

The State of Alabama, }  
Baldwin County

No. 221

CIRCUIT COURT IN EQUITY

~~ELISE POWER.~~

Complainant

vs.

~~PASCHEL POWER.~~

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 Elise Power. and Paschel Power. be, and ~~they~~ 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 Paschel Power. 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 \_\_\_\_\_

It is further ordered, adjudged and decreed that the said Elise Power. and Paschel Power shall not again marry except to ~~sxxx~~ Each other. until sixty days after this date, and that if an appeal is taken within sixty days ~~They~~ he shall not marry again except to ~~sxxx~~ Each Other.

\_\_\_\_\_ during the said pendency of appeal

This 22<sup>nd</sup> day of June.

1936

F. W. Hare

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY

STATE OF ALABAMA }  
BALDWIN COUNTY }

CIRCUIT COURT, IN EQUITY

I, Robert S Duck, 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 June. 1936, in the cause of Elise Power.

Complainant

vs.

Paschel Power.

Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the \_\_\_\_\_ day of June, 19 36

Register

**CIRCUIT COURT, BALDWIN COUNTY, ALA.,  
IN EQUITY.**

No. 271

*Elise* *Joullé*  
VS.  
*Panchil* *Pauer*

PLAINTIFF  
DEFENDANT

**BILL OF COSTS**

Fees of Register	Dollars	Cts.	Brought Forward	
Filing each bill and other papers..... <i>8</i>		<i>20</i>	For receiving, keeping and paying out or distributing money, etc.; 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.	562
Issuing each Subpoena.....		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per cent of amount received.	
Issuing each copy thereof.....		40	Each Notice Sent by Mail to creditors.....	15
Entering each return thereof.....		15	Filing, Receipting for and Docketing each Claim, etc....	25
For each Order of Publication.....		1 00	For all entries on Subpoena Docket, etc.....	50
Issuing Writ of Injunction.....		1 50	For all entries on Commission Docket, etc.....	50
For each copy thereof.....		50	Making Final Record, per hundred words.....	15
Entering each return thereof.....		15	Certified Copy of Decree..... <i>2</i>	1 00
Issuing Writ of Attachment.....		1 00	Report of Divorce to State Health Office.....	50
Entering each return thereof.....		15	Acts 1915	
Docketing each case.....		1 00	Total Fees of Register.....	<i>1150</i>
Entering each Appearance.....		25		
Issuing each Decree Pro Confesso on personal service.....		1 00	<b>Fees of Sheriff</b>	
Issuing each Decree Pro Confesso on publication.....		1 00	Serving and Returning Subpoena on Deft.....	\$1 50
Each order Appointing Guardian.....		1 00	Serving and Returning Subpoena for Witness.....	65
Any other order by Register.....		50	Levying Attachment.....	1 50
Issuing Commission to Take Testimony.....		50	Entering and Returning same.....	25
Receiving and Filing.....		10	Selling Property Attached.....	
Endorsing each package.....		10	Impanelling Jury.....	75
Entering order Submitting Cause.....		50	Executing Writ of Possession.....	2 50
Entering any other Order of Court.....		25	Collecting Execution for Costs.....	1 50
Noting all Testimony.....		50	Serving and Returning Sci. Fa., each.....	65
Abstract of Cause, etc.....		1 00	Serving and Returning Notice.....	65
Entering each Decree.....		75	Serving and Returning Writ of Injunction.....	1 50
For every 100 words over 500.....		15	Serving and Returning Writ of Exeat.....	1 50
Taking account, etc.....		3 00	Taking and Approving Bonds, Each.....	75
Taking Testimony, etc.....		15	Collecting Money on Execution.....	
Each Report, 500 words or less.....		2 50	Making Deed.....	2 50
For every 100 words over 500.....		15	Serving and Returning Application.....	1 00
Amount claimed less than \$500, etc.....		2 00	Serving Attachment, Contempt of Court.....	1 50
Issuing each Subpoena.....		25	Total Fees of Sheriff	
Witness Certificate, each.....		25		
Issuing Execution, each.....		75	<b>Recapitulation</b>	
Entering each return.....		15	Register's Fees.....	<i>1150</i>
Taking and Approving Bond, each.....		1 00	Sheriff's Fees.....	<i>500</i>
Making copy of bill, etc.....		15	Commissioner's Fees..... <i>Chas. H. Smith</i>	
Each notice not otherwise provided for.....		50	Solicitor's Fees.....	
Each certificate or affidavit, with seal.....		50	Witness Fees.....	
Each certificate or affidavit, no seal.....		25	Guardian Ad Litem.....	
Hearing and passing on application, etc.....		3 00	Printer's Fees.....	
Each settlement with receiver, etc.....		3 00	Trial Tax.....	3 00
Examining each voucher of receiver, etc.....		10	Recording Decree in Probate Court.....	
Examining each answer, etc.....		3 00		
Recording resignation, etc.....		75	Total	<i>1950</i>
Entering each certificate to Supreme Court.....		50		
Taking questions and answers, etc.....		25		
For all other service relating to such proceedings.....		1 00		
For service in proceeding to relieve minors, etc same fee as in similar cases.				
Commission on sales, etc.: 1st \$100 2 per cent, all over \$100, and not exceeding \$1,000, 1 1-2 per ct.; all over \$1,000 and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.				
Sub Total Carried Forward				

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_\_

Register.

The State of Alabama, { No. 221 CIRCUIT COURT IN EQUITY.  
Baldwin County.

ELSIE POWER. Complainant

vs.

PASCHEL POWER. Defendant

In this cause it appears to the REGISTER that a summons requiring the Defendant PASCHEL POWER.

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 PASCHEL POWER.

was served upon HIM by the Sheriff of Baldwin County, Alabama, on the 14th day of May 1936.

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 Lloyd A. Magney.

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 Paschel Power.

Defendant aforesaid.

This 17th day of June 1936

Rutha [Signature] Register.

ELISE POWER,  
Complainant,  
-vs-  
PASCHAL POWER,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

BILL OF COMPLAINT

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

PART ONE

Your complainant, Elise Power, respectfully shows to the Court that she is over the age of twenty-one (21) years and a resident of Foley, Baldwin County Alabama, and that the respondent, Paschal Power, is also over the age of twenty-one (21) years and a resident of Foley, Baldwin County, Alabama.

PART TWO

1. Your Complainant further alleges and shows to the Court that she was lawfully married to the respondent, Paschal Power at Oneonta, Alabama, on the 27th day of April, 1934, and that both Complainant and Respondent have been bona fide residents of the State of Alabama for more than three (3) years prior to the filing of this bill of complaint and of Baldwin County, Alabama, for more than one year prior to the filing of this bill of complaint with the bona fide intention of making the same their permanent homes.

2. That ever since her marriage to the Respondent your Complainant has conducted herself towards him as a faithful and obedient wife, has worked and earned money which she has contributed to the upkeep of the home, but notwithstanding his marital duties the said Respondent has ever since said marriage been guilty of extreme cruelty towards your Complainant in this, that he has many times assaulted Complainant, struck her, choked her and otherwise physically abused her and has threatened to do her bodily harm, so that her health has been affected and she has come to

fear the Respondent and that he may carry out his threats to further assault and beat her and as a consequence of such treatment on the part of the Respondent, your Complainant's married life has been rendered intolerable to her and she has separated from the Respondent and desires a divorce.

3. That there are no children of said marriage and the parties own no property.

PRAYER FOR PROCESS

WHEREFORE, Complainant prays that your Honor will grant to her the writ of summons of the State of Alabama directed to the Respondent, Paschal Power demanding him to appear before this Court within thirty (30) days from the service of the same to answer, plead to or demur this bill of Complaint and to stand to and abide such order and decree as may be made herein by this Honorable Court.

PRAYER FOR RELIEF

And your Complainant further prays that upon the final hearing of her cause, your Honor will grant to her a decree of absolute divorce from the respondent, Paschal Power, and that she may have such other and further relief as may be just and equitable; and your Complainant will ever pray & c.

  
Solicitor for Complainant

FOOTNOTE

The Respondent, Paschal Power is required to answer the allegations of part two of this Bill of Complaint from paragraph numbered one (1) to paragraph numbered three (3), but not under oath, oath to answer being hereby expressly waived.

  
Solicitor for Complainant.

STATE OF ALABAMA,  
Baldwin County.

}

CIRCUIT COURT, IN EQUITY.

No. 221 Spring Term, 19236.

Elsie Power, Complainant

vs.

Pascheb Power, Defendant

To Robert SxDuck, 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 Lloyd A Magney

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.

Lloyd A Magney.  
Solicitor for Complainant.

ELISE POWER,  
Complainant,  
-vs-  
PASCHAL POWER,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

BILL OF COMPLAINT

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

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2. That ever since her marriage to the Respondent your Complainant has conducted herself towards him as a faithful and obedient wife, has worked and earned money which she has contributed to the upkeep of the home, but notwithstanding his marital duties the said Respondent has ever since said marriage been guilty of extreme cruelty towards your Complainant in this, that he has many times assaulted Complainant, struck her, choked her and otherwise physically abused her and has threatened to do her bodily harm, so that her health has been affected and she has come to

8581. NOTE OF TESTIMONY

Elsie Power.

VS.

Paschel Power/

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, and

Testimony of Elsie Power. and C L Seavey.

and in behalf of Defendant upon

*Patryk D. ...*

Register.



ELISE POWER,  
Complainant,

-vs-

PASCHAL POWER,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

VOLUNTARY APPEARANCE AND  
WAIVER OF SUMMONS

Comes now Paschal Power, the above named respondent and enters his voluntary appearance in the above entitled cause and expressly waives the issuance and service of summons.

Dated this 13th day of May, 1936.

Paschal Power

IN PRESENCE OF:

W. Magney

The State of Alabama,  
Baldwin County.

No. 221 CIRCUIT COURT IN EQUITY.

Elise Power

Complainant

vs.

Paschal Power

Defendant

Motion is hereby made for a Decree Pro Confesso against

Paschal Power

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 17<sup>th</sup> day of June 1936

Lloyd A. Magrey,

Solicitor.

7.

The State of Alabama, }  
Baldwin County

CIRCUIT COURT

To **Edith Howell.**

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 Elise Power and C. L. Seavey

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

and Paschel Power. Complainant

Defendant,

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

Witness 17th day of June, 1936

Robert S. Deach

REGISTER

COMMISSIONER'S FEE, \$ 1.00

WITNESS' FEES, \$ \_\_\_\_\_

ELISE POWER,  
Complainant,

-vs-

PASCHAL POWER,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

DEPOSITION

TESTIMONY OF ELISE POWER

Elise Power, being first duly sworn on her oath deposes and says:-

I am the complainant in this action and I was married to the respondent, Paschal Power, at Oneonta, Alabama, the 27th day of April, 1934. Both my husband and myself have been residents of Alabama for more than three years before I filed my Bill of Complaint and we have both resided in Baldwin County, Alabama, for more than one year with the intention of making our permanent home there.

Ever since we were married I have had to work and support myself as my husband was unable to earn enough money to keep both of us but I have never objected to this. However, it developed immediately after our marriage that my husband, the respondent, had a violent and uncontrollable temper and almost ever since we were married he has abused and assaulted me whenever he would get into one of his rages and this was a matter of frequent occurrence and would be about the most trivial things.

Whenever he would get into one of his rages he would abuse and threaten me and generally he would take me by the throat and shake and choke me until I have thought, on several occasions, that he would kill me.

I was so afraid of him all the time that I have become ill and nervous and it is simply impossible for me to live with him any longer.

We separated, that is I left him, just before filing my Bill for divorce and we have not lived together since. I am afraid to live with him any more as I am afraid that he will injure me severely or kill me in one of his fits of temper.

I have always been a faithful wife to him and done everything I could to make our marriage a success but it is impossible for us to live together longer as he is simply unable to control himself when his temper is aroused.

Elise Power

TESTIMONY OF C. L. SEAVEY

My name is C. L. Seavey, I reside in Foley, Alabama, where I am in business as the local agent of the Standard Oil Company.

My wife and I became acquainted with Paschal and Elise Power about the time they came to Baldwin County, something over a year ago and since that time we have gone around together and have been more or less, in their company and I have had the opportunity of observing his treatment of his wife.

She has always been a hard working girl and he seems to be a hard worker too but he has never treated his wife as he should since I have known them.

He seems to have a violent temper and any little thing will cause him to fly into a rage with his wife. He never has assaulted her while we were together but I have seen bruises on her which she told my wife and I were caused by him. I recall one time when her throat was badly bruised and we could see the prints of fingers on it and she said that they were caused by her husband choking her the night before.

So far as I know they are both respectable young people but it is obvious that they cannot live together as husband and wife.

CERTIFICATE

STATE OF ALABAMA }  
BALDWIN COUNTY }

I, Edith Howell, Commissioner by virtue of the attached commission, to take the testimony of Elise Power and C. L. Seavey, do hereby certify that I caused said witnesses to come before me, in my office at Foley, Alabama, on the 20th day of June, 1936, and after said witnesses had been duly sworn I reduced their testimony to writing, and the same was read over by the witnesses and signed and sworn to by them.

I have personal knowledge of the identity of the witnesses, I am not of counsel or of kin to any of the parties to the suit, nor in any manner interested in the result thereof.

IN WITNESS WHEREOF: I have hereunto set my hand this 20th day of June, 1936.



Commissioner

RECORDED  
*Duck*  
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No 221

THE STATE OF ALABAMA  
BALDWIN COUNTY  
CIRCUIT COURT, IN EQUITY

~~Elsie Power.~~

vs.

~~Paschel Power.~~

REQUEST FOR DECREE IN  
VACATION

FILED June 22 1936

*Richard Duck*

Register

RECORDED IN ..... RECORD

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Register