

1792

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

Eulyce S. Dukes

Complainant

VS.

Kathryn Orlene Dukes

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro. Confesso

on service by registered mail 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 Defendant be, and the same are hereby, dissolved,

and that the said Eulyce S. Dukes

is forever divorced from the said Kathryn Orlene Dukes

for and on account of Adultery

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that
the Complainant be and he is hereby awarded the the custody of the
minor children, James Eulyce Dukes and Rose Marie Dukes.

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

It is further ordered that the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Eulyce S. Dukes
the Complainant pay the cost herein to be taxed, for which execution may issue.

This 18th day of February, 1947.

[Signature]
Judge Circuit Court, in Equity.

I, _____, Register of the Circuit

Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office

Witness my hand and seal this the _____ day
of _____, 19____

Register of Circuit Court, in Equity

RECORDS SECTION

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Complainant

Respondent

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RECORDED

No. Page

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Eulycce S. Dukes

vs. Complainant

Kathryn Orlene Dukes

Respondent

DIVORCE DECREE

Filed this 19 day of

Feb

1947

Register

Register of Circuit Court in Baldwin

Attest my hand and seal this 19th day of Feb.

1947

Register of the Circuit

Judge Circuit Court in Baldwin

Complainant

Respondent

Complainant

STATE OF ALABAMA)
COUNTY OF BALDWIN)

TO ANY SHERIFF OF THE STATE OF ALABAMA GREETINGS:

WE COMMAND YOU that your summons KATHRYN ORLENE DUKES, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising chancery jurisdiction, within thirty days after the service of summons, and there to plead, answer or demur, without oath, to a bill of complaint lately exhibited by EULYCE S. DUKES, against the said KATHRYN ORLENE DUKES, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondent shall in no wise omit under penalty of the law. And we further command that you return this writ with your execution thereon to our said Court immediately upon the execution thereof.

WITNESS, ALICE J. DUCK, Register of said Court, this the 22 day of December, 1946.

Alice J. Duck
Register

EULYCE S. DUKES

COMPLAINANT

VS

KATHRYN ORLENE DUKES

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

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

Your Complainant, EULYCE S. DUKES, respectfully represents unto your Honor and this Honorable Court as follows:

1.

That your Complainant is over 21 years of age and a bona fide resident of Baldwin County, Alabama, and has been for more than one year next preceding the filing of this bill of complaint; that the Respondent is over 21 years of age and a non resident of the State of Alabama; her address being Box 504, Boynton Beach, Florida.

2.

That Your Complainant and the Respondent married in Everglades City, Florida on, to-wit, September 26, 1941,

3.

That during the early part of 1946, while the Complainant was in naval service in the Southwest Pacific and away from home, the Respondent committed


acts of adultery parties whom names are unknown to your Complainant; that said acts of adultery were without the consent and approval of the Complainant and that he has not condoned them.

4.

That there was born to the said marriage between your Complainant and the Respondent two children: James Eulyce Duke age 4 and Rose Marie Duke age 2; that the said children are now with your Complainant at his home in Foley, Alabama; that he is a suitable, capable and proper person to have the care, custody and control of the said children; that the Respondent is not suitable or capable of having their care and control.

WHEREFORE, the premises considered, Complainant prays that your Honor will by proper process, make the said Kathryn Orlene Dukes, party Respondent to this cause of action, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of the Honorable Court.

Complainant further prays that your Honor will, upon a hearing hereof, enter an order and decree, granting to him an absolute decree of divorce, forever barring the bonds of matrimony existing between him and the Respondent; that he be awarded the care, custody and control of the two said minor children: James Eulyce Duke and Rose Marie Duke; Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.


Solicitor for the Complainant

1792

RECORDED

EULYCE S. DUKES

COMPLAINANT

VS

KATHRYN ORLENE DUKES

BILL OF COMPLAINT

Filed

12-23-46

*Alice French
Register*

THE STATE OF ALABAMA, }
BALDWIN COUNTY

Circuit Court

To Evelyn Kerwin

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 Eulyce S. Dukes and Lois Booker

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Eulyce S. Dukes

Complainant
and Kathryn Orlene Dukes

Respondent

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

Witness 16 day of Feb, 19 42

Alice J. Duck
Register

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Eulyce S. Dukes

Complainant

VS.

Kathryn Orlene Dukes

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

Eulyce S. Dukes

vs.

Kathryn Orlene Dukes

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____

Decree pro confesso on service by registered mail of the Respondent
and testimony of the Complainant, Eulyce S. Dukes, and witness, Lois
Booker.

and in behalf of Defendant upon _____

Alice J. Duck

Register.

H.M. Hall

RECORDED

No. _____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Eulyoe S. Dukes

vs.

Kathryn Orlene Dukes

NOTE OF TESTIMONY

Filed in Open Court this 1st ~~th~~

day of Feb, 1947

Alvin J. Leuch
Register.

Printed by The Baldwin Times, Bay Minette.

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Eulyce S. Dukes

Complainant

VS.

Kathryn Orlene Dukes

Respondent

I, Evelyn Kervin

as Register and Commissioner

have called and caused to come before me Eulyce S. Dukes and Lois Booker

witnesses named in the Requirement for Oral Examination, on the 17 day of February 1947, at the office of Hubert M. Hall in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Eulyce S. Dukes and Lois Booker doth depose and say as follows:

My name is Eulyce S. Dukes. I am over twenty one years of age and a bona fide resident of Baldwin County, Alabama, and have been for more than one year next preceding the filing of the bill of complaint in this cause. The Respondent, Kathryn Orlene Dukes is over twenty one years of age and a non resident of the State of Alabama, living in Florida.

The Respondent and I married at Everglades City, Florida, on September 26, 1941. I was in service in the Coast Guards when we married. I was shipped to the Southwest Pacific and did not return to my home in Foley until November, 1946. The Respondent, while I was away committed acts of adultery with various parties whose name I do not know. These acts were without my consent and approval and I have not condoned them. While I was in service my friends, in Foley, wrote me as to the conduct of my wife and that boys in the Navy from nearby Barin Field were coming to my house all times of the day and night, and that they were spending all night in my home with my wife. Immediately upon my return to my home I made an investigation and found out that all reports to me were true. I am fully satisfied that my wife, during my absence, committed acts of adultery. It is generally known in the community where I live and have lived all my life.

We have two children, James Eulyce Dukessage 4 and Rose Marie Dukes, age 2. These two children are both with me. I am living in the home with my mother and am suitably located to care and provide for them. The Respondent on account of her conduct and the reputation she bears is not a suitable, fit or proper person to have their care, custody and control.

Eulyce S. Dukes

Lois Booker, a witness for the Complainant being first duly sworn, deposes and says:

I live at Foley. I, on many occasions, while the Complainant was away in service, had occasion to go to his home and know that on various occasions men from Barin Field were there all during the day and nights. I have had occasion to be there at night and see the Navy boys there and also early next morning and saw the same boys there. It was generally known in the community that these boys spent nights in the home with the Respondent/. The Respondent would often shut her small children out in the streets and go to various places of amusements with uniformed men. I at first paid very little attention to her visitors, however, conditions grew worse from time to time. These men were there practically all the time. She lived in one of the housing projects at Foley and it was generally known by those living in the project and others in the community of her conduct and that these men were staying there in the home with her. I am satisfied from my own observation of the conditions and the circumstances the Respondent committed acts of adultery with these uniformed men, whose name I do not know.

The Respondent is not a suitable person to have the care and control of the children whose ages are 4 and 2. I know that the Complainant has not condoned the acts of adultery on the part of the Respondent.

Lois Booker

ORAL EXAMINATION.

I, Evelyn Kerwin, as Register and Commissioner hereby certify that the foregoing deposition—on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and Hubert M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; 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 17 day of February, 1947.

Evelyn Kerwin (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Eulysse S. Dukes

vs. Complainant

Kathryn Orlene Dukes

Respondent.

Oral Deposition

Filed 2-17, 1947

Miss S. Welch Register.

Recorded in

Record

Vol. _____ Page _____, Register.

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Eulyce S. Dukes

Complainant

VS.

Kathryn Orlene Dukes

Respondent

I, Evelyn Kervin

as Register and Commissioner

have called and caused to come before me

Eulyce S. Dukes and Lois Booker

witnesses named in the Requirement for Oral Examination, on the 17 day of February

1947, at the office of Hubert M. Hall

in Bay Minette

Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Eulyce S. Dukes and

Lois Booker

doth depose and say as follows:

My name is Eulyce S. Dukes. I am over twenty one years of age and a bona fide resident of Baldwin County, Alabama, and have been for more than one year next preceding the filing of the bill of complaint in this cause. The Respondent, Kathryn Orlene Dukes is over twenty one years of age and a non resident of the State of Alabama, living in Florida.

The Respondent and I married at Everglades City, Florida, on September 26, 1941. I was in service in the Coast Guards when we married. I was shipped to the Southwest Pacific and did not return to my home in Foley until November, 1946. The Respondent, while I was away committed acts of adultery with various parties whose name I do not know. These acts were without my consent and approval and I have not condoned them. While I was in service my friends, in Foley, wrote me as to the conduct of my wife and that boys in the Navy from nearby Barin Field were coming to my house all times of the day and night, and that they were spending all night in my home with my wife. Immediately upon my return to my home I made an investigation and found out that all reports to me were true. I am fully satisfied that my wife, during my absence, committed acts of adultery. It is generally known in the community where I live and have lived all my life.

We have two children, James Eulyce Dukessage 4 and Rose Marie Dukes, age 2. These two children are both with me. I am living in the home with my mother and am suitably located to care and provide for them. The Respondent on account of her conduct and the reputation she bears is not a suitable, fit or proper person to have their care, custody and control.

Eulyce S. Dukes

Lois Booker, a witness for the Complainant being first duly sworn, deposes and says:

I live at Foley. I, on many occasions, while the Complainant was away in service, had occasion to go to his home and know that on various occasions men from Barin Field were there all during the day and nights. I have had occasion to be there at night and see the Navy boys there and also early next morning and saw the same boys there. It was generally known in the community that these boys spent nights in the home with the Respondent/. The Respondent would often shut her small children out in the streets and go to various places of amusements with uniformed men. I at first paid very little attention to her visitors, however, conditions grew worse from time to time. These men were there practically all the time. She lived in one of the housing projects at Foley and it was generally known by those living in the project and others in the community of her conduct and that these men were staying there in the home with her. I am satisfied from my own observation of the conditions and the circumstances the Respondent committed acts of adultery with these uniformed men, whose name I do not know.

The Respondent is not a suitable person to have the care and control of the children whose ages are 4 and 2. I know that the Complainant has not condoned the acts of adultery on the part of the Respondent.

Lois Booker

Eulyce S. Dukes

Vs.

Kathryn Orlene Dukes**CIRCUIT COURT OF
Baldwin County.****IN EQUITY**

In this cause it being made to appear to the Register that on the _____
day of _____, 194____, a copy of the Bill of Complaint filed in this cause was
sent to Kathryn Orlene Dukes

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom
addressed," and return receipt demanded addressed to the Register of this Court; and that on the
28 day of Dec, 1946, such receipt was duly
received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer
or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered,
adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things
taken as confessed against the said Kathryn Orlene Dukes

Defendant

This the 17 day of Feb, 1947
Alice J. Shuck Register.

RECORDED

No. _____

**CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA**

In Equity.

Eulyce S. Dukes

Vs.

Kathryn Orlene Dukes

**DECREE PRO CONFESSO AFTER
NOTICE BY REGISTERED MAIL**

Filed in office this 17 day of

Feb, 1947

Alice J. Luck Register

Entered in O. B. _____ Page _____

The Baldwin Times, Bay Minette, Ala.

The State of Alabama,
Baldwin County.

No. CIRCUIT COURT, IN EQUITY.

Eulyce S. Dukes Complainant.....

Vs.

Kathryn Orlene Dukes Defendant.....

Motion is hereby made for a Decree Pro Confesso against

Kathryn Orlene Dukes 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 by Registered Mail, 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 15th day of February....., 1947.

J. M. Lee

....., Solicitor.

RECORDED

No. Page.....

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT, IN EQUITY

Eulyce S. Dukes.....

Vs.

Kathryn Orlene Dukes.....

MOTION FOR DECREE PRO CONFESSO
AFTER NOTICE BY REGISTERED MAIL

Filed 2-15-1943, 1943

Alice J. Leuch
Register.

Recorded in Record,

Vol. Page

Register.

JAMES A. BRICE

ATTORNEY AT LAW

FOLEY, ALABAMA
June 9, 1959

POST OFFICE BOX 298

WHITEHALL 3-3601

Mrs. Alice Duck
Circuit Clerk
Baldwin County
Bay Minette, Alabama

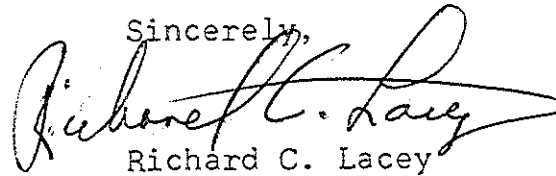
Dear Mrs. Duck:

Please send me the file on Eulyce S. Dukes VS
Kathryn Orlene Dukes, a divorce action.

I believe the number 1792 identifies the file.

Thank you very much.

Sincerely,



Richard C. Lacey

RCL/cc

REIPT FOR REGISTERED ARTICLE No.

2. fee paid. none class postage paid. 1 2 23, 19. 46

Declared value, \$ none Surcharge paid, \$ none

From Alma J. B. Dumas

Addressed to Mrs. Kathryn George Dukes

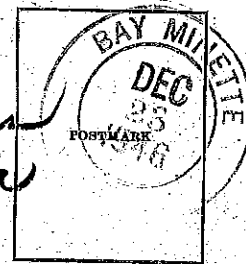
Box 504 Baynton Beach, Fla

Accepting employee will place initials in space below, indicating restricted delivery

Return receipt fee H in person or order

Delivery restricted to addressee no Special delivery fee

Postmaster, per ecb





Form 3501
Rev. 1-1-36

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

To _____
(Print name or name of addressee)

By William H. Parker
(Print name of Postmaster or Agent should enter when returning to Post Office)

Date of delivery 11/16/36 1936