

(4821)

DIVORCE DECREE

MOORE PRINTING COMPANY - EAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

No. 4821

MARY B. CUMBIE, Complainant

vs.

CHARLES MARSHALL CUMBIE, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Personal Service the day of ... 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 Mary B. Cumbie is forever divorced from the said Charles Marshall Cumbie for and on account of

[Blank lines for additional text]

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 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 Charles Marshall Cumbie the pay the cost herein to be taxed, for which executed may issue.

This 15th day of April 1960

[Signature]

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.

11

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED
APR 15 1960
ALICE L. DUCK, CLERK
REGISTER

the reasonable apprehension on the part of complainant from the conduct of respondent, that respondent would commit actual violence on her person, attended with danger to her life or health.

It is further ordered, adjudged and decreed by the Court that the said Mary B. Cumbie be, and hereby is, awarded the custody of the minor children born of the above marriage, namely: Marsha Fay Cumbie, Marshall David Cumbie, and Michael Joseph Cumbie, subject to the right to Charles Marshall Cumbie to see and visit said minor children at any and all reasonable times.

It is further ordered, adjudged and decreed by the Court that the said Charles Marshall Cumbie pay to the said Mary B. Cumbie the sum of One Hundred Dollars (\$100) per month as support for the said minor children born of the above marriage and that the first of such payments shall be due and payable on the first day of May, 1960, and one of such payments shall be due on or before the first day of each month thereafter, and shall be paid through the office of the Register of this Court.

It is further ordered, adjudged and decreed by the Court that all of the household furniture and furnishings of the household formerly occupied by Mary B. Cumbie and Charles Marshall Cumbie, while married, are the property of Mary B. Cumbie, except one desk belonging to Charles Marshall Cumbie, and Charles Marshall Cumbie is hereby ordered and directed to deliver the same to the said Mary B. Cumbie forthwith.

The Court retains jurisdiction of this cause for the purpose of making such other or further orders or decrees as to the custody and support of the said minor children as to the Court may seem proper, and as changed conditions may require.

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

----- MARY B. CUMBIE -----, Complainant

vs.

----- CHARLES MARSHALL CUMBIE -----, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on
----- personal service ----- and Testimony as noted by the Register, and upon con-
sideration 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
----- Mary B. Cumbie ----- is forever divorced from the
said ----- Charles Marshall Cumbie ----- for and on account of

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 ----- Charles Marshall Cumbie -----
the ----- pay the cost herein to be taxed, for which executed may issue.

This ----- 15 ----- day of ----- April ----- 19 60

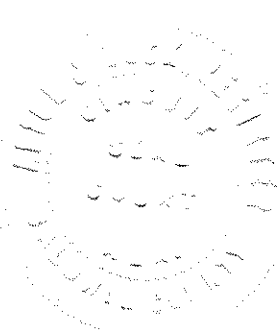
----- Hubert M. Hall -----

----- Judge Circuit Court, In Equity. -----

I, ----- Alice J. Duck -----, 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 ----- 15 ----- day
of ----- April ----- 19 60

----- Alice J. Duck -----
Register of Circuit Court, In Equity.



Received 20 day of April 1960
at _____ day of _____ 1960

sent a copy of the within Deed
Chas. Marshall Cumbee

service on _____
TAYLOR WILKINS, Sheriff
By _____ D. S.

returned 9 day of May 1960
not found in my county after diligent search and in-
quiry.

Taylor Wilkins, Sheriff
By Taylor Wilkins
Deputy Sheriff

No. 4821 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Mary B. Cumbee

Complainant

vs.

Charles Marshall Cumbee

Respondent

DIVORCE DECREE



the reasonable apprehension on the part of complainant from the conduct of respondent, that respondent would commit actual violence on her person, attended with danger to her life or health.

It is further ordered, adjudged and decreed by the Court that the said Mary B. Cumbie be, and hereby is, awarded the custody of the minor children born of the above marriage, namely: Marsha Fay Cumbie, Marshall David Cumbie, and Michael Joseph Cumbie, subject to the right to Charles Marshall Cumbie to see and visit said minor children at any and all reasonable times.

It is further ordered, adjudged and decreed by the Court that the said Charles Marshall Cumbie pay to the said Mary B. Cumbie the sum of One Hundred Dollars (\$100) per month as support for the said minor children born of the above marriage and that the first of such payments shall be due and payable on the first day of May, 1960, and one of such payments shall be due on or before the first day of each month thereafter, and shall be paid through the office of the Register of this Court.

It is further ordered, adjudged and decreed by the Court that all of the household furniture and furnishings of the household formerly occupied by Mary B. Cumbie and Charles Marshall Cumbie, while married, are the property of Mary B. Cumbie, except one desk belonging to Charles Marshall Cumbie, and Charles Marshall Cumbie is hereby ordered and directed to deliver the same to the said Mary B. Cumbie forthwith.

The Court retains jurisdiction of this cause for the purpose of making such other or further orders or decrees as to the custody and support of the said minor children as to the Court may seem proper, and as changed conditions may require.

MARY B. CUMBIE,

 Complainant,

 vs.
 CHARLES MARSHALL CUMBIE,

 Respondent.

THE STATE OF ALABAMA
 Baldwin County

IN EQUITY
 Circuit Court of Baldwin County
 No. 4821

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, complainant's motion for custody of minor children pending divorce, decree pro confesso entered on the _____ day of March, 1960, appointment of Lillian M. Heubach as commissioner to take testimony of Mary B. Cumbie and Kathryn Rickman, testimony of Mary B. Cumbie with "Exhibit A" attached, Testimony of Kathryn Rickman as taken before Lillian M. Heubach on April 4, 1960 and Commission of Lillian M. Heubach .

 and in behalf of Defendant upon _____

Register.

No. _____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

VS.

Note of Testimony

Filed in Open Court this

FILED

day of

APR 15 1960

, 19

ALICE J. DUCK, CLERK
REGISTER

Register.

MARY B. CUMBIE,
Complainant,

vs.

CHARLES MARSHALL CUMBIE,
Respondent.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY

Circuit Court of Baldwin County

No. 4821

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, complainant's motion for custody of minor children pending divorce, decree pro confesso entered on the _____ day of March, 1960, appointment of Lillian M. Heubach as commissioner to take testimony of Mary B. Cumbie and Kathryn Rickman, testimony of Mary B. Cumbie with "Exhibit A" attached, Testimony of Kathryn Rickman as taken before Lillian M. Heubach on April 4, 1960 and Commission of Lillian M. Heubach .

and in behalf of Defendant upon _____

Lillian M. Heubach
Register.

HAMILTON, DENNISTON, BUTLER & RIDDICK
Solicitors For Complainant

M

No. _____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

VS.

Note of Testimony

Filed in Open Court this _____

FILED

day of _____, 19____

APR 15 1960

MADE L. DICK, CLERK REGISTER Register.

MOORE PRINTING CO., BAY MINETTE, ALA.

ALICE L. DUCK, CLERK REGISTER

MAY 11 1960

FILED

Circuit Judge

Robert M. Hill

Done this 11th day of May, 1960.

April 15, 1960.

It is further ORDERED and DECREED by this Court that Charles Marshall Cumble be given notice of the filing of said petition and of the date set for the hearing of the same by service upon him of a copy of this order and that he be, and he hereby is required to appear at said time and place and show cause, if any he has, why he should not be adjudged in contempt of this Court for failure to comply with the terms and provisions of the decree of this Court dated April 15, 1960.

This day came Mary B. Cumble and filed her petition in writing under oath in which she alleges that the Respondent Charles Marshall Cumble has not complied with the terms and provisions of the decree of this Court dated April 15, 1960; and the same having been called to the attention of the Court and the Court having considered the same is of the opinion that said petition should be set down for hearing and notice of the filing thereof and of the day so set should be given to the said Charles Marshall Cumble; it is, therefore, ORDERED and DECREED by this Court that the petition of Mary B. Cumble filed in this Court on May 11, 1960, be, and the same is hereby set down for hearing on the 16 day of May, 1960 at 10:00 o'clock A.M. at the Courthouse in Bay Minette, Alabama.

ORDER:

	I	Respondent.
IN EQUITY	I	CHARLES MARSHALL CUMBLE,
BALDWIN COUNTY, ALABAMA	I	VS.
IN THE CIRCUIT COURT OF	I	Complainant,
	I	MARY B. CUMBLE,

Robert M. Hill

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

Humbly complaining, your complainant, Mary B. Cumbie, exhibits this her bill of complaint against Charles Marshall Cumbie, the respondent, and represents unto your Honor as follows:

ONE

That complainant and respondent are both over the age of 21 years and are bona fide resident citizens of Bay Minette, County of Baldwin, State of Alabama, and have been bona fide resident citizens of said State for more than two years immediately next preceding the filing of this suit.

TWO

That complainant and respondent are wife and husband who were married on, to-wit, July 15, 1956, at Lucedale, Mississippi.

THREE

That complainant and respondent lived together as wife and husband from the time of said marriage and until the occurrence of the matters and things herein alleged and until they recently separated.

FOUR

That respondent has, at various times during their married life, committed actual violence on complainant's person, attended with danger to her life or health, or from his conduct there is reasonable apprehension that, if she should continue to live with him, he would commit actual violence on her person, attended with danger to her life or health, or both.

FIVE

That there have been three children born of said marriage, Marsha Fay Cumbie, a girl of the age of three years, Marshall David Cumbie, a boy of the age of two years, and Michael Joseph Cumbie, a boy of the age of one year, and that complainant is a fit and suitable person to have the custody of said children.

SIX

That complainant now has insufficient means to support herself and said children, and respondent is gainfully employed with a substantial net income and is well able to support said children.

PRAYER FOR PROCESS

WHEREFORE, complainant prays that your Honor will take jurisdiction of this her bill of complaint, will make the said Charles Marshall Cumbie party respondent hereto and will cause proper process to issue to and be served upon him requiring him to plead, answer or demur to this her bill of complaint within the time required by law or the rules and practice of this Honorable Court.

PRAYER FOR RELIEF

And complainant prays that, upon the final hearing of this cause, your Honor will make and enter an order or decree granting to her an absolute divorce from the bonds of matrimony from the respondent, Charles Marshall Cumbie; that your Honor will grant to her the right to re-marry within the time prescribed by law; that your Honor will fix and determine and will require respondent to pay a reasonable sum for the support, maintenance and education of said minor children, Marsha Fay Cumbie, Marshall David Cumbie and Michael Joseph Cumbie; that your Honor will award complainant custody of said minor children; that your

Honor will fix and determine and will require respondent to pay to complainant a reasonable fee for her solicitors of record in this cause, Hamilton, Denniston, Butler & Riddick; and complainant prays for such other, further and additional relief as, in equity and good conscience, she may be entitled to receive or to your Honor may seem meet, and, as in duty bound, she will ever pray, etc.

Hamilton, Denniston, Butler & Riddick
R. R. Palmer
Solicitors for Complainant

Respondent's address:
511 Collier Avenue
Bay Minette, Alabama

MARY B. CUMBIE
 Complainant,
 Vs.
CHARLES MARSHALL CUMBIE
 Respondent.

In the Circuit Court.
 In Equity No. 4821.

DECREE PRO CONFESSO ON PERSONAL SERVICE

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

Charles Marshall Cumbie

by the Sheriff of Baldwin County, on the 8 day of February 1960.


And it futher appears to the Register, that the said _____

Charles Marshall Cumbie

_____ 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 HAMILTON, DENNISTON, BUTLER & RIDDICK BY: MILLER A. WIDEMIRE 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 _____

Charles Marshall Cumbie

This 24 day of March, 1960.


 Register.

No. 4821

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA.
IN EQUITY

MARY B. CUMBIE

Complainant,

Vs.

CHARLES MARSHALL CUMBIE

Respondent.

DECREE PRO CONFESSO ON
PERSONAL SERVICE

Issued this 24 day of March

19 60.

Alice J. Duck

Register.

SUMMONS AND COMPLAINT

Moore Prtg. Co.

The State of Alabama,
Baldwin County.

}

Circuit Court, Baldwin County

No.

..... TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ~~Charles Marshall Cumbie~~

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
Charles Marshall Cumbie
....., Defendant.

by Mary B. Cumbie
....., Plaintiff.

Witness my hand this 20th day of January 19 60

Alice J. Welch, Clerk

No. 4821 Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

MARY B. CUMBIE

Plaintiffs

vs.

CHARLES MARSHALL CUMBIE

Defendants

Summons and Complaint

Filed 1-20 19 60

Alice J. Duck

Clerk

Plaintiff's Attorney

Defendant's Attorney

*Constance
Bey Minette*

Defendant lives at

Received In Office

1/20 19 *60*

_____, Sheriff

I have executed this summons

this 8 - Feb - 1960

by leaving a copy with

*Charles Marshall
Cumbie*

Jay W. Wilkins Sheriff

W. A. Gilbert Deputy Sheriff

o me

THE STATE OF ALABAMA,
Baldwin County

No. 4821 Circuit Court, In Equity.

Mary B. Cumbie

Complainant---

Vs.

Charles Marshall Cumbie

Defendant----

Motion is hereby made for a Decree Pro Confesso against Charles Marshall

Cumbie

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

This 17th day of March, 1960
Hamilton, Denniston, Butler & Kiddick
by: Walter A. Wideshire
Member Appearing Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

Mary B. Cumbie

Vs.

Charles Marshall Cumbie

Motion for Decree Pro Confesso on
Personal Service

Filed *Mar 24* 19*67*

Wing J. Leuch
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

MARY B. CUMBIE,	§	IN THE CIRCUIT COURT OF
Complainant	§	BALDWIN COUNTY, ALABAMA
Vs.	§	In Equity No. _____
CHARLES MARSHALL CUMBIE,	§	
Respondent	§	

COMPLAINANT'S MOTION FOR CUSTODY OF MINOR CHILDREN
PENDING DIVORCE

Comes now your Complainant, Mary B. Cumbie, and moves your Honor to grant unto her the temporary custody of the minor children pending suit in the above matter, of marriage of Mary B. Cumbie and Charles Marshall Cumbie, and in support of this motion shows unto your Honor as follows:

ONE: That there were three children of the marriage, Marsha Fay Cumbie, who is three years of age; Marshall David Cumbie, a boy two years of age; and Michael Joseph Cumbie, a boy one year of age;

TWO: That because Respondent committed actual violence on the person of complainant, which were attendant with danger to her life and health, or from his conduct there was reasonable apprehension that, if she should continue to live with him, he would commit actual violence on her person, attended with danger to her health or life, complainant found it necessary to become separated from the respondent;

THREE: That since such separation the minor children of the marriage named above, have been residing and living with their Mother, the movant herein, in Baldwin County, at the residence of Mrs. Cumbie's Mother, the grandmother of the minor children;

FOUR: That since your complainant resides with her Mother, the grandmother of the minor children, there is always in attendance a proper person for the care of such minors of tender years;

FIVE: That the respondent herein resides alone and at a place where there would not be at all times a proper person fit and capable of caring for the needs of such minors of tender years when the respondent would be absent at work or engaged in other pursuits;

SIX: That your complainant is apprehensive that the respondent, Charles Marshall Cumbie will take or will attempt to take the minor children under his custody and from the custody of their Mother, the proper party for the custody of such minors of tender years pending the outcome of the divorce petition;

WHEREFORE, YOUR COMPLAINANT MOVES YOUR HONOR to enter an order in this cause awarding the temporary custody of the minor children of tender years named herein to your complainant, Mary B. Cumbie, pending the outcome of the suit herein, and further order the respondent, Charles Marshall Cumbie, to restrain and abstain from taking or attempting to take such minor children under his custody and care, other than through periodic visitations which to your Honor appear meet and proper, the premises considered.

HAMILTON, DENNISTON, BUTLER & RIDDICK

By

Dillon A. Widener

Member Appearing

The American National Bank Building
P. O. Box 1671
Mobile, Alabama

FILED
FEB 8 1933
ALICE L. DUCK, CLERK
REGISTER

4821

Received 9 day of Feb 1960

and on 10 day of Feb 1960

I served a copy of the within Order
on Charles Marshall Cumbie

By service on _____

Mary B. Cumbie
vs.

Charles Marshall
Cumbie

TAYLOR WILKINS, Sheriff
By W. A. Tolbert D. S.
8 mi

To be served on
Charles Marshall Cumbie

78967

FILED

FEB 8 1960

ALICE J. DUCK, CLERK
REGISTER

address: 771 - Duphne
Ave.

MARY B. CUMBIE,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
CHARLES MARSHALL CUMBIE,	X	IN EQUITY
Respondent.	X	

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

Comes your Petitioner, the undersigned Mary B. Cumbie, and respectfully represents and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That on April 15, 1960 this Honorable Court entered an order divorcing your Petitioner from the Respondent and in and by the terms of said decree ordered the Respondent to pay to the Petitioner the sum of \$100.00 as support for the three minor children born to the Petitioner and the Respondent during their marriage, the first of which payments were due and payable the 1st day of May, 1960; and did further order the Respondent to deliver to your Petitioner all of the household furniture and furnishings of the household formerly occupied by your Petitioner and the Respondent while married.

SECOND:

Your Petitioner further alleges that the said Charles Marshall Cumbie has not complied with the terms and provisions of said decree in that he has not paid to your Petitioner the \$100.00 due on May 1, 1960, either personally or through the Office of the Register of this Court, and he has not delivered to your Petitioner the household furniture and furnishings as therein provided.

WHEREFORE, the premises considered, your Petitioner respectfully prays that this Honorable Court will, upon the filing of this petition, enter an order or decree requiring the Respondent to appear in Court and show cause, if any he has, why he should not be adjudged

in contempt of court for failure to comply with the terms and provisions of said decree as set forth above.

Respectfully submitted,

Mary B. Cumbie
Mary B. Cumbie

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Norborne C. Stone, Jr., a Notary Public in and for said County in said State personally appeared Mary B. Cumbie, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That her name is Mary B. Cumbie and that she executed the foregoing petition and the facts alleged therein are true and correct.

Mary B. Cumbie
Mary B. Cumbie

Sworn to and subscribed before me
this the 11th day of May, 1960.

Norborne C. Stone, Jr.
Notary Public, Baldwin County, Ala.

FILED

MAY 11 60

ALICE L. DUCK, CLERK,
REGISTER

MARY B. CUMBIE,	X	
	X	IN THE CIRCUIT COURT OF
Complainant,	X	BALDWIN COUNTY, ALABAMA
	X	
vs.	X	
	X	IN EQUITY
CHARLES MARSHALL CUMBIE,	X	
	X	
Respondent.	X	

ORDER:

This day came Mary B. Cumbie, ^{by attorney} and filed her ^{motion} petition in writing under oath in which she alleges that the Respondent Charles Marshall Cumbie has not complied with the terms and provisions of the decree of this Court dated April 15, 1960; and the same having been called to the attention of the Court and the Court having considered the same is of the opinion that said ^{motion} petition should be set down for hearing and notice of the filing thereof and of the day so set should be given to the said Charles Marshall Cumbie; it is, therefore

ORDERED and DECREED by this Court that the petition of Mary B. Cumbie filed in this Court on May 11, 1960, be, and the same is hereby set down for hearing on the 26 day of May, 1960 at 10:00 o'clock A.M. at the Courthouse in Bay Minette, Alabama.

It is further ORDERED and DECREED by this Court that Charles Marshall Cumbie be given notice of the filing of said ^{motion} petition and of the date set for the hearing of the same by service upon him of a copy of this order and ^{motion} that he be, and he hereby is required to appear at said time and place and show cause, if any he has, why he should not be adjudged in contempt of this Court for failure to comply with the terms and provisions of the decree of this Court dated April 15, 1960.

Done this 11th day of May, 1960.

FILED

MAY 1960

ALICE J. DUCK, CLERK
REGISTER

Robert M. Stone
Circuit Judge

1784-1

Mary B. Cumbie

vs -

Charles Marshall Cumbie

order.

FILED

MAY 11 1960

ALICE J. DUCK, CLERK
REGISTER

W. B. Latham
of
Spanaway Fort

11 May 60

Call

Returned w/s

Remise

MARY B. CUMBIE,

Complainant,

vs.

CHARLES MARSHALL CUMBIE,

Respondent.

¶

¶

¶

¶

¶

¶

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ORDER:

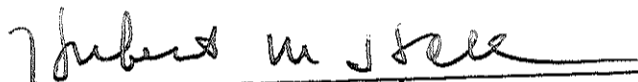
This being the day heretofore fixed by an order of this Court entered on the 11th day of May, 1960, directed to the Respondent to show cause, if any he has, why he should not be adjudged in contempt of this Court for failure to comply with the terms and provisions of the decree of this Court dated April 15, 1960; now comes the Complainant Mary B. Cumbie, and her attorney, Norborne C. Stone, Jr., and it having been made to appear to the Court that the order of this Court hereinabove referred to has not been served on the Respondent as of this date and that therefore with respect to the contempt aspect of this proceeding that this hearing should be continued; and it further appearing to the Court, however, that the Respondent has not to this date delivered the household furniture and furnishings of the household formerly occupied by these parties during the time they were married, and that the Petitioner is in dire need of such household furniture and furnishings for the use of herself and her three minor children, and the Court having considered all of the above is of the opinion that an order should this day be entered directed to the Sheriff of Baldwin County, Alabama, requiring him to assist the Complainant in securing the delivery to her of such household furniture and furnishings; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, that the Sheriff of Baldwin County, Alabama, or any one of his lawfully constituted deputies be, and they are hereby, directed to forthwith assist and aid the Complainant Mary B. Cumbie in procuring the delivery to her of all of the household furniture and furnishings of the household formerly occupied by the Complainant and the Respondent while they were married, which property, with the

exception of one desk, has heretofore been decreed to be the property of the Complainant; and that such assistance and aid be whatever is necessary under the circumstances including, but not being limited to, accompanying the Complainant to the home wherein such furniture is located and supervising the delivery of such furniture and furnishings, and this order and decree shall be executed instanter.

It is further ORDERED, ADJUDGED and DECREED by the Court that the hearing this day set on the petition filed in this cause on May 11, 1960, be and the same is hereby, continued until June 9, 1960, at 9:00 A. M. and that notice of such continuance be given to the Respondent by service upon him of a copy of this order along with the copy of the order of this Court of May 11, 1960.

Dated this the 26th day of May, 1960.


Circuit Judge

MARY B. CUMBIE,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
CHARLES MARSHALL CUMBIE,	X	IN EQUITY No. 4821
Respondent.	X	

This being the date to which the contempt hearing in this cause against the Respondent was continued by an order of this Court made and entered on the 26th day of May, 1960 and it appearing to the Court that the Respondent has had personal notice of the filing of said petition and of the day set for the hearing of the same; now comes the Complainant and her attorney and the Respondent having failed to appear in compliance with said order of May 26, 1960; and it further appearing to the Court that the Respondent has failed and refused to pay to the Complainant the sum of \$100.00 per month as support for the minor children of the Complainant and the Respondent for the months of May and June, 1960 in accordance with the decree of divorce rendered by this Court on April 15, 1960; and the Court having considered all of the above is of the opinion that the Respondent is, and should be held, in contempt of this Court for such failure and refusal; it is, therefore

ORDERED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that Charles Marshall Cumbie be, and he hereby is, adjudged to be in contempt of this Court for failure and refusal to comply with the terms and provisions of the decree of this Court dated April 15, 1960.

It is further ORDERED and DECREED by the Court that the said Charles Marshall Cumbie be placed in jail by the Sheriff of Baldwin County, Alabama to there remain until such time as he has complied with the terms and provisions of said decree dated April 15, 1960 and thereby purged himself of said contempt; and this order should be forthwith executed by the Sheriff of Baldwin County, Alabama.

Done this 9th day of June, 1960.

Hubert M. Stace
Circuit Judge

MARY B. CUMBIE,)	
)	IN THE
Complainant,)	CIRCUIT COURT OF BALDWIN COUNTY,
)	
VS.)	ALABAMA. IN EQUITY.
)	
CHARLES MARSHALL CUMBIE,)	NO <u>4821</u>
)	
Respondent.)	
)	
)	

ORDER:

In this cause it having been made to appear to the Court that there has been paid to the Attorneys for the Complainant the sum of ONE HUNDRED FIFTY (\$150.00) DOLLARS for and on behalf of the Respondent as support up to and including June 15, 1960, for the minor children of the Complainant and the Respondent; and it further appearing to the Court that the Respondent has been placed in jail under the order of this Court dated June 10, 1960, and that upon the payment of said sum he has purged himself of contempt of this Court; it is, therefore

ORDERED by the Circuit Court of Baldwin County, Alabama, in Equity, that the Respondent be released from jail.

IT IS FURTHER ORDERED by the Court that the Respondent pay to the Complainant the sum of FIFTY (\$50.00) DOLLARS on or before June 15, 1960, as the balance due for support of said children for the month of June, 1960.

DONE THIS 13th day of June, 1960.

FILED

JUN 13 1960

ALICE J. DUCK, CLERK REGISTER

Hubert W. Stone

Judge.

DIVORCE DECREE

MOORE PRINTING COMPANY - EAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

No. 4821

MARY B. CUMBIE

Complainant

vs.

CHARLES MARSHALL CUMBIE

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on personal service 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 Mary B. Cumbie is forever divorced from the said Charles Marshall Cumbie for and on account of

[Redacted area]

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 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 Charles Marshall Cumbie the pay the cost herein to be taxed, for which executed may issue.

This 15 day of April 19 60

Hubert M. Hall

Judge Circuit Court, In Equity

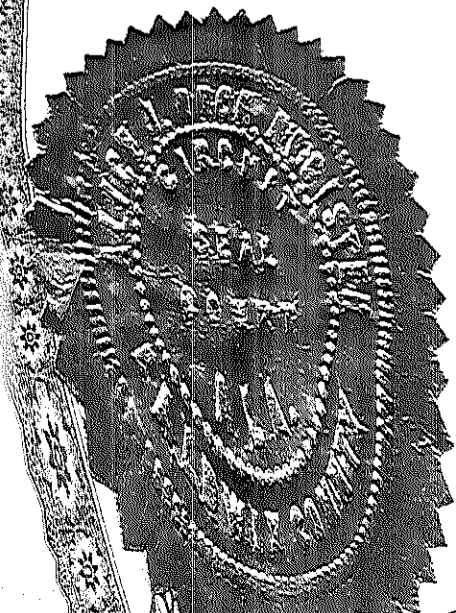
I, Alice J. Duck

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 15 day

of April 19 60

Alice J. Duck Register of Circuit Court, In Equity



HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS & COUNSELLORS AT LAW
AMERICAN NATIONAL BANK BUILDING
P. O. BOX 1671

MOBILE, ALABAMA

February 8, 1960

THOMAS A. HAMILTON
ROBERT P. DENNISTON
CHARLES R. BUTLER
HARRY H. RIDDICK
ROBERT R. LOCKLIN

MILLER A. WIDEMIRE
ROBERT S. SMITH
WILLIAM S. WIRE, II

PETER HAMILTON (1838-1888)
THOMAS A. HAMILTON (1844-1897)
J. GAILLARD HAMILTON (1899-1956)

Clerk
Circuit Court
Baldwin County
County Court House
Bay Minette, Alabama

Re: Mary B. Cumbie Vs. Charles Marshall Cumbie
Our file 11,359

Dear Sir:

I am enclosing the original and one copy of the complainant's motion seeking temporary custody of the minor children pending the above divorce action.

We would appreciate your filing these and having service obtained on the respondent, Charles Marshall Cumbie, and notifying me when same is to be heard after service.

Yours very truly,



For the Firm

MAW/mcm

cc:

Mrs. Mary B. Cumbie, Route 1, Daphne, Alabama.

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS & COUNSELLORS AT LAW
AMERICAN NATIONAL BANK BUILDING
P. O. BOX 1671

MOBILE, ALABAMA

January 19, 1960

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Mrs. Alice J. Duck,
Register,
Circuit Court of Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

You will find enclosed the original and a copy of a bill of complaint for divorce in the case of Mary B. Cumbie versus Charles Marshall Cumbie, which we will thank you to file for us. The defendant is a resident of Bay Minette and may be served there.

Thanking you for your assistance, we remain,

Yours very truly,


For the Firm

RPD/mcm
11,359

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS & COUNSELLORS AT LAW

FIRST NATIONAL BANK BUILDING

P. O. BOX 1671

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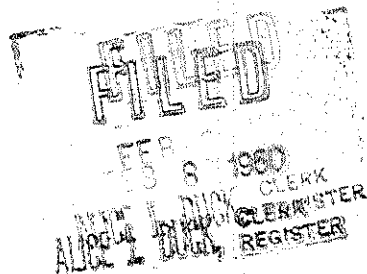
Yours very truly,

Miller A. Widemire
For the Firm

MAW/mcm

cc:

Mrs. Mary B. Cumbie, Route 1, Daphne, Alabama.



The State of Alabama, }
Baldwin County

MARY B. CUMBIE

Complainant

VS.

CHARLES MARSHALL CUMBIE

Defendant

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

In Equity.

No. 4821

The complainant

requests the oral examination of the following named witnesses, on behalf of the complainant

viz:

Mary B. Cumbie, Rt. 1, Daphne, Alabama.

Mrs. Katherine Rickman, Rt. 1, Daphne, Alabama;

said witnesses reside in the County of Baldwin,

State of Alabama.

Lillian M. Heubach,

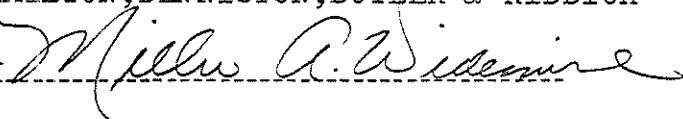
who resides at

161 Garnett Avenue (P. O. Box 1671), Mobile, Alabama,

or, The Register of this Court is suggested as a suitable person
to be appointed Commissioner to take the deposition of said witness on such oral examination.

HAMILTON, DENNISTON, BUTLER & RIDDICK

By



Solicitor for Complainant

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity) No. 4821

MARY B. CUMBIE,

COMPLAINANT

vs.

CHARLES MARSHALL CUMBIE,

RESPONDENT

I, Lillian M. Heubach, the

~~as Register and Commissioner~~ named in the attached Commission,

have called and caused to come before me Mary B. Cumbie and Kathryn Rickman,

witness ^{es} named in the requirement for Oral Examination, on the 4th day of April,

1960, at the office of Hamilton, Denniston, Butler & Riddick, 3rd Floor,
American National Bank Building, 120 St. Joseph Street,

in Mobile, Alabama, and having first sworn said witness ^{es} to speak the

truth, the whole truth, and nothing but the truth, the said Mary B. Cumbie and Kathryn

Rickman did ~~not~~ depose and say as follows:

Testimony of Mrs. Mary B. Cumbie:

My name is Mary B. Cumbie, and I am over the age of 21 years. I live on Highway 31 East, near Spanish Fort in Baldwin County, Alabama and my mailing address is Route 1, Daphne, Alabama. I have lived in Baldwin County, Alabama for more than a year next preceding the filing of this suit in January of 1960.

My husband, Charles Marshall Cumbie is also over the age of 21 years and he has been a resident of the State of Alabama for more than two years preceding January, 1960.

We were married on July 15, 1956 in Lucedale, Mississippi and since that time we have lived together as husband and wife except for four periods of separation; the first of such periods was in August or September of 1956, when I left him for about a month; we separated again around October of 1957 shortly after the birth of our second child, Marshall David. The third time he left me around the first of April, 1958 while I was pregnant, and he came back in November of 1958 when Michael Joseph, our third child, was born. I left him on January 15, 1960 after he accused me falsely of having intimate relations with other men, one of whom he said was a Negro. We have been living separate and apart since that time.

My husband and I have had almost continuous difficulty throughout our married life because of his peculiarities, his moodiness and his accusing me of being unfaithful to him. On account of this I have become very nervous and fearful that if I should continue to live with him he might commit actual violence on my person, or even on that of our children.

There have been three children born of our marriage, Marsha Fay Cumbie, a girl of the age of three years, Marshall David Cumbie, a boy of the age of two years, and Michael Joseph Cumbie, a boy of the

named in the attached commission,
 I, Lillian M. Heubach, as ~~Register and~~ Commissioner/hereby certify
 that the foregoing deposition on Oral Examination was taken down in writing by me in the words
 of the witnesses and read over to them and they signed the same in the presence of
 myself and Mr. Miller A. Widwire, one of the solicitors for the com-
plainant in this cause,
 at the time and place herein mentioned; that I have personal knowledge of personal identity of said
 witnesses or had proof made before me of the identity of said witnesses; that I am not of
 counsel or of 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 11th day of April, 19 60.

(L. S.)

No. _____		Page _____	
THE STATE OF ALABAMA BALDWIN COUNTY IN CIRCUIT COURT, IN EQUITY			
COMPLAINANT		RESPONDENT	
vs.			
ORAL DEPOSITION			
Filed _____, 19____		Register,	
RECORDED IN			
Record _____		Vol. _____	
Page _____		Register,	

age of one year.

The first time we were separated, in 1956, my husband said our unborn child was not his; however, when she was born he accepted her as his own. On another occasion, after David was born, he said David was not his child. We had to leave David in the hospital for a month after his birth - he was a premature baby. My husband's father was in the hospital then and I realized he was under a strain so I excused his actions. We were living with his parents at the time and he refused to buy groceries - said that was my responsibility. He was moody and treated me as if I were a stranger. I had not yet gone back to work and had no money. He said this child was not his and he had no intention of supporting us.

I left him then, but went back to try to make a go of it. All of this time we had been living with his people. ~~His parents~~ His parents searched me out and prevailed upon me to try it again with Marshall and come live at their home in the hope that I might be able to help Marshall with his difficulties. This was about October, 1957.

One night he came in drinking and was really "showing it". He accused me of having relations that afternoon, while he was at work, with a Mr. Edwards who worked and shared a ride with Marshall. I told him I wouldn't live like that and have him smear my name and character. This was a Saturday night late in March or early in April of 1958, while we were living with his parents in Mobile. For two weeks or better prior to the night in which he came in drinking and specifically accused me of having relations with this Mr. Edwards, he had generally walked the floor at night with a loaded shotgun in his hand and all during this period was accusing me of meeting men at night in the back yard. He would go into a state of mind which I might call a "fit" accusing me of having all kinds of outrageous affairs with men. He looked like he could "eat me up" - his eyes would get big and he would sometimes treat me like a total stranger. At least once during this two-week period he even accused me of giving the children dope. He also accused me and his mother of taking dope and on one occasion took coffee grounds and sugar from the bowl on the table saying he was going to have them analyzed for dope. During this same time he took our middle child, David, to the Mobile Infirmary and had a blood test run, telling me his purpose in this was to prove the child was not his child. In fact, he has never accepted David as being his child.

On this Saturday night in late March or early April which I mentioned we argued and he left the house and was gone for about an hour. During this time I packed a few things in a suit case for the children and called my sister and asked her to come get us so we could go to my mother's for the night as I was afraid of what Marshall might do. When Marshall came back home I saw him load the shotgun and he went into another of what I must call a fit. He asked me where I was going and I said that I and the children had better go over to my mother's house for the night so he could cool off. Then my sister, Mrs. Kathryn Rickman, came into the house and my sister and I tried to reason with Marshall in the hope he would let me go so he could cool off. He said I could go and take David but I couldn't take Marsha Fay. My sister again tried to reason with him and it kind of "teed him off" and he said "I bet you my life against hers that she won't go, that's just how sure I am" - meaning that I wouldn't go and take Marsha Fay, our first child, with me, and I certainly wouldn't have thought of leaving her. I did not think it advisable to go and leave Marsha Fay with him in his condition and because of his threat I was too scared to leave and try to take Marsha Fay for the night.

The police came later and I answered the door and he was right behind me and they told us they understood we were having trouble and he came in front of me and said we weren't having any trouble. They asked if we thought everything would be all right - Marshall said it was - and the police left.

Marshall's accusations about my unfaithfulness and about me having relations with other men had no basis in actual fact. Because of his having the loaded gun and the strange manner in which he acted and his accusing me of having relations with Mr. Edwards that afternoon I was too fearful to leave, and I was scared of what he might do to me if I tried to take Marsha Fay or what he might do to her if I left her with him for the night.

About a week and a half after this Saturday incident, after Marshall appeared to calm down I took both children and some clothes and went to my mother's near Spanish Fort. About a week after I went to mother's he left his mother's home and shortly after that I moved back with his mother and father and the children and I lived with them. Marshall was not supporting us in any way during this time. In fact, for three months after Marshall left neither I nor his family had any contact with him and nobody knew where he went, or how to contact him.

I went to the hospital in November, 1958 to have our third child, Michael Joseph, and about the time I went to the hospital Marshall drifted back into town.

Shortly after Christmas we went back together, living at his mother's house. Shortly after we went back together we moved to Bay Minette hoping we could make a go of it. But our difficulties continued and he kept accusing me of having intimate relations with other men, loading the gun and walking around with it - even sitting in the car at night calling himself "hiding out" to catch the men he accused me of having affairs with. I went back to work when Michael was two and a half weeks old, at Central Bank, and Marshall was not working. He did not go back to work until the last of May or the first of June of 1959. During the Spring of 1959 Marshall put key type locks on the inside of the house doors and would lock them at night and hide the key. He would not give me a key. He later accused me of finding the keys and also of crawling out of the windows to have affairs with other men, so he then changed the locks to dial-type combination locks and refused to tell me the combination. He then took nails and nailed the screens to the windows so I couldn't get out. This continued every night until I left. For about six weeks of this period, he nailed the doors with a ten penny nail and left the lights burning outside all night to keep "other men" away. I was not even allowed to go shopping or to the grocery store alone and every night he took his loaded shotgun out and put it by the chest of drawers. We were sleeping in separate rooms - he insisted on Marsha Fay sleeping with him - and I would ask him each morning if he had unloaded the gun and he would say "yes".

I was continually fearful that during one of his seeming fits he would turn on me or possibly even turn on one of the children with the loaded shotgun. There did not appear to be any relief in sight from his actions which had extended over a long period of time. The pressure became so great that my health suffered and I continued to be so fearful of what Marshall might do in one of these moments that I felt it absolutely necessary to take the children and move to my mother's home at Spanish Fort. This I did on January 15, 1960.

My three children and I have been living in the home with my mother since January 15, 1960. My mother is not employed and cares for the children during the day time while I am at work at Brookley. My father is dead. My brother and his wife and one child also live at my mother's home. My sister-in-law also assists from time to time in caring for the children when I am absent. My sister, Mrs. Kathryn Rickman, lives next door and also assists in caring for the children when I am at work. As far as I have been able to determine Marshall lives alone in a rented house in Latham, Alabama. From mid-January to mid-March of 1960 he lived alone in a rented house in Bay Minette.

All of our three children were fathered by Charles Marshall Cumbie, the respondent in this case.

Marshall has failed to provide any support for the children since it was necessary for us to move. Marshall has been working for Ben Hinote of Bay Minette Roofing Company, since around the first of June of 1959 as a sheet metal worker. When Marshall started working for the roofing company he made \$1.65 per hour and I have been informed that he has been raised considerably above his starting hourly wage. I have also been informed that Marshall was still employed with the roofing company as late as the last week of March, 1960.

I have been providing all of the support for the children since our separation in January. I am employed as a clerk at Brookley Air Force Base and have been so employed since December 16, 1958.

After I started working at Brookley I paid for the furniture in the home we were renting. "Exhibit A" attached hereto is a photostat of the purchase contract for the furniture that was purchased at Lawrence Furniture Company in Mobile. Out of the money that I made at Brookley I have paid for all of this furniture. I borrowed from Brookley Federal Credit Union the necessary funds to pay off this furniture and have been paying the Credit Union from my salary at Brookley. Practically all of the furniture which we used in our home was furniture which I brought to the marriage and things I had purchased before we were married, except the furniture that I bought at Lawrence Furniture Co. In addition, my family has given me furniture and his mother and father have given pieces of furniture to me. His mother and father always made a point of giving the furniture to me, except a desk that was his grandfather's, which they gave Marshall. I therefore feel that I am entitled to all of the furniture which was used in our home, except the desk.

On several occasions I have requested Marshall to let me move the furniture and the children's playthings and the rest of the children's clothes from the house we rented in Bay Minette, but each time he has refused. Some time in mid-March Marshall moved all of the furniture, the children's toys and playthings and the children's clothes and some of my personal effects to Latham, in Baldwin County, Alabama.

I feel that Marshall is able to provide at least \$25 a week for the support of our minor children, and I feel that I am entitled to the custody of the children and that I am better able to care for the children. Of course, I think Marshall should be allowed to visit the children at reasonable times if he behaves himself.

Mary B. Cumbie

Testimony of Mrs. Kathryn Rickman

My name is Kathryn Rickman. I reside at Spanish Fort in Baldwin County, Alabama and I receive my mail at Route 1, Daphne, Alabama. I am over 21 years of age and am a sister of Mary B. Cumbie, the complainant in this case. I live next door to our mother's home where Mary B. Cumbie lives with her three children.

I have been very close to my sister during our lives and feel that she is a fit and competent mother for her children. I assist my sister by helping care for the children while she works at Brookley Air Force Base in Mobile.

I know that my sister and her husband have had trouble all during their married life and that they have separated several times, but she would go back to him, trying to keep a home together for the children.

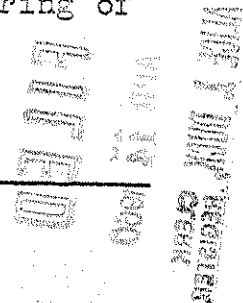
On a Saturday night late in March or early in April, 1958 my sister called me and said she was having trouble with Marshall and asked me to come get her and the children for the night, as Marshall was tight and was accusing her of infidelity and she was afraid. When I arrived I found that Marshall was there. He was in the bedroom and I asked him if he wouldn't let us take Marsha Fay and why he wouldn't straighten up and behave. I couldn't reason with him and went back to the living

room; he said my sister could take David, but he "bet his life against hers she wouldn't go out of that door with Marsha Fay". He meant by that that Mary couldn't take Marsha Fay. I saw a gun standing there by the chest of drawers in the bedroom when I talked with Mary. He promised me he would behave himself, but I was not satisfied and I went to a pay station and called the law. We drove back and parked about a block from the house until the police arrived as I was worried about my sister and the children.

I know that my sister and her husband have had considerable trouble all during their married life which seemed to me to have become increasingly worse.

I feel that my sister is a trustworthy person and is a good and fit mother to care for and keep her children. I also believe that Marshall's accusations regarding my sister's infidelity to him are completely unfounded. Since January, 1960 I have been living next door to my sister and have seen and observed her in the rearing of her children. I am the mother of three boys myself.

Kathryn Rickman



THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity) No. 4821

MARY B. CUMBIE,

COMPLAINANT

vs.

CHARLES MARSHALL CUMBIE,

RESPONDENT

I, Lillian M. Heubach, the

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American National Bank Building, 120 St. Joseph Street,
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truth, the whole truth, and nothing but the truth, the said Mary B. Cumbie and Kathryn

Rickman did

~~both~~ depose and say as follows:

Testimony of Mrs. Mary B. Cumbie:

My name is Mary B. Cumbie, and I am over the age of 21 years. I live on Highway 31 East, near Spanish Fort in Baldwin County, Alabama and my mailing address is Route 1, Daphne, Alabama. I have lived in Baldwin County, Alabama for more than a year next preceding the filing of this suit in January of 1960.

My husband, Charles Marshall Cumbie is also over the age of 21 years and he has been a resident of the State of Alabama for more than two years preceding January, 1960.

We were married on July 15, 1956 in Lucedale, Mississippi and since that time we have lived together as husband and wife except for four periods of separation; the first of such periods was in August or September of 1956, when I left him for about a month; we separated again around October of 1957 shortly after the birth of our second child, Marshall David. The third time he left me around the first of April, 1958 while I was pregnant, and he came back in November of 1958 when Michael Joseph, our third child, was born. I left him on January 15, 1960 after he accused me falsely of having intimate relations with other men, one of whom he said was a Negro. We have been living separate and apart since that time.

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There have been three children born of our marriage, Marsha Fay Cumbie, a girl of the age of three years, Marshall David Cumbie, a boy of the age of two years, and Michael Joseph Cumbie, a boy of the

named in the attached commission,
 I, Lillian M. Heubach, as ~~Register and~~ Commissioner/hereby certify
 that the foregoing deposition on Oral Examination was taken down in writing by me in the words
 of the witness^{es} and read over to them and they signed the same in the presence of
 myself and Mr. Miller A. Widwfire, one of the solicitors for the com-
 plainant in this cause,
 at the time and place herein mentioned; that I have personal knowledge of personal identity of said
 witness^{es} or had proof made before me of the identity of said witness^{es}; that I am not of
 counsel or of 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 11th day of April, 1960.

Lillian M. Heubach (L. S.)

No. _____		Page _____	
THE STATE OF ALABAMA BALDWIN COUNTY IN CIRCUIT COURT, IN EQUITY			
COMPLAINANT		RESPONDENT	
vs.			
ORAL DEPOSITION			
Filed _____, 19____		Record _____	
RECORDED IN		Register _____	
Vol. _____	Page _____	Register _____	

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One night he came in drinking and was really "showing it". He accused me of having relations that afternoon, while he was at work, with a Mr. Edwards who worked and shared a ride with Marshall. I told him I wouldn't live like that and have him smear my name and character. This was a Saturday night late in March or early in April of 1958, while we were living with his parents in Mobile. For two weeks or better prior to the night in which he came in drinking and specifically accused me of having relations with this Mr. Edwards, he had generally walked the floor at night with a loaded shotgun in his hand and all during this period was accusing me of meeting men at night in the back yard. He would go into a state of mind which I might call a "fit" accusing me of having all kinds of outrageous affairs with men. He looked like he could "eat me up" - his eyes would get big and he would sometimes treat me like a total stranger. At least once during this two-week period he even accused me of giving the children dope. He also accused me and his mother of taking dope and on one occasion took coffee grounds and sugar from the bowl on the table saying he was going to have them analyzed for dope. During this same time he took our middle child, David, to the Mobile Infirmary and had a blood test run, telling me his purpose in this was to prove the child was not his child. In fact, he has never accepted David as being his child.

On this Saturday night in late March or early April which I mentioned we argued and he left the house and was gone for about an hour. During this time I packed a few things in a suit case for the children and called my sister and asked her to come get us so we could go to my mother's for the night as I was afraid of what Marshall might do. When Marshall came back home I saw him load the shotgun and he went into another of what I must call a fit. He asked me where I was going and I said that I and the children had better go over to my mother's house for the night so he could cool off. Then my sister, Mrs. Kathryn Rickman, came into the house and my sister and I tried to reason with Marshall in the hope he would let me go so he could cool off. He said I could go and take David but I couldn't take Marsha Fay. My sister again tried to reason with him and it kind of "teed him off" and he said "I bet you my life against hers that she won't go, that's just how sure I am" - meaning that I wouldn't go and take Marsha Fay, our first child, with me, and I certainly wouldn't have thought of leaving her. I did not think it advisable to go and leave Marsha Fay with him in his condition and because of his threat I was too scared to leave and try to take Marsha Fay for the night.

The police came later and I answered the door and he was right behind me and they told us they understood we were having trouble and he came in front of me and said we weren't having any trouble. They asked if we thought everything would be all right - Marshall said it was - and the police left.

Marshall's accusations about my unfaithfulness and about me having relations with other men had no basis in actual fact. Because of his having the loaded gun and the strange manner in which he acted and his accusing me of having relations with Mr. Edwards that afternoon I was too fearful to leave, and I was scared of what he might do to me if I tried to take Marsha Fay or what he might do to her if I left her with him for the night.

About a week and a half after this Saturday incident, after Marshall appeared to calm down I took both children and some clothes and went to my mother's near Spanish Fort. About a week after I went to mother's he left his mother's home and shortly after that I moved back with his mother and father and the children and I lived with them. Marshall was not supporting us in any way during this time. In fact, for three months after Marshall left neither I nor his family had any contact with him and nobody knew where he went, or how to contact him.

I went to the hospital in November, 1958 to have our third child, Michael Joseph, and about the time I went to the hospital Marshall drifted back into town.

Shortly after Christmas we went back together, living at his mother's house. Shortly after we went back together we moved to Bay Minette hoping we could make a go of it. But our difficulties continued and he kept accusing me of having intimate relations with other men, loading the gun and walking around with it - even sitting in the car at night calling himself "hiding out" to catch the men he accused me of having affairs with. I went back to work when Michael was two and a half weeks old, at Central Bank, and Marshall was not working. He did not go back to work until the last of May or the first of June of 1959. During the Spring of 1959 Marshall put key type locks on the inside of the house doors and would lock them at night and hide the key. He would not give me a key. He later accused me of finding the keys and also of crawling out of the windows to have affairs with other men, so he then changed the locks to dial-type combination locks and refused to tell me the combination. He then took nails and nailed the screens to the windows so I couldn't get out. This continued every night until I left. For about six weeks of this period, he nailed the doors with a ten penny nail and left the lights burning outside all night to keep "other men" away. I was not even allowed to go shopping or to the grocery store alone and every night he took his loaded shotgun out and put it by the chest of drawers. We were sleeping in separate rooms - he insisted on Marsha Fay sleeping with him - and I would ask him each morning if he had unloaded the gun and he would say "yes".

I was continually fearful that during one of his seeming fits he would turn on me or possibly even turn on one of the children with the loaded shotgun. There did not appear to be any relief in sight from his actions which had extended over a long period of time. The pressure became so great that my health suffered and I continued to be so fearful of what Marshall might do in one of these moments that I felt it absolutely necessary to take the children and move to my mother's home at Spanish Fort. This I did on January 15, 1960.

My three children and I have been living in the home with my mother since January 15, 1960. My mother is not employed and cares for the children during the day time while I am at work at Brookley. My father is dead. My brother and his wife and one child also live at my mother's home. My sister-in-law also assists from time to time in caring for the children when I am absent. My sister, Mrs. Kathryn Rickman, lives next door and also assists in caring for the children when I am at work. As far as I have been able to determine Marshall lives alone in a rented house in Latham, Alabama. From mid-January to mid-March of 1960 he lived alone in a rented house in Bay Minette.

All of our three children were fathered by Charles Marshall Cumbie, the respondent in this case.

Marshall has failed to provide any support for the children since it was necessary for us to move. Marshall has been working for Ben Minote of Bay Minette Roofing Company, since around the first of June of 1959 as a sheet metal worker. When Marshall started working for the roofing company he made \$1.65 per hour and I have been informed that he has been raised considerably above his starting hourly wage. I have also been informed that Marshall was still employed with the roofing company as late as the last week of March, 1960.

I have been providing all of the support for the children since our separation in January. I am employed as a clerk at Brookley Air Force Base and have been so employed since December 16, 1958.

After I started working at Brookley I paid for the furniture in the home we were renting. "Exhibit A" attached hereto is a photostat of the purchase contract for the furniture that was purchased at Lawrence Furniture Company in Mobile. Out of the money that I made at Brookley I have paid for all of this furniture. I borrowed from Brookley Federal Credit Union the necessary funds to pay off this furniture and have been paying the Credit Union from my salary at Brookley. Practically all of the furniture which we used in our home was furniture which I brought to the marriage and things I had purchased before we were married, except the furniture that I bought at Lawrence Furniture Co.. In addition, my family has given me furniture and his mother and father have given pieces of furniture to me. His mother and father always made a point of giving the furniture to me, except a desk that was his grandfather's, which they gave Marshall. I therefore feel that I am entitled to all of the furniture which was used in our home, except the desk.

On several occasions I have requested Marshall to let me move the furniture and the children's playthings and the rest of the children's clothes from the house we rented in Bay Minette, but each time he has refused. Some time in mid-March Marshall moved all of the furniture, the children's toys and playthings and the children's clothes and some of my personal effects to Latham, in Baldwin County, Alabama.

I feel that Marshall is able to provide at least \$25 a week for the support of our minor children, and I feel that I am entitled to the custody of the children and that I am better able to care for the children. Of course, I think Marshall should be allowed to visit the children at reasonable times if he behaves himself.

Mary B. Cumbie
Mary B. Cumbie

Testimony of Mrs. Kathryn Rickman

My name is Kathryn Rickman. I reside at Spanish Fort in Baldwin County, Alabama and I receive my mail at Route 1, Daphne, Alabama. I am over 21 years of age and am a sister of Mary B. Cumbie, the complainant in this case. I live next door to our mother's home where Mary B. Cumbie lives with her three children.

I have been very close to my sister during our lives and feel that she is a fit and competent mother for her children. I assist my sister by helping care for the children while she works at Brookley Air Force Base in Mobile.

I know that my sister and her husband have had trouble all during their married life and that they have separated several times, but she would go back to him, trying to keep a home together for the children.

On a Saturday night late in March or early in April, 1958 my sister called me and said she was having trouble with Marshall and asked me to come get her and the children for the night, as Marshall was tight and was accusing her of infidelity and she was afraid. When I arrived I found that Marshall was there. He was in the bedroom and I asked him if he wouldn't let us take Marsha Fay and why he wouldn't straighten up and behave. I couldn't reason with him and went back to the living

room; he said my sister could take David, but he "bet his life against hers she wouldn't go out of that door with Marsha Fay". He meant by that that Mary couldn't take Marsha Fay. I saw a gun standing there by the chest of drawers in the bedroom when I talked with Mary. He promised me he would behave himself, but I was not satisfied and I went to a pay station and called the law. We drove back and parked about a block from the house until the police arrived as I was worried about my sister and the children.

I know that my sister and her husband have had considerable trouble all during their married life which seemed to me to have become increasingly worse.

I feel that my sister is a trustworthy person and is a good and fit mother to care for and keep her children. I also believe that Marshall's accusations regarding my sister's infidelity to him are completely unfounded. Since January, 1960 I have been living next door to my sister and have seen and observed her in the rearing of her children. I am the mother of three boys myself.

Mrs. Kathryn Rickman
Kathryn Rickman

LAWRENCE FURNITURE COMPANY
225 DAUPHIN STREET

Cash Chg. W.

Number
4 326

TERMS
Cash Down 0.00
Payment 26.00
Per 1 m
Starting 3/1/59
No. Mos. 18
Follow-Up Date 3/1/59

Name Mr. Manford Cumbie
Address 766 So. Dauphin St. Mobile
Res. Phone HE 231140
Bus. Phone _____
ALABAMA }
Mobile County: }
do hereby agree and will pay NATIONAL MANUFACTURE & STORES CORPORATION, trading as the LAWRENCE FURNITURE COMPANY, at its place of business, Mobile, Ala., the sum of _____ Dollars, the same being for the purchase price of the following described property:

PO _____
Add To's _____
Previous Balance _____
Payment _____
Carter
4/20/59

Delivery Instructions: _____
Form 5-15-27-R

Quant.	Dept. No.	ARTICLE	Season	Stock Number	Fig.	Size, Finish Or Cover No.	Chg. Per Exch.	Amount
1	5	Spec. Bk. Suite	599113	Standard Blinds				
1	9	Matt. & bed spring	517	NE 5340-5490	4 1/2			
1	8	Spec. S. inette	541	446311 T-9	9	Wine beige		
1	1	W. Sofa bed	302	171	purple	338	8 1/2	
1	23	Set of chairs	866	17	15	no charge		
								399.95
							L.T.	4.00
							ST. TAX	12.12
							C/C	6.18
							TOTAL	422.25

All Bills Are Due First of Following Month Unless Otherwise Agreed

and for which I further agree to pay the purchase price as indicated above under the word "Terms" listed above. It is expressly understood and agreed that title to said property is to remain vested in and be the property of the Seller until fully paid for, and that I will not sell or dispose of said property, nor remove the goods from the above address without the written consent of the Seller, and the failure to pay any one installment when due shall render all the remaining installments due and payable, and he or his agent, at his option, with or without legal process, may enter at any time at any place where any of such property may be located and repossess said property, without being liable to me in any manner for trespass or damages, upon such repossession by the Seller on account of default, any portion of the purchase price paid by me shall become forfeited, and all payments shall be applied as first for the use of said property. I hereby waive all rights of exemption of personal property in favor of this obligation, and agree to pay all reasonable attorney's fees incurred by said Company in the enforcement hereof or, the collection of monies due hereunder, and any suit brought by said Company based on this contract. The extension of the time for payment or any or all of this obligation shall not impair the rights of said Company as hereinabove set forth. And, whereas I am now indebted to said Corporation in the amount as shown by their records; this conditional sales contract is intended as additional security thereof and such indebtedness is expressly acknowledged and renewed, as of date hereof. And whereas, it is contemplated that the undersigned may become indebted to the Seller in other sums, it is intended that this agreement is for the security thereof, it being understood that all of said contracts shall be carried on the books in one general account against him. This instrument embodies the entire contract, and no verbal representations or agreements will be recognized. Any and all purchases made by me from said Corporation after the date of the execution of this contract, and while the same is in full force and effect, may be added to this contract, thereby conveying to the Corporation title to said property as security for the payment thereof or any other balance remaining due hereunder.

This contract is accepted subject to confirmation by our credit department within ten days. In event same is not accepted Seller agrees to immediately return the cash deposit.
It is understood and agreed that the undersigned purchaser is of age and has the legal capacity to make this contract.

Witness _____ (Seal)

Manager _____ (Seal)
Date Delivered _____ Truck Driver _____ Shipping Clerk _____
Customer's Signature _____ Received Above Merchandise in Good Condition _____

Exhibit R

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

In Equity, No. 4821

TO: Lillian M. Heubach
P. O. Box 1671
Mobile, Alabama

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 Mary B. Cumbie and Katherine Rickman

Katherine

es
a witness/in behalf of complainant in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein Mary B. Cumbie is

, Complainant

and Charles Marshall Cumbie is

Respondent

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

Witness, 18th day of March

, 19 60

Alvin J. Spruce
Register

Commissioner's Fee, \$ 15⁰⁰ *not paid*

Witness' Fees, \$

NO. _____

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

Complainant

vs.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

4821