(4422)

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

HILDA M.HOUSTON, Complainant

vs.

BURNELL A.HOUSTON, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on _____ 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 Hilda M.Houston is forever divorced from the said Burnell A.Houston for and on account of Actual cruelty or violence committed by the respondent,without just cause or excuse,on the person of the complinant Hilda M.Houston,with danger to her life or health.by the respondent Burnell A.Houston as shown by the testimony in said cause.

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 Hila M.Houston the Complainant pay the cost herein to be taxed, for which executed may issue.

This 26 day of January, 1959

Hubert M Hall

Judge Circuit Court, In Equity.

I, Alice J.Duck As, 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 January, 1959

_____

Register of Circuit Court, In Equity.

m

No._____ Page_____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

_____

_____

Complainant

vs.

_____

_____

Respondent

DIVORCE DECREE

FILED
JAN 26 1959
ALICE J. DUCK, Register

8581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

Hilda M.Houston

Complainant

vs.

Burnell A.Houston

Respondent

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, Decree pro confesson,testimony of Hilda M.Houston and Della Hankins Jr. and certificate of the Commissioner appointed by the Court

and in behalf of Defendant upon Decree proconfesso

As Solicitor for Complainant

Register.

m

No. 4422

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Hilda W. Houston

Complainant

vs.

Burnell A. Houston

Respondent

NOTE OF TESTIMONY

Filed in Open Court this .....

day of ....., 194 .....

Register.

Printed by the Baldwin Times

FILED
JAN 26 1959
ALICE J. DUCK, CLERK
REGISTER

HILDA M.HOUSTON	*	
	*	
Complainant	*	Circuit Court .Equity Division
Vs	*	
	*	Baldwin County,Alanama.
BURNELL A.HOUSTON	*	
	*	# 4422
Respondent	*	
	*	

Depositions of Hilda M.Houston and Della Hankins Jr witnesses examined on behalf of the complaanant at the office of Frank S.Coffin,833 First National Bank Bldg.,Mobile,Alabama, at twelve o'clock noon on Saturday January,24th.I959.

Said witnesses were examined by Frank S.Coffin as Solicitor for the complainant,the respondent not having anyone present. Their testimony was by me reduced to writing in as near as might be in the identical language of said witnesses,and read over to them,and they sign d the same a just true and correct in my presence and in the presence of Frank S.Coffin as Solicitor for the complainant.Said witness after being made known to me to be the identiacl witnesses named in the within commission,were sworn to speak the truth the whole truth and nothing but the truth.

Sam Houston
Commissioner.

Hilda M.Houston,a witness on behalf of the complainant in this cause,after having been by me first duly sworn to speak the truth the whole truth and nothing but the truth did testify as herein written down,that is to say as follows;

My name is Hilda M.Houston and Iam the complainant in this cause of action for a divorce. My husband Burnell A.Houston is the respondent.We both are now and have been bona fide resident citizens of the County of Baldwin,State of Alabama and have been such citizens for more than two years immediately next preceding the filing of this bill of complaint by me.We are both over the age of twenty one years.The respondent my husband Burnell A.Houston and myself were lawfully married to each other at Prichard,Mobile County,Alabama,on the 3ist.day of December,I938,and went to Baldwin County,near Fairhope,Alabama,and lived together as man and wife until the I2th.day of April,I95I.While I and my husband Burnell A.Houston were living together near Fairhope,Baldwin County,Ala., and I was working at the Grand Hotel,my husband committed actual violence on my person,in that he stabbed me with a pocket knife several times on the upper part of my left arm,and cut me severely on the lower part of my right arm and left hand.The cuts were so sever that i had to get a doctor to come and sew up my arm with six or seven stitches. I also had to have the other wounds bandaged and trated by the doctor.My husband also bruised me on my left side and struck me severely in the back on my neck with a heavy stick that he picked up near the fighting.The respondent Burnell A.Housto threatened to kill me,which he would have done had I not run away from him.Complainant further allegee that from the above set-forth conduct on thr part of her husband,which constituted actual cruelty committed on her person attended with danger to her life or health,and that from his conduct on said occasion above set forth she had reasonable apprehension of such further cruelty or violence has she continued to live with him.Complainant further alleges that she suffered agreat deal from the wounds and beating that she received from the respondent,and was laid up a long period of time.

Complainant alleges that said acts of cruelty or violence were committed on the person of the complainant by the responde a short distence from the Grand Hotel where she was wotking and had just

gotten off from work.Complainant says that she was and is now afraid to live with the respondent or be around him.Complainant further says that the respondent is a heavy drinker and had been drinking at the time of his cimmitting said actual violence or cruelty on the person of the complainant.Complainant further alleges that she gave him no cause to treat her as he did and she has not in any manner condoned his acts of violence and cruelty.Complainant further says that she has not lived with the respondent or had anything to do with him since the I2th.day of April,I95I.Complainant further says that the respondent Burnell A.Houston without just cause or excuse,committed actual violence or cruelty on the person of the your complainant and from his conduct on said occasion,she had reasonable apprehension of further violence or cruelty being committed on her person,had she continued to live with him.Complainant further alleges that said respondent commited actual violence or cruelty on her person,attended with danger to her life or health.There were no children born to said couple.The complainant desires a divorce fromthe respondent Burnell A.Houston

Hilda M. Houston
Hilda M.Houston

Della Hankins Jr.a witness on behalf of the complainant in this cayse,after having been by me first duly sworn to speak the truth the whole truth and nothing but the truth did testify as herein written down,that is to say as follows;

My name is Della Hanking Jr.and Iam a brother of the complaintant in this cause.I know the respondent Burrell A.Houston and have known him for along number of years.I know that both the complainant and the respondent are bons fide resident citizens of the County of Baldwin,State of Alabama,and have been both bona fide residnet citizens of Baldwin County for more than two years immediately preseding the filing of this bill of complaint by the complainant.I know that they were married at Prichard,Mobile County, Alabama,on December,3I,I938 and lived together in Baldwin County, Alabama as man and wife until the I2th. day of April,I95I.I know that they are both over the age of twenty one years.I recall the occasion of the respondent Burnell A.Houston beating up the complainant Hilda M.Houston,on the road near the Grand Hotel at Point Clear Alabama.Hilda had jusy gotten off from work at the Grand Hotel and was on her way home.Burnell A.Houston,the respondent accosted her on the road and after some words began beating on her.During the encounter he stabbed her with a pocket knife on the lower part of her left arm and cut her severely on the lower part of her right arm and left hand.He also picked up a heavy stick on the road and bruised her body,and hit her on the back of the neck.The stabbed places and the cuts were so bad that she had to get a doctor to put some stitches in the wounds.I also heard him threaten to kill the complainant.She finally got away from him and run off down the road. I would say that from the conduct of the respondent when he committed actual violence and cruelty on her person with danger to her life or health,that she had reasonable apprehension of such further cruelty being committed on her person had she conyinued to live with him. She has not lived with him or had anything to do with him since the I2th.day of April,I95I.The beating and cutting that the respondent did on the complainant caused her much suffering and it took a long time to heal.

She gave him no cause to treat her in the menner in which she was treated by him and she has not condoned his conduct.I would say

that the respondent Burnell A.Houston committed actual violence or cruelty on the prrson of the complainant without just cause or excuse or excuse,with danger to her life or health.I would say that the complainant is entitled to divorce from the said Burnell A.Houston on the grounds of his having committed actual violence or cruelty on the person of the complainant,without just cause, and with danger to her life or health. She gave him no cause to beat her up the way he did .He drinks a great deal and was drinking at the time he beat her up,but he knew what he was doing. There wrre no children born to this union.

Della Hankins Jr.

Della Hankins Jr.

COMMISSION TO TAKE DEPOSITIONS B.T.-2-49-200

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: SAM HOUSTON

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

Hilda M. Houston and Della Hankins, Jr.

as witnesses in behalf of Hilda M. Houston, Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

HILDA M. HOUSTON

, Complainant

and BURNELL A. HOUSTON

Respondent

on oath, to be by you administered, upon Sam Houston to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 20 day of January, 1959

Alice J. Duck
Register.

Commissioner's Fee, $ None

Witness' Fees, $ None

No._____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Hilda M Houston

Complainant

VS.

Burrell R Houston

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:
Sam Houston

WITNESSES:
Hilda M Houston
Della Hawkins Jr

5M—9-57

CERTIFICATE

I, Sam Houston, the Commissioner appointed by the Court and named in the attached commission, ~~or selected by agreement of the parties~~, in that certain cause now pending in the Honorable Circuit Court of ~~Mobile~~ Balswin County, Alabama, Sitting in Equity, No. 4422, wherein Hilda M.Houston is Complainant, and Burnell A.Houston is Respondent, under and by virtue of the power conferred upon me by said Commission or agreement as such commissioner, caused Hilda M.Houston, and Della Hankins Jr. who were made known to me, to come before me at 12 o'clock Noon, January, 24th. 1959, at 833 First National Bank Building Mobile, Alabama; that said witnesses were first duly sworn by me as stated; that they were then examined by Frank S.Coffin As, Solicitor for the Complainant, and cross-examined by No one presnt for respondent ~~Solicitor for Guardian Ad Litem & Attorney Ad Litem for~~ , , and they testified in response thereto as is hereinabove written; and the testimony was by me reduced to writing as given by said witnesses in narrative form, and as near might be the identical language of said witnesses, and that, after said testimony had been so reduced to writing, it was by me read over to said witnesses; who assented to and signed same, ~~who refused to sign same, who was physically unable to sign same or who waived the reading and signing of~~ same, in my presence and in the presence of said Solicitor for Complainant ~~Solicitor for and Guardian Ad Litem & Attorney Ad Litem for~~

I further certify that I am not of counsel or kin to any of the parties to the said cause, and am not in anywise interested in the result thereof, and that the depositions are true and correct as given by the witnesses.

Witness my hand this 24th day of January, 1959.

Sam Houston
Commissioner

CIRCUIT COURT COMPLAINT

Moore Printing Co., Bay Minette.

Hildo M. Houston
Complainant,
Vs.
Burnell A. Houston
Respondent.

In the Circuit Court.
In Equity No. 4422.

DECREE PRO CONFESSO ON PERSONAL SERVICE

In this cause, it appears to the Register, that service was had on the Respondent

Burnell A. Houston

by the Sheriff of Baldwin County, on the 10th day of November

19 58.

And it futher appears to the Register, that the said Burnell A. Houston

the Respondent, having to the date hereof, failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore, on motion of Frank S. Coffin Solicitors for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be, and it hereby is, in all things taken as confessed against the said

Burnell A. Houston

This 13th day of December, 19 58.

Register.

No. _____

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY

_____

_____

_____ Complainant,

Vs.

_____

_____ Respondent.

DECREE PRO CONFESSO ON PERSONAL SERVICE

Issued this_____day of _____

19_____.

_____ Register.

MOORE PRINTING COMPANY • BAY MINETTE, ALA.

8600 Motion for Decree Pro Confesso on Personal Service. 3107 Code MPCO.

THE STATE OF ALABAMA,
Baldwin County } No. 4422 Circuit Court, In Equity.

HILDO M. HOUSTON Complainant

Vs.

BURNELL A HOUSTON Defendant

Motion is hereby made for a Decree Pro Confesso against

BURNELL A. HOUSTON 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 failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 13th day of December 19 58

Solicitor.

RECORDED

No._____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

_____

_____

_____

Vs.

_____

_____

_____

Motion for Decree Pro Confesso on Personal Service

Filed 1-13 19 59

Alice J. Nelick
Register.

Recorded in _____ Record

Vol._____ Page _____

_____
Register.

HILDO M.HOUSTON Complainant Vs. BURNELL A.HOUSTON Respondent	* * * * * * * *	In the Circuit Court of Baldwin County,Alabama. Equity Division No. 4422

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,STATE OF ALABAMA.

Comes your complainant Hilda M.Houston,in the above entitled cause,and files this,her bill of complaint,against her husband Burnell A.Houston,the respondent,and respectfully represents unto Your Honor as follows:

I.

Complainant respectfully represents that she is over the age of twenty one years,and that her husband the respondent is also over the age of twenty one years,and that they are both bona fide resident citizens and reside in and have resided in the County of Baldwin,State of Alabama,for more than two years immediately next preseding the filing of this bill of complaint.

II

Complainant further alleges that she and the respondent Burnell A.Houston,her husband,were lawfully married on December,3I,I938 at Prichard Mobile County,Alabama,and that since said date they have lived together as man and wife at or near Fairhope,Baldwin County,Alabama,until the I2th.day of April,I95I.Complainant further alleges that while she and the said respondent Burnell A. Houston,her husband,were living together as man and wife at or near Fairhope,Baldwin County,Alabama,on to wit the I2th.day of April. I95I,the respondent Burnell A.Houston,her husband,committed actual violence on her person,in that he stabbed her with a pocket knife several times on the upper part of her left arm,and cut her very severely on the lower part of her right arm and her left hand,to such an extent that it recuired the services of a doctor,who had to take six or seven stitches in her right arm to sew up the wound inflicted.He also bruised her lef and also struck her in the back of her neck with a large heavy stick and threatened to kill her,and in truth and in fact stated to her that he was going to kill her.Com-

plainant further alleges that said acts of actual cruelty occurred at or near highway near the Grand Hotel,at Point Clear,Alabama.Complainant further alleges that since said date she has not lived with the respondenr Burnell A.Houston,her husband,as man and wife or had anything whatsoever to do with him and that she is afraid to live with him aby further.Complainant further alleges that from the above set for h and alleged conduct on the part of the respondent Burnell A.Houston,she alleges that the said respondent committed acts of actual violence on her person,attended with danger to her life or health,and that from his conduct on said occasion above set forth, she had reasonable apphehension of such further violence had she continued to live with him.Complainant further alleges that she suffered much pain and hurt from the injuries inflicted by the said respondent on her person on said above set forth occasion,and suffered therefrom for along period of time.Complainant further alleges that she has not condoned the said acts of actual cruelty committed by the respondent Nurnell A.Houston,her hubaad ,and that at the time gave him no cause or reason for him to commit said acts on her person as above alleged.Complainant says there were no children born to them.

PRAYER FOR PROCESS

Complainant further prays that this Honorable Court will take jurisdiction of this cause,and cause its writ of subpoena to be issued by it directed to the respondent Burnell A.Houston,and to have served upon him as required by law,directing and ordering the said respondent to appear,plead,answer or demur to this her bill of complaint within the time required by law and the rules of this Honorable Court.

PTAYER FOR PROCESS

Complainant further prays that the premises considered and the Court having taken jurisdiction of this cause,and on a final hearing of this cause,she will be granted a final and complete divorce from the said respondenr Burnell A.Houston,with a decree of this court dissolving all bonds of natrimony herethefore existing between the complainant and the respondent.Complainant further prays for such other further and different relief as in equity and in justice she may be entitled to in the premises.

As Attorney for Complainant

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No. 4422

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon BURNELL A. HOUSTON

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

BURNELL A. HOUSTON, Defendant

by HILDO M. HOUSTON

_____, Plaintiff

Witness my hand this 3rd day of November 19 58

[illegible], Clerk

RECORDED

No. 4422 Page

The State of Alabama
Baldwin County

CIRCUIT COURT

HILDO M. HOUSTON

Plaintiffs

vs.

BURNELL A. HOUSTON

Defendants

Summons and Complaint

Filed November 1, 1958 19

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Fairhope

Received In Office

11/3 1958

, Sheriff

I have executed this summons

this 10 Nov 1958

by leaving a copy with

Burnell A. Houston

Sheriff claims 70 miles at

Ten Cents per mile Total $ 7.00

TAYLOR WILKINS, Sheriff

BY

DEPUTY SHERIFF

Taylor Wilkins Sheriff

Ted Tessy Jr. Deputy Sheriff

Frank S. Coffin
Attorney at Law
833 First National Bank Bldg.
Mobile, Alabama

January, 24, 1959

Mrs. Alice J. Duck;
Register Chancery Court:

Baldwin County Court House:
Bay Minnette, Ala.

Dear Mrs. Duck; RE: Divorce Houston vs Houston

Iam inclosing herewith under seperate cover the testimony of Hilda M. Houston and Della Hankins Jr., taken before Sam Houston, the Commissioner named in said case. I want this testiomny published and the case submiited for a final decree on the pleading and proff as noted on the note of testimony. When a decree is signed by the Judge, please forward me true and correct copy.

Iam inclosing herewith my check for the court costs as stated ny you in your former letter. Iam also inclosing Demand for oral examination od witnesses, Note of testimony and a copy of thedecree to be entiered in this cause. I trust that you will find everything regular in this cause.

Thanking you in advance for your prompt attention to this matter I remain,

Yours very truly,

Frank S. Coffin

FSC/c

Frank S. Coffin
Attorney at Law
833 First National Bank Bldg.
Mobile, Alabama

October, 28th. 1958

Mrs. Alice J. Duxk:
Register in Chancery;

Bay Minnette, Ala.

Dear Mrs. Duck;

Iam inclosing herewith bill of complaint of Hilda M. Houston Vs. Buenell A. Houston, which I would like to file in the Equity division of the Circuit Court of Baldwin County, Ala.

The respondent lives on the first road south of the Midway Grocery, located on the main highway bwteen Fairhope and Point Clear. He lives on the left side of the road about a mile from the main highway in a house painted green and white.

Please be kind enough to notify me when this respondent has been served with this bill of complaint. Thanking you in advance for your courtesy in this matter I remain,

Yours very truly,

Frank S. Coffin

FSC.c

Frank S. Coffin
Attorney at Law
833 First National Bank Bldg.
Mobile, Alabama

December, I3, I958

Mrs. Alice J. Duck:
Register Chancery Court:

Bay Minnette, Ala:

Dear Mrs. Duck; RE: Houston vs Houston

In the above entitled cause service personally was had on the defendant on the I0th. day of November, I958. So far he has failed to answer or demur to the bill of complaint.

The thirty days having elapsed, I would like for you to enter a decree pro confesson against the respondent in said cause in order that I may take the testimony in said cause. I believe you have the authority to do this and I would appreciate your attending to the matter for me and advising me when it has been done.

I would also appreciate your sending me a few of the applications by the complainant to take the testomny of the witnesses orally before a commissioner. Thanking you in advance for your courtesy in this matter I remain,

Yours very truly,

Frank S. Coffin

FSC/c

C. C. Equity—1000—8-54

Hilda M.Houston
Complainant

No. 4422 Vs. Equity

Burnell A.Houston
Defendant

CIRCUIT COURT OF ~~MOBILE~~ Baldwin
COUNTY, ALABAMA
IN EQUITY

DEMAND FOR ORAL EXAMINATION

The State of Alabama,
~~Mobile~~ Baldwin County

The Complainant requests the oral examination of the following named witnesses on her behalf, viz.:

Hilda M.Houston and Della Hankins Jr.

said witnesses reside in the county of Baldwin, State of Alabama

Sam Houston who reside at Mobile,Ala.

is suggested as a suitable person to be appointed Commissioner to take deposition of said witness on such oral examination.

Filed

~~WM. ELSWORTH HAUGHTON~~, Register.
Alice J.Duck

Solicitor for Complainant

No._____

CIRCUIT COURT OF ~~MOBILE~~ Baldwin COUNTY

Bay Minette, ~~Mobile~~ Alabama

Vs.

DEMAND FOR ORAL EXAMINATION