

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

CLAUDIA MAE HORTON Complainant

VS.

WILLIAM PENN HORTON Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree and Answer~~

on answer, agreement on file 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 CLAUDIA MAE HORTON

is forever divorced from the said WILLIAM PENN HORTON

for and on account of Cruelty

It is further ordered and decreed that Complainant have the sole care and custody of Elizabeth Eugenia, Lillian Inez and George William, the three younger children of the marriage and Respondent like care and custody of the three older children, ~~Irma Ruth, Mary Lou and William Long, with the right of either~~ either parent to visit the children in care of the other at any reasonable hour, neither party to be restricted as to residence of the children in her or his care. It is further ordered and decreed that neither party shall interfere with or endeavor to restrict the movements or actions of either party.

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 WILLIAM PENN HORTON the ~~Respondent~~ pay the cost herein to be taxed, for which execution may issue.

This 21st day of March, 1945

J. W. Hare  
Judge Circuit Court, in Equity.

I, ROBERT S. 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 \_\_\_\_\_ day of March, 1945

Register of Circuit Court, in Equity

No. 126 Page \_\_\_\_\_

**The State of Alabama**  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

CLAUDIA MAE HORTON

vs. Complainant

WILLIAM PENN HORTON

Respondent

**DIVORCE DECREE**

Filed this \_\_\_\_\_ day of

March, 1945

Register

No. 1265 Page \_\_\_\_\_

**The State of Alabama**  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

CLAUDIA MAE HORTON

vs. Complainant

WILLIAM PENN HORTON

Respondent

**DIVORCE DECREE**

Filed this \_\_\_\_\_ day of

March, 1945

Register

Claudia Mae Horton.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

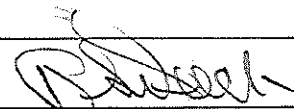
VS.

William Leen Horton.

IN EQUITY  
CIRCUIT COURT OF BALDWIN COUNTY

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, \_\_\_\_\_  
Answer and Waiver and Testimony of Complainant and Gabriel Peacock

and in behalf of Defendant upon Answer and Waiver .



Register.

No. 1265

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The State of Alabama,  
BALDWIN COUNTY

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IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

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Claudia Mae Horton,

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VS.

William Penn Horton.

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NOTE OF TESTIMONY

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Filed in Open Court this 19th

day of March, 1946

*Robert*

Register.

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CLAUDIA MAE HORTON  
Complainant

vs

WILLIAM PENN HORTON  
Respondent

E Q U I T Y  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

DEPOSITIONS OF CLAUDIA MAE HORTON AND GABRIEL PEACOCK, WITNESSES  
FOR COMPLAINT.

The above named witnesses appeared before me, and being duly sworn upon examination by the Solicitor for the Complainant, testified as follows:

CLAUDIA MAE HORTON

I am the Complainant in this case. I was married to William Penn Horton thirteen years ago in June in Silverhill, Alabama, and we have lived together as husband and wife up to the present time with occasional intervals in which I left him because of his conduct. He and I are both over the age of twenty-one years and lifelong residents of Baldwin County. We have six children: Irma Ruth, 12; Mary Lou, 10; William Long, 8; Elizabeth Eugenia, 6; Lillian Inez, 5; and George William, 2; of whom the three youngest are with me and the three older with their father.

Since our marriage and for a number of years past, my husband has been treating me badly. He has repeatedly abused and beaten me and even doing this when I was convalescing from a serious operation about eight months ago. In December last, because of his treatment, I warned him that if he did not stop this I would be compelled to leave him, but he has still been cruel and mistreated me, and I feel that to continue to live with him would be at the risk of my life, as he is very cruel when he gets enraged, which he does without cause or reason on my part. My life with him is not safe and I have now gone back to live with my parents.

Claudia Mae Horton

GABRIEL PEACOCK

The Complainant in this cause is my daughter and while I have never seen her husband strike her, which he was careful not to do in my presence, I have known for a number of months that they were not getting along well together and that he was mistreating and beating her. She would not tell me so herself, but the older children would and outsiders would tell me how cruel he treated her. I could see however that there was trouble between them for she would leave him and come and stay at the house with me. She did this about four times and he would come and beg her to go back to him and promise better treatment, which promises he would not keep. He is a large man and she a little woman. Horton gets drunk and when that way he is unreasonable and cruel and my daughter put up with this as long as she could stand it, but as he kept on getting worse, she has been compelled to leave him and is now living with me.

Last December Horton treated her so badly that Claudia told him she would leave him if he continued this, but it was not long before he was mistreating her again and she is afraid to continue living with him any longer. She took with her the three younger children whom she has with her now. Knowing the man as I do and knowing her, his habits and behavior when drunk I know she is doing the wisest and safest thing for her safety in leaving him.

Gabriel A Peacock

I, HELEN P. BAUGH, acting as commissioner by agreement of parties hereby certify that in the case of CLAUDIA MAE HORTON, Complainant, vs. WILLIAM PENN HORTON, Respondent, pending on the Equity side of the Circuit Court of Baldwin County, I caused CLAUDIA MAE HORTON and GABRIEL PEACOCK, witnesses for the Complainant, to appear before me at my office in Fairhope, Alabama, where, after being duly sworn, upon examination by the Solicitor for the Complainant, they testified as in herein set out; and their testimony after being reduced to writing was read over and signed by them.

I further certify that I am neither of counsel nor of kin to either party to the cause or in anywise interested in the result thereof.

In witness whereof, I hereto set my hand and seal as commissioner this the 16th day of March, 1945.

Helen P. Baugh  
Commissioner

CONFIDENTIAL

*Handwritten signature*

COMMISSIONER THE AIR FORCE AND NAVY, 1942.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at  
Washington, D. C., this 19th day of March, 1942.

*Handwritten signature: Arthur H. Carter*  
*Handwritten signature: J. P. ...*  
*Handwritten signature: ...*

March 19, 1942

1265-

*Handwritten signature*

... I have hereunto set my hand and seal at Washington, D. C., this 19th day of March, 1942.



SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, }  
BALDWIN COUNTY } No. \_\_\_\_\_

CIRCUIT COURT BALDWIN COUNTY

S P R I N G TERM, 1945

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You are hereby commanded to summon \_\_\_\_\_

W I L L I A M P E N N H O R T O N

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 him, the said

William Penn Horton as \_\_\_\_\_, Defendant

by C L A U D I A M A E H O R T O N

Complainant ~~Plaintiff~~

Witness my hand this 27th day of February, 1945.

W. H. Beech  
Register. ~~XXXXX~~

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

**THE STATE OF ALABAMA**

BALDWIN COUNTY

**CIRCUIT COURT**

Plaintiffs

vs.

Defendants

**SUMMONS AND COMPLAINT**

Filed \_\_\_\_\_ 194 \_\_\_\_\_

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

194 \_\_\_\_\_

Sheriff

I have executed this summons

this \_\_\_\_\_ 194 \_\_\_\_\_

by leaving a copy with

Sheriff

Deputy Sheriff

To The

HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT  
of BALDWIN COUNTY, ALABAMA: IN EQUITY

Comes CLAUDIA MAE HORTON, and by this her Bill of Complaint presented against WILLIAM PENN HORTON, respectively shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years and are now and have been for over five years bona fide residents of Baldwin County, Alabama.

SECOND: That Complainant and Defendant were married about thirteen years prior to this date and have lived together as husband and wife in Fairhope up to about the 1st day of January, 1945, when they parted as hereinafter set forth.

THIRD: That at various times in the later years of their married life, Defendant commenced treating Complainant badly, striking and abusing her even at a time when she was convalescing from a serious operation about eight months ago. That he has repeatedly abused and beaten Complainant, who in the month of December last, warned him that if he did not cease mistreating her she would leave him. This warning was of no avail and because of his cruel treatment, she left him on or about January 1, 1945, and has since then lived separate and apart from him.

FOURTH: That to this marriage was born seven children, six of whom are now living; namely:

Irma Ruth	12
Mary Lou	10
William Long	8
Elizabeth Eugenia	6
Lillian Inez	5
George William	2

Of the foregoing children the three youngest are now living with Complainant; the older with Defendant.

THE PREMISES CONSIDERED, Complainant prays that William P. Horton be made party Defendant to this cause and by proper process be required to answer this bill within the time prescribed by law.

Complainant further prays that upon the hearing of this cause a decree be rendered forever divorcing her from the said William P. Horton, granting the right to marry again should she so desire, the

sole custody of the ~~three younger~~ children of the marriage and a proper allowance for their maintenance and education. Also, a suitable sum to be allowed her as counsel fees and such other, further or different relief as to equity may seem meet.

*Elliott S. Rinsley*

Solicitor for Complainant

CLAUDIA MAE HORTON,  
Complainant,

E Q U I T Y

versus

CIRCUIT COURT OF

WILLIAM PENN HORTON,  
Respondent.

BALDWIN COUNTY, Ala.

The parties to the above styled cause, desiring to settle their differences with the minimum of litigation, hereby agree as follows:

If a decree of divorce is rendered, it shall contain a provision that the Complainant shall have the sole care and custody of the three younger children and Respondent the sole care and custody of the three older, with the right of both parents to visit and see the children in care of the other at any reasonable hour.

Neither parent shall be restricted as to residence with said children, either in or outside of the State of Alabama nor shall Respondent be required to pay any alimony or support of children not in his care.

With the grant of divorce, Complainant releases all claim on the property now occupied by the parties as a home.

Respondent, after divorce, is not to interfere with Complainant in any way or to criticise or endeavor to restrict her movements or actions, nor is she to do this as to him.

EXECUTED IN DUPLICATE this the tenth day of March, 1945.

*Claudia Mae Horton...*  
*W. P. Horton...*



CLAUDIA MAE HORTON  
Complainant

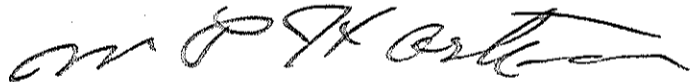
vs

E Q U I T Y  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

WILLIAM PENN HORTON  
Respondent

Comes WILLIAM PENN HORTON, Respondent in the above styled cause, and ~~for~~ answer to the bill of complaint says he denies each and every allegation of same.

Respondent hereby waives notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony of the time and place set for taking same and of the right to introduce evidence in his own behalf. He further agrees that this cause may be submitted for final decree at any time on the pleading and Complainant's evidence as noted by the Register.



Before me the undersigned Notary personally appeared WILLIAM PENN HORTON who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the 23rd day of January, 1945.

Notary Public, Baldwin County, Alabama.

NO. 1265  
EQUITY

CLAUDIA MAE HORTON

vs

WILLIAM PENN HORTON

Defendant

CLAUDIA MAE HORTON

Complainant

NO. 1265 EQUITY  
CIRCUIT COURT

vs

OF

BALDWIN COUNTY, ALABAMA

WILLIAM PENN HORTON  
Defendant

This cause coming on to be heard upon the motion of Complainant for an Order of Reference to ascertain a suitable amount to be allowed Complainant for alimony pendente lite and for counsel fees in accordance with the prayer of the Bill and it appearing to the Court that said order is proper:

~~IT IS THEREFORE ORDERED that the Register of this Court,~~  
after due notice to Defendant or his solicitor, hold a reference to ascertain a suitable sum to be allowed out of the estate of Defendant for the payment of alimony pendente lite and a further sum to be allowed her for her counsel fees in this behalf expended, and make return of his findings.

Done at Monroeville, Alabama, this the 6<sup>th</sup> day of March, 1945.

*A. W. Lare*  
Judge



CLAUDIA MAE HORTON  
Complainant

NO. 1265 E Q U I T Y  
CIRCUIT COURT

vs

OF

BALDWIN COUNTY, ALABAMA

WILLIAM PENN HORTON  
Defendant

Comes the Complainant and moves the Court for an Order of Reference directed to the Register of this Court, requiring him to ascertain and report upon a suitable sum to be allowed Complainant for alimony pendente lite for the support of herself and three infant children, and also what further sum should be allowed her as counsel fees for payment of her solicitor in this cause.

*Elliott S. Rainey*  
Solicitor for Complainant.

No. 1265.

E Q U I T Y .

CLAIDIA MAE HORTON,  
Complainant

vs

WILLIAM PENN HORTON,  
Defendant.

MOTION FOR ORDER  
OF REFERENCE.

*Handwritten notes and signatures in the left margin.*

*Vertical text in the center margin, possibly bleed-through from the reverse side.*

*Handwritten signature and date: March 5, 1945.*

*Elliott G. Rickaby*  
Solicitor for Comp't.

CLERK OF COURT  
COURT HOUSE  
CINCINNATI, OHIO

RECEIVED  
COURT HOUSE  
CINCINNATI, OHIO

APR 10 1945  
COURT HOUSE  
CINCINNATI, OHIO