

Geneva Fitzpatrick.

vs.

James B Fitzpatrick.

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 Geneva Fitzpatrick and Alma. Lamb.

and in behalf of Defendant upon _____

[Handwritten Signature]

Register.

336

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Geneva Fitzpatrick. Complainant

vs.

James B Fitzpatrick. Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on... 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 Geneva Fitzpatrick. is forever divorced from the said

James B Fitzpatrick.

for and on account of Cruelty

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.

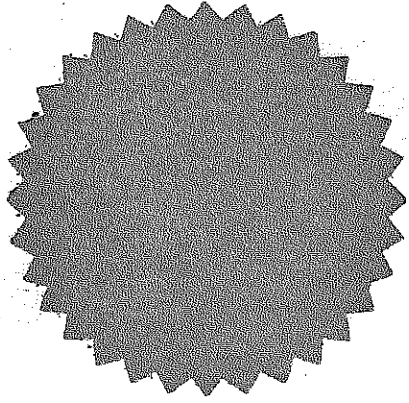
It is further ordered that Geneva Fitzpatrick. be, and She. hereby permitted to again contract marriage upon the payment of the cost of this suit.

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

This 3rd day of July, 1937

F. W. Ware

Judge Circuit Court, in Equity.



I, Register of the Circuit Court for 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.

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 Geneva Fitzpatrick and Alma Lamb

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

B Complainant
and James Fitzpatrick.

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 29th day of June. 1937

Resnick

REGISTER

COMMISSIONER'S FEE, \$ 5.00

WITNESS' FEES, \$ _____

GENEVA FITZPATRICK,
Complainant,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

vs.

JAMES B. FITZPATRICK,
Respondent.

TESTIMONY OF GENEVA FITZPATRICK

My name is Geneva Fitzpatrick and I am the Plaintiff in this action and I am twenty-three (23) years of age.

I was married to the Respondent, J. B. Fitzpatrick on the 16th day of April, 1933, in Denison, Texas. We came to Alabama about three and one-half years ago and have resided in Baldwin County, Alabama, for the last year and half with the intention of making it our permanent home.

My husband is a land-scape architect and has been employed by the Federal Government since we came to Alabama three and one-half years ago. He makes a good salary but has always been very extravagant with it and this really was the basis for our trouble. I could not see him throw his money away as he did without remonstrating with him about it, but he is a man of a high temper and whenever I did mention trying to save money and not squander it, he would fly into a rage and abuse and threaten me until life with him simply became intolerable.

He has many times threatened and abused me and has at times assaulted me and has threatened to do so so many times that my health has suffered and we simply cannot live together.

The last time this happened was about the first of May, 1937, and his conduct had become so abusive, we separated and I have lived separate and apart from him ever since.

There are no children and I am not expecting him to pay me any alimony but I do desire a divorce because I cannot continue to live with him, my health having been affected already.

Geneva Fitzpatrick

TESTIMONY OF ALMA LAMB

My name is Alma Lamb and my address is Foley, Baldwin County, Alabama.

I am very well acquainted with both Mr. and Mrs. James B. Fitzpatrick, in fact they lived with me for some six or eight months before they separated and during that time I had every opportunity to observe their life together.

The respondent, James B. Fitzpatrick, was, in my opinion, extremely cruel to his wife. She made him a good wife and did the best she could but he is a spend-thrift and while he makes good money, he never has any and it is always necessary for Mrs. Fitzpatrick's mother to provide for her and support her.

Whenever she would remonstrate about this situation, he would fly into a rage and swear at and abuse her and several times I have seen him assault her and push and slap her. He would threaten her and abuse her and the effect of this was to make her extremely nervous and she lost weight and was sick and unhappy.

About the first of May, 1937, he again got into a rage with his wife and struck her and she left him then and they have been living apart ever since. I know that his treatment of her last year has seriously affected her health.

Mrs. Alma H. Lamb

CERTIFICATE

STATE OF ALABAMA }
BALDWIN COUNTY }

I, Edith Howell, by virtue of the attached Commission, commissioner appointed to take the testimony of Geneva Fitzpatrick and Alma Lamb, witnesses on behalf of the Plaintiff, do hereby certify that I called these witnesses before me at my office in Foley, Alabama, on the 30th day of June, 1937; said witnesses were first duly sworn and their testimony then reduced to writing by me, read over and signed by the witnesses. That I have personal knowledge of the identity of the witnesses and I am not of counsel or of kin to any of the parties to the cause or in any manner interested in the result thereof.

IN WITNESS WHEREOF: I have hereunto set my hand this 30th day of June, 1937.

Edith Howell
Commissioner.

The State of Alabama,
Baldwin County.

No. 336 CIRCUIT COURT IN EQUITY.

Geneva Fitzpatrick.

Complainant

vs.

James B. Fitzpatrick.

Defendant

In this cause it appears to the **Register.**
that a summons requiring the Defendant **James Fitzpatrick.**

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 **James B Fitzpatrick. filed**
Voluntary Appearance and Waiver of Summons.
was served upon _____ by the Sheriff of _____ County, Alabama, on the
27th day of **May** 19**37**

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 **James B Fitzpatrick.**

Defendant aforesaid.

This **29th** day of **June** 19**37**

R. S. Dyer

Register.

GENEVA FITZPATRICK,
Complainant,

vs.

JAMES B. FITZPATRICK,
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, Geneva Fitzpatrick, respectfully shows unto the Court that she is over the age of twenty-one (21) years and a bona fide resident of Baldwin County, Alabama, residing at Foley therein, and that the Defendant, James B. Fitzpatrick, is also over the age of twenty-one (21) years and a bona fide resident of the State of Alabama, residing at Mobile therein.

PART TWO

1. Your Complainant avers that both Complainant and Respondent are now and have been, for more than four years last past, bona fide residents of the State of Alabama; that for more than one year last past the residence of the parties has been Foley, Baldwin County, Alabama, until the separation hereinafter mentioned, after which the Respondent moved his residence to Mobile County, Alabama.

2. Complainant further avers that she was married to the Respondent on the 16th day of April, 1933, in Denison, Texas, and ever since said marriage has conducted herself towards the respondent as a faithful and dutiful wife.

3. That notwithstanding and in disregard of his marital duties, the respondent has been guilty of extreme cruelty to the complainant and has committed actual violence on her person and has made such threats of further violence that the Complainant is reasonably apprehensive of such further violence and by reason

GENEVA FITZPATRICK,
Complainant

vs.

JAMES B. FITZPATRICK,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

VOLUNTARY APPEARANCE
AND WAIVER OF SUMMONS

Comes now James B. Fitzpatrick, the above named Respondent and hereby expressly waives issuance and service of summons in the above entitled cause and enters his voluntary appearance therein.

Dated this 24 day of May, 1937.

J.B. Fitzpatrick

IN PRESENCE OF:

Stephen Magney

CHANCERY EXECUTION

BILL OF COSTS

No. 334

Lena Fitzpatrick VS *James B Fitzpatrick*

PLAINTIFF
DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$ 5 10
Filing each bill and other papers	\$ 10	50	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
Issuing each subpoena	50		Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Issuing each copy thereof	40		Each notice sent by mail to creditor	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 100 words.....	15
Entering each return thereof	15		Certified copy of decree	1 00
Issuing Writ of Attachment	1 00		Report of divorce to State Health Office (Acts 1915)	50
Entering each return thereof	15		TOTAL FEES OF REGISTER	12 10
Docketing each case	1 00	100	FEES OF SHERIFF	
Entering each appearance	25	25	Serving and returning subpoena on deft. \$1	50
Issuing each decree pro confesso on per ser.	1 00		Serving and returning subpoena for witness	65
Issuing each decree pro confesso on publica	1 00		Levying attachment	3 00
Each order appointing guardian	1 00		Entering and returning same	25
Any other order by Register	50		Selling property attached	75
Issuing Commission to take testimony	50	50	Impaneling Jury	2 50
Receiving and filing	10	10	Executing Writ of possession	2 50
Endorsing each package	10	10	Collecting execution for costs	1 50
Entering order submitting cause	50	50	Serving and returning sci. fa., each	65
Entering any other order of court.....	25		Serving and returning notice	65
Noting all testimony	50	50	Serving and returning writ of injunction	1 50
Abstract of cause, etc.	1 00		Serving and returning writ of exeat.	1 50
Entering each decree	75	75	Taking and approving bonds, each	75
For every 100 words over 500.....	15		Collecting money on execution	
Taking account, etc.	3 00		Making Deed	2 50
Taking testimony, etc	15		Serving and returning application, etc.	1 00
Each report, 500 words or less	2 50		Serving attachment, contempt of court	1 50
For every 100 words over 500	15		TOTAL FEES OF SHERIFF	1 50
Amount claimed less than \$500, etc	2 00		RECAPITULATION	
Issuing each subpoena	25		Register's Fees	12 10
Witness certificate, each	25		Sheriff's Fees	1 50
Issuing execution, each	75	75	Commissioner's Fees	5 00
Entering each return	15		Solicitor's Fees	
Taking and approving bond, each	1 00	13	Witness Fees	
Making copy of bill, etc	15	5 10	Guardian Ad Litem	
Each notice not otherwise provided for	50		Printer's Fees	3 00
Each certificate or affidavit, with seal	50		Trial Tax	3 00
Each certificate or affidavit, no seal	25		Recording Decree in Probate Court	
Hearing and passing on application, etc.	3 00		TOTAL	22 60
Each settlement with Receiver, etc.	3 00			
Examining each voucher of Receiver, etc	10			
Examining each answer, etc.	3 00			
Recording resignation, etc.	75			
Entering each certificate to Supreme Court	50			
Taking questions and answers, etc	25			
For all other ser relating to such proceedings	1 00			
For services 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 cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent				
Sub Total Carried Forward				

The State of Alabama, }
Baldwin County

No. 334
Circuit Court, In Equity July Term, 1937

To any Sheriff of the State of Alabama—GREETING:
You are hereby commanded, That of the goods and chattels, lands and tenements of _____ Defendant _____
you cause to be made the sum of _____ Dollars,
which _____ Plaintiff _____
recovered of _____ on the 3 day of July 1937
by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____ Dollars,
22.60

costs of suit, and have the same to render to the said _____
and make return of this Writ and the execution thereof, according to law.

Interest from _____ 1937 to date of collection.

Witness my hand, this 22 day of Oct 1937 _____ Register

Duch

RECORDED *2-286*

No. *334*

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this *2*

day of *July* 19*37*

R. Duch

REGISTER

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

GENEVA FITZPATRICK.

Complainant

JAMES FITZPATRICK.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

EDITH HOWELL.

WITNESSES:

RECORDED 2-29-37

No. **336** Page

The State of Alabama
Baldwin County

In Circuit Court, In Equity

Geneva Fitzpatrick,

vs. Complainant.

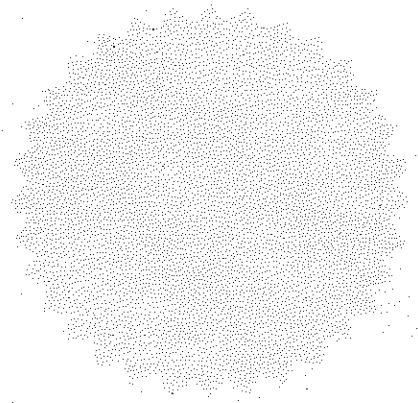
James B Fitzpatrick,

Respondent.

DIVORCE DECREE

Filed July 6, 1937

W.S. Cook, Register



No. 339

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

Louise Fitzpatrick

vs.

James B. Fitzpatrick

CHANCERY EXECUTION
Fi. Fa.

\$23.60

Total \$23.60

Fee Book Page

Execution Docket Page

Complainant's Solicitor
Ray Ammer

THE STATE OF ALABAMA
Baldwin County.

he duly waived right to the exemption of personal property as to the collection of the debt for which this execution is issued.

Register.

Received in office this 3 day of Oct 1937

M. H. Williams
Sheriff

Execution Docket Page 133

N.P.
Returned Nov. 3-4 1937

No property of Louise Fitzpatrick or James B. Fitzpatrick found in Baldwin County.
M. H. Williams Sheriff

MOORE PRINTING CO., BAY MINNIE, ALA.

The State of Alabama, }
Baldwin County

By virtue of the within execution I have levied

RECORDED
2-15-4

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

GENEVA FITZPATRICK,

Complainant,

vs.

JAMES B. FITZPATRICK,

Respondent.

VOLUNTARY APPEARANCE AND WAIVER
OF SIMMONS

*Filed May 27, 1937.
G. S. Aulek, Register*

LLOYD A. MAGNEY
Attorney,
Foley, Alabama.

The State of Alabama,
Baldwin County.

No. 336 ... CIRCUIT COURT IN EQUITY.

Geneva Fitzpatrick.

Complainant

vs.

James B. Fitzpatrick.

Defendant

In this cause it appears to the Register.

that a summons requiring the Defendant James Fitzpatrick.

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 James B Fitzpatrick. filed

Voluntary Appearance and Waiver of Summons.

was served upon by the Sheriff of County, Alabama, on the

27th day of May 1937.

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 James B Fitzpatrick.

Defendant aforesaid.

This 29th day of June 1937

R. D. ...

Register.

GENEVA FITZPATRICK,
Complainant,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

vs.

JAMES B. FITZPATRICK,
Respondent.

TESTIMONY OF GENEVA FITZPATRICK

My name is Geneva Fitzpatrick and I am the Plaintiff in this action and I am twenty-three (23) years of age.

I was married to the Respondent, J. B. Fitzpatrick on the 16th day of April, 1933, in Denison, Texas. We came to Alabama about three and one-half years ago and have resided in Baldwin County, Alabama, for the last year and half with the intention of making it our permanent home.

My husband is a land-scape architect and has been employed by the Federal Government since we came to Alabama three and one-half years ago. He makes a good salary but has always been very extravagant with it and this really was the basis for our trouble. I could not see him throw his money away as he did without remonstrating with him about it, but he is a man of a high temper and whenever I did mention trying to save money and not squander it, he would fly into a rage and abuse and threaten me until life with him simply became intolerable.

He has many times threatened and abused me and has at times assaulted me and has threatened to do so so many times that my health has suffered and we simply cannot live together.

The last time this happened was about the first of May, 1937, and his conduct had become so abusive, we separated and I have lived separate and apart from him ever since.

There are no children and I am not expecting him to pay me any alimony but I do desire a divorce because I cannot continue to live with him, my health having been affected already.

Geneva Fitzpatrick

TESTIMONY OF ALMA LAMB

My name is Alma Lamb and my address is Foley, Baldwin County, Alabama.

I am very well acquainted with both Mr. and Mrs. James B. Fitzpatrick, in fact they lived with me for some six or eight months before they separated and during that time I had every opportunity to observe their life together.

The respondent, James B. Fitzpatrick, was, in my opinion, extremely cruel to his wife. She made him a good wife and did the best she could but he is a spend-thrift and while he makes good money, he never has any and it is always necessary for Mrs. Fitzpatrick's mother to provide for her and support her.

Whenever she would demonstrate about this situation, he would fly into a rage and swear at and abuse her and several times I have seen him assault her and push and slap her. He would threaten her and abuse her and the effect of this was to make her extremely nervous and she lost weight and was sick and unhappy.

About the first of May, 1937, he again got into a rage with his wife and struck her and she left him then and they have been living apart ever since. I know that his treatment of her last year has seriously affected her health.

Mrs. Alma H. Lamb

CERTIFICATE

STATE OF ALABAMA)
BALDWIN COUNTY)

I, Edith Howell, by virtue of the attached Commission, commissioner appointed to take the testimony of Geneva Fitzpatrick and Alma Lamb, witnesses on behalf of the Plaintiff, do hereby certify that I called these witnesses before me at my office in Foley, Alabama, on the 30th day of June, 1937; said witnesses were first duly sworn and their testimony then reduced to writing by me, read over and signed by the witnesses. That I have personal knowledge of the identity of the witnesses and I am not of counsel or of kin to any of the parties to the cause or in any manner interested in the result thereof.

IN WITNESS WHEREOF: I have hereunto set my hand this 30th day of June, 1937.

Edith Howell
Commissioner.

GENEVA FITZPATRICK,

Complainant,

vs.

JAMES B. FITZPATRICK,

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, Geneva Fitzpatrick, respectfully shows unto the Court that she is over the age of twenty-one (21) years and a bona fide resident of Baldwin County, Alabama, residing at Foley therein, and that the Defendant, James B. Fitzpatrick, is also over the age of twenty-one (21) years and a bona fide resident of the State of Alabama, residing at Mobile therein.

PART TWO

1. Your Complainant avers that both Complainant and Respondent are now and have been, for more than four years last past, bona fide residents of the State of Alabama; that for more than one year last past the residence of the parties has been Foley, Baldwin County, Alabama, until the separation hereinafter mentioned, after which the Respondent moved his residence to Mobile County, Alabama.

2. Complainant further avers that she was married to the Respondent on the 16th day of April, 1933, in Denison, Texas, and ever since said marriage has conducted herself towards the respondent as a faithful and dutiful wife.

3. That notwithstanding and in disregard of his marital duties, the respondent has been guilty of extreme cruelty to the complainant and has committed actual violence on her person and has made such threats of further violence that the Complainant is reasonably apprehensive of such further violence and by reason

thereof, her health has been injuriously affected and she finds it impossible to live with the Respondent in peace and happiness and has separated from him and desires a divorce from the Respondent.

4. That there is no issue of said marriage.

PRAYER FOR PROCESS

WHEREFORE, your Complainant prays that your Honor will grant to her the writ of summons of the State of Alabama commanding the Respondent, James B. Fitzpatrick, to appear before this court within thirty (30) days from the service of such writ to plead, answer or demur to this bill of complaint and to abide such decree as may be entered herein; and your Complainant will ever pray & c.

PRAYER FOR RELIEF

Your Complainant further prays that upon a final hearing of this cause, your Honor will grant to her an absolute divorce from the Respondent and such other and further relief in the premises as may be just and equitable.


Solicitor for Complainant.

FOOTNOTE

The Respondent, James B. Fitzpatrick, is hereby required to answer the allegations of Part Two of the foregoing Bill of Complaint from paragraph numbered One to Paragraph numbered Four thereof, but not under oath, oath to answer being hereby expressly waived.


Solicitor for Complainant.