

KATHRYN M. ANTOINE,  
Complainant

-vs-

ANGELO C. ANTOINE,  
Defendant

IN EQUITY  
IN THE  
CIRCUIT COURT OF

BALDWIN COUNTY, ABABAMA.

The deposition of Mattie S. Lowell and Kathryn M. Antoine, witnesses examined on behalf of the Complainant in the above entitled cause.

The said witnesses appeared before me at the time and place hereinafter named, and after having been first duly sworn by me to speak the truth, the whole truth, and nothing but the truth, did testify and say as follows:

KATHRYN M. ANTOINE.

I am the Complainant in this cause. I am thirty-one years of age and am now and have been all my life, a bona fide resident of the State of Alabama. For the last two years I have lived in Bay Minette, though I am at present employed in Mobile.

Angelo Antoine, the Defendant, is seven years older than I, and is also a life long resident of the State of Alabama. He too has been for the last few weeks employed in Mobile. He and I were married at Bay Minette, on April 29, 1919, and since that date up to about two years ago, lived in Mobile, but later returned to Bay Minette.

Several weeks ago when we came back to Mobile, he went to work for an Insurance Company, and later as a Salesman for an Automobile Company, and I, in the office of the Telephone Company. My husband, however, since we have been in Mobile, has done practically nothing for my support. In the latter part of October, I told him I could not support him, and if he could not support me, I could not live with him, but if he would go to work and make a living, I would return. He went away and stayed several nights, but kept coming back. About the twenty-sixth of October, I was sick and went out to the home of my sister, Mrs. W. J. Lowell, in the western part of the city of Mobile. He came out, and although he had promised

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to stay away from me until he could do something for his own support as I had been paying for this myself.

On the night of November 3, 1928, he came by where I was working and came out with me to my sister's. He and I had an earnest talk, and I told him he was not keeping up to his agreement. He tried to talk me out of this, but I insisted that he would have to do better. Mrs. Lowell left us talking in her living room, where I was lying on the davenport, but before she went to her room, she told Mr. Antoine that she had fixed a room for him. He and I talked awhile and then I fell asleep on the davenport, leaving him sitting up looking at the fire. I was suddenly awakened by a violent blow on my hip, and the cover which I had over me was dragged off. I think he had kicked me, for the next day I had a very bad bruise. He seemed to have flown into a sudden rage for he struck me several times on the side and arm, as well as in the face, calling out, "I am going to kill you," several times. I screamed and he put his hand over my face, but about that time my sister ran in from her room and pulled him off of me, as he had me down on the davenport. He stopped when she came in and pulled him away, but he kept saying he was going to kill me. After my sister came, he did not strike me further, but kept making threats and saying that he would not mind seeing my blood all over the floor.

Mrs. Lowell, my sister, tried to make him ashamed of himself, and made him get out and told him to go home to his mother and tell her about all this and see what she would say about his conduct, and shortly afterward, he put on his hat and left. He has since then pretended to be very sorry, but as he had struck me on several previous occasions at Bay Minette, and would probably have killed me this time, had not my sister intervened, I would not listen to his requests for a reconciliation. I fear he would kill me some time in another fit of rage, in fact he has told other people that he was sorry he had not killed me on this occasion. As it was, he did me serious harm, I had livid black and blue spots on my arms and body and my nose bled at intervals for the next two days,

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where he had struck me in the face. There is still a swollen place on my arm, nineteen days after I was struck.

I will not go back to live with him. He would not support me, nor even himself, and I fear he would kill me, if I stay with him.

Kathryn M. Antoine

MATTIE S. LOWELL

I am the older sister of the Complainant. I live in the western part of the city of Mobile. My sister and her husband have been life long residents of this State, and up to comparatively recently lived together apparently harmoniously.

They left Bay Minette a few weeks ago to look for work in Mobile, as Mr. Antoine was doing practically nothing there, and since they have been here, she has supported the pair of them. She has had to work ever since they were married in order to get a living. When she was sick in the latter part of October I had her come out to my house and then she told me that she was trying to make her husband stay away from her, because he would do nothing for their support. However, he kept coming out to the house, and I could understand that while she was sick, when she recovered she told him positively that he must leave, but he tried to talk her out of this Saturday night, November 3, 1928. I heard a part of the conversation, and left them in my living room still talking and arguing when I started to retire. I told him that he could have my son's room, my son being away that night, and my sister said that she would spend the night on the big davenport in the living room. My husband and grown daughter were away on that night. About an hour after I left them in the living room, I heard her screaming and calling my name. I ran into the living room and found him holding her down on the davenport, with his hand over her mouth and nose, she was struggling violently. I pulled him off of her and he seemed to come to himself somewhat, though he was still in a violent rage and walked up and down the room, threatening with every breath to kill her. Finding that he was utterly unreasonable,

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and kept saying saying the same things over and over again, I told him that he must get out and leave the house before my husband returned from work, and I advised him to go to his own people. My sister was very much upset and excited and showed me her arms and body, where he had struck her. The next day she bore the marks of this, in livid bruises on her arms and body and with a swollen face. Her nose had fits of bleeding several times during the next two days as the result of the blows she had received.

I had never seen Mr. Antoine in a fit of rage before, but this time he seemed like a Mad man, and if I had not come, he would either have killed my sister or seriously injured her. He repeatedly said that he was going to kill her, and has told others since that he was sorry he did not finish the job that Saturday night.

In my opinion, it would dangerous for my sister to live with him, as from what I saw that night, he is a dangerous man, and would probably do her great harm.

He has never supported her since they have been married, and spends what money he makes on himself. Since they have been in Mobile this last time, she has entirely supported him.

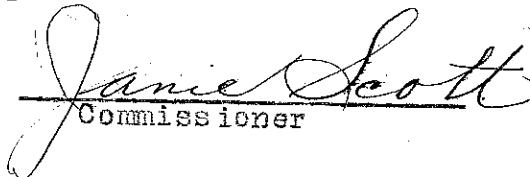
Matthew S. Lowell

CERTIFICATE

I, Janie Scott, the Commissioner named in the attached commission which issued out of the Honorable the Circuit Court of Baldwin County, Alabama, do hereby certify that in a certain cause pending in said court, wherein KATHRYN M. ANTOINE, is Complainant and ANGELO C. ANTOINE, Defendant, under and by virtue of the power conferred upon me by said commission, I cause the said Kathryn M. Antoine and Mattie S. Lowell, who are known to me and whom I know to be the identical witnesses named in the commission, to come before me at my office in the city of Mobile, Alabama, on the twenty-second day of November 1928, where the said witnesses having been first duly sworn by me, upon examination by E. G. Rickarby, Solicitor for the Complainant, testified in response thereto as it is hereinabove written; that the testimony was by me reduced to writing as given by them and as near as might be in the identical language of the said witnesses, and that after said testimony had been so reduced to writing, it was read over by said witnesses who assented to and signed the same in my presence.

I hereby certify that I am not of counsel or of kin to either of the parties to the cause and am not in anywise interested in the result thereof.

WITNESS my hand this the twenty-second day of November, Nineteen Hundred and twenty-eight.

  
Commissioner

The State of Alabama, }  
BALDWIN County

CIRCUIT COURT.

To .....

Miss JANIE SCOTT,

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commission-  
er, and by these presents do authorize you, at such time and place as you may appoint, to call before you and  
examine .....

Kathryn M. Antoine and Mattie S. Lowell

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

KATHRYN M. ANTOINE

is Complainant

and .....

ANGELO C. ANTOINE is

Defendant,

on oath to be by you administered, upon ~~interrogatories~~ oral examination by counsel:  
to take and certify the deposition S of the witness..... and return the same to our Court, with all convenient  
speed, under your hand.

Witness ..... 22nd day of November ..... 1928.

*T. W. Pickens*

Register.

Commissioners Fee \$ 5.00

Witness Fee's \$ .....

No. ....

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT.

IN EQUITY.

KATHERYN M. ANTOINE,

Complainant

Complainant.....

vs.

ANGELO C. ANTOINE,

Defendant.....

COMMISSION TO TAKE DEPOSITION  
ON INTERROGATORIES.

COMMISSIONER:

MISS JANIE SCOTT

WITNESSES:

KATHERYN M. ANTOINE

MATTIE S. LOWELL.

*missives for \$5.00*

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Comes Kathryn M. Antoine and by this her bill of complaint presented against Angelo C. Antoine, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years; residents of the town of Bay Minette, Baldwin County.

SECOND: That Complainant and Defendant were married on April 29, 1919, at Bay Minette, and that since that date, lived in the city of Mobile up to about two years ago when they removed to Bay Minette, though both are at the present employed in the city of Mobile.

THIRD: That on the night of November 3, 1928, the Defendant without warning, ~~flew~~ into a rage and assaulted and beat Complainant, striking her in the face and on her body with his fist, and was prevented from doing her further injury by Complainant's sister, who was sleeping in an adjoining room, and who hearing her sister's cries rushed in. That Defendant has on several previous occasions threatened Complainant with bodily harm, and on this occasion, stated in the presence of Complainant's sister that he was sorry that he had not killed her as he had intended to do, and which he expected to do in the future. Complainant avers that he had several times previous struck her, but had not gone to such lengths as on the occasion here described. Complainant further fears that if she continued to live with him, the Defendant would carry out his threats, and if he did not kill her, would do her serious bodily harm. From the effects of the blows, she had livid bruises on her arms and body, and recurrent fits of nose-bleeding the following day from the blows received in her face. Since November 3, 1928, Complainant has lived entirely separate and apart from the Defendant, and has not resumed marital relations with him in any way.

THE PREMISES CONSIDERED, Complainant prays that Angelo C. Antoine be made party defendant to this cause and required to answer this bill within the time prescribed by law.

COMPLAINANT FURTHER PRAYS, that upon the hearing of this cause,



KATHRYN M. ANTOINE,  
Complainant,

VS

ANGELO C. ANTOINE,  
Defendant

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IN EQUITY

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

Comes Angelo C. Antoine, Defendant in the above styled cause, and for answer to the bill of complaint herein, says he denies each and every allegation of the same.

Having thus fully answered Defendant prays that the bill may be dismissed and he be permitted to go hence with his reasonable costs in this cause expended.

Angelo C. Antoine

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a decree be rendered forever divorcing her from the said Angelo C. Antoine, granting her the right to resume her maiden name, to marry again should she so desire, and such other, further and different relief as to equity may seem meet.

*Elliott B. Rinsley*  
Solicitor for Complainant.

NOTE:

The Defendant is required to answer each paragraph of the foregoing bill, but not under oath.

*Elliott B. Rinsley*  
Solicitor for Complainant.

IN EQUITY

K. M. ANTOINE, COMPLAINANT

-VS-

A. C. ANTOINE, DEFENDANT

ANSWER

*Filed Nov 22, 1928,  
T.W. Richardson  
Register*

RECORDED

KATHRYN M. ANTOINE,  
Complainant,

VS.

ANGELO C. ANTOINE,  
Defendant

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

Comes the Defendant and accepts service and notice of demand for oral examination of Complainant's witnesses. He further accepts service and notice of the time and place set for taking testimony of Complainant's witnesses and agrees that this cause may be submitted for final decree at any time on the pleadings and Complainant's evidence as noted by the Register.

Angela C. Antoine

KATHRYN M. ANTOINE,  
Complainant.

VS

ANGELO C. ANTOINE,  
Defendant

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

The complainant requests the Register to transmit to the Judge to whom this case is assigned, the file of papers in the cause, including Complainant's evidence and note of testimony, with the request that same be submitted for decree in vacation.

*Elliot G. Rinsley*  
Solicitor for Complainant

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KATHRYN M. ANTOINE,  
Complainant

-vs-

ANGELO C. ANTOINE,  
Defendant.

REQUEST FOR SUBMISSION IN  
VACATION

*Filed Nov 23/928  
D. W. Williams  
Register*

RECORDED

IN EQUITY

K. M. ANTOINE, COMPLAINANT

-VS-

A. C. ANTOINE, DEFENDANT.

WAIVER AND CONSENT

*Filed Nov 22, 1928*  
*T. W. [unclear]*  
*Register*

**RECORDED**

8581 NOTE OF TESTIMONY

Kathryn M. Antoine

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.....

vs.

Angelo Antoine

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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 of Defendant and testimony of Mattie S. Lowell and .....  
..... Kathryn M. Antoine, .....

and in behalf of Defendant upon .....



Register.



KATHRYN M. ANTOINE,  
Complainant

VS

ANGELO C. ANTOINE,  
Defendant

IN EQUITY

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

This cause coming on to be heard was submitted upon the bill of complaint, answer 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 her 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 said Kathryn M. Antoine, is forever divorced from the said Angelo C. Antoine, for and on account of cruelty committed upon her person as alleged in said bill of complaint.

It is further ordered that the said Kathryn M. Antoine be, and she is hereby permitted to again contract marriage, but shall not again marry except to the said Angelo C. Antoine, until sixty days after this date, and that if an appeal is taken within sixty days, she shall not marry again except to said Angelo C. Antoine, during the pendency of said appeal. It is further decreed that she may resume her maiden name.

It is further ordered that the Defendant Angelo C. Antoine, pay the costs of this cause for which execution may issue, and if such execution be returned "No property found" then execution for such costs may issue against the said Kathryn M. Antoine.

Done at *Bay Minette, Ala* this the *29<sup>th</sup>* day of November, 1928.

*John D. Leigh*  
Judge of Circuit Court Baldwin,  
County Alabama.

No. 781.

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN EQUITY,  
CIRCUIT COURT OF BALDWIN COUNTY.

Kathryn M. Antoine

VS

Angelo Antoine,

NOTE OF TESTIMONY

Filed in Open Court this 23rd

day of November 1928

*T. W. Peterson*

Register

KATHRYN M. ANTOINE,  
Complainant.

VS

ANGELO C. ANTOINE,  
Defendant

DECREE OF DIVORCE

*Filed Nov 29/928  
T. W. Williams  
Register*

**RECORDED**

LAW OFFICES  
RICKARBY & COLEY  
903-4 VAN ANTWERP BUILDING  
MOBILE, ALA.

Kathryn M. Antoine,  
vs  
Angelo C. Antoine.

Depositions of Mattie S. ~~Lanette~~  
and Kathryn M. Antoine  
Witnesses for Complainant.

*Received  
and filed  
Nov 23/1928.  
T.W. Richerson  
Register*

Mr. Thomas W. Richerson,

Register Circuit Court,

Bay Minette, Ala.



Jami L. Scott  
Commissioner

J. Scott  
Commissioner