

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

BERNICE ATKINS

Complainant

VS.

CLARENCE N. ATKINS

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso

on Answer and Waiver of the 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 Bernice Atkins

is forever divorced from the said Clarence N. Atkins

for and on account of Cruelty

It is further ordered, adjudged and decreed that the Complainant,

Bernice Atkins, be, and she is hereby awarded the custody of the minor

child, Barbara Atkins.

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 Clarence N. Atkins

the Respondent pay the cost herein to be taxed, for which execution may issue.

This 15th day of Feb., 1940

J. W. Hall

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

No. 1279 Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

vs. Complainant

Respondent

DIVORCE DECREE

Filed this _____ day of _____
_____, 194_____

Register

BERNICE ATKINS

COMPLAINANT

VS.

CLARENCE N. ATKINS

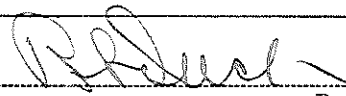
RESPONDENT

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____
Answer and waiver of the Respondent and testimony of Bernice Atkins.

_____ and in behalf of Defendant upon _____



Register.

No. 1279

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 14
day of Feb 1935

REGISTER

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA - - GREETINGS:

WE COMMAND YOU that you summon CLARENCE N. ATKINS to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction within thirty days after the service of summons, and there to plead, answer or demur without oath to a bill of complaint lately exhibited by Bernice Atkins, against the said Clarence N. Atkins, and further to do and perform what the said Judge shall order and direct in that behalf and this the Respondent shall in no wise omit under penalty of the law. And we further command that you return this writ with your execution thereon to our said Court immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Court, this the 14 day of February, 1945.


Register

BERNICE ATKINS COMPLAINANT)	IN THE CIRCUIT COURT OF
VS.)	BALDWIN COUNTY, ALABAMA
CLARENCE N. ATKINS RESPONDENT)	IN EQUITY

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

Your Complainant, Bernice Atkins, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent are both bona fide residents of Baldwin County, Alabama, and are over twenty-one years of age;

2.

That your Complainant and the Respondent were married at Mobile, Alabama, August 7, 1930, and lived together as husband and wife until on to-wit January 1, 1945.

3.

That on to-wit January 1, 1945, and at various times prior thereto, the Respondent threatened and abused the Complainant and often threatened to do violence to her person which would necessarily endanger her life and health; that the conduct of the Respondent was such as to give the Complainant

every reasonable apprehension to believe, and she did actually believe that if she continued to live with him, he would carry out his threats and do violence to her person which would necessarily endanger her life and health.

4.


That there was born to said marriage between the Complainant and the Respondent, one child, a girl, Barbara, now 9 years old who is now and has been all her life with your Complainant, who is fully capable of maintaining, caring and supporting her.

WHEREFORE, the premises considered, Complainant prays that your Honor will by proper process, make the said Clarence N. Atkins party Respondent to this cause of action, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that your Honor will, upon the hearing hereof, enter an order and decree, granting to the Complainant an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the Respondent; and that she be awarded the care, custody and control of the said minor child, Barbara Atkins.

Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

BEEBE & HALL

By: 
Solicitors for the Complainant

1279

**BERNICE ATKINS
COMPLAINANT**

VS.

**CLARENCE N. ATKINS
RESPONDENT**

SUMMONS AND COMPLAINT

R. S. DUCK
clerk, - register

Filed
Jan 14 1945
R. S. Duck
Register

1279

**BERNICE ATKINS
COMPLAINANT**

VS.

**CLARENCE N. ATKINS
RESPONDENT**

ANSWER AND WAIVER

Filed Jul. 14, 1946
R. P. [Signature]
Register

THE STATE OF ALABAMA, }
Baldwin County }

CIRCUIT COURT

TO Lillian Patterson

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 Bernice Atkins

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Bernice Atkins

Complainant
and Clarence N. Atkins

Defendant,
on oath to be by you administered, upon Bernice Atkins

to take and certify the deposition of the witness and return the same to our Court, with all Convenient speed, under your hand.

Witness 14 day of July, 1946

R. Atkins

REGISTER

Commissioner's Fee \$ _____

Witness' Fees. \$ _____

NO. 1279

THE STATE OF ALABAMA
Baldwin County
CIRCUIT COURT

Complainant

VS.

Defendant

Commission To Take Deposition

COMMISSIONER:

Witnesses:

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

BERNICE ATKINS

Complainant

VS.

CLARENCE N. ATKINS

Respondent

I, Lillian Patterson

as ~~Register and~~ Commissioner

have called and caused to come before me Bernice Atkins

witness named in the Requirement for Oral Examination, on the 13th day of February 1945, at the office of Beebe & Hall in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Bernice Atkins doth depose and say as follows:

My name is Bernice Atkins. I am a bona fide resident of Baldwin County, Alabama, and over twenty-one years of age. The Respondent is also a bona fide resident of Baldwin County, Alabama, and over twenty-one years of age.

The Respondent and I married in Mobile, Alabama, August 7, 1930. We lived together as husband and wife until on to-wit-January 1, 1945.

The Respondent and I have for the past 4 or 5 years been having our family troubles. The conditions have grown worse from time to time, until it has gotten to the point where we can no longer live together as husband and wife, as we should. The Respondent has on various occasions threatened and abused me and has often threatened to do violence to my person which necessarily endangered my life and health. The conduct of the Respondent is such as to give me every reasonable apprehension to believe, and I do believe that if I continue to live with him he will carry out his threats and do violence to my person which will necessarily endanger my life and health. The Respondent has for a number of years been working with the Southern Bell Telephone Company, and I likewise have been working for the past several years.

The Respondent and I have accumulated some property in Mobile and Baldwin Counties, however, we have reached a complete settlement of any and all claims that I may have against the Respondent for the support of myself, or our minor child, Barbara. The Respondent in full settlement of all alimony and support for me and our child, is conveying to our child Barbara, property in Mobile and also paying to my child and me \$1000.00 in cash, and \$1000.00 in Government Bonds, and also one 1940 Ford Automobile.

It is expressly understood between the Respondent and me that our daughter, Barbara, is to live with me, and I assume all responsibility for maintaining and supporting her. I have agreed with the Respondent that he may at reasonable times, visit the daughter and that also at reasonable times the daughter may visit him.

Bernice Atkins,

ORAL EXAMINATION.

I, Lillian Patterson, 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 Hubert M. Hall

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 13th day of February, 1945.

Lillian Patterson (L. S.)

NO. 1579 PAGE _____

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

vs. Complainant

Respondent.

Oral Deposition

Filed 2-14, 1945

R. A. Shull, Register.

Recorded in _____

Record _____

Vol. _____ Page _____

Register.

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

Your Petitioner, Bernice Atkins, respectfully represents and shows unto
your Honor as follows:

1.

That on the 15 day of February , 1945, a decree was entered in the case
of Bernice Atkins Complainant, vs Clarence N. Atkins being cause 1279 on the
equity document of the Circuit Court of Baldwin County, Alabama.

2.

That in said decree your petitioner was awarded the custody of the minor
child, Barbara Atkins.

3.

That the decree made no provisions for the maintenance and care of the
said minor child, Barbara Atkins.

4.

That the said Barbara Atkins is in ill health and your petitioner is
not financially able to care and provide for her in a proper manner and do
defray the additional expenses necessary in keeping the said child in school.

5.

That the said Clarence N. Atkins has a responsible job with the telephone
company and makes a salary ample to contribute some toward the support and
maintenance of the said child.

WHEREFORE, the premises considered, your petitioner prays that your Honor
will by proper decree give necessary notices to the said Clarence N. Atkins,
and set this matter down for a hearing, and at such hearing will award to your
petitioner such amount as to Your Honor may seem just and proper for the said
Clarence N. Atkin to contribute to the support of the minor child, Barbara Atkins.
Your Petitioner further prays that the original decree of this court by amended
and modified so as to express the decree of the court after a proper hearing.

Bernice Atkins

Sworn to and subscribed before me on this the 20 day of September, 1946.

Geo. S. Huffman
Notary Public, Baldwin County, Alabama

Geo. S. Huffman, Notary Public
Baldwin Co. Ala.
My Commission Expires Oct. 5th, 1949

Being of the opinion that the Court now
has no jurisdiction in the premises, the
within petition is overruled and denied.

This Sept. 23rd 1946

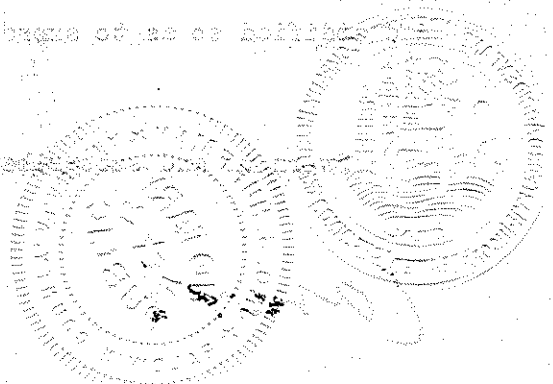
J. W. Hare
Judge

Received
Sept 21 1946

Bernice Atkins
Complainant
VS
Clarence N. Atkins
Respondent
Petition

No. 1299

See file



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

Your Petitioner, Bernice Atkins, respectfully represents and shows unto
your Honor as follows:

1.

That on the 15 day of February, 1945, a decree was entered in the case
of Bernice Atkins Complainant, vs Clarence N. Atkins being cause 1279 on the
equity document of the Circuit Court of Baldwin County, Alabama.

2.

That in said decree your petitioner was awarded the custody of the minor
child, Barbara Atkins.

3.

That the decree made no provisions for the maintenance and care of the
said minor child, Barbara Atkins.

4.

That the said Barbara Atkins is in ill health and your petitioner is
not financially able to care and provide for her in a proper manner and do
defray the additional expenses necessary in keeping the said child in school.

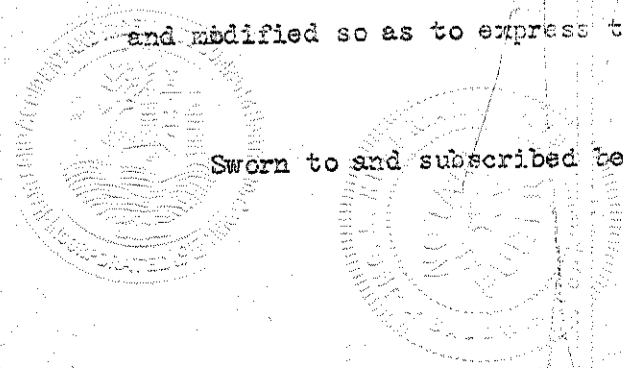
That the said Clarence N. Atkins has a responsible job with the telephone
company and makes a salary ample to contribute some toward the support and
maintenance of the said child.

WHEREFORE, the premises considered, your petitioner prays that your Honor
will by proper decree give necessary notices to the said Clarence N. Atkins,
and set this matter down for a hearing, and at such hearing will award to your
petitioner such amount as to Your Honor may seem just and proper for the said
Clarence N. Atkin to contribute to the support of the minor child, Barbara Atkins.
Your Petitioner further prays that the original decree of this court be amended
and modified so as to express the decree of the court after a proper hearing.

Bernice Atkins

Sworn to and subscribed before me on this the 20 day of September, 1946.

Geo. S. Hudson
Notary Public, Baldwin County, Alabama



IN EQUITY:

Your Petitioner, Bernice Atkins, respectfully represents and wishes unto

your Honor as follows:

That on the 15th day of February, 1946, a decree was entered in the case of Bernice Atkins Complainant, vs Clarence N. Atkins Respondent, Case No. 1378 on the equity docket of the Circuit Court of Baldwin County, Alabama.

The said decree provided that the Respondent was to provide for the support and maintenance of the minor child, Barbara Atkins, Complainant.

That the decree made no provision for the maintenance and care of the said minor child, Barbara Atkins.

That the said Barbara Atkins is in ill health and your petitioner is not financially able to care and provide for her in a proper manner and to defray the additional expenses necessary in keeping the said child in school.

That the said Clarence N. Atkins has a responsible job with the telephone company and makes a salary ample to contribute some toward the support and maintenance of the said child.

WHEREFORE, the petitioner prays that your Honor will by proper decree give necessary notice to the said Clarence N. Atkins,

and that he appear on a hearing, and at such hearing will award to your

petitioner such amount as to your Honor may seem just and proper for the said Clarence N. Atkins to contribute to the support of the minor child, Barbara Atkins.

Your petitioner further prays that the original decree of this court by amended and modified so as to express the decree of the court after a proper hearing.

Given to and subscribed before me on this the 20th day of September, 1946.

Notary Public, Baldwin County, Alabama

Handwritten notes:
9/21/46
Bernice Atkins
1946

