

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 complainant 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

[Signature]

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.

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

Hilda M. Houston

Complainant

vs.

Burnell A. Houston

Respondent

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

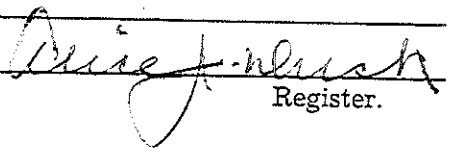
This cause is submitted in behalf of Complainant upon the original Bill of Complaint, Decree

pro confession, 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 M. 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  
Vs

BURNELL A. HOUSTON

Respondent

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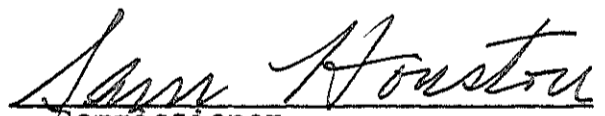
Circuit Court .Equity Division

Baldwin County, Alabama.

# 4422

Depositions of Hilda M. Houston and Della Hankins Jr witnesses examined on behalf of the complainant at the office of Frank S. Coffin, 833 First National Bank Bldg., Mobile, Alabama, at twelve o'clock noon on Saturday January, 24th. 1959.

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 signed the same as 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 identical witnesses named in the within commission, were sworn to speak the truth the whole truth and nothing but the truth.

  
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 I am 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 31st. day of December, 1938, and went to Baldwin County, near Fairhope, Alabama, and lived together as man and wife until the 12th. day of April, 1951. 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. Houston 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 a great 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 respondee a short distance 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 committing 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 12th day of April, 1951. 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 committed 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 from the respondent Burnell A. Houston

Hilda M. Houston  
Hilda M. Houston

Della Hankins Jr. a witness on behalf of the complainant in this case, 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 Hankins Jr. and I am a brother of the complainant in this case. 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 bona fide resident citizens of the County of Baldwin, State of Alabama, and have been both bona fide resident citizens of Baldwin County for more than two years immediately preceding the filing of this bill of complaint by the complainant. I know that they were married at Prichard, Mobile County, Alabama, on December, 31, 1938 and lived together in Baldwin County, Alabama as man and wife until the 12th. day of April, 1951. I know that they are both over the age of twenty one years. I recall the occasion of the respondent Burrell A. Houston beating up the complainant Hilda M. Houston, on the road near the Grand Hotel at Point Clear Alabama. Hilda had just gotten off from work at the Grand Hotel and was on her way home. Burrell 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 continued to live with him. She has not lived with him or had anything to do with him since the 12th. day of April, 1951. 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 manner 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.

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

*W. 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 A Houston*

Defendant

**COMMISSION TO TAKE DEPOSITION**

COMMISSIONER:

*Sam Houston*

WITNESSES:

*Hilda M Houston  
Bella Houston Jr*

*[Faint, mostly illegible text, likely bleed-through from the reverse side of the page]*

# CERTIFICATE

I, Sam Houston, the Commissioner appointed by the Court and named in the attached commission, ~~appointed by agreement of the parties~~, in that certain cause now pending in the Honorable Circuit Court of ~~Mobile~~ Mobile 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.

~~xxx~~ who were made known to me, to come before me at 12 o'clock Noon, on January, 24th, 1959, at Building 833 First National Bank Mobile, Alabama; that said witnesses were first duly sworn

by me as stated; that they were then examined by Frank S. Coffin As As, Solicitor for the Complainant, and cross-examined by No one presnt for respondent

~~Solicitor for~~  
~~Gardner A. Tate &~~  
~~Attorney at Law~~ Gardner A. Tate &, 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 were physically unable to sign same, who were unable to read and sign same, in my presence and in the presence of said Solicitor for~~

Complainant  
~~Solicitor for~~  
~~Gardner A. Tate &~~  
~~Attorney at Law~~ Gardner A. Tate &

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

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  
1958.

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.

RECORDED

THE STATE OF ALABAMA, }  
Baldwin County

No. 4422 Circuit Court, In Equity.

HILDO M. HOUSTON

Complainant...

Vs.

BURNELL A HOUSTON

Defendant....

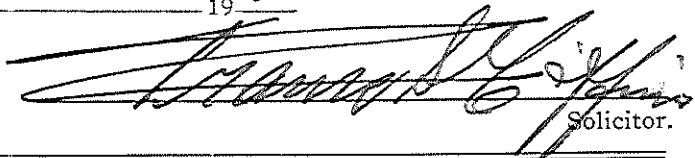
Motion is hereby made for a Decree Pro Confesso against \_\_\_\_\_

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

*Marie J. Luck*  
Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.



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

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 preceding 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, 31, 1938 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 12th. day of April, 1951. 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 12th. day of April, 1951, 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 required 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 left 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-

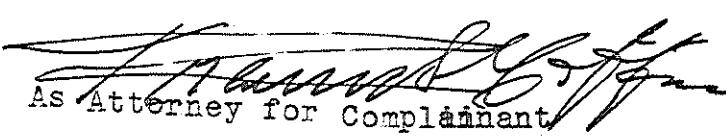
plainant further alleges that said acts of actual cruelty occurred at or near highway near the Grand Hotel, at Point Clear, Alabama. Complainant further alleges that since said date she has not lived with the respondent Burnell A. Houston, her husband, as man and wife or had anything whatsoever to do with him and that she is afraid to live with him any further. Complainant further alleges that from the above set forth 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 apprehension 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 a long period of time. Complainant further alleges that she has not condoned the said acts of actual cruelty committed by the respondent Burnell A. Houston, her husband, 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.

#### PRAYER 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 respondent Burnell A. Houston, with a decree of this court dissolving all bonds of matrimony heretofore 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

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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

Archie D. Smith, 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

*Garbage*

Received In Office

*11/3* 19 *58*

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

I have executed this summons

this *10 Nov* 19 *58*

by leaving a copy with

*Burnell A. Houston*

Sheriff claims *70* miles at

Ten Cents per mile Total \$ *7.00*

TAYLOR WILKINS, Sheriff

BY *Taylor*  
DEPUTY SHERIFF

*Taylor Wilkins* Sheriff

*Ted Teiser* 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

I am 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 testiomy published and the case submitted for a final de-  
cree 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.

I am inclosing herewith my check for the court  
costs as stated ny you in your former letter. I am also inclosing  
Demend 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

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;

I am inclosing herewith bill of complaint of  
Hilda M. Houston Vs. Buennell 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 between 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

Yours very truly,  
*Frank S. Coffin*  
Frank S. Coffin

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

me when it has been done.

appreciate your attending to the matter for me and advising cause. I believe you have the authority to do this and I would in said cause in order that I may take the testimony in said for you to enter a decree pro confession against the respondent The thirty days having elapsed, I would like far he has failed to answer or demur to the bill of complaint. was had on the defendant on the 10th day of November, 1958. So In the above entitled cause service personally

Houston  
vs  
Houston

Dear Mrs. Duck;  
Bay Minnette, Ala:  
Mrs. Alice F. Duck:  
Register Chancery Court:

December, 13, 1958

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

Hilda M. Houston

Complainant

No. 4422 Vs. Equity

Furnell A. Houston

Defendant

Baldwin  
CIRCUIT COURT OF MOBILE  
COUNTY, ALABAMA  
IN EQUITY

DEMAND FOR ORAL EXAMINATION

The State of Alabama, }  
Mobile County }  
Baldwin }

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

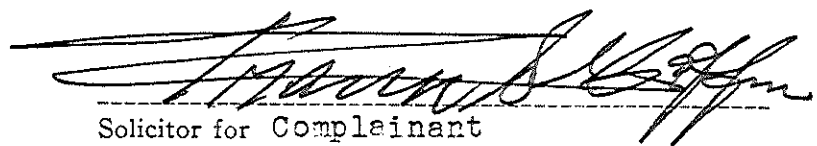
Sam Houston who reside at Mobile, Ala.

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

Filed \_\_\_\_\_

~~MA XELSWORL EXH CHALICE ROX~~, Register.

Alice J. Duck

  
Solicitor for Complainant



No. \_\_\_\_\_

~~Baldwin~~  
**CIRCUIT COURT OF MOBILE COUNTY**  
**Bay Minnelloch, Alabama**

Vs.

**DEMAND FOR ORAL EXAMINATION**

4422