

ELAINE PURDY,
Complainant,
vs.
WILLIAM PURDY,
Respondent.

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

This cause coming on to be heard, was submitted upon the original Bill of Complaint on behalf of the complainant, Answer and Agreement of the respondent, 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 said Bill;

It is therefore ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the complainant and respondent be and the same are hereby dissolved and the complainant is forever divorced from the respondent on the ground of cruelty.

It is further ORDERED that the said Elaine Purdy be and she is hereby permitted to again contract marriage upon the payment of the cost of court in this cause.

It is further ORDERED that the said Elaine Purdy pay the cost herein taxed, for which execution may issue.

It is further ORDERED, ADJUDGED AND DECREED that the said Elaine Purdy shall not again marry, except to the said William Purdy, until sixty days after this date, and that if an appeal is taken within sixty days, she shall not marry again, except to said William Purdy, during the pendency of the appeal.

It is further ORDERED, ADJUDGED AND DECREED that the said Elaine Purdy shall have the custody, care and control of Clara Elizabeth Purdy, subject to the further orders and jurisdiction of this Court.

Dated at Monroeville, Monroe County, Alabama, on this the 3rd day of September, 1931.

J. W. Hare
Judge of the Circuit Court of
Baldwin County, Alabama.

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

Comes your Complainant, ELAINE PURDY, and humbly complaining against WILLIAM PURDY, respectfully represents and shows unto your Honor as follows:

FIRST:

That she is a bona fide resident of Baldwin County, Alabama, and has been for more than three years next preceding the filing of this Bill of Complaint; that she is over twenty-one years of age; that the respondent, William Purdy, is over twenty-one years of age, and a resident of Baldwin County, Alabama, but is temporarily sojourning at Bradfordsville, Kentucky.

SECOND:

That your complainant and the respondent are wife and husband, having intermarried at Pensacola, in the State of Florida, on December 12, 1930.

THIRD:

That they lived together as husband and wife in Foley, Baldwin County, Alabama, until on or about the 11th day of April, 1931.

FOURTH:

That on or about, to-wit, April 11, 1931, and on various occasions prior thereto the respondent cursed, abused and threatened your complainant, and on said April 11, 1931, did actual violence to her person by striking or pinching her; that the conduct of the respondent was such as to cause your complainant to have every reasonable apprehension to believe and she did actually believe that the respondent would commit further actual violence on her person which would of necessity be attended with danger to her life or health.

FIFTH:

That your complainant and the respondent had one child, a girl four years old: Clara Elizabeth Purdy; that the respondent

ent, on account of his habits and his accustomed use of strong drinks, is not a suitable person to have the custody and care of said child; that your complainant is the proper and suitable person to have the custody and care of such child.

WHEREFORE, the premises considered, your complainant prays that your Honor will by proper process make the said William Purdy party respondent to this Bill of Complaint, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your complainant further prays that upon a final hearing of this cause, your Honor will grant unto her an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the said William Purdy; that your Honor will enter a further decree giving and granting unto her the custody and control of said child, Clara Elizabeth Purdy. And your complainant further prays that your Honor will give and grant unto her such other, further, different or general relief as she may be in equity and good conscience entitled to receive. And as in duty bound, your complainant will ever pray.

Clara Purdy
Complainant.

Beebe & Stace
Solicitors for Complainant.

FOOT NOTE:

The respondent is required to answer each and every allegation contained in the foregoing Bill of Complaint in Paragraphs FIRST to FIFTH inclusive, but not under oath, oath being hereby expressly waived.

Clara Purdy
Complainant.

Beebe & Stace
Solicitors for Complainant.

ELAINE PURDY,)	
Complainant,)	IN THE CIRCUIT COURT-EQUITY SIDE
-vsp)	STATE OF ALABAMA
WILLIAM PURDY,)	BALDWIN COUNTY.
Respondent.)	

Now comes the Respondent and files the following and for Demurrers to the Complaint, says:-

FIRST:

That said Bill of Complaint contains no equity.

SECOND:

That the averments contained in said Bill of Complaint are but conclusions of the Pleader.

THIRD:

That said Bill of Complaint fails to set out, as the law requires, sufficient acts on the part of the Defendant that would justify relief.

FOURTH:

That said Bill of Complaint fails to show that the striking or pinching was such as to endanger her life or health or justify the Complainant in alleging that she has suffered grievous bodily harm.

FIFTH:

That the conduct alleged in the fourth paragraph on the part of the Defendant does not justify the inference or belief that the Defendant would commit further actual violence on her person which would of necessity be attended with danger to her life or health.

SIXTH:

That the fifth paragraph of the Bill of Complaint fails to allege that the Defendant became addicted to the use of strong drinks after they entered into the marital state.

SEVENTH:

That said Bill of Complaint fails to allege what kind of strong drink that the Defendant had become accustomed to use.

EIGHTH:

(page two)

That said Bill of Complaint fails to show wherein the Defendant is an unsuitable person to have the custody and care of said child.

NINTH:

That said Bill of Complaint fails to allege any state of facts that would justify the allowance of solicitor's fees to prosecute her said suit.

TENTH:

That said Bill of Complaint shows that she has no suit to prosecute.

Hy Park Reed & Cheson
Solicitors for Respondent.

DEMURRERS TO BILL OF COMPLAINT

ELAINE PURDY,

Complainant,

-vs-

WILLIAM PURDY,

Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Filed this 18th day of July, 1931

W. H. Heard
Register.

LAW OFFICES

HYBART, HEARD

& CHASON

BAY MINETTE, ALABAMA

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTC CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 902.

Vacation Term, 19231.

Elaine Purdy, Complainant

vs.

William Purdy, 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 Beebe & Hall,

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.

Beebe & Hall

Solicitor for Complainant.

No. 902.

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THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Elaine Purdy

vs.

William Purdy

REQUEST FOR DECREE IN
VACATION

FILED Septt 2nd, 1931 192

J. M. Rice
Register

RECORDED IN RECORD

VOL. PAGE.

Register

No. 992

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Elaine Purdy

VS

William Purdy

NOTE OF TESTIMONY

Filed in Open Court this 2nd
day of September, 1931

D. W. Rice

Register

ELAINE PURDY,

Complainant,

-vs-

WILLIAM PURDY,

Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Comes the Respondent and waives all notice of the taking of testimony and the right to cross examine and agrees to a submission of this cause on the testimony as taken by the Complainant.

My best, Heard & Thorne
Attorneys for Respondent.

Register.

FILED

OFFICE OF THE

BALDWIN COUNTY

CLERK OF THE COURT

IN THE CIRCUIT COURT-EQUITY SIDE

Respondent.

WILLIAM PURDY,

-vs-

Complainant.

ELAINE PURDY.

TO ALL WHOM THESE PRESENTS SHALL COME, I COMMAND YOU TO TAKE NOTICE THAT THE ABOVE NAMED PLAINTIFF HAS FILED WITH ME A PETITION FOR THE RECOVERY OF THE SUM OF FIFTY DOLLARS AND COSTS, AND THAT SHE HAS REQUESTED THAT YOU TAKE NOTICE OF THE SAME.

WAIVER OF NOTICE OF TAKING OF
TESTIMONY AND RIGHT TO CROSS
EXAMINE.

ELAINE PURDY,

Complainant,

-vs-

WILLIAM PURDY,

Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Filed 29 day of September,
1931.

J. M. McQuinn
Register.

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

Complainant,
-vs-
WILLIAM PURDY,
Respondent.

Comes the Respondent and waives all notice of the
taking of testimony and the right to cross examine and agrees to
a submission of this cause on the testimony as taken by the Com-
plainant.

Attorney for Respondent.

The State of Alabama }
Baldwin County

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

Elaine Purdy

COMPLAINANT

VS.

William Purdy,

RESPONDENT

I, T.W. Richerson,

as Register and Commissioner

have called and caused to come before me Elaine Purdy and Viola Ard,

29th

witness es named in the requirement for Oral Examination, on the 29th day of August,

1931, at the office of Register,

in Bay Minette, 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:

My name is Elaine Purdy. I am the complainant in the above styled cause. I am a resident of Baldwin County, Alabama, and have been for more than three years, next preceding the filing of the bill of complaint in this cause. I am over twenty-one years of age. William Purdy, the Respondent, is over twenty-one years of age and a resident of Baldwin County, Alabama. William Purdy and I were married in Pensacola, Florida, on December 12, 1930. We lived together as husband and wife in Foley, Baldwin County, Alabama, until in April, 1931. That on or about, to-wit, April 11, 1931, and on various occasions prior thereto, William Purdy cursed, abused and threatened me, and on said date in April did actual violence to me by striking and pinching me. That during the time we lived together the Respondent drank rather heavily and on occasions when he was under the influence of strong drink he cursed and abused me and his conduct was such that on all these occasions he gave me every reason to believe that he would carry out his many threats to do actual violence to my person which would necessarily endanger my life and health. He began mistreating me soon after we were married and continued from time to time to become worse until on said date in April I was forced, on account of his conduct, abuses and threats, to leave him. I have not lived with him since that date and he has not contributed anything towards my support or the support of our child. We have one child, a girl four years old, Clara Elizabeth Purdy, by former marriage, who has been all of her life and is now staying with me. I have of necessity had to support the child out of my own earnings and the Respondent has contributed very little, if anything, to her care and welfare. He drinks rather heavily and his mode of living is such that he is not a competent or qualified person to have the custody of the child. I am at present earning my own livelihood and am able to supply the child with food, clothes and the necessities of life.

Viola Ard, a witness for the Complainant, being duly sworn deposes and says:

Elaine Purdy

My name is Viola Ard. I am a resident of Foley, Baldwin County, Alabama, and am a sister of the Complainant in this cause. I have been living with my sister, the Complainant in this cause, during the whole time that she and her husband have lived together since December, 1930. Soon after my sister and William Purdy were married he began mistreating her by cursing, abusing and threatening her. His conduct was usually, as it seems, a result of the use of strong drink. He very often came home under the influence of strong drink and on practically every occasion would curse, abuse and threaten my sister, Elaine. His conduct kept on and grew worse from time to time and in April, 1931, while I was present at their home the Respondent, William Purdy, came in drinking, cursed, abused and threatened and actually did violence to the person of the Complainant by striking or pinching her. His conduct on this occasion and various other occasions while he was under the influence of strong drink was such as to cause anyone to reasonably believe that he would carry out his threats and do actual violence to the person of the Complainant. There was born to my sister and the Respondent, by a former marriage, a girl child now four years old, Clara Elizabeth Purdy, who has all of her life been living with my sister and my sister has of necessity had to care for, protect and support her. My sister is very capable of earning a livelihood for herself and her child and is the suitable and proper person and should have the custody and control of such child.

Viola Ard.

ORAL EXAMINTAION

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 myself and Hon.H.M.Hall Atty for Complainant, 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 29th day of August 19 31.

_____(L. S.)

No. 992.

Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Elaine Purdy

VS.

William Purdy.

RESPONDENT

ORAL DEPOSITION

Filed August 29th, 1931, 193

RECORDED IN

T.W. Richerson, Register.

Record

Vol. _____ Page _____

_____, Register

ELAINE PURDY,
Complainant,
-vs-
WILLIAM PURDY,
Respondent.

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

ANSWER OF RESPONDENT TO ORIGINAL BILL OF COMPLAINT.

Comes the Respondent and for answer to the Original Bill of Complaint in this cause filed, says:

1st. Answering the first paragraph your Respondent admits the allegations thereof.

2nd. Answering the second paragraph your Respondent admits the allegations thereof.

3rd. Answering the third paragraph your Respondent admits the allegations thereof.

4th. Answering the fourth paragraph your Respondent denies each and every allegation contained therein and states that the same are wholly without foundation and are untrue.

5th. Answering the fifth paragraph your Respondent denies each and every allegation thereof.

Hyatt, Heard & Chason
Solicitors for Respondent.

My name is Viola Ard. I am a resident of Foley, Baldwin County, Alabama, and am a sister of the Complainant in this cause. I have been living with my sister, the Complainant in this cause, during the whole time that she and her husband have lived together since December, 1930. Soon after my sister and William Purdy were married he began mistreating her by cursing, abusing and threatening her. His conduct was usually, as it seems, a result of the use of strong drink. He very often came home under the influence of strong drink and on practically every occasion would curse, abuse and threaten my sister, Elaine. His conduct kept on and grew worse from time to time and in April, 1931, while I was present at their home the Respondent, William Purdy, came in drinking, cursed, abused and threatened and actually did violence to the person of the Complainant by striking or pinching her. His conduct on this occasion and various other occasions while he was under the influence of strong drink was such as to cause anyone to reasonably believe that he would carry out his threats and do actual violence to the person of the Complainant. There was born to my sister and the Respondent, by a former marriage, a girl child now four years old, Clara Elizabeth Purdy, who has all of her life been living with my sister and my sister has of necessity had to care for, protect and support her. My sister is very capable of earning a livelihood for herself and her child and is the suitable and proper person and should have the custody and control of such child.

Viola Ard.

ANSWER OF RESPONDENT TO ORIGINAL BILL OF COMPLAINT.

ELAINE PURDY,

Complainant,

-VS-

WILLIAM PURDY,

Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Filed 29 day of Aug.,
1931.

J. M. McCreary
Register.

LAW OFFICES

HYBART, HEARD

& CHASON

BAY MINETTE, ALABAMA

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 William Purdy,
Bradfordsville, K.Y.

of _____ & 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
Elaine Purdy,

against said _____
William Purdy,

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 11th day of June, 1921.

W. M. Palmer Register

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

SERVE ON _____
Circuit Court of Baldwin County
In Equity

No. _____
SUMMONS

Eliane Purdy

vs.
William Purdy,

Beebe & Hall,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____
day of _____ 19____

Sheriff.

Executed this _____ day of _____
19____

by leaving a copy of the within Summons with

Defendant.

Sheriff.

By _____ Deputy Sheriff.

*Copy of Bill Copy of
Summons Registered
William Purdy June 11th 1931
at Montgomery Ala.
J. M. Montgomery
Register*