

1386

ORAL DEPOSITION

Printed by The Baldwin Times, Bay Minette.

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Mary Lee Mattingly Complainant

VS.

Herman H. Mattingly Respondent

I, R. S. Duck

as Register and Commissioner in this cause

have called and caused to come before me Mary Lee Mattingly

witness named in the Requirement for Oral Examination, on the 3rd day of August 1945, at the office of J. B. Blackburn

in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Mary Lee Mattingly

doth depose and say as follows:

TESTIMONY OF MARY LEE MATTINGLY

My name is Mary Lee Mattingly. I am over twenty-one years of age and a resident of Baldwin County, Alabama. The Respondent, Herman H. Mattingly, is over twenty-one years of age and a resident of Baldwin County, Alabama. We were lawfully married in Hogansville, Georgia on May 22, 1936 and lived together as man and wife in Baldwin County, Alabama until about February 28, 1945, when we separated. Immediately before we separated the Respondent struck me with his hand at various times while very angry with me and threatened to kill or injure me. From the threats and acts of the said Respondent, I was put in fear of being severely injured or done great bodily harm if I tried to continue to live with him. I separated from him and have not lived with him since the said date.

I am in all respects a fit and proper person to have the permanent custody and control of Nona Alice Mattingly, William Robert Mattingly, Herman Hanson Mattingly and Rose Mary Mattingly, but do not have funds or property with which to support the said children. My husband makes approximately \$150.00 per month and the sum of \$60.00 per month, or \$30.00 each fifteen days is a reasonable amount of alimony for me, for the maintenance and support of myself and the said children, under present conditions.

Mary Lee Mattingly

ORAL EXAMINATION.

I, R. S. Duck, 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 J. B. Blackburn at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness—or had proof 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 3rd day of August, 1945.

R. S. Duck (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Mary Lee Mattingly

vs. Complainant

Herman H. Mattingly

Respondent.

Oral Deposition

Filed August 4, 1945

R. S. Duck, Register.

Recorded in

Record

Vol. _____ Page _____

Register.

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

Your Oratrix, Mary Lee Mattingly, presents this Bill of Complaint against Herman H. Mattingly and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix and the Respondent are each over twenty-one years of age and residents of Baldwin County, Alabama.

2. Your Oratrix and the Respondent were lawfully married in Hogansville, Georgia on May 22, 1936 and lived together as man and wife in Baldwin County, Alabama until, on to-wit, February 28, 1945 when they separated. Immediately before the said separation, the Respondent struck your Oratrix with his hand on several occasions and threatened to kill or injure her, from all of which she was put in fear of being severely injured or done great bodily harm if she tried to continue to live with the said Respondent. Your Oratrix separated from the said Respondent on the said date and has not lived with him since that time.

3. Your Oratrix is the mother and the Respondent is the father of the following children: Nona Alice Mattingly, a girl, nine years of age; William Robert Mattingly, a boy, five years of age; Herman Hanson Mattingly, a boy, two years of age, and Rose Mary Mattingly, a girl, seven months of age, each and all of whom reside with your Oratrix, who is in all respects a fit and proper person to have the custody and control of all of the said children.

4. The Respondent is an ablebodied man, making a monthly salary of approximately \$150.00. Your Oratrix has no means or funds with which to support herself and the said minor children.

PRAYER FOR PROCESS

Your Oratrix prays that the usual process of this Honorable Court forthwith issue to the Respondent, requiring him to

appear and answer, plead to or demur to the Bill of Complaint filed against him in this cause within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Your Oratrix prays for the following separate and several relief:

1. That the bonds of matrimony now existing between your Oratrix and the said respondent be dissolved and that she be divorced from him on the ground of cruelty.
2. That your Oratrix be granted the permanent custody and control of the said minor children.
3. That a proper decree be made and entered, requiring respondent to pay alimony to Complainant for herself and support of the said children.

Your Oratrix further prays for such other further and general relief as she may be equitably entitled to, the premises considered.

Mary Lee Mattingley
Oratrix.

J. B. Blabluum
Solicitor for Oratrix.

RECORD

1386

BILL OF COMPLAINT

MARY LEE MATTINGLY,

Complainant,

VS.

HERMAN H. MATTINGLY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. _____

*Filed August 3,
1945*

*R. L. L. L. L.
Register*

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MARY LEE MATTINGLY,

Complainant,

VS.

HERMAN H. MATTINGLY,

Respondent.

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

ANSWER

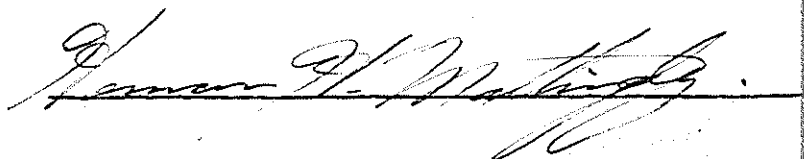
Now comes the Respondent, Herman H. Mattingly, and for answer to the Bill of Complaint filed against him in this cause, says:

1. He admits that the Complainant and Respondent are each over twenty-one years of age; that they were lawfully married in Hogansville, Georgia on May 22, 1936; that he is the father and the Complainant is the mother of the children named in the Bill of Complaint and that the said Complainant is in all respects a fit and proper person to have the permanent custody and control of the said minor children.

2. Respondent denies each and all of the other allegations of the said Bill of Complaint and demands strict proof thereof.

3. Respondent consents that a Commissioner be appointed, testimony taken and this cause submitted for final decree without notice to him, all of which is hereby expressly waived.

4. Respondent admits that he is now making a monthly salary of approximately \$150.00 per month and that Complainant has no funds or means with which to support herself and the said minor children. He further admits that if a divorce is granted in this cause, that the sum of \$60.00 per month for alimony and maintenance and support of the said Complainant and minor children is reasonable.



STATE OF ALABAMA §

BALDWIN COUNTY §

I, J. B. Blackburn, a Notary Public, within and for said

County in said State, do hereby certify that Herman H. Mattingly, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of the said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 3rd day of August, 1945.

J. B. Blackburn
Notary Public, Baldwin County, Alabama.

RECORDED

ANSWER

MARY LEE MATTINGLY,

Complainant,

VS.

HERMAN H. MATTINGLY,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. _____.

*Filed August 3,
1945*

*Rebecca
Regester*

MARY LEE MATTINGLY,

VS.

HERMAN H. MATTINGLY,

Complainant,

Respondent.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NOTE OF TESTIMONY

This cause is submitted for Final Decree on behalf of
the Complainant upon the following:

1. Original Bill of Complaint.
2. Answer.
3. Oral Deposition of Complainant, taken before R. S.
Duck, as register and Commissioner.

Dated this 4th day of August, 1945.



Register.



Solicitor for Complainant.

NOTE OF TESTIMONY

MARY LEE MATTINGLY,

Complainant,
VS.

HERMAN H. MATTINGLY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

MARY LEE MATTINGLY,

VS.

HERMAN H. MATTINGLY,

Complainant,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

FINAL DECREE

This cause coming on to be heard on this date is submitted for Final Decree on the original Bill of Complaint, Answer and the Testimony as noted by the Register, upon consideration of all of which, the Court is of the opinion that the Complainant is entitled to the relief prayed for by her in her said Bill of Complaint; WHEREUPON, it is therefore ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The bonds of matrimony heretofore existing between the Complainant, Mary Lee Mattingly, and the respondent, Herman H. Mattingly, be and they are hereby dissolved and the said Complainant is forever divorced from the said respondent on the ground of cruelty.

2. The Complainant shall be and is hereby given the permanent custody and control of the minor children, Nona Alice Mattingly, William Robert Mattingly, Herman Hanson Mattingly and Rose Mary Mattingly. The respondent shall pay to the Complainant the sum of Thirty Dollars (\$30.00) on the 15th and first days of each and every calendar month, commencing with the 15th day of August, 1945, for permanent alimony.

3. The Complainant and respondent are each hereby permitted to again contract marriage, but they shall not marry except to each other until after the expiration of sixty days from the date of this decree and if an appeal is taken in this cause within sixty days, they shall not marry except to each other during the pendency of the said appeal.

4. The costs of this proceeding are hereby taxed against the respondent, for which execution may issue.

ORDERED, ADJUDGED AND DECREED this 11th day of August, 1945.

J. M. Stase

Judge.

FINAL DECREE

MARY LEE MATTINGLY,

Complainant,
VS.

HERMAN H. MATTINGLY,

Respondent.

1386

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Filed Aug 13 - 1945
R. R. Beck
Plt.