

1423

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

BERTHA CARVIN

Complainant

VS.

BERNETTE CARVIN

Respondent

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

on ANSWER AND WAIVER 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 BERTHA CARVIN is forever divorced from the said BERNETTE CARVIN

for and on account of ADULTERY

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant shall have the custody, care and control of the one minor child, Lugenie Carvin, with the right of the Respondent to visit her at reasonable times; and that the Respondent will pay to the Complainant, as permanent alimony, for the maintenance, care and support of herself and the minor child, the sum of \$10.00 every two weeks, payable on the 1st & 15th of each and every month thereafter.

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

This 12th day of October, 1945

R. W. Hare

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. 1420 Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

BERTHA CARVIN
vs. Complainant

BERNETTE CARVIN

Respondent

DIVORCE DECREE

Filed this _____ day of

October, 1945

Register

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

WE COMMAND YOU, that you summon Bernette Carvin, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising chancery jurisdiction within thirty days after the service of the summons, and there to answer, plead or demur without oath to a bill of complaint, lately exhibited by Bertha Carvin, against the said Bernette Carvin, 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 thereof.

WITNESS, R. S. Duck, Register of said Court, this the 8 day of October, 1945.

Register

.....

BERTHA CARVIN,)
 Complainant.)
 vs.)
 BERNETTE CARVIN,)
 Respondent)

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

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

Your Complainant, Bertha Carvin, a resident citizen of Baldwin County, Alabama, over the age of twenty-one years, respectfully shows unto your Honor that on or about November 11, 1939, Complainant intermarried with said Bernette Carvin, at Pensacola, Florida, and they lived together as man and wife until about January 1940, most of the time residing in Baldwin County, Alabama, and your Complainant has been a bona fide resident citizen of Alabama for one year next preceding the filing of this bill.



2. That the Respondent has committed adultery with one Georgiana DeBose.

3. That there was born to said marriage one child, Lugenie Carvin, aged 5 years; that said child is and has been with your Complainant, who is a suitable, fit and proper person to have her care, maintenance and control; that the Respondent is an able bodied man, easily capable of maintaining and supporting the Complainant and the minor child.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Bernette Carvin 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;

That your Honor will order a reference to determine a reasonable amount of alimony to be paid by the Respondent to the Complainant, pendente lite and permanent, and also a suitable attorney's fee to be paid by the Respondent to the Complainant;

Complainant further prays that upon a final hearing hereof your Honor will grant unto her an absolute decree of divorce forever barring the bonds of matrimony existing between her and the Respondent; that she be awarded the custody of the said child, Lugenie Carvin; that your Honor will give and grant unto her such other, further, different or general relief as she may be entitled to receive, and as in duty bound she will ever pray.


 Complainant

 Forest A. Christian, Foley, Alabama
 Solicitor for Complainant

BILL OF COMPLAINT

1433

1423

BILL OF COMPLAINT

TO THE SHERRIFF OF THE COUNTY OF WYANDOT...
BERNARDINE COUNTY.
THE STATE OF WYANDOTA

BERNARDINE COUNTY, WYANDOTA Defendant
BERTHA CARVIN, Complainant
vs.
BERNETTE GARVIN, Respondent
Complainant

WYANDOTA, IN EQUITY.
TO THE HONORABLE J. A. WEBB, JUDGE OF THE CIRCUIT COURT OF BERNARDINE COUNTY,

IN EQUITY.

FOR ONE YEAR next preceding the filing of this Bill,
the Respondent has been a non-resident of Wyandota
and has been residing in Bernardine County,
Bernette Garvin of Kansas City, Missouri and that
Respondent has been residing in Bernardine County,
Wyandota, for the past one year and one day
and has been residing in Bernardine County,
Wyandota, for the past one year and one day.

1. That the Respondent has committed adultery with one
George W. Brown.

2. That the Respondent has committed adultery with one
George W. Brown.

3. That the Respondent has committed adultery with one
George W. Brown.

4. That the Respondent has committed adultery with one
George W. Brown.

5. That the Respondent has committed adultery with one
George W. Brown.

Solicitor for Complainant
Robert A. Garrison, 101-1/2 Adams
Complainant
Bernette Garvin

BERTHA CARVIN,
Complainant

vs.

BERNETTE CARVIN,
Respondent

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

ANSWER

Now comes Bernette Carvin, the Respondent named in the above entitled cause, and for answer to the Bill of Complaint filed against him herein says:

1. He admits that the Complainant is over twenty-one years of age and a bona fide resident citizen of Baldwin County, Alabama, and that he is over twenty-one years of age and a resident of Baldwin County, Alabama.
2. The respondent denies each and all of the other allegations of the Bill of Complaint and demands strict proof thereof.
3. The Respondent waives all formalities and requirements of law in connection with the taking of testimony in this cause, submission of the cause for final decree and any and all other notice or notices of every kind and nature which are or may be required in this cause.

Bernette ^{his} Carvin
Respondent
mark

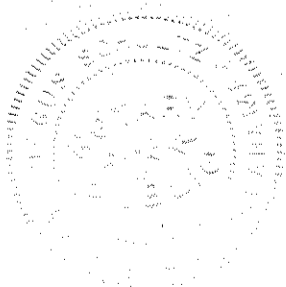
THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, Paul Schuetz, a Notary Public in and for said County and State, do hereby certify that Bernette Carvin, whose name is signed to the foregoing answer, and who is known to me, acknowledged before me on this day that, being informed of the contents of the said answer, he executed the same voluntarily on the day the same bears date.

Given under my hand this the 9th day of October, 1945.

My commission expires:
3-25-49

Paul Schuetz
Notary Public



1723

ANSWER

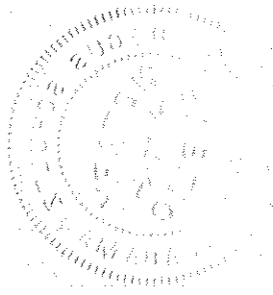
RECORDED

BERTHA CARVIN,
Complainant

vs.

BERNETTE CARVIN,
Respondent

Just Oct 9-1945
Replied



THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

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

WE COMMAND YOU, that you summon Bernette Carvin, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising chancery jurisdiction within thirty days after the service of the summons, and there to answer, plead or demur without oath to a bill of complaint, lately exhibited by Bertha Carvin, against the said Bernette Carvin, 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 thereof.

WITNESS, R. S. Duck, Register of said Court, this the 15 day of October, 1945.

R. S. Duck
Register

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BERTHA CARVIN,)
Complainant) IN THE CIRCUIT COURT OF
vs.) BALDWIN COUNTY, ALABAMA
BERNETTE CARVIN,)
Respondent) IN EQUITY.

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

Your Complainant, Bertha Carvin, a resident citizen of Baldwin County, Alabama, over the age of twenty-one years, respectfully shows unto your Honor that on or about November 11, 1939, Complainant intermarried with said Bernette Carvin, at Pensacola, Florida, and they lived together as man and wife until about January 1940, most of the time residing in Baldwin County, Alabama, and your Complainant has been a bona fide resident citizen of Alabama for one year next preceding the filing of this bill.

2. That the Respondent has committed adultery with one Georgiana DeBose.

3. That there was born to said marriage one child, Lugenie Carvin, aged 5 years; that said child is and has been with your Complainant, who is a suitable, fit and proper person to have her care, maintenance and control; that the Respondent is an able bodied man, easily capable of maintaining and supporting the Complainant and the minor child.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Bernette Carvin 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;

That your Honor will order a reference to determine a reasonable amount of alimony to be paid by the Respondent to the Complainant, pendente lite and permanent, and also a suitable attorney's fee to be paid by the Respondent to the Complainant;

Complainant further prays that upon a final hearing hereof your Honor will grant unto her an absolute decree of divorce forever barring the bonds of matrimony existing between her and the Respondent; that she be awarded the custody of the said child, Lugenie Carvin; that your Honor will give and grant unto her such other, further, different or general relief as she may be entitled to receive, and as in duty bound she will ever pray.

Bertha Carvin
Complainant

Forest A. Christian
Forest A. Christian, Foley, Alabama
Solicitor for Complainant

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

BERTHA CARVIN

Complainant

VS.

BERNETTE CARVIN

Respondent

I, Alica A. Christian
as ~~Register and~~ Commissioner
have called and caused to come before me Bertha Carvin and Ambus Pettibone

witness es named in the Requirement for Oral Examination, on the 10th day of October
1945, at the office of Forest A. Christian
in Foley, Alabama, and having first sworn said Witness es to speak the
truth, the whole truth, and nothing but the truth, the said Bertha Carvin and Ambus Pettibone
doth depose and say as follows:

My name is Bertha Carvin. I am 59 years of age. I married Bernette Carvin at Pensacola, Florida, on November 11, 1939, and we lived together as man and wife until about January 27, 1940. Bernette later went to live with a woman named Georgiana DeBose in her house. They lived together for some time with no one else in the house. I think that this was about 1943. Since then I have seen him with other women. Last Sunday night I saw him with another woman. He has been "going with this woman for about a year. This girl is about 22 years of age and my husband is about 45 years of age. I can't say for sure whether or not they have committed adultery too, but it looks very suspicious. I have lived in Baldwin County since 1936.

Bertha Carvin
Bertha Carvin

My name is Ambus Pettibone. I am 36 years of age. I know Bernette Carvin and Georgiana DeBose. I have seen Bernette go into Georgiana's house every night and go away every morning for about a year. No one else was in the house at the time. This happened some time ago.

Ambus Pettibone
Ambus Pettibone

ORAL EXAMINATION.

I, Alica A. Christian, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition ~~son~~ Oral Examination was taken down by me in writing in the words of the witness ~~es~~ and read over to them and they signed the same in the presence of myself and Forest A. Christian

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness~~s~~ or had proom made before me of the identity of said witness~~s~~; 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 10th day of October, 1945.

Alica A. Christian

NO. 1433 PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

BERNHA CARVIN
vs.
BERNETTE CARVIN

Complainant
Respondent.

Oral Deposition

Filed October 11, 1945
R. R. [Signature], Register.

Recorded in _____ Record

Vol. _____ Page _____
_____, Register.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Circuit Court

To Alica A. Christian

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 Bertha Carvin and Ambus Pettibone

as witnesses in behalf of Bertha Carvin in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

BERTHA CARVIN

Complainant

and

BERNETTE CARVIN

Respondent

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

Witness 10 day of October, 19 45



Register

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 142

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

BERTHA CARVIN

Complainant

VS.

BERNETTE CARVIN

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Alica A. Christian

WITNESSES:

Bertha Carvin and

Ambus Pettibone

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that this agreement made and entered into by and between Bertha Garvin, party of the first part, and Bernette Garvin, party of the second part, WITNESSETH:

WHEREAS, the parties hereto are husband and wife and have come to the conclusion that it is absolutely impossible for them to any longer live together; whereas, a suit is now pending in the Circuit Court of Baldwin County, Alabama, by the party of the first part as Complainant against the party of the second part as Respondent;

WHEREAS, the parties have reached a full and complete agreement as to alimony, custody of the children and payment of all costs.

1.

The party of the first part is to have the custody, care and control of the one minor child, Eugenie Garvin, aged 5 years, with the right of the party of the second part to visit her at reasonable times.

2.

The party of the second part will pay to the party of the first part, as permanent alimony for the maintenance, care and support of herself and the minor child, Eugenie Garvin, the sum of \$10.00, every two weeks, payable on the 1st and 15th of each and every month thereafter.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this the ___ day of October, 1945.

Bernette ^{his} Garvin (SEAL)
Bertha ^{mark} Garvin (SEAL)

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, Wm Schultz, a Notary Public in and for said County and State, do hereby certify that Bertha Garvin and Bernette Garvin, whose names are signed to the foregoing agreement, and who are known to me, acknowledged before me on this day that, being informed of the contents of the said agreement, they executed the same voluntarily on the day the same bears date.

Given under my hand this the 9th day of October, 1945.

My commission expires:

3-25-49

Wm Schultz
Notary Public



1423

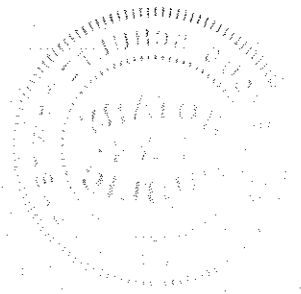
AGREEMENT

BERTHA CARVIN,
Complainant

vs.

BERNETTE CARVIN,
Respondent

Final Oct 9-1945
[Signature]



RECORDED & INDEXED

FILED

BERTHA CARVIN

VS.

BERNETTE CARVIN

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, _____

~~Commission to take Testimony, Oral Depositions of Bertha Carvin and Ambus~~
~~Pettibone and Agreement~~

and in behalf of Defendant upon _____

Answer and Waiver

George H. Allen

_____ Register.

No. 1423

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

BERTHA CARVIN

VS.

BERNETTE CARVIN

NOTE OF TESTIMONY

Filed in Open Court this 11 th

day of October 194 5

[Signature]

Register.