

The State of Alabama, }  
Baldwin County.

No. 775

Circuit Court, in Equity.

Florence Foster

Complainant

vs.

Jim Foster

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.....  
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.....  
.....  
.....  
.....

It further orderd, that the said Florence Foster be, and <sup>s</sup> he is hererby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Florence Foster 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 Jim Foster

It is further ordered, adjudged and decreed that said Florence Foster shall not again marry except to said Jim Foster until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Jim Foster

..... during the said pendency of appeal

This 26<sup>th</sup> day of June 1929

F. W. Hare  
Judge of the Circuit Court of Baldwin County.

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

Florence Foster, Complainant, }  
VS. } IN THE CIRCUIT COURT OF BALDWIN COUNTY,  
Jim Foster, Respondent. } ALABAMA. IN EQUITY.

TO HONORABLE JOHN D. LEIGH, JUDGE OF SAID COURT:

Humbly complaining your oratrix, Florence Foster, exhibits this bill of complaint against Jim Foster, and in support thereof respectfully shows and represents unto your Honor the following facts, to-wit:

FIRST.

That oratrix, Florence Foster, is over twenty-one years of age, and a resident of Baldwin County, Alabama; that oratrix has been a resident of said County and State all of her life; that the respondent, Jim Foster, is over twenty-one years of age, and, in the belief of oratrix, a non-resident of the State of Alabama; that said respondent's place of residence is unknown to oratrix, and cannot be ascertained after reasonable effort and diligent inquiry.

SECOND.

That oratrix, Florence Foster, and said respondent, Jim Foster, were legally married to each other in Baldwin County, Alabama, during the year 1920; that some time during the early part of 1927, while oratrix and respondent were living together in Baldwin County, Alabama, as man and wife, respondent struck oratrix with his fist, abused and used profane and violent language towards oratrix, threatened to inflict bodily harm to her person, and otherwise intimidated her; that oratrix is afraid of respondent, and on account of the aforesaid cruel and inhuman treatment oratrix cannot longer live with respondent as his wife with any degree of comfort and peace of mind; that since said time respondent has refused and neglected to contribute anything towards oratrix's support and maintenance; that on account of said cruel treatment oratrix was forced and compelled to leave respondent about a year and one-half ago, and have not lived with him as his wife since said time; that oratrix and respondent separated as aforesaid in Baldwin County, Alabama; that during the time oratrix and respondent lived together as man and wife oratrix was in every respect faithful to her marital vows, and gave respondent no just cause for treating her in the inhuman manner as aforesaid.

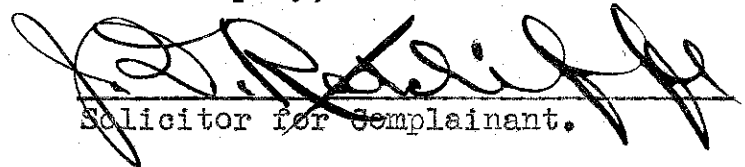
*That said acts of violence on her person were attended with danger to her self and her child*

Prayer for Process.

To the end, therefore, that equity may be done in the premises, oratrix, Florence Foster, prays that the said Jim Foster be made a party respondent to this bill of complaint, and that an order of publication be made and perfected against him as required by law ordering and directing him to answer, plead or demur to the same within the time and under the penalties prescribed by law.

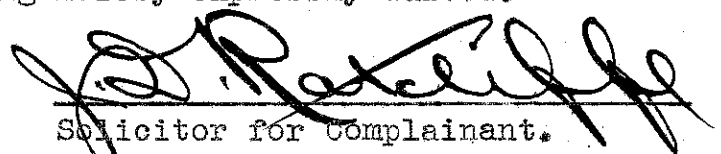
Prayer for Relief.

Oratrix, Florence Foster, further prays, the premises considered, that upon a final hearing of this cause, your Honor, as Judge of this Honorable Court, will grant her a decree of divorce forever dissolving and annulling the bonds of matrimony heretofore subsisting between oratrix, Florence Foster, and respondent, Jim Foster, and that oratrix be given the right and privilege of marrying again should she desire so to do. And oratrix prays for such other, further, different, additional and general relief as to your Honor may seem meet and proper, and oratrix will ever pray, etc.

  
Solicitor for Complainant.

FOOT-NOTE:

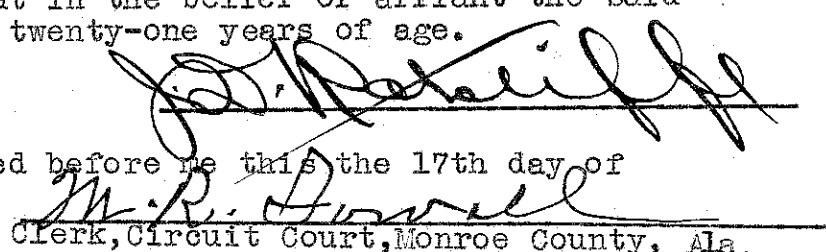
The respondent, Jim Foster, is hereby required to answer each and every paragraph of the above and foregoing bill of complaint, but not under oath, answer under oath being hereby expressly waived.

  
Solicitor for Complainant.

FLORENCE FOSTER, COMPLAINANT; )  
VS. ) IN THE CIRCUIT COURT OF BALDWIN COUNTY,  
JIM FOSTER, RESPONDENT. ) ALABAMA. IN EQUITY.

Before M. R. Sowell, Clerk of the Circuit Court of Monroe County, Alabama, personally appeared J. D. Ratcliffe, known to me, who, being by me first duly sworn, deposes and says:

That he, said affiant, is solicitor of record and agent for Florence Foster, the complainant in the above and foregoing entitled cause, and as such solicitor and agent, has full power and authority to make this affidavit; that the respondent, Jim Foster, is in the belief of affiant, a non-resident of the State of Alabama, and that his place of residence is unknown and cannot be ascertained after reasonable effort and diligent inquiry; that in the belief of affiant the said respondent, Jim Foster, is over twenty-one years of age.

  
M. R. Sowell  
Clerk, Circuit Court, Monroe County, Ala.

Sworn to and subscribed before me this the 17th day of September, 1928.

RECORDED

NO. 775-

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.  
BALDWIN COUNTY, ALA.

~~Florence Foster~~

vs.

Jim Foster

DECREE OF DIVORCE.

Filed in office this 26<sup>th</sup>

day of June, 1927

J. W. Richardson  
Register.

E. O. M.

Moore Printing Co. Bay Minette, Ala.

RECORDED

BAY MINETTE, ALA.

10/1/28

M J.W. Richardson

**THE BALDWIN TIMES**

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE  
ADVERTISING RATES GIVEN ON APPLICATION

J.D. Ratcliffe Atty for Florence Foster vs J. Foster

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REC B  
City

8581 NOTE OF TESTIMONY

Florence Foster.....

.....

.....

vs.

No. 775

.....

..... Jim Foster.....

.....

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 pro confesso and testimony of Florence Foster, Sam Foster and  
Annie Foster

and in behalf of Defendant upon .....

.....

.....

.....

*T. W. Register*

Register.

The State of Alabama,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.  
No. 775      ~~June 24,~~ ~~1929~~      ~~1929~~

..... Florence Foster ..... Complainant ..  
vs. .... Jim Foster ..... Defendant ..

In this cause it appears to the Register T. W. Richerson that the order of publi-  
cation heretofore made in this cause, was published for four consecutive weeks, commencing on the  
27th day of September, 1928, in the Baldwin Times  
a newspaper published in Bay Minette Alabama, that a copy of said order was posted  
at the Court House door in Baldwin County, on the 27th day of  
September 1928, and

..... And it now further appearing to the Register T. W. Richerson, that the said  
..... Jim Foster .....  
..... Jimm .....

..... having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it  
is now, therefore, on motion of Complainant, ordered and decreed by the Register T. W.  
Richerson that the Bill of Complaint in this cause be, and it hereby is in all things  
taken as confessed against the said  
..... Jim Foster .....

This 2nd day of June 1929

*T. W. Richerson* Register.

PUBLISHED EVERY THURSDAY

# THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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ADVERTISING RATES GIVEN ON APPLICATION

R. B. VAIL  
EDITOR AND PROPRIETOR

## NOTICE TO NON-RESIDENT

The State of Alabama, Baldwin County.

Circuit Court, in Equity.  
This the 27th day of September, 1928.

Florence Foster, No. 775, vs., Jim Foster.

In this cause it being made to appear to the Clerk of this Court by the affidavit of J. D. Ratcliffe, Attorney for Complainant, that the Defendant, Jim Foster, in the belief of affiant a non-resident of the State of Alabama that his place of residence is unknown, and cannot be ascertained after reasonable effort and diligent inquiry; and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said Jim Foster, to answer or demur to the Bill of Complaint in this cause by the 28th day of October, 1928, or after thirty days therefrom a decree Pro Confesso may be taken against Jim Foster.

T. W. RICHESON,  
Register.

J. D. Ratcliffe (Monroeville, Ala.)

## BAY MINETTE, ALA.

### ALFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

*R. B. Vail*

being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette,, Baldwin County, Alabama; that the notice hereto attached of \_\_\_\_\_

*Florence Foster # 775 18*

*Jim Foster*

issues:

Was published in said Newspaper for 4 consecutive weeks in the following

Date of first publication	<i>September 27</i>	Vol. <i>39</i>	No. <i>25</i>
Date of second publication	<i>October 4</i>	Vol. <i>39</i>	No. <i>26</i>
Date of third publication	<i>" 11</i>	Vol. <i>39</i>	No. <i>27</i>
Date of fourth publication	<i>" 18</i>	Vol. <i>39</i>	No. <i>28</i>

Subscribed and sworn to before the undersigned this 15 day of

*November* 1928

*R. B. Vail*

Publisher.

*T. W. Richeson*  
*Clerk Court Court*



Florence Foster  
-N.S.-

D. Foster

Filed Nov 15/1928  
D. M. Williams  
Clerk

U

No. 77

Page

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

Florence Foster

vs.

Jim Foster

DECREE PRO CONFESSO  
OF PUBLICATION

Issued June 2nd 1929

*D. W. McCremon*  
Register.

Recorded in Record

Vol. Page

Register.

No. 775-

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

Florence Foster

VS

Jim Foster

NOTE OF TESTIMONY

Filed in Open Court this 24th

day of June 1929

T. M. Riceman

Register

The State of Alabama,  
Baldwin County.

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

Floerence Foster

Complainant.

VS.

Jim Foster

Respondent.

I, T.W. Richerson,

as Register and Commissioner

have called and caused to come before me Florence Foster, Amie Bowers and  
Sam Bowers,

witnesses named in the Requirement for Oral Examination, on the 24th day of June  
1929, at the office of Register,

in Bay Minette, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said witnesses

doth depose and say as follows:

Dotted lines for deposition content.

FLORENCE FOSTER, the complainant and a witness for complainant, being duly sworn, testifies as follows:

My name is Florence Foster; I am at this time and was on September 17, 1928, over the age of twenty-one years and a bona fide resident of Baldwin County, Alabama, having been such a resident all of my life continuously. That on said date the respondent in this cause, Jim Foster, my husband, was over the age of twenty-one years and did not live in Alabama, being on said date, in my belief, a resident of the State of Florida, living near Pineville; I did not know his exact place of residence and could not ascertain same after reasonable effort and diligent inquiry.

That I and the said Jim Foster were married in Baldwin County, Alabama, in 1920, and we lived together until 1927. Shortly before we separated in 1927, and while we were living together in Baldwin County, Alabama, as man and wife, Jim Foster struck me with his fist, abused me and used profane and violent language towards me; he threatened to kill me and threatened my life at different times and in different ways. He not only committed actual violence on me, which was attended with danger to life and health, but his conduct was such and his treatment was so outrageous, that I had reason to fear the infliction of bodily harm, attended with danger to life and health; during the middle of 1927 Jim Foster, after treating me as he did, abandoned me and has never returned to live with me since that time.

I gave him no just cause or real excuse for treating me as he did.

Florence Foster  
Mark

SAM BOWERS, a witness for complainant, being duly sworn, testifies as follows:

My name is Sam Bowers; I am thirty-eight years of age

(page two)

and am a resident of Baldwin County, Alabama, where I have resided all of my life continuously. I know both Florence Foster and her husband, Jim Foster, the complainant and respondent respectively in this cause. I know that on September 17, 1928, they were both over twenty-one years old; Florence Foster was a resident of Baldwin County, Alabama, living at my house, and has been such a resident all of her life continuously; that Jim Foster did not live in Alabama, so far as I knew, but according to reports that I have heard, lived on said date near or at Pineville, in the State of Florida.

Florence Foster and Jim Foster were married in Baldwin County, Alabama, in 1920, and lived together as man and wife until during 1927, when they separated. The separation took place some time in July, 1927. Shortly before they separated I had personal knowledge that Jim Foster was very cruel to his wife, he was continually fussing at her, cursing and abusing her; he was a man of violent temper and would fly into a rage; I heard him on numerous occasions threaten to beat her, even heard him threaten to kill her. I know that his conduct was such that she had every reason to fear the commission by Jim Foster of actual violence on her person, attended with danger to life or health. Since they separated in 1927, she has lived with us, and her husband, Jim Foster, has never been back to live with her. I am not related by blood nor marriage to either party.

Sam Bowers

ANNIE BOWERS, a witness for complainant, being duly sworn, testifies as follows:

My name is Annie Bowers; I am twenty-three years of age, am the wife of Sam Bowers, and am a resident of Baldwin County, Alabama, where I have resided for the past fifteen years continuously. I know both Florence Foster and Jim Foster, her husband, the complainant and respondent respectively in this

(page two)

(page three)

cause. I know that on September 17, 1928, they were both over twenty-one years old; Florence Foster was a resident of Baldwin County, Alabama, living at my house, and has been such a resident all of her life continuously; that Jim Foster did not live in Alabama, so far as I know, but according to reports that I have heard, lived on said date near or at Pineville, in the State of Florida.

Florence Foster and Jim Foster were married in Baldwin County, Alabama, in 1920, and lived together as man and wife until during 1927, when they separated. The separation took place some time in July, 1927. Shortly before they separated, I had personal knowledge that Jim Foster was very cruel to his wife, he was continually fussing at her, cursing and abusing her; he was a man of violent temper and would fly into a rage; I heard him on numerous occasions threaten to beat her, even heard him threaten to kill her; I saw him hit her with his fist. I know that his conduct was such that she had every reason to fear the commission by Jim Foster of actual violence on her person, attended with danger to life or health. Since they separated in 1927, she has lived with us, and her husband, Jim Foster, has never been back to live with her. I am not related by blood nor marriage to either party.

Arnie Bowles

**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 witnesses and read over to them and they signed the same in the presence of myself and Hon John Chason, Atty at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; 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 24th day of June 1929

T.W. Richerson (L. S.)

NO. 775 PAGE

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Florence Foster

vs. Complainant

Jim Foster,

Respondent.

**Oral Deposition**

Filed June 24th, 1929

T.W. Richerson, Register.

Recorded in

Record

Vol. Page

, Register