

The State of Alabama, }
Baldwin County

No. 826

CIRCUIT COURT IN EQUITY

May Witherington

Complainant

vs.

Henry Witherington

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
Voluntary abandonment and cruelty,

It is further ordered, that the said May Witherington, be, and she 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 May Witherington 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
Henry Witherington,

It is further ordered, adjudged and decreed that the said May Witherington shall not again marry except to said Henry Witherington until sixty days after this date, and that if an appeal is taken within sixty days she shall not marry again except to said Henry Witherington,

_____ during the said pendency of appeal
It is further ordered that May Witherington, have the care custody and control of Cornelia Henrietta Witherington, a girl child 2 years of age, born of this marriage, until further order of this Court
This 5th day of October 1929.

J. 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 _____ 9____, 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 _____, 19____

Register

The State of Alabama,
Baldwin County.

{ No. 826 CIRCUIT COURT IN EQUITY.

May Witherington

Complainant

vs.

Henry Witherington

Defendant

Motion is hereby made for a Decree Pro Confesso against

Henry Witherington

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant; and that said summons was duly served according to law, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This

19th

day of

August

1929

J. Jenkins

Solicitor.

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 Henry Witherington,

of 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 Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by
May Witherington.

against said..... Henry Witherington

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 8th day of

July 1929


 _____ Register

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

8581 NOTE OF TESTIMONY

May Witherington.....

.....

.....

vs.

Henry Witherington,.....

.....

.....

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,.....
..service on Deft. decree pro confesso and testimony of.....

May Witherington and Callie Mixon.....

.....

.....

.....

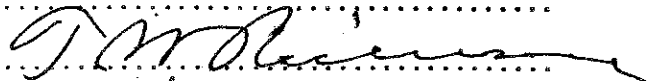
.....

and in behalf of Defendant upon.....

.....

.....

.....



Register.

The State of Alabama, {
Baldwin County.

No. 826.

CIRCUIT COURT, IN EQUITY

May Witherington

Complainant.

vs.

Henry Witherington

Defendant.

In this cause it appears to the Register

that a Summons requiring the Defendant Henry Witherington

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 Henry Witherington

was served upon him by the Sheriff of Escambia County, Alabama, on the 11th day of July 19 29

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

Hon. S. C. Jenkins, Atty for 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 Henry Witherington

Defendant aforesaid.

This 19th day of August 19 29.

Register.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTC CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 826 October Term, 1929

May Witherington, Complainant

vs.

Henry Witherington, 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 S.C.Jenkins

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.

S.C.Jenkins
Solicitor for Complainant.

May Witherington,
Complainant.
vs
Henry Witherington,
Respondent .

In The Circuit Court of Baldwin
County, Alabama.
In Equity .

To The Honorable Francis W . Hare, Judge of the Twenty First Judicial
Circuit of Alabama, which includes Baldwin County :

Humbly complaining, Your Oratrix, May Witherington, respectfully repre-
sents unto your Honor as follows:

1. Your Oratrix, May Witherington and Henry Witherington, the respondent
in this cause, were married at Brewton, in Escambia County, Alabama on or
about, towit, January, loth, 1926 and lived together as man and wife until
June 14th, 1927, two years ago next prior to the filing of this Bill in
this cause; at which time, towit, June 14th, 1927, the respondent, Henry -
Witherington, voluntarily and without any fault on the part of your Oratrix
abandoned her in Baldwin County, Alabama at Bayminette, Ala. in said county,
where next prior to that time they had been living. At this time when he
left home, the respondent did not pay the rent then due on the home and
did not leave any money or supplies of any kind for the support of your
Oratrix and her child then only five months old; at which said time of
said abandonment of your Oratrix by Respondent, said respondent told your
Oratrix to go get herself a job, as he could not support her or provide for
her in any way; since said abandonment he failed to send your respondent
any money or supplies for support of her self and child and since said
abandonment he has remained away and still remains away and has failed to
make any provision for her support whatever. Since said abandonment by re-
spondent of your Oratrix aforesaid, he has failed and refused to give her
any support or maintenance and has failed and refused to live with her;
that because of the desertion of your Oratrix by said respondent as afore -
said, she has been placed in a destitute condition and, also, in a
dependent position . But for the help of her uncle , Mal Smith, and
some help from her father, Kyser Nixon, she could not have lived in any
comfort at all and at the same time take care of her infant child now
just a little over two years of age .

2. Both your Oratrix and respondent are over the age of twenty one years; your Oratrix resides at Bay Minette, Ala. in Baldwin County and respondent resides, when last heard of, at Pollard in Escambia County, Alabama. Your Oratrix has been for more than the past three years next prior to the filing of the Bill in this cause, a bona fide resident citizen of Baldwin County and State of Alabama.

3. During all the time that your Oratrix lived with respondent, the said Henry Witherington, as her husband, respondent was at all times and every way a faithful and dutiful wife and gave him no cause whatever for complaint; but respondent on the other hand, at times, treated her cruelly and most shamefully; he refused to ever go out with her any where in the community where they resided, abused her to her face, and threatened harm at times to the baby; so much so, that she became afraid to even sleep with him or to stay with him at night, when he came home; most of the time he was out of work and made no effort whatever to get work. When respondent would go off to get work, he would stay away as much as three months at a time and, while away from home, he did not send your Oratrix any money or contribute in any way to the support of herself and child.

By his continual neglect, abuse, and disrespect shown to her in the home and among neighbors, respondent suffered humiliation and much mental torture as the result of the cruel treatment she received from respondent in his conduct towards her; and the baby, at times, seemed to even arouse his resentment instead of sympathy; he would follow it around in the yard with a stick or switch, threatening to whip it etc and one time, he set the baby up in a chair in the kitchen and took up a large knife as if he would kill it; my mother coming in just at the time, caused him to desist from any further demonstrations against the child.

Wherefore the premises considered, Your Oratrix prays that a subpoena be issued and directed to the said Henry Witherington, respondent aforesaid, in this cause; that he be brought into this Honorable court and directed to answer the charges herein made against him under the rules of this most Honorable Court; that he be made a party defendant or respondent to this Bill of Complaint and that upon a final hearing of the evidence, your Honor will order, adjudge and decree that the bonds of matrimony heretofore existing between your Oratrix and the said Henry Witherington, respondent aforesaid, be forever dissolved and that your Oratrix be permitted to marry again and that she be granted such other and further relief as may in equity and good conscience seem meet and proper to your Honor, including that of the -

custody of her child, Cornelia Henrietta Witherington, two years old last January, 15th, 1929 .

And your Oratrix will ever pray etc .

Samuel Jenkins

Solicitor for Complainant .

Foot Note:

The respondent is required to answer each and every paragraph of the foregoing Bill of Complaint from 1 to 3 inclusive, but his answer under oath is hereby expressly waived .

Samuel Jenkins

Solicitor for Complainant .

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RECORDED

No. 826

Page

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

May Witherington

VS.

Henry Witherington

REQUEST FOR DECREE IN
VACATION

FILED October 3rd, 1929

J. M. Rice

Register

RECORDED IN RECORD

VOL. PAGE

Register

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RECORDED

No. 826

Page

The State of Alabama,
Baldwin County

Circuit Court In Equity

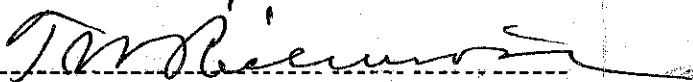
May Witherington

vs.

Henry Witherington

Decree Pro Confesso On
Personal Service.

Issued August 19th 1939.


Register.

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RECORDED

No. 826

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

May Witherington

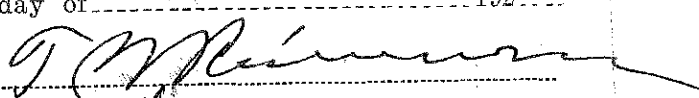
vs

Henry Witherington

NOTE OF TESTIMONY

Filed in Open Court this 3rd

day of October 192 9


Register

2 *Ar. Hines*
RECORDED

SERVE ON

**Circuit Court of Baldwin County
In Equity.**

No. _____

SUMMONS

May *Witherington*

vs.

Henry Witherington

S. C. Jenkins

Solicitor for Complainant

Recorded in Vol. _____ Page _____

*Lines between Breinton
and Pollard.*

#826

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

Received in office this _____

day of _____ 192 _____

Sheriff.

Executed this *11th* day of

July 192*9*

by leaving a copy of the within Summons with

Henry Witherington

Defendant.

A. H. Brown

Sheriff.

By _____

Deputy Sheriff.

3
No. 826

RECORDED

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

May Witherington

vs.

Henry Witherington

**MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE**

Filed August 19th 19 29

T. W. Richmond
Register.

Recorded in Record,

Vol. Page

Register.

Mr
RECORDED

No. 826

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.
Baldwin County, Ala.

May Witherington

vs

Henry Witherington,

DECREE OF DIVORCE

Filed in office this

5th

day of

Oct, 19 *27*

J M Witherington

Register.

E. O. M.

May Witherington
Complainant
vs

Henry Witherington
Respondent

In Circuit Court of
Baldwin County

RECORDED

Filed July
8th 1927

T W Reardon
Clerk

Jenkins, attorney

The State of Alabama,
Baldwin County.

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

Mary Witherington

Complainant.

VS.

Henry Witherington,

Respondent.

I T.W. Richerson,

as Register and Commissioner

have called and caused to come before me May Witherington, and Callie Nixon,

witnesses named in the Requirement for Oral Examination, on the 28 day of Sept
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:

May Witherington the Complainant who being duly sworn testified as
follows:- My name is May Witherington, I am the Complainant in this cause
I am over the age of 21 years. the Defendant Henry ~~W~~ Witherington
is over the age of 21 years of age.

I was married to the said Henry Withering at Brewton Escambia
County, Alabama, January 10th 1926, we lived together as man and wife
until June 14th, 1927, at which time Henry Witherington, the defendant
voluntarily and without any pause on my part abandoned me in
Bay Minette Baldwin County Alabama.

Since that time he has remained away and has failed to
furnish me any support whatever either for myself or child,
and he absolutely refused to give me or my child any support and has
refused and failed to live with me since the said time and told me to
go on and get work to support myself and baby.

As the result of this abandonment I have been placed in a dependent
condition and at times destitute and but for some help from my

father ~~& K~~ K yser Nixon and my Uncle Mal Smith I would not have been able
to take care of myself and infant child

When the said respondent Henry Witherington abandoned me he failed to pay
the rent on the home we were living in and left me completely
destitute.

.....his abandonment of me by the said... Henry Witherington occurred more
t than 2 years before the filing of this bill in this cause....
.....to wit; on June 14th 1926.

.....I am a bona fide resident of Baldwin County Alabama and have been
all my life .

.....Henry Witherington is at present a resident of Escambia
County, Alabama, last heard of at Pollard Alabama.

.....While Henry Witherington and I lived together as man and wife
he treated me most shamefully, he refused to go out with me
in the community anywhere and caused me great humiliation
before my friends and neighbors by his abuse and neglect
and I suffered much mental torture on account of his brutal treatment,
He not only mistreated me but he mistreated the baby at time he would follow
the baby around the yard with a stick threatening to whip it.

and at one time in ^{the} kitchen he put the baby in a chair and picked up
a large knife as if he would kill it but my mother came in about the time
and he ceased any further demonstration, in fact he treated me and the baby
so cruelly that I was afraid to stay with him at night when he came home.

While we lived together as man and wife the most of the time he was out
of work and made no effort to get work and when he would go off to get
work he would stay away as much as 3 months at a time, and during his absence
from home he would not send any money to support myself and child.

May Witherington

Callie Nixon a witness for Complainant who being duly sworn testified
as follows: My name is Calie Nixon I live in Bay Minette Alabama,
and have lived in Baldwin County, Alabama, all my life,

I know May Witherington and Henry Witherington and know when they
were married, they were at Brewton Alabama January 10th 1926,
and lived together as husband and wife for ^{one year &} five months, until about June
14th, 1927, he voluntarily abandoned her and has failed to live with her
as man and wife or to support her in any way, since said time,
said abandonment said Henry Witherington has failed to make any
provision for the support of his wife and child, and since he abandoned
her June 14th 1927 he has not given her a penny, since said abandonment
the said Henry Witherington has remained away and has not lived with her
as man and wife.

May Witheringto treated her husband well as a wife should,
he abandoned her voluntarily and without any cause on her part.

This separation occurred more than 2 years before the filing of the bill
in this cause. Both May Witherington and Henry Witherington are over
the age of 21 years.

May Witherington has been a bon afide resident of Baldwin County, Ala
all her life, Henry Witherington lives in Escambia Co, Ala. and when
last heard of was at Pollard Alabama.

I lived in sight and talking distance of the house in Bay Minet
where May Witherington and Henry Witherington lived and saw them every d
May Witherington was in my house every day, He did not show his wife
any attention and did not go out with her and did not furnish her
or her child any decent clothes to wear or contribute any money
to her or her child at any time.

And he treated their baby worse than he did his wife and threatened
his baby's life at times, At my house on one occasion the morning
he left abandoned his wife he told his wife that she must go.....
to work on that day he ate breakfast at my house.....

In the afternoon of that day while I was in an adjoining room
and Henry Witherington was in the kitchen where the baby was
I saw Henry Witherington open a draw take out a butcher knife
and started toward the baby that was standing in a chair,
in the same room, and when I came in he laid the knife back where he got
it went out of the house and I have never seen him since.....

What he intended to do with ^{the} knife I do not know but he appeared very exc
ed- and never spoke a word. and left immediately.

Calix Nixon
Nixon

ORAL EXAMINATION.

I, Tom Reel, 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 and read over to them and they signed the same in the presense of myself H. S. C. Jensen 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 25 day of Sept 1927
J. M. Reel (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

Oral Deposition

Filed _____, 192_____

Recorded in _____, Register.

Recorded in

Record

Vol. _____ Page _____

Register