

1091

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 Albert J. Bauer

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
Clara R. Bauer

against said Albert J. Bauer

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 14th day of

December 1932.

T. W. Richerson

Register.

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

The State of Alabama }
Baldwin CountyCircuit Court of Baldwin County, Alabama,
(In Equity)

Clara R. Bauer,

COMPLAINANT

VS.

Albert J. Bauer,

RESPONDENT

I, Ora Simon,

as ~~Register and~~ Commissioner in said causehave called and caused to come before me Clara R. Bauer, Kathleen Dryer, and
Eliza Randall,witness named in the Requirement for Oral Examination, on the 9th day of February,1933, ~~at the office of~~ In Daphne, Baldwin County, Alabama,~~xx~~, ~~Alabama~~, and having first sworn said witness 95 to speak thetruth, the whole truth, and nothing but the truth, the said witnesses

doth depose and say as follows:

Clara R. Bauer, a witness for the Complainant testified as follows:

I am the Complainant in the above entitled cause. I am over twenty-one years of age and a resident of Daphne, Baldwin County, Alabama, where I have resided practically all of my life. I have been a resident of Baldwin County, Alabama for more than one year next prior to the commencement of this suit.

I was married to the Respondent, Albert J. Bauer, who is over the age of twenty-one years in Daphne, Alabama, on to-wit, August 22, 1926.

I lived with the Respondent in Baldwin County, Alabama until about October 15, 1932, at which time we separated.

We are the parents of Albert Randall Bauer, a boy about five years of age. This child has at all times lived with me.

Sometime prior to the said separation on a date which I do not recall the Respondent, while at our home in Daphne, Alabama, became angry with me, and becoming so angered seized me and commenced to choke me, at which time it was necessary for me to call my mother, Mrs. Eliza Randall, who resided in the same house with me, to stop the Respondent and prevent his injuring me.

Just prior to the separation the Respondent again became angered at me and roughly handled me, at which time among other things he severely crushed one of my hands. No other person other than the Respondent and I were present at this time but the next day Mrs. Kathleen Dryer and my mother Mrs. Eliza Randall saw my injured hand. Because of these injuries and the threats made by the Respondent to kill or severely injure me I was put in fear of being killed, injured or done great bodily harm if I continued to live with the said Respondent.

The Respondent, Albert J. Bauer is a seaman and is absent from his residence for the greater part of the time, being away from home more than ten months of every year. I have always resided in the home of my parents where he also resided when at home. I have always cared for my minor son, Albert Randall Bauer.

CLARA R. BAUER,

Complainant,

VS.

ALBERT J. BAUER,

Respondent.

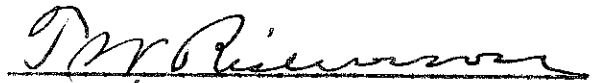
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 1091.

NOTE OF TESTIMONY.

At the hearing of this cause the following note of evidence was taken, to-wit:

For Complainant: Original Bill, personal service on Respondent, oral depositions of Clara R. Bauer, Mrs. Eliza Randall and Mrs. Kathleen Dryer.

For Respondent: Answer.



Register.

The State of Alabama, {
Baldwin County

CIRCUIT COURT

To Miss Ora Sirmon

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 Clara R. Bauer, Kathleen Dryer and Mrs. Eliza Randall,

orally

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

Clara R. Bauer

Complainant

and

Albert J. Bauer

Defendant,

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

Witness 8th day of February 19 33.

Ora Sirmon

REGISTER

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

CLARA R. BAUER,

Complainant,

VS.

ALBERT J. BAUER,

Respondent.

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

ANSWER.

The undersigned Respondent admits that Thirty-five Dollars (\$35.00) per month would be a reasonable allowance for maintenance and support of his minor child, Albert Randall Bauer, but denies each and all other allegations of the Bill of Complaint and requires strict proof of same. The Respondent waives all other and further notice of any and all proceedings in the said cause.

Albert J. Bauer

WITNESSES:

Mrs. W. H. Gentry

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

Now comes your Complainant, Clara R. Bauer, and presents this Bill of Complaint against Albert J. Bauer and respectfully shows unto your Honor as follows:

FIRST: That your Complainant, Clara R. Bauer and Albert J. Bauer are both over the age of twenty-one years and that they were lawfully married in Daphne, Alabama, on to-wit, August 22, 1926.

SECOND: That your Complainant is a bona fide resident of Baldwin County, Alabama, and has been such resident practically all of her life and has resided here continuously for a period of more than one year next prior to the filing of this Bill of Complaint; that the said Albert J. Bauer is a resident of Baldwin County, Alabama; that your Complainant and the said Albert J. Bauer lived together as man and wife until about October 15th, 1932, and that the said Albert J. Bauer has not lived with your Complainant since the said date; that one child was born to the said union, namely, Albert Randall Bauer, a boy, now about five years of age, who has at all times lived with his mother, your Complainant.

THIRD: Your Complainant further shows unto your Honor that at various times prior to the filing of this Bill of Complaint, the said Albert J. Bauer struck your Complainant and threatened her, and just prior to the said separation he crushed her hand and threatened to kill her and your Complainant avers that because of the said acts and threats she was put in fear of being done great bodily harm if she tried to continue to live with the said Albert J. Bauer.

THE PREMISES CONSIDERED, your Complainant prays that your Honor will take jurisdiction of the cause made by this Bill of Complaint, will cause notice thereof to be served upon the said Albert J. Bauer in conformity with the rules of this Honorable Court and the

CLARA R. BAUER,

Complainant,

VS.

ALBERT J. BAUER,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 1091.

DECREE

This cause coming on to be heard was submitted on the Bill of Complaint, personal service on the Respondent, 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 Respondent be and the same is hereby dissolved and the said Clara R. Bauer is forever divorced from the said Albert J. Bauer for and on account of cruelty committed upon her person as alleged in the said Bill of Complaint.

It is further ordered, adjudged and decreed by the Court that the said Clara R. Bauer be and she is hereby permitted to again contract marriage but shall not marry except to the said Albert J. Bauer within sixty (60) days after this date and if an appeal is taken in this cause within sixty (60) days she shall not marry again except to the said Albert J. Bauer during the pendency of the said appeal.

It is further ordered, adjudged and decreed by the Court that the said Clara R. Bauer be and she is hereby granted the custody and control of her minor child Albert Randall Bauer.

It is further ordered, adjudged and decreed by the Court that the said Respondent Albert J. Bauer pay to the Complainant Clara R. Bauer, the sum of Thirty-five Dollars (\$35.00) per month for

EX PARTE

PETITION OF
ALBERT J. BAUER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 1091.

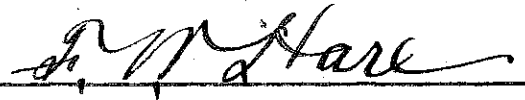
DECREE GRANTING RIGHT TO RE-MARRY

This cause coming on to be heard at this time, was submitted for decree upon the ex parte petition of Albert J. Bauer for leave to again contract marriage, the ex parte affidavits of John J. Crowley and B. T. Kimbrough and the Decree of Divorce in case number 1091 rendered in this court on the 21st day of February, 1933; and upon consideration thereof:

IT IS ORDERED, ADJUDGED AND DECREED that said petitioner is entitled to the relief prayed for in said petition and he is hereby granted leave to again contract marriage.

The costs of this cause are hereby taxed against Petitioner, for which execution may issue.

Done at Monroeville, Alabama, on this the 10th day of October, 1941.



Judge.

RECORDED

STATE OF ALABAMA

MOBILE COUNTY

Before me, B. J. Hollenwender, a Notary Public,
within and for said County in said State, personally appeared
B. J. Kimbrough who, being by me first duly and
legally sworn, deposes and says: That he is a bona fide resident
of Mobile County, Alabama, and that he has been such resident for
more than 5 years; that he has known Albert J. Bauer for
more than 5 years and knows him to be an industrious law-
abiding citizen and one who bears a good reputation. That affiant
believes and so asserts that it is for the good of the public that
the said Albert J. Bauer be permitted to marry again, affiant
believing that if he is so married he will make a good husband.

B. J. Kimbrough

Sworn to and subscribed before me on
this the 4th day of October, 1941.

B. J. Hollenwender
Notary Public, Mobile County, Alabama.

RECORDED

STATE OF ALABAMA

MOBILE COUNTY

Before me, R. F. Hollenbeck, a Notary Public,
within and for said County in said State, personally appeared
John J. Crowley who, being by me first duly and
legally sworn, deposes and says: That he is a bona fide resident
of Mobile County, Alabama, and that he has been such resident
for more than 31 years; that he has known Albert J. Bauer for
more than 9 years and knows him to be an industrious law-
abiding citizen and one who bears a good reputation. That affiant
believes and so asserts that it is for the good of the public that
the said Albert J. Bauer be permitted to marry again, affiant
believing that if he is so married he will make a good husband.

John J. Crowley

Sworn to and subscribed before me on
this the 4th day of October, 1941.

R. F. Hollenbeck

Notary Public, Mobile County, Alabama.

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

Your Petitioner, Albert J. Bauer, who is over twenty-one years of age and a bona fide resident of Mobile County, Alabama, respectfully represents unto the Court and your Honor as follows:

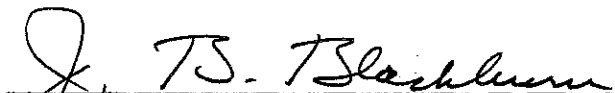
1. He was named Respondent in that certain cause Number 1091 heretofore pending in this Court wherein Clara R. Bauer was Complainant and he was Respondent, which proceeding was for a divorce.

2. A Decree was rendered in said cause on to-wit, the 21st day of February, 1933, dissolving the bonds of matrimony between the Complainant and the Respondent, a copy of which Decree is hereto attached, but in the said Decree this Petitioner was not given the right to re-marry.

3. Petitioner is an industrious, law abiding citizen, with a good reputation, physically sound and desires to marry again. He files herewith affidavits executed by reliable citizens of Mobile County, Alabama, showing that the affiant named therein has known Petitioner for a number of years and asks that your Honor will take said affidavits in consideration in connection with this Petition.

THE PREMISES CONSIDERED, your Petitioner prays that your Honor will enter a Decree designating how testimony may be taken to substantiate this Petition unless the affidavits attached hereto are sufficient and that your Honor will, upon final hearing, grant unto Petitioner the right to marry again.

Respectfully submitted,



Attorney for Petitioner.

CLARA R. BAUER,

Complainant,

VS.

ALBERT J. BAUER,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 1091.

DECREE

This cause coming on to be heard was submitted on the Bill of Complaint, personal service on the Respondent, 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 Respondent be and the same is hereby dissolved and the said Clara R. Bauer is forever divorced from the said Albert J. Bauer for and on account of cruelty committed upon her person as alleged in the said Bill of Complaint.

It is further ordered, adjudged and decreed by the Court that the said Clara R. Bauer be and she is hereby permitted to again contract marriage but shall not marry except to the said Albert J. Bauer within sixty (60) days after this date and if an appeal is taken in this cause within sixty (60) days she shall not marry again except to the said Albert J. Bauer during the pendency of the said appeal.

It is further ordered, adjudged and decreed by the Court that the said Clara R. Bauer be and she is hereby granted the custody and control of her minor child Albert Randall Bauer.

It is further ordered, adjudged and decreed by the Court that the said Respondent Albert J. Bauer pay to the Complainant Clara R. Bauer, the sum of Thirty-five Dollars (\$35.00) per month for the maintainance and support of Albert Randall Bauer on each and every month until the said Albert Randall Bauer reaches the age of twenty-

one years, the first monthly payment to be made within thirty days from the date of this decree and monthly thereafter.

It is further ordered, adjudged and decreed by the Court that this cause be retained on the docket for such further orders and decrees as may be or become necessary.

Done at Monroeville, Alabama, on this the 21st day of February, 1933.

F. W. Hare

Judge of the 21st Judicial Circuit
of Alabama.

The State of Alabama
Baldwin CountyCircuit Court of Baldwin County, Alabama,
(In Equity)Clara R. Bauer,

COMPLAINANT

VS.

Albert J. Bauer,

RESPONDENT

I, Ora Simon,as ~~Register and~~ Commissioner in said causehave called and caused to come before me Clara R. Bauer, Kathleen Dryer, and
Eliza Randall,witness .. named in the Requirement for Oral Examination, on the 9th day of February,
1933, ~~at the office of~~ In Daphne, Baldwin County, Alabama,~~me~~ ~~Alabama~~, and having first sworn said witness ~~to~~ to speak the
truth, the whole truth, and nothing but the truth, the said witnesses

doth depose and say as follows:

Clara R. Bauer, a witness for the Complainant testified as follows:

I am the Complainant in the above entitled cause. I am over twenty-one years of age and a resident of Daphne, Baldwin County, Alabama, where I have resided practically all of my life. I have been a resident of Baldwin County, Alabama for more than one year next prior to the commencement of this suit.

I was married to the Respondent, Albert J. Bauer, who is over the age of twenty-one years in Daphne, Alabama, on to-wit, August 22, 1926.

I lived with the Respondent in Baldwin County, Alabama until about October 15, 1932, at which time we separated.

We are the parents of Albert Randall Bauer, a boy about five years of age. This child has at all times lived with me.

Sometime prior to the said separation on a date which I do not recall the Respondent, while at our home in Daphne, Alabama, became angry with me, and becoming so angered seized me and commenced to choke me, at which time it was necessary for me to call my mother, Mrs. Eliza Randall, who resided in the same house with me, to stop the Respondent and prevent his injuring me.

Just prior to the separation the Respondent again became angered at me and roughly handled me, at which time among other things he severely crushed one of my hands. No other person other than the Respondent and I were present at this time but the next day Mrs. Kathleen Dryer and my mother Mrs. Eliza Randall saw my injured hand. Because of these injuries and the threats made by the Respondent to kill or severely injure me I was put in fear of being killed, injured or done great bodily harm if I continued to live with the said Respondent.

The Respondent, Albert J. Bauer is a seaman and is absent from his residence for the greater part of the time, being away from home more than ten months of every year. I have always resided in the home of my parents where he also resided when at home. I have always cared for my minor son, Albert Randall Bauer.

that night but I did see Mrs. Bauer the next day at which time I examined one of her hands and found that it was severely crushed or bruised.

I have known the Complainant for more than fifteen (15) years, at which time I have lived near and have been constantly associated with her. I am not related to her by blood or marriage. She is a woman of good moral character and who is very well and favorably thought of in the community where she resides. She has at all times had to do with the raising and care of her minor child and this child is being properly raised and cared for.

I also know the Respondent and have known him for several years. As he is employed as a seaman, there is no way that he can properly care for their child if it should be placed in his custody. It is to the best interest of this child that he be allowed to remain with his mother permanently.

I know in a general way of the salary that is received by the Respondent and know that he is constantly employed. I also know what it costs to raise a child as Albert Randall Bauer has been and should be raised and would say that one in his station of life cannot be properly raised and educated on less than Thirty-five Dollars (\$35.00) per month.

Mrs. Kathleen Dwyer

He does not have any relatives in America other than an aunt and one sister who resides in Germany.

The Respondent has a good position with the Waterman Steamship Lines where he has been constantly employed for more than three years. He makes a good salary, has no expense while on the ship and no dependents other than his son Albert Randall Bauer. The sum of Thirty-five Dollars (\$35.00) per month ~~xxxxxxx~~ is a reasonable sum for the maintainance and support of his said minor child. This maintainance and support at the said sum should continue until this child becomes of age.

In addition to the above statements I have read over the Bill of Complaint filed by me in the said cause and all of the allegations contained therein are true.

Clara R. Bauer

Mrs. Eliza Randall, a witness for the Complainant, testified as follows:

I am the mother of the Complainant in this cause. She and the Respondent have resided with me or near me ever since they were married. While they were residing with me and sometime shortly prior to the commencement of this suit on a date which I do not recall, my daughter screamed and called on me for help. When I went to her I found that the Respondent had her down on the floor and was choking her. Sometime thereafter and about October 15, 1932, I examined the hand of my daughter the Complainant and found that it was severely bruised. From the Respondent's anger and actions on the night when he was choking the Complainant I would say that the Complainant was in danger of being severely injured.

I know the income of the Respondent and will say that the sum of Thirty-five Dollars (\$35.00) per month is a reasonable allowance for the maintainance and support of the minor child of the Complainant and the Respondent. It will take this amount to properly maintain, support and educate this child as one in his station in life should be maintained and supported. It would be a mistake to place this child in the custody of anyone other than his mother, the Complainant.

Mrs. Eliza Randall

Mrs. Kathleen Dryer, a witness for the Respondent, testified as follows:

Sometime about October 15, 1932, I was present at the Hammett home in Daphne, Alabama, at which time Mrs. Clara R. Bauer and the Respondent Albert J. Bauer were also present. I did not hear or see any difficulty between Mrs. Bauer and Mr. Bauer on that

AFFIDAVIT OF JOHN J. CROWLEY

EX PARTE

PETITION OF
ALBERT J. BAUER.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 1091.

Filed October 10, 1941
R. L. Auch, Register

AFFIDAVIT OF B. T. KIMBROUGH

EX PARTE

PETITION OF
ALBERT J. BAUER.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 1091.

Filed October 10, 1941
H. E. Hark, Register

RECORDED

1091

Bauer

vs

Bauer

Chancery

Filed December 28th 1932
T W Harrison
Register

RECORDED
NO.

RECORDED

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

Clara R. Bauer,

vs. Complainant—

Albert J. Bauer,

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Ora Sirmon,

WITNESSES:

Clara R. Bauer,

Mrs. Eliza Randall,

Mrs. Kathleen Dryer.

RECORDED
NOTE OF TESTIMONY.

CLARA R. BAUER,
Complainant,

VS.

ALBERT J. BAUER,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 1091.

Filed Feb 13th/1933
D. M. Williams
Register

Original

Serve on _____

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

Clara R. Bauer,

vs.

Albert J. Bauer.

J. B. Blackburn.

Solicitor for Complainant.

Recorded in Vol. _____ Page _____

RECORDED

The State of Alabama,
BALDWIN COUNTY.

Received in office this 14th

day of December 1932

Sheriff.

Executed this 14th day of

December 1932

by leaving a copy of the within Summons with

Albert J. Bauer

Defendant.

W R Stuart

Sheriff.

By M H Wilkins

Deputy Sheriff.