2970

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

FRANCES CLARK, Complainant

vs.

WILL N. CLARK, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ ~~or~~ Answer and waiver of Respondent 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 Frances Clark is forever divorced from the said Will N. Clark for and on account of Cruelty

That the Complainant, Frances Clark, is hereby awarded the care, custody and control of her minor children, Robert Clark, Ronnie Clark and Shirley Clark, and the Respondent Will N. Clark, is hereby ordered to pay her the sum of $75.00 on the 5th and 20th of each month, beginning March 20th., 1953, for the maintenance and support of such minors.

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

It is further ordered that the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Frances Clark the Complainant pay the cost herein to be taxed, for which execution may issue.

This 6th day of March, 1953

Hubert M. Hare

Judge Circuit Court, In Equity.

I, Alice N. 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 6th day of March, 1953

Register of Circuit Court, In Equity.

No. _____ Page _____

The State of Alabama
Baldwin County

In Circuit Court, In Equity

Frances Clark

Complainant

vs.

Will N. Clark

Respondent

DIVORCE DECREE

FILED

3-6-53

ALICE J. BUCK, Register

S581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

Frances Clark

vs.

Will N. Clark

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, Answer and waiver, and testimony of Frances Clark, as noted by the register

and in behalf of Defendant upon

Solicitor for Complainant

Register.

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No. .....

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 6th

day of March, 1953

Alice J. Lenck
Register.

Printed by the Baldwin Times

MR. CHASON: I might state for the purpose of the record that an answer and waiver has been signed, in which the respondent admits the allegations as to the ages and residence of the parties, and admits that they are man and wife, and the date of marriage, and admits that Mrs. Frances Clark is the proper person to have the care, custody and control of the three minor children, Robert Clark, a boy age 12; Ronnie Clark, a boy aged 10 and Shirley Clark, a girl age 6, and he admits that he is earning approximately $300.00 a month.

MRS. FRANCES CLARK; BEING FIRST DULY SWORN, TESTIFIED:

Q. What is your name, please?
A. Frances Clark.

Q. You are the wife of Will N. Clark?
A. Yes, sir.

Q. Mrs. Clark, you filed a bill for divorce recently in the Circuit Court of Baldwin County, against your husband?
A. Yes, sir.

Q. Did you and your husband separate on September 6, 1952?
A. Yes, sir.

Q. At that time did you file a suit for divorce against him on the ground of cruelty?
A. I did.

Q. Soon after that did you all go back and live together again as man and wife?
A. We did.

Q. I will ask you whether you lived together as man and wife up until on or about December 25, 1952?
A. Yes, sir.

Q. Now in your first divorce suit I believe you alleged that your husband struck you with his fist. Now is that correct, or did he just slap you?

A. He slapped me.

Q. Now soon after December 25, 1952, did you and your husband have another difficulty?
A. Yes, sir, we have had them all of the time.

Q. Do you remember whether you all had a difficulty on or about February 28, 1953?
A. Yes, sir; that was on Saturday night.

Q. At that time did he make any threats against you?
A. Yes. He told me he ought to choke me until my tongue stuck out.

Q. Did you have reason to believe that if you continued to live with him that your life or health would be in danger?
A. I sure did.

Q. You separated from him on the 28th day of February, 1953?
A. I sure did.

Q. Have you all lived together as man and wife since then?
A. No, sir.

Q. What would be a reasonable amount for you to have for support of your three minor children?

Q. $150.00 a month.

Francis Clark

Printed by the Baldwin Times, Bay Minette, Alabama.

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Frances Clark Complainant

VS.

Will N. Clark Respondent

I, Louise Dusenbury

as ~~Register and~~ Commissioner

have called and caused to come before me Frances Clark

witness named in the Requirement for Oral Examination, on the 6th day of February 1953, at the office of Louise Dusenbury in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Frances Clark doth depose and say as follows:

ORAL EXAMINATION.

I, Louise Dusenbury, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness and read over to her and she signed the same in the presence of myself and John Chason at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proom made before me of the identity of said witness; 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 6th day of March, 1953

Louise Dusenbury (L. S.)
Commissioner

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Frances Clark

vs. Complainant

Will N. Clark

Respondent.

Oral Deposition

Filed 3-6, 1953
Alice Hellenbach, Register.

Recorded in _____ Record

Vol. _____ Page _____

_____, Register.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Louise Dusenbury

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 Frances Clark

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Frances Clark is

, Complainant

and Will N. Clark is

Respondent

on oath, to be by you administered, upon examination to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 6th day of March, 1953.

Register.

Commissioner's Fee, $

Witness' Fees, $

No._____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Frances Clark

Complainant—

vs.

Will Clark

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

FRANCES CLARK,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
WILL N. CLARK,	)	IN EQUITY.
Respondent.	)	

ANSWER AND WAIVER

Comes the Respondent in the above styled cause and for answer to the Bill of Complaint filed in said cause, and to each and every paragraph thereof, separately and severally, says:

1. That he admits the allegations of the first paragraph of the Bill of Complaint.

2. That he admits the allegation in the second paragraph of the Bill of Complaint as to date of marriage but denies all other allegations of such paragraph and demands strict proof thereof.

3. That he denies all of the allegations of the third paragraph of the Bill of Complaint and demands strict proof thereof.

4. That he admits the allegations of the fourth paragraph of the Bill of Complaint.

The Respondent hereby waives notice of the taking of testimony in said cause and notice of submission of said cause and agrees that the testimony may be taken and the cause submitted without further notice to him.

Will N. Clark

WITNESS:

~~W. H.~~ Zelma S Lyons

RECORDED

FILED

3-6-53

ALICE J. DUCK, Register

STATE OF ALABAMA)
) IN THE CIRCUIT COURT - IN EQUITY
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Will N. Clark to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Frances Clark, as Complainant, against Will N. Clark, as Respondent.

Witness my hand this 3rd day of March, 1953.

Register.

FRANCES CLARK,	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY.
WILL N. CLARK,	)	
Respondent.	)	

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

Comes your Complainant, Frances Clark, and files this her Bill of Complaint for divorce against Will N. Clark, and shows unto your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant and Respondent are both over the age of twenty-one years, and are both resident citizens of Fairhope, Baldwin County, Alabama, where they have resided for the past nine years.

SECOND:

That your Complainant and the Respondent were married on heretofore to-wit: December 26, 1936, and lived together as man and wife until, on account of the matters hereinafter complained of, your Complainant was compelled to leave the Respondent and live separate and apart from him; that on September 6, 1952, the Respondent committed acts of violence on the person of your Complainant attended with danger to her life or health, by striking her with his fist; that on September 10, 1952, the Complainant filed a suit for divorce alleging the above facts, but the Respondent pursuaded the Complainant to allow him to return to their home about the 15th of September, 1952, and the Complainant lived with him as man and wife until about the 25th of December, 1952; that the conduct of the Respondent was such that since December 25, 1952, the Complainant and Respondent have had separate rooms and have not lived together as man and wife since that time. That on February 28, 1953, the Respondent while in a drunken condition threatened to beat your Complainant and she had reasonable apprehension that if she continued to live with him her life or health would be in danger and she was

compelled to leave the Respondent and live separate and apart from him. That they have not lived together as man and wife since approximately December 25, 1952.

THIRD:

Your Complainant further shows unto your Honor that the Respondent, since his marriage to your Complainant, has become addicted to habitual drunkenness; that practically every week end the Respondent stays drunk the entire week end and at other times during the week when he has money with which to purchase intoxicating drink, that he loses considerable time from his work because of his drunken condition.

FOURTH:

That there was born to your Complainant and the Respondent of this marriage, three children, Robert Clark, a boy, age 12; Ronnie Clark, a boy, age 10; and Sherry Clark, a girl, age 6. That your Complainant is a fit and proper person to have the care, custody and control of said minor children and the Respondent is not a fit and proper person to have the care, custody and control of such minors. That the Respondent is an able bodied man, earning approximately $300.00 per month, except when he loses time because of drunkenness, and that the Complainant does not own any property and has no money or income sufficient to support the above named minor children. That it was necessary that she employ an attorney to institute these proceedings and to that end she has employed the firm of Chason & Stone, Bay Minette, Alabama, as her Solicitors in this cause and she has no property or money with which to compensate said Solicitors for their services in this behalf.

PRAYER FOR PROCESS:

The premises considered your Complainant respectfully prays that the above named Will N. Clark be made a party Respondent to this cause by the usual writ or process of this Honorable Court, requiring him to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this court and the statutes in such cases made and provided.

PRAYER FOR RELIEF:

The premises considered your Complainant respectfully prays that upon a final hearing of this cause that your Honor will enter an order divorcing your Complainant from the Respondent; your Complainant further prays that your Honor will also enter an order or decree awarding the care, custody and control of the said Robert Clark, Ronnie Clark and Sherry Clark to your Complainant and will also order the Respondent to pay to your Complainant an amount each month sufficient for the maintenance and support of the three minor children. That the home in which the parties were living prior to their separation, is in the joint name of the Complainant and the Respondent, and your Complainant prays that your Honor will award the undivided interest of the Respondent in this home to your Complainant in lieu of alimony. That this Court will also ascertain and fix a reasonable fee to be paid by such Respondent to Chason & Stone as Solicitors for the Complainant in this cause. That your Honor will also decree that the Complainant be allowed to remarry if she sees fit. Should your Complainant be mistaken in the relief prayed for, that there be granted to her such other, further and different relief to which she may be entitled and as in duty bound she will ever pray.

Isaacel Clark
Complainant.

CHASON & STONE
Solicitors for Complainant.