

6667

The State of Alabama,  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity.)

Bertha Butzbach

Complainant.

VS.

Adolph Butzbach

Respondent.

I, T.W. Richerson,

as Register and Commissioner

have called and caused to come before me Mrs. Anna Tenthoff, Bertha Butzbach,  
Joe Schmidt,

witnesses named in the Requirement for Oral Examination, on the 30 day of January  
1928, at the office of Register of the Circuit Court,

in Alabama, and having first sworn said witness to speak the  
truth, the whole truth, and nothing but the truth, the said witnesses,

doth depose and say as follows:

[The remainder of the page is crossed out with a large diagonal line.]

MRS. ANNA TENTHOFF, a witness for complainant, being duly sworn, doth testify as follows:-

My name is Anna Tenthoff, I am, a resident of Elberta in Baldwin County, Alabama, where I have resided for the past six years continuously.

I know both Bertha Butzbach and her husband, Adolph Butzbach. They were, on April 15th., 1927, both over the age of twenty one years and were bona fide residents of Elberta in Baldwin County, Alabama, where they had both resided for about six years next immediately preceding said date.

I know that they were married in July 1922 and that they lived together as man and wife until April 1927 when on account of the way her husband, Adolph Butzbach, treated her, Bertha Butzbach left her house where they lived together and come over and lived with me.

Shortly before Mrs. Bertha Butzbach came to my house to live I have seen Adolph Butzbach curse and abuse her, calling her bad names and he would often come to my house and abuse and curse her.

I have been over to their house and have seen him loose his temper, fly into a rage and he was like a bull dog; he would curse and call her bad names in my presence. At one time she came over to my house and showed me blue marks on her face, relating to me that her husband had hit her there.

I know of no excuse or reason that Adolph Butzbach had for treating her as he did. From what I saw and heard myself I know that he was in the wrong.

I am not related by blood or marriage to either of the parties.

*Mrs. Anna Tenthoff*

BERTHA BUTZBACH, the complainant and a witness for complainant, being duly sworn, testifies as follows:-

My name is Bertha Butzbach and I am the complainant in that certain cause now pending in the Circuit Court-Equity Side, State of Alabama, Baldwin County, wherein Adolph Butzbach is the defendant. Both I and the defendant are over the age of 21 years and are bona fide residents of Baldwin County, Alabama, residing near Elberta at this time and at the time of the filing of the Bill of Complaint.

We were married in July, 1922 and we lived together as man and wife until a few days prior to April 15th., 1927, when, on account of his cruelty to me I was compelled to quit living with him. That about the time I quit living with him and for sometime prior thereto the defendant was guilty of cruel and inhuman conduct. Many times he slapped me, he struck me, on another occasion he drew a gun on me and threatened to shoot me. He committed actual violence on my person attended with danger to life or health. His actions and threats were such that I had reason to fear that he would commit further actual violence on my person attended with danger to life or health.

I gave him no just cause or legal excuse to treat me as he did. I have never lived with him since I left him sometime in April of this year.

Bertha Butzbach.

JOE SCHMID, a witness for complainant, being duly sworn, testifies as follows:-

My name is Joe Schmid and I am 18 years of age and am the son of Mrs. Bertha Butzbach, the wife of Adolph Butzbach. I know that my mother Bertha Butzbach and Adolph Butzbach have been married since about the middle of 1922; they are both bona fide residents of Baldwin County, Alabama, living at Elberta and are over 21 years of age and they were over this age and were such residents on April 15th., 1927.

A few days before April 15th., 1927 my mother was run out of her home and away from her property by Adolph Butzbach and on account of his cruel treatment of her. He has treated her in a cruel and inhuman manner. I have seen him slap her and hit her with his fist. At other times I have seen him draw a gun on her and tell her that he would kill her. He has committed actual violence on her person making bruises and scars and he was getting worse all the time until we moved away from our home about the middle of April. All of this happened at Elberta in Baldwin County, Alabama. My mother has not returned to live with him since they separated during the middle of April.

Joe Schmid

**ORAL EXAMINATION.**

I, T.W. Richerson, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself and Hon. N.C. Stone, Atty, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es; 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 30th day of January 1928

T.W. Richerson (L. S.)

NO. 667. PAGE

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Bertha Butzbach

vs. Complainant

Adolph Butzbach,

Respondent.

**Oral Deposition**

Filed Jan 30th, 1928

T.W. Richerson, Register.

Recorded in

Record

Vol. Page

, Register

The State of Alabama, }  
Baldwin County.

No. 667

CIRCUIT COURT, IN EQUITY

Bertha Butzbach

Complainant

vs.

Adolph Butzbach,

Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and, upon consideration thereof, the Court is of 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 the Complainant is forever divorced from the Defendant.

On account of cruelty,

It is further ordered, that the said Berth Butzbach  
be, and S he is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Bertha Butzbach  
pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then  
execution for such costs may issue against the said Adolph Butzbach

It is further ordered, adjudged and decreed that said Bertha Butzbach  
shall not again marry except to said Adolph Butzbach,  
until sixty days after this date, and that if an appeal is taken within sixty days S he shall not marry again except to  
said Adolph Butzbach, during the pendency of said appeal

This 4<sup>th</sup> day of February 1928

*John D. Ligh*  
Judge of the Circuit Court of Baldwin County.

THE STATE OF ALABAMA, }  
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

I, \_\_\_\_\_ Register of said Circuit Court of said County,  
Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on  
the \_\_\_\_\_ day of \_\_\_\_\_ 192\_\_\_\_, in the cause of  
\_\_\_\_\_ Complainant

vs.

Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the \_\_\_\_\_ day of \_\_\_\_\_ 192\_\_\_\_

Register.

*Murray*

No. 667.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.  
BALDWIN COUNTY, ALA.

Bertha Butzbach

vs.

Adolph Butzbach

DECREE OF DIVORCE.

Filed in office this

*6th*

day of

*July*

1928

*T. W. Ricemson*

Register.

E. O. M.

RECORDED

*Rec'd*

No. 667.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY,  
BALDWIN COUNTY, ALA.

Bertha Butzbach

vs.

Adolph Butzbach

DECREE OF DIVORCE.

Filed in office this

*6th*

day of

*July*

1928

*T. W. Dickerson*

Register.

E. O. M.

RECORDED

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,  
Baldwin County.

}

CIRCUIT COURT, IN EQUITY.

No. 667. .... Vacation Term, 192 8

Bertha Butzbach ..... , Complainant...

vs.

Adolph Butzbach, ..... , Defendant...

To T.W. Richerson, ..... , Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no

defense having been interposed, the Complainant, by N.C. Stone, .....

..... Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

N.C. Stone

.....  
Solicitor for Complainant.



No. 667.

Page

THE STATE OF ALABAMA  
BALDWIN COUNTY  
CIRCUIT COURT, IN EQUITY

Bertha Butzbach

vs.

Adolph Butzbach

REQUEST FOR DECREE IN  
VACATION

FILED

January 30th 1928

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*D. W. Rice*

Register

RECORDED IN RECORD

VOL. PAGE

Register

BERTHA BUTZBACH,  
Complainant,

-vs-

ADOLPH BUTZBACH,  
Defendant,

IN THE CIRCUIT COURT-EQUITY SIDE.  
STATE OF ALABAMA.  
BALDWIN COUNTY.

TO THE HON. THE CIRCUIT COURT OF BALDWIN COUNTY,  
STATE OF ALABAMA, AND THE HON. JOHN D. LEIGH, JUDGE  
THEREOF, SITTING IN EQUITY:-

Comes your complainant, Bertha Butzbach, and exhibits this her Bill of Complaint against the defendant, Adolph Butzbach and for grounds thereof, shows:-

(1). That both your complainant and the defendant are bona fide residents of Baldwin County, Alabama, residing at Elberta, Alabama and are over the ages of 21 years;

(2). That your complainant and the defendant were married on to-wit: July 6th. 1922 and lived together as man and wife until a few days ago when, on account of the matters hereinafter complained of, your complainant was compelled to cease living with the defendant as his wife.

(3). That for sometime prior to their separation the defendant was guilty of cruel and inhuman conduct, committing actual violence on the person of your complainant attended with danger to life or health; that he slapped her, struck her and threatened to shoot her, drawing his gun on her; that his conduct has been and was such that your complainant had reason to apprehend the commission of actual violence on her person attended with danger to life or health.

PRAYER FOR PROCESS AND RELIEF.

THE PREMISES CONSIDERED, complainant prays that the defendant be brought into court by the proper process requiring him to appear and plead, answer or demur within the time and under the penalties prescribed by law and the rules of this court; that

(page two)

upon a final hearing of this cause your Honor will render, adjudge and decree that the bonds of matrimony heretofore existing between your complainant and the defendant be forever dissolved and that your complainant be again permitted to contract the marriage relation should she so desire and, as in duty bound, she will ever pray, etc.

NORBORNE STONE,  
Solicitor for complainant.

FOOTE NOTE:-

The defendant, Adolph Butzbach, is required to answer each and every paragraph of the foregoing Bill of Complaint from 1 to 3, both inclusive, but not under oath, as oath is hereby expressly waived.

NORBORNE STONE,  
Solicitor for Complainant.

(over page)

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vs

Butzbock

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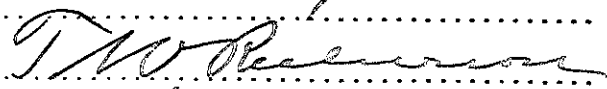
Bertha Butzbach

Adolph Butzbach,

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, decree proconfesso and testimony of Bertha Butzbach, Anna Tenthoff and Joe Schmidt.

and in behalf of Defendant upon



Register.

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No. 667.

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

Bertha Butzbach,

VS

Adolph Butzbach,

RECORDED

NOTE OF TESTIMONY

Filed in Open Court this 30th

day of January 1928

*T. W. Pickens*

Register

MOORE PT&CO

RECORDED

RECORDED

The State of Alabama, }  
Baldwin County.

No. 667.

CIRCUIT COURT, IN EQUITY

Bertha Butzbach,

Complainant.....

vs.

Adolph Butzbach,

Defendant.....

In this cause it appears to the

Register

that a Summons requiring the Defendant

Adolph Butzbach,

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said  
Summons upon Adolph Butzbach,

was served upon by the Sheriff of Baldwin County, Alabama, on the  
26th day of April 1927

And the said Defendant..... having failed to demur, plead to or answer the said Bill of Complaint to this date,  
it is now, therefore, on motion of Complainant,

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed  
against the said Adolph Butzbach,

This 30 day of May 1927

Defendant... aforesaid.

*Tom McInnis*  
Register.

The State of Alabama,  
Baldwin County.

} Circuit Court of Baldwin County, In Equity.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Adolph Butzbach

Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Bertha Butzbach

against said

Adolph Butzbach

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 23 day of

April 1927.

*T. W. Richerson* Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.



No. 667. Page .....

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.

Bertha Butzbach,

Vs.

Adolph Butzbach.

DECREE PRO CONFESSO ON  
PERSONAL SERVICE.

Issued May 30th 1927.

*J. W. Williams*

Register.

RECORDED  
RECORDED

*Original*

SERVE ON \_\_\_\_\_

Circuit Court of Baldwin County  
In Equity.

No. *100*

SUMMONS

Bertha Butzbach

vs.

Adolph Butzbach

**RECORDED**

Borborne Stone.  
Solicitor for Complainant

Recorded in Vol \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

Received in office this \_\_\_\_\_  
day of \_\_\_\_\_ 192

Sheriff.

Executed this *26th* day of  
*April* 192 *7*

by leaving a copy of the within Summons with

*Summons with*  
*Adolph Butzbach*  
Defendant.

*La. Druvin*  
Sheriff.

By *B. O. Morgan*  
Deputy Sheriff.

**RECORDED**

the penalties prescribed by law and the rules of this court; that him to appear and plead, answer or demur within the time and under defendant be brought into court by the proper process requiring

THE PREMISES CONSIDERED, complainant prays that the

PRAYER FOR PROCESS AND RELIEF.

to life or health.

commission of actual violence on her person attended with danger

and was such that your complainant had reason to apprehend the

to shoot her, drawing his gun on her; that his conduct has been

to life or health; that he slapped her, struck her and threatened

violence on the person of your complainant attended with danger

defendant was guilty of cruel and inhuman conduct, committing actual

(3) That for sometime prior to their separation the

ing with the defendant as his wife.

after complained of, your complainant was compelled to cease liv-

wife until a few days ago when, on account of the matters herein-

married on to-wit: July 6th, 1922 and lived together as man and

(2) That your complainant and the defendant were

erta, Alabama and are over the ages of 21 years;

bona fide residents of Baldwin County, Alabama, residing at Elba

(1) That both your complainant and the defendant are

and for grounds thereof, shows:-

this her bill of complaint against the defendant, Adolph Butzbach

Comes your complainant, Bertha Butzbach, and exhibits

TO THE HON. THE CIRCUIT COURT OF BALDWIN COUNTY,  
STATE OF ALABAMA, AND THE HON. JOHN D. LEIGH, JUDGE  
THEREOF, SITTING IN EQUITY:-

IN THE CIRCUIT COURT-EQUITY SIDE.  
STATE OF ALABAMA.  
BALDWIN COUNTY.

BERTHA BUTZBACH,  
Complainant,  
-vs-  
ADOLPH BUTZBACH,  
Defendant.

(page two)

upon a final hearing of this cause your Honor will render, adjudge and decree that the bonds of matrimony heretofore existing between your complainant and the defendant be forever dissolved and ~~that your complainant be again permitted to contract the marriage~~ relation should she so desire and, as in duty bound, she will ever pray, etc.

NORBORNE STONE,  
Solicitor for complainant.

FOOT. NOTE:-

The defendant, Adolph Butzbach, is required to answer each and every paragraph of the foregoing Bill of Complaint from 1 to 3, both inclusive, but not under oath, as oath is hereby expressly waived.

NORBORNE STONE,  
Solicitor for Complainant.

Original

100

Bill of Complaint

Butzbach

vs

Butzbach

RECORDED



Filed 4/15/27

D W Peterson

Register