

1094

FLORA J. KAEMMERER
Complainant.

vs

HENRY A. KAEMMERER.

Respondent.

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 waiver of notice, testimony of Complainant's witnesses, and agreement of parties as to alimony, all as noted by the Register, and in consideration thereof the Court is of the opinion that Complainant is entitled to the relief prayed for in her said bill.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the bonds of matrimony heretofore existing between Complainant and Respondent be and the same are hereby dissolved and the said Flora J. Kaemmerer is forever divorced from the said Henry A. Kaemmerer on account of cruelty as alleged in said bill of complaint.

IT IS FURTHER ORDERED AND DECREED that neither party shall marry again except to the other until the expiration of sixty days from this date, and that if an appeal is taken within said sixty days neither shall marry again except to the other during the pendency of such appeal but that after the expiration of said sixty days either party may again contract marriage provided that the costs of this cause are paid in full.

IT IS FURTHER ADJUDGED AND DECREED that the Respondent, Henry A. Kaemmerer, shall pay to Complainant the sum of TWO AND 50/100 DOLLARS per week commencing January 15th, 1933, and continuing until Lillian Kaemmerer, the child of said marriage, shall reach the age of eighteen years, said payments to be made semi-monthly on the 1st and 15th days of each month commencing February 1st, 1933, and shall be paid either to the Register of this Court or to Complainant, as Respondent may elect.

IT IS FURTHER ORDERED AND DECREED that Respondent Henry A. Kaemmerer shall forthwith execute a deed conveying to

Flora J. Kaemmerer an unencumbered half interest in that farm property at Mifflin, Alabama, now standing in the name of said Henry A. Kaemmerer and that should he fail to do so within thirty days from this date that the Register of this Court is hereby authorized and instructed to execute such conveyance in the name of and in behalf of the said Respondent and that upon the execution and delivery of such deed the interest of Complainant in all livestock, farm implements, boats, nets and furniture shall thereupon vest in Respondent free of any claim of Complainant. This release of personal property, however, shall not apply to the Chevrolet car, the title to which is in the name of Complainant, and from which all right of Respondent is hereby divested.

IT IS FURTHER ADJUDGED AND DECREED that the care and custody of Lillian Kaemmerer, the daughter and only child of the parties hereto, is granted to Complainant subject to the right, however, of Respondent to see said child at any time during reasonable hours.

IT IS FURTHER ORDERED that the Respondent Henry A. Kaemmerer pay the costs of this cause, for which execution may issue.

Done at Bay Minette, Alabama, this 16th day of January, 1933.

F. W. Hare
Judge

FLORA J. KAEMMERER,
Complainant,

VE

HENRY A. KAEMMERER,
Respondent.

DECREE

Dated Jan 16th 1933
 To Mr. [illegible]
 [illegible]

FLORA J. KAEMMERER,
Complainant,

IN EQUITY.

CIRCUIT COURT OF

VS

BALDWIN COUNTY, Ala.

HENRY A. KAEMMERER,
Respondent

Comes the Respondent, Henry A. Kaemmerer and for answer
to the bill of complaint says that he denies each item thereof

He further waives the right to notice of taking the
testimony of Complainant, the right to cross-examine her wit-
nesses or to offer evidence in his own behalf but consents that
this cause be submitted for final decree without notice to him,
upon Complainant's evidence, the pleadings and the agreement
as to alimony this day executed.

Henry A. Kaemmerer
Respondent.

RECORDED

FLORA J. KAEMMERER,
Complainant,

VS

HENRY J. KAEMMERER,
Respondent.

ANSWER AND WAIVER.

Filed Jan 10th/1933
T. W. McNamee
Register

TO THE HONORABLE FRANCIS W. HARE, JUDGE OF THE CIR-
CUIT COURT OF BALDWIN COUNTY, ALABAMA: SITTING IN EQUITY:

FLORA JOHNSON KAEMMERER, by this her bill of complaint
presented against HENRY A. KAEMMERER, respectfully shows:

FIRST: That she and Henry A. Kaemmerer are both over
the age of twenty one years and are now and have been all of their
lives bona fide residents of the State of Alabama, residing near
the village of Mifflin in South Baldwin County.

SECOND: That Complainant and the said Henry A. Kaemmerer
were legally married at Mifflin, Alabama on July the 30th, 1919
and lived in that community up to December 23rd, 1932.

THIRD: That the defendant at various times since they
were married has committed actual violence upon the person of
Complainant attended with danger to her life and health. That
he is a man of violent and ungovernable temper, subject to paroxysms
of rage in which he loses control of himself and strikes and abuses
Complainant. That he has repeatedly threatened her life and that
she fears that he will some day carry his threats into effect or at
least do her serious harm if she continues to live with him. Because
of his treatment, she and her little daughter, who also has experienced
cruelty at his hands, left him on October 12th, 1932, and went to her
mother at Foley to live.

FOURTH: That after Complainant had thus left Defendant he
besought her to return to him and give him another trial, which she
did upon his fervent promises of better treatment, but said promises
were not kept and Defendant has again been cruel and abusive and
recently, upon two separate occasions, has struck and kicked Com-
plainant, whereupon she left him again and finally on December 23rd,
and since she and her child now reside with Complainant's mother at
Foley.

FIFTH: That one child has been born of this marriage, a

daughter, Lillian M., now twelve years of age, who is now with Complainant.

THE PREMISES CONSIDERED, Complainant prays that Henry A. Kaemmerer be made Defendant to this bill and by proper process be notified to answer same within the time required by law.

Complainant further prays that an order of reference be made forthwith requiring the Register of this Court to ascertain and report a proper sum to be allowed Complainant as her solicitor fees for the prosecution of this cause, and also what sum monthly would be proper for alimony pendente lite , and that upon the ascertainment of such amount an order be made for the payment of such sums.

Complainant FURTHER PRAYS that upon the hearing of this cause a decree be rendered forever divorcing her from the said Henry A. Kaemmerer, granting her the custody of the child of their marriage, the right to marry again, a suitable allowance as permanent alimony, and such other further, or different relief as to equity shall seem meet.

Elliott S. Riekerly
Solicitor for Complainant.

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

Elliott S. Riekerly
Solicitor for Complainant.

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 A. Kaemmerer,

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 Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by Flora J. Kaemmerer,

against said Henry A. Kaemmerer,

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 31st 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.

Original
RECORDED

SERVE ON.....

Circuit Court of Baldwin County
In Equity.

No.

SUMMONS

Flora J. Kaemmerer,

vs.

Henry A. Kaemmerer,

Near Mifflin, Baldwin Co,
Alabama.

E.G. Rickarby,

Solicitor for Complainant

Recorded in Vol..... Page.....

RECORDED

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this *2nd*

day of *Jan* 192*3*
W.R. Stuart
Sheriff.

Executed this *4th* day of

January 192*3*
by leaving a copy of the within Summons with
Henry A. Kaemmerer

Defendant.

W.R. Stuart
Sheriff.

By.....
Deputy Sheriff.

FLORA J. KAEMMERER,
Complainant,

I N E Q U I T Y

vs

HENRY A. KAEMMERER;
Respondent.

IN THE CIRCUIT COURT
OF
BALDWIN COUNTY, ALABAMA

THE DEPOSITIONS OF MINNIE M. JOHNSON AND FLORA J.
KAEMMERER; Witness for Complainant in above entitled cause.

The said witnesses being by me, the Commissioner, first duly sworn to tell the truth, the whole truth and nothing but the truth, upon examination by Elliott G. Rickarby, Solicitor for Complainant, Respondent having waived the right to cross-examine, testified as follows:

M I N N I E M . J O H N S O N ,

I am the mother of Complainant and now live in Foley since last October, and before then I lived in Miflin.

Flora Kaemmerer and her husband are both over the age of thirty two years and live in Baldwin where they have lived since they were married in 1919. They were married in Miflin and have lived there since.

They had not been married long before I noticed that my daughter was unhappy but I did not know the reason of my own knowledge until about six years ago. Until in the early summer of 1926, when I was at their house and Mr. Kaemmerer came home intoxicated and in a great rage with one of the neighbors. He used profane language over the telephone and when Flora tried to get him away from the telephone, he struck her and knocked her down, and when I ran to her assistance he knocked me down also. He then held me down and reached in his pocket saying that he would get his knife and finish us both. His little daughter pulled on him and screamed and by that time we both broke away and then some

neighbors came in and quieted him. Since then he has been abusive and ugly at times to his wife and would fly into violent paroxysms of rage in which he would completely lose control of himself. Both his wife and I were very much afraid of him at such times. When he didn't have these spells he would be very sweet and nice. After this I went away and was out of the State for quite a while. Since my return I have seen him fly into these rages. A few days after I came back in October I was staying at the Kaemmerer's home, then at Peterson's Point, and when he started at his wife in a rage and his old mother got in the way to stop him and he threw her violently to one side against the house and I stopped him just as he was about to grab hold of Flora. Flora had then gotten out of the way during this short time that I had stopped him. He cursed and abused me but did not go any further in doing injury to Flora as I had told him would happen to him if he did. She left him right after this, and went to stay with me for a week in Foley. A little while after he came to the house very repentant and made all manner of promises of better behavior on the strength of which Flora went back to live with him and stayed with him until December 23rd during which time he had relapsed into his previous behavior and she left him for fear of her life and reason. He has been consistently cruel and abusive to my knowledge for the last six years and for her to continue living with a man of his character and disposition would be taking a dangerous risk.

Minnie M. Johnson

MRS. FLORA JOHNSON KAEMMERER.

I am a life long resident of Baldwin County and have lived in Mifflin since my early childhood and until December 23rd last when I went to live with my mother in Foley because of

my husband's treatment of me.

From within a short time after our marriage my husband's conduct would vary from being sweet and pleasant to flying into insane rages when often, for no cause whatsoever, he would completely lose control of himself. During these times he has repeatedly struck me and hurt me and in addition would be most brutally abusive in his language. I put up with this on account of our little girl, Lillian, now twelve years of age until later, when he seemed to be getting worse, and I feared for my life and that of my child and that the strain would upset my reason. As it is, I am in a very much nerve shattered condition and am troubled with insomnia. As I said before, my husband struck me repeatedly and finally, in October last, knocked his mother and mine out of the way in an attempt to get to me, I felt that I could not stand the treatment longer and fear he would kill me in one of these attacks so I left at once and went to live with my mother in Foley and stayed for a week and then went back to him because of his tears and promises of reform. It was about two weeks after I returned that he had another spell and used violence toward me and then later on had another attack of rage, about Thanksgiving. He did not use any violence then but just cursed my little daughter and me most violently. Even then I did not leave him until December 23rd when he continued his abuse and fits of rage until I became convinced that there was no use trying to live with him any further and left him for fear of my reason. I am in a very nervous condition and am upset, and if I continued to live with him even if he did not do me any bodily harm my physical and mental health would succumb.

I feel that if he really meant to improve he would have done so when I went back to him in October and I gave him

a fair trial and warned him that I could not continue to live with him if he continued to lose control of himself as he did but this has done no good and I can not continue to live with him.

Flora J. Kaemmerer.

I, Bernice S. Folmar, the Commissioner named in the attached commission issued from the Circuit Court of Baldwin County in the case pending in Equity wherein Flora J. Kaemmerer is Complainant and Henry A. Kaemmerer Respondent, hereby certify that pursuant to the instructions in said commission, I caused Minnie M. Johnson and Flora J. Kaemmerer, witnesses for Complainant, to appear before me at my office in Robertsdale, Alabama, on the 11th day of January, 1933 where, after being duly sworn, upon examination by Elliott G. Rickarby, Esq., Solicitor for Complainant, they testified as is therein set forth that their answers were by me reduced to writing and read over and signed by them in my presence and in the presence of the Solicitor for Complainant.

I further certify that I am neither or counsel nor of kin to either of the parties in said cause or anywise interested in the outcome thereof.

Given under my hand and seal as commissioner this the 11th day of January, 1933.

Bernice S. Folmar
Commissioner.

The State of Alabama, }
Baldwin County

CIRCUIT COURT
In Equity.

To Miss Bernice S. Folmar, Robertsdale Alabama,

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 Mrs. Minnie S. Johnson, Mrs. Flora J. Kaemmerer,

LillianKaemmerer,

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

Flora J. Kaemmerer,

Complainant_____

and _____
_____ Henry A. Kaemmerer,

Defendant,

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

Witness 10th day of January, 19 33.

Mr. Richardson

COMMISSIONER'S FEE, \$_____

REGISTER

WITNESS' FEES, \$_____

NO. _____

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

Flora J. Kaemmerer,

vs. Complainant

Henry A. Kaemmerer,

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Miss Bernice S. Folmar,

Filed Jan 16 1933
T. H. Kaemmerer

WITNESSES:

Mrs Minnie Johnson,

Mrs. Florence J. Kaemmerer

Lillian Kaemmerer,

FLORA J. KAEMMERER

IN EQUITY.

VS

IN THE CIRCUIT COURT OF

HENRY A. KAEMMERER,

BALDWIN COUNTY, Alabama

IT IS HEREBY AGREED BETWEEN THE PARTIES TO THIS CAUSE that in the event that a decree of divorce is granted that in lieu of alimony the decree may embody the following:

The farm property at Mifflin, the title to which stands in the name of Mr Kaemmerer shall be owned by both equally, he making her a deed for an undivided half interest.

Mr Kaemmerer will pay to complainant for the maintenance of their daughter Lillian the sum of two dollars and fifty cents per week during such time as he is physically able and making a living untilk said child reaches the age of eighteen years.

Mr Kaemmerer is to have all live stock, boats, nets and furniture other than a few items of furniture that belonged to Mrs Kaemmerer in her girlhood.

Mrs Kaemmerer is to have the Chevrolet car, the title to which is in her name.

Mr Kaemmerer to have all farm implements.

This agreement to cover the disposition of all property rights and no alimony to be claimed other than that for the support of Lillian. Mrs Kaemmerer will pay her own counsel fees and the court costs to be charged to him.

EXECUTED IN DUPLICATE this the Ninth day of January 1933.

Flora J. Kaemmerer
Henry A. Kaemmerer

FLORA J. KAEMMERER,

Complainant,

vs

HENRY A. KAEMMERER,

Respondent.

AGREEMENT AS TO ALIENATION.

*Filed 13/24/33
G. M. Kaemmerer
By*

The State of Alabama, {
Baldwin County }

FLORA J. KAEMMERER,
Complainant.
vs.

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA
In Equity.

HENRY A. KAEMMERER,
Respondent.

The COMPLAINANT
requests the oral examination of the following named witnesses, on behalf of the

COMPLAINANT, viz:
Mrs. Minnie S. Johnson.
Mrs. Flora J. Kaemmerer.
Lillian Kaemmerer.

said witnesses reside in the County of Baldwin,
State of Alabama.

Miss Bernice S. Folmar, who resides at
Robertsdale, Alabama.

or, The Register of this Court is suggested as a suitable person
to be appointed Commissioner to take the deposition of said witness on such oral examination.

Elliot B. Riney
Solicitor for Complainant.

RECORDED

CIRCUIT COURT OF
Baldwin County, Alabama

IN EQUITY

FLORA J. KAEMMERER

Complainant..

vs.

HENRY A. KAEMMERER,

Defendant..

DEMAND FOR ORAL EXAMINATION

Filed January..... 1923.

T. W. Rice Register.

Moore Printing Co. Bay Minette, Ala.

FLORA J. KAEMMERER
Complainant.

VS

HENRY A. KAEMMERER
Respondent.

IN EQUITY.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

NOTE OF EVIDENCE.

The Complainant submits her cause upon the
following:

1. Bill of Complaint.
2. Depositions of Minnie M. Johnson and
Flora J. Kaemmerer, witnesses for
Complainant.
3. Respondent's answer.
4. Agreement of parties as to alimony.

Elliot H. Rieckhoff
Solicitor for Complainant.

ATTEST,

Register.

P. O. Rieckhoff Register

RECORDED

FLORA J. KAEMMERER,
Complainant,

vs

HENRY A. KAEMMERER,
Respondent.

NOTE OF EVIDENCE.

Filed Jan 13th 1933
J. W. Richardson
Register