the same, and will notify her to have the said Judith Ann Comstock in court on that date; and that, on a hearing of this petition, your Honor will make and enter an order, judgment or decree, giving to the petitioner, John R. Comstock, the permanent care, custody and control of said minor child; and your petitioner prays for such other, further, different or general relief as in equity and good conscience he may be entitled to receive, and, as in duty bound, he will ever pray, etc.


Solicitor for Petitioner

JEAN COMSTOCK
Complainant

VS.

JOHN R. COMSTOCK
Respondent

XXXXXXXXXXXXXXXXXXXX

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

NO. _____

PETITION FOR CHANGE OF CUSTODY.

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

Comes now JOHN R. COMSTOCK, Petitioner, and respondent in the above styled cause, and respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That on the 31 day of May, 1956, a decree of divorce was granted to the complainant in the above styled cause, JEAN COMSTOCK, by this Honorable Court.

2. That in and by the terms of said decree the complainant was awarded the care, custody and control of their minor child, Judith Ann Comstock, age five.

3. That custody was given to the complainant by agreement between the parties because your petitioner had no place to carry said child, and he thought the complainant would give her the proper supervision and care.

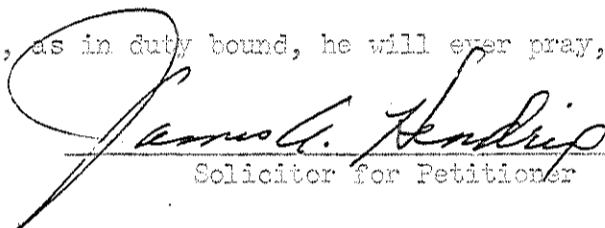
4. That since said decree was made and entered, conditions have changed in the following respects:

(a) Your petitioner has since said divorce established a fit and proper home to which he could carry said minor child, Judith Ann Comstock, and give her the proper care and supervision, if your Honorable Court should see fit to grant him custody; that he now has a fit and proper person living in the home in which he has established, which person is a relative of his, to rear said child and to give to her the care and guidance which she requires. That your Petitioner is now in a position to better care for, maintain and rear said child.

(b) That Jean Comstock, the Complainant has failed to give said minor child the proper care and supervision; that she has abandoned said child and left her with the Complainant's mother who at present is in a state of ill

health and is unable to properly care for said minor child; that the Complainant has neglected said child since the divorce was granted to the Complainant and your Petitioner herein; that Complainant has proven that she is not a fit and proper person to have the care, custody and control of said minor child.

WHEREFORE, THE PREMISES CONSIDERED, your petitioner prays that this Honorable Court will take jurisdiction of this petition; that it will fix a suitable day for the hearing of the same; that it will give Jean Comstock notice of this petition and the day set for hearing the same, and will notify her to have the said Judith Ann Comstock in court on that date; and that, on a hearing of this petition, your Honor will make and enter an order, judgment or decree, giving to the petitioner, John R. Comstock, the permanent care, custody and control of said minor child; and your petitioner prays for such other, further, different or general relief as in equity and good conscience he may be entitled to receive, and, as in duty bound, he will ever pray, etc.


Solicitor for Petitioner

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 3801

August TERM, 19 56

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon _____

JEAN COMSTOCK

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 _____

JEAN COMSTOCK

Complainant

~~XXXXXXXX~~

by _____

JOHN R. COMSTOCK

Respondent

~~XXXXXXXX~~

Witness my hand this 30th. day of August 19 56

Aerie J. Smith, Clerk

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

JEAN COMSTOCK

Plaintiffs

vs.

JOHN COMSTOCK

Defendants

SUMMONS and COMPLAINT

Filed AUG. 30, 19 56

Alice J. Duck, Clerk

James R. Hendrix

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at _____

RECEIVED IN OFFICE

8-30, 19 56

_____, Sheriff

I have executed this summons

this _____, 19 _____

by leaving a copy with

Jean Comstock
not found in this
County

Returned 13 day of Sept, 19 56

Not found in my county after diligent search and in
quiry.

Taylor Wilkins, Sheriff

By Stadham
Deputy Sheriff

Sheriff

Deputy Sheriff

serve on
Jean Comstock

JEAN COMSTOCK,	Ø	IN THE CIRCUIT COURT OF
Complainant	Ø	BALDWIN COUNTY, ALABAMA
vs.	Ø	IN EQUITY.
JOHN R. COMSTOCK,	Ø	
Respondent.	Ø	

ANSWER AND WAIVER

Comes now the Respondent, John R. Comstock, and for answer to the Bill of Complaint heretofore filed against him in said cause, says as follows:

1. That he denies each and every allegation of the said Bill of Complaint and demands strict proof thereof.

And for further answer to the said Bill of Complaint the Respondent hereby accepts service of a copy and notice of the filing of the said Complaint and hereby waives any further notice to him of the day set for hearing, the taking of testimony or the submission for final decree of the above styled cause and does here consent that the same may be submitted and testimony taken without further notice to him.

John R. Comstock

 John R. Comstock

Sworn to and subscribed before me on this 30 day of ~~Jan~~ MAY, 1956.



James A. Hendrix

 Notary Public, Baldwin County, Ala.

STATE OF ALABAMA, BALDWIN COUNTY

JEAN COMSTOCK,	¶	
Complainant,	¶	IN THE CIRCUIT COURT OF
vs.	¶	BALDWIN COUNTY, ALABAMA
JOHN R. COMSTOCK,	¶	IN EQUITY.
Respondent.	¶	

To the Honorable Judge of the Circuit Court of Baldwin County,
Sitting in Equity:

Comes now the Complainant, JEAN COMSTOCK, humbly complaining of the Respondent, JOHN R. COMSTOCK, in a matter of divorce, and represents and shows unto Your Honor as follows:

FIRST: That Complainant, JEAN COMSTOCK, is over the age of twenty-one years and is a resident of Baldwin County, Alabama, and has been a bona fide resident of said State for more than two years next preceding the filing of this Bill of Complaint; that respondent is over the age of twenty-one years, and lives in Robertsdale, Alabama.

SECOND: That your complainant and respondent were lawfully married on or about, to-wit: July 7, 1947, at Silverhill, Alabama.

THIRD: Your complainant avers and charges that the said respondent did on or about the 5th day of April, 1956, and many times previous thereto assault, beat, hit and strike complainant; that said respondent has committed actual violence on her person attended with danger to her health or life; complainant avers and changes that respondent has made numerous threats of doing her physical harm and from his manner and conduct toward her, she is reasonably convinced that he will commit an actual violence upon her person, attended with danger to her life or health; that the last of said assaults and threats did occur on about the 5th day of April, 1956, since with said time complainant and respondent have not lived together as husband and wife.

FOURTH: Complainant further avers that there was born of the union of the complainant and respondent one child, a girl, Judith Ann Comstock, now about five years old. That said child is now in the care, custody, and control of its mother, the complainant. Further that complainant is a fit and proper person to be awarded the care, custody, and control of the said minor child, Judith Ann Comstock.

PRAYER FOR PROCESS

Wherefore the premises considered the complainant prays that the said John R. Comstock be made party respondent to this her Bill of Complaint and that a summons be issued and served upon him as required by law and the rules of this Honorable Court, and that he be required to plead, answer or demur to the within Bill of Complaint within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR FINAL RELIEF

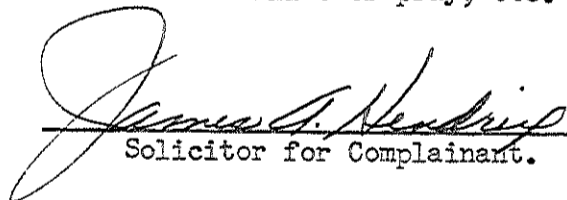
The premises considered the Complainant prays that on a final hearing of this cause Your Honor will make and enter a decree forever dissolving the bonds of matrimony heretofore existing between the Complainant and Respondent, and will grant to the Complainant a full and absolute divorce from the Respondent and that in and by virtue of the said decree the Complainant will be granted the right again contract marriage, that by virtue of said decree the Complainant will be awarded the permanent care, custody and control of the said minor child, Judith Ann Comstock, with the respondent being Given the right to visit said child at reasonable times.

Complainant prays all other further and general relief to which she may be entitled, the premises considered and she will ever pray, etc.

FILED

may 31, 1900

ALICE I. BECK, Register


Solicitor for Complainant.

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Jean Comstock Complainant

VS.

John R. Comstock Respondent

I, Betty Rundquist, Jr.
as Register and Commissioner
have called and caused to come before me Jean Comstock and Alphild A. Langenbach

witnesses named in the Requirement for Oral Examination, on the 30 day of May
1956, at the office of James A. Hendrix
in Robertsdale, Alabama, and having first sworn said Witnesses to speak the
truth, the whole truth, and nothing but the truth, the said Jean Comstock and Alphild
A. Langenbach doth depose and say as follows:

My name is Jean Comstock, I am over 21 years old and have lived in Robertsdale, Baldwin County, Alabama for more than the past two years. John R. Comstock is over twenty-one years old and lives in Robertsdale, Baldwin County, Alabama. John and I were married on July 7, 1947 at Silverhill, Alabama. On about April 5, 1956, John hit, struck, and beat me, he left bad marks on my body which stayed there for a period of several days; he has made threats against me and I am afraid that if I continue to live with him he will do some act that will endanger my life and health; as a result of the aforesaid assault John and I have not lived together since April 5, 1956, nor have we in any way recognized each other as husband and wife. We had one child, a girl, Judith Ann Comstock, now about 5 years old. Said child is now in my custody and control and I feel that I am a fit and proper person to be awarded the permanent care, custody, and control of the said child, Judith Ann Comstock.

Jean Comstock

My name is Alphild A. Langenbach, I am the mother of the complaint, Jean Comstock, she is over 21 years old and for more than the past 2 years has been a resident of Robertsdale, Baldwin County, Alabama. John R. Comstock is over 21 years old and resides in Robertsdale, Alabama. John and Jean were married on July 7, 1947 at Silverhill, Alabama. On April 5, John beat Jean up badly, she showed me the marks on her body and these marks stayed there for several days; Jean left John because of this beating and since that time they have not lived together nor recognized each other as husband and wife in any way. They had one child Judith Ann Comstock, a girl, now about 5 years old. Said child is now in the care, custody, and control of Jean Comstock, its mother, and further that she is a fit and proper person to be awarded the care, custody, and control of the said minor child, Judith Ann Comstock

Alphild A. Langenbach

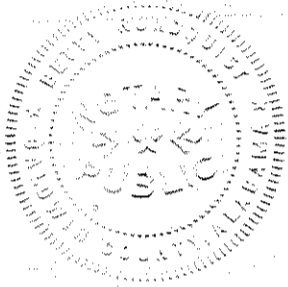
ORAL EXAMINATION.

I, Betty Rundquist, 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 es and read over to them and they signed the same in the presence of myself Betty Rundquist, Jr. and James A. Hendrix at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; 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 30 day of May, 195 6

Betty Rundquist (L. S.)



NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

vs. Complainant

Respondent.

Oral Deposition

Filed May 31, 195 6
Alice Q. Smith Register.

Recorded in _____ Record _____

Vol. _____ Page _____
Register _____

Jean Comstock

vs.

John R. Comstock

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, _____
~~answer and waiver and the testimony of Jean Comstock and Alphild A. Langenbach~~
~~has set in the oral deposition.~~

and in behalf of Defendant upon _____

James A. Hendrix

Allice J. Dusk
or Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 31st

day of May, 1946

Alice J. Duck
Register.

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Betty Rundquist

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 Jean Comstock and Albid A. Lengenbach

a witnesses in behalf of Jean Comstock in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Jean Comstock is

Complainant

and John R. Comstock is

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 30th day of May, 1956

Alisa J. Duck
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 3802

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Jean Comstock

Complainant

VS.

John R. Comstock

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

any business card... 3801

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... ..