

The State of Alabama }
Baldwin County }

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

ALBERTA DUFF

COMPLAINANT

VS.

JOHN H. DUFF

RESPONDENT

I, ROBERT S. DUCK,

as Register and Commissioner

have called and caused to come before me Alberta Duff and Alma Duff

witnesses named in the requirement for Oral Examination, on the 16 day of February 1938, at the office of Clerk of the Circuit Court

in Baldwin County, Alabama, and having first sworn said witness^{es} to speak the truth, the whole truth, and nothing but the truth, the said Alberta Duff

doth depose and say as follows:

My name is Alberta Duff. I am over twenty-one years of age and a resident of Bay Minette, Baldwin County, Alabama.

The Respondent, John H. Duff, is over twenty-one years of age and a resident of Bay Minette, Baldwin County, Alabama.

The Respondent and I were married at Kingston, in the State of Tennessee, on March 16th, 1909, and we lived together as husband and wife until in January, 1938; that on January 2nd, 1938, and various other times prior thereto, the Respondent cursed, abused and threatened me; that the Respondent is an user, to excess, of strong drinks, and when under the influence of liquor, has an ungovernable temper; that his conduct is such that it renders it absolutely impossible for me to longer live with him; that his conduct is such that I have every reasonable apprehension to believe and do actually believe that if I continue to live with him he will carry out his threats and do actual violence to my person which will necessarily endanger my life and health;

We have one child, a girl, Alma Duff, twelve years old and who is now and has been all of her life living with me. She is now attending school at Bay Minette. The conduct of the Respondent is such, especially when he is drinking, as to make it most disagreeable not only for me, but also for the child. I know that he is not a suitable or a fit or proper person to have the care and management of the said child.

The Respondent is an able-bodied man and employed by the Louisville & Nashville Railroad Company and receives something like \$6.00 per day or a little more; that he usually gets in the neighborhood of \$160.00 to \$175.00 per month, and somemonths when he works over time his salary is increased according to the hours over time that he works. I have no funds nor do I have any property out of which is derived any source of income. I am sure that it will take any where from \$45.00 to \$60.00 or \$75.00 per month for me and the minor child to live as we have been accustomed to.

Mrs. Alberta Duff

The State of Alabama,
Baldwin County.

} No. 390 CIRCUIT COURT IN EQUITY.

ALBERTA DUFF, Complainant

vs.

JOHN H. DUFF, Defendant

In this cause it appears to the Register

that a summons requiring the Defendant

JOHN H. DUFF,

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 him

was served upon him by the Sheriff of Baldwin County, Alabama, on the 12th day of January 1938

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 BEEBE, HALL & BEEBE,

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

JOHN H. DUFF,

Defendant aforesaid.

This 15th day of February 19 38

R. S. Dush Register.

The State of Alabama,
Baldwin County.

{ No. 390 CIRCUIT COURT IN EQUITY.

ALBERTA DUFF, Complainant.....

vs.

JOHN H. DUFF, Defendant.....

Motion is hereby made for a Decree Pro Confesso against JOHN H. DUFF,.....

..... 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 according to law, and that said Defendant... ha^s failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 15th day of February 19 38

..... BEEBE, HALL & BEEBE, Solicitor.

ALBERTA DUFF,

Complainant,

VS.

JOHN H. DUFF,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

This cause coming on to be heard is submitted upon the Prayer of the Complainant that a reference be held to determine the facts hereinafter set out, and it appearing to the Court that the Complainant is entitled to the relief prayed for:

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that the cause be and is hereby referred to the Register of the Circuit Court of Baldwin County, Alabama, to ascertain the following facts:

1. The amount to be paid by the Respondent to the Complainant as alimony, pendente lite.
2. The amount to be paid by the Respondent to the Complainant as Attorneys' fees in prosecuting said cause.

The Register is ordered to forthwith hold said reference to ascertain the said facts, and that immediately upon the ascertainment thereof to report his finds to the Court for its consideration.

Done at Monroeville, Monroe County, Alabama, this 13th day of January, 1938.

F. W. Hare
Judge.

ORDER OF REFERENCE

ALBERTA DUFF,

Complainant,

JOHN H. DUFF,

Respondent.

BALDWIN COUNTY, ALABAMA,
IN THE CIRCUIT COURT OF

IN EQUITY.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

This cause coming on to be heard is submitted upon the Prayer of the Complainant that a reference be hold to determine the facts hereinafter set out, and it appearing to the Court that the Complainant is entitled to the relief prayed for:

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that the cause be and is hereby referred to the Register of the Circuit Court of Baldwin County, Alabama, to ascertain the following facts:

- 1. The amount to be paid by the Respondent to the Complainant as alimony, pendente lite.
- 2. The amount to be paid by the Respondent to the Complainant as Attorneys' fees in prosecuting said cause.

The Register is ordered to forthwith hold said reference to ascertain the said facts, and that immediately upon the ascertainment thereof to report his finds to the Court for its consideration.

Done at Monroeville, Monroe County, Alabama, this _____ day of January, 1939.

Judge.

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

JOHN H. DUFF,

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

ALBERTA DUFF,

against said JOHN H. DUFF,

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, Robert S. Duck, Register of said Circuit Court, this 3rd day of January 193 8



Register

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

ALBERTA DUFF,

Complainant,

VS.

JOHN H. DUFF,

Respondent.

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:

Comes your Complainant, ALBERTA DUFF, and humbly complaining against the Respondent, JOHN H. DUFF, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That both your Complainant and the Respondent are over twenty-one years of age and residents of Baldwin County, Alabama.
2. That your Complainant and the Respondent were married at Kingston, Tennessee, on March 16th, 1909, and lived together as husband and wife until on to-wit, January 2nd, 1938.
3. That on to-wit, January 2nd, 1938, and various other times prior thereto, the Respondent cursed, abused and threatened your Complainant; that he often drinks to excess, and when under the influence of liquor has an un-governable temper; that the conduct of the Respondent is such that your Complainant has every reasonable apprehension to believe, and does actually believe that if she continues to live with him, he will carry out his actual threats and do actual violence to her person, which will necessarily be attended with danger to her life and health.
4. That the Complainant and Respondent have one minor child: Alma Duff, a girl, twelve years old, and who is now and has been all her life living with your Complainant; that your Complainant is able, capable and willing of caring for said minor; that the conduct of the Respondent is such that he is not a suitable, fit or proper person to have the care, management and control of said minor child.
5. That the Respondent is an able-bodied man and employed by the Louisville & Nashville Railroad Company, and receives a salary of approximately Two Hundred (\$200.00) Dollars per month; that your Complainant has no means of making a livelihood for her and said minor child, except by manual labor; that she has no funds to live on or to employ counsel to prosecute this suit.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said JOHN H. DUFF 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; that your Honor will immediately order a reference to determine the amount of alimony pendente lite and attorneys' fees to be paid by the Respondent to and for the benefit of the Complainant;

Your Complainant further prays that upon a final hearing of this cause, your Honor will give and grant unto ^{her} a decree of absolute divorce, forever barring the bonds of matrimony existing between her and the Respondent, JOHN H. DUFF; that your Honor will make and enter a decree awarding the care, custody and control of said minor child, ALMA DUFF, to your Complainant; that a proper order and decree be made and enter fixing and adjudging the amount of alimony, permanent, to be paid by the Respondent to the Complainant. The Complainant prays for such other, further different or general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

Mrs. Alberta Duff
Complainant.

Robert Lee Beebe
Solicitors for the Complainant.

FOOT NOTE:

The Respondent, JOHN H. DUFF, is required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 5, inclusive, but not under oath, oath being hereby expressly waived.

Mrs. Alberta Duff
Complainant.

Robert Lee Beebe
Solicitors for the Complainant.

Dated at Monroeville, in Monroe County, Alabama, this the 17th
day of February, 1938.

J. W. Hare

Judge of the Circuit Court of Baldwin
County, Alabama.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT

NanAlice Thompson, Deputy

Personally appeared before me, ~~J. W. RICHMOND~~, Clerk of the Circuit Court in and for Baldwin County and

State aforesaid. ALBERTA DUFF,

who being duly sworn, on oath says, that a regular Chancery Term

of the Circuit Court of Baldwin County, to-wit: on the 17th day of February -1938

###, ALBERTA DUFF

recovered a judgment against JOHN H. DUFF

\$45.00 per month--- the first payment to be made on the date of decree. for the sum of

besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect: that

L. & N. RAILROAD COMPANY, a Corporation,

supposed to be indebted to or have effects of the said JOHN H. DUFF

in THEIR possession, or under THEIR control, and that he believes process of

Garnishment against said L. & N. RAILROAD COMPANY, a Corporation,

is necessary to obtain satisfaction of said Judgment.

Sworn to and subscribed this 22nd

day of October A. D. 1938

Affiant.

Deputy - Clerk.

GARNISHMENT ON JUDGMENT

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT BALDWIN COUNTY

October TERM, ~~1927~~ 1938

To Any Sheriff of the State of Alabama—Greeting:

WHEREAS, At a regular Chancery Term, ~~1928~~ 1938, of the Circuit Court of Baldwin County, to-wit: On the 17th day of February - 1938, ~~1928~~ being a regular day of said term

ALBERTA DUFF,
recovered judgment against JOHN H. DUFF,

for the sum of \$45.00 per month--- 1st payment to be made as of date of decree. Dollars, and cost of suit,

and affidavit having been made by ALBERTA DUFF, that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the following named persons or corporations, viz:

L. & N. RAILROAD COMPANY, a Corporation,

has or is believed to have in their possession, or under their control money or effects belonging to said defendant JOHN H. DUFF or that L. & N. Railroad Co., is, or is believed to be indebted to said defendant JOHN H. DUFF or to be liable to them, or to one of them on a contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property or which is payable in personal property.

You are Therefore Hereby Commanded to Summon

L. & N. RAILROAD COMPANY, a Corporation

to be and appear before the honorable the Circuit Court for Baldwin County, at the Court House thereof, in the City of Bay Minette, on the Monday in 1938 A. D. 192 then and there within the three first days of the term, to answer on oath, whether at the time of the service of the garnishment, or at the time making their answer, or at any time intervening the time of serving the garnishment and making the answer they were ~~was~~ indebted to said defendant John H. Duff and whether they will not be indebted in future to said defendant John H. Duff by a contract then existing, and whether by a contract then existing is, or are, liable to said defendants for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and whether they have ~~has not in~~ their possession or under their control money or effects belonging to the defendant JOHN H. DUFF,

Herein fail not, and have you then and there this Writ.

R. S. DUCK,
Witness, ~~W. W. RICHMOND~~ Clerk of said Court, this 22nd

day of October, 1938 A. D. ~~1927~~

Issued 22nd day of October, 1938 A. D. ~~1927~~

ATTEST:

.....Clerk.
By: _____
Deputy-Clerk.

original

RECORDED *Duff*
7-376

Serve on _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 390

SUMMONS

ALBERTA DUFF,
Complainant,

vs.

JOHN H. DUFF,
Respondent.

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this _____

day of _____, 193

SHERIFF

Executed this 12th day of

January 1938

by leaving a copy of the within Summons with

John H. Duff

Defendant

W. H. Hill
Sheriff

By _____
Deputy Sheriff

BERBE, HALL & BERBE,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

ORDER OF REFERENCE

ALBERTA DUFF,

Complainant,

VS.

JOHN H. DUFF,

Respondent.

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

[Handwritten signature]

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

ALBERTA DUFF
Complainant
vs.
JOHN H. DUFF
Respondent

This case comes on for hearing on the petition of the complainant that a reference be made to determine the facts and to settle the account between the complainant and the respondent. The court is satisfied that the complainant is entitled to the relief prayed for.

It is ordered that the respondent do and pay to the complainant the sum of \$100.00 within thirty days of the date of this order. The amount to be paid by the respondent to the complainant as attorney's fees in this case is \$50.00.

The respondent is ordered to furnish to the complainant a copy of the account between them and to pay to the complainant the amount thereof within thirty days of the date of this order. The respondent is also ordered to pay to the complainant the amount of the respondent's share of the costs of this case.

Done at Baldwin County, Alabama, this 1st day of January, 1935.

Back
RECORDED
2-337

ORDER OF

REFERENCE:

ALBERTA DUFF,

Complainant,

VS.

JOHN H. DUFF,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed Jan 14 1935
W. H. Duff
Proctor

RECORDED, *Ans*
4-3-25

NOTICE OF TIME SET FOR HOLDING
REFERENCE:

ALBERTA DUFF,

Complainant,

VS.

JOHN H. DUFF,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

*Executed by serving
a copy of the
original with
me
John H. Duff
His 3rd day of Feb.
1938.
W. H. Williams - Clerk
By Taylor & Williams*

RECORDED *Out*
7-400

No. 390 Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

ALBERTA DUFF,

Complainant,

vs.

JOHN H. DUFF,

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE**

Filed February 15th 1938

R. S. Quack
Register.

Moore Printing Company, Bay Minette, Ala.

RECORDED *Out*
7-399

No. 390 Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

ALBERTA DUFF,

Complainant,

vs.

JOHN H. DUFF,

Respondent.

**MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE**

Filed February 15th 1938

R. S. Quack
Register.

Recorded in

Vol. Page Record.

Register.

Moore Printing Company, Bay Minette, Ala.

ORAL EXAMINTAIION

I, R. S. DUCK 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 _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ~~es~~ or had proof made before me of the identity of said witness ~~as~~; 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 16 day of February 1938.

R. S. Duck (L. S.)

No. 390 Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

ALBERTA DUFF

COMPLAINANT

vs.

JOHN H. DUFF

RESPONDENT

ORAL DEPOSITION

Filed Feb. 16, 1938

R. S. Duck, Register.

RECORDED IN

Record _____

Vol. _____ Page _____

_____, Register

RECORDED. *Under*
7-450

AGREEMENT OF PARTIES:

ALBERTA DUFF,

Complainant,

VS.

JOHN H. DUFF,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY,

NO. 390.

Filed this *18* day *July* 19*27*
R. S. Duncanson
Clerk-Register

Circuit Court, Baldwin County

No. 390

ALBERTA DUFF, Complainant,

VS. } GARNISHMENT ON JUDGMENT

JOHN H. DUFF, Respondent.

L. & N. RAILROAD CO., a Corp.,
Garnishee.

Issued 22nd day of Oct, 1928

Returnable day of 1928

BEEBE, HALL & BEEBE

Attorney.

Dual
RECORDED

2-382

FINAL DECREE:

ALBERTA DUFF,

Complainant,

VS.

JOHN H. DUFF,

Respondent.

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

Filed this 18 day Feb. 1938

R. S. Dual
Clerk-Register

No. 390

CIRCUIT COURT

ALBERTA DUFF,

Complainant,

VS.

JOHN H. DUFF,

Respondent.

AFFIDAVIT

Filed in Office,

October 22nd, 1938

1911

Clerk.

Gill Printing Co., Mobile, Ala.

By:

Deputy-Clerk.

ALBERTA DUFF,

Complainant,

vs.

JOHN H. DUFF,

Respondent.

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, Decree Pro
Confesso on & Testimony of Alberta Duff and Alma Duff;
personal service /

and in behalf of Defendant upon

R. S. Duck

Register.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 390

February

Term, 1938

ALBERTA DUFF,

, Complainant

Vs.

JOHN H. DUFF,

, Defendant

R. S. DUCK,

, 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 & BEEBE,

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 & BEEBE,

Solicitor for Complainant.

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

ALBERTA DUFF,

Complainant,

Vs.

JOHN H. DUFF,

Respondent.

**REQUEST FOR DECREE IN
VACATION**

Filed February 16th, 1908

R. S. Duff

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED

Duck
2-352

No. 390

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

ALBERTA DUFF,

Complainant,

vs.

JOHN H. DUFF,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 16th

day of February 193 8

R. S. Duck

REGISTER

THE STATE OF ALABAMA)
COUNTY OF ESCAMBIA)

BERNICE GODWIN)

Complainant)

VS)

~~ALBERT GODWIN~~)

Defendant)

IN THE CIRCUIT COURT OF
ESCAMBIA COUNTY, ALABAMA.

NO. _____

Comes ALBERT GODWIN, the person named as Defendant in this case and for answer to the Bill of Complaint herein says he denies each and every allegation therein, and demands strict proof of the same. He also waives service by the Sheriff of subpoena on said bill, a copy of the interrogatories filed in the cause, notice of the filing of them, waives the ten days allowed by law to cross them, the right to cross them, and agrees that testimony maybe taken before the register or a commissioner on oral examination and consents that the cause be submitted to the Judge for decree in vacation on note of testimony to be made by the register. The Defendant also requests that in the event a divorce is granted he be given also the right to again marry.

Albert L. Godwin
DEFENDANT

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. _____ Term, 193_____

Service Sadwin _____, Complainant

Vs.

Albert Sadwin _____, Defendant

To *R.S. Duck* _____, 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

Home + Hadrette

her

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.

Frank G. Home
Solicitor for Complainant.

BERNICE GODWIN,

Complainant,

vs.

ALBERT GODWIN,

Respondent.

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,

~~#####~~ Testimony of Bernice Godwin and E. C.

Hammond; Request for Decree in Vacation.

Answer & Waiver.

and in behalf of Defendant upon

R. Decker

Register.

(391)

BERNICE GODWIN
Complainant
vs
ALBERT GODWIN
Defendant

IN THE CIRCUIT COURT OF
Baldwin
SCHEFFA COUNTY, ALABAMA
NO _____

TO THE HONORABLE FRANCIS W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT OF THE STATE OF ALABAMA, SITTING IN EQUITY.

Now Comes your Oratrix, Bernice Godwin, humbly complaining of the Defendant, Albert Godwin, in a matter of divorce as will hereinafter appear, and represents and shows unto your Honor as follows:-

FIRST: That the Complainant is over the age of eighteen years of age, and that the Defendant is over the age of twenty-one years, and that they both have resided in said County for more than three years next preceeding the filing of this Bill of Complaint.

SECOND: That on, to-wit, the 24th day of December, 1934 the Complainant and Defendant were married to each other in Baldwin County, Alabama, and lived immediately thereafter as man and wife.

THIRD: That on, to-wit, the 1st day of October, 1936, this Defendant commenced to treat the Complainant in a cruel and unhuman manner; that he would on occasions threaten to kill her or do her serious bodily harm, and that on, to-wit, the 13th day of October, 1936, the Defendant struck the Complainant about her face and body and threatened to kill her; that this cruelty was attended with grave danger to her life and health, and that she can no longer with any degree of comfort or safety continue to live with the Defendant. That this cruelty was not caused by any fault on her part, and that she has not condoned him for the same.

PRAYER FOR PROCESS

To the end that equity may be had in the premises, your Oratrix, the Complainant, prays that the said Albert Godwin be made party to this Bill of Complaint and that summons be issued and served upon him requiring him to plead, answer or demur to the Bill of Complaint within the time and under the penalties perscribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Premises considered, your Oratrix, the Complainant, prays that on a final hearing of this Cause your Honor will make and enter a decree dissolving the bonds of matrimony heretofore existing between the Complainant and the Defendant and granting to your Oratrix the right to again marry should she so desire. Your Oratrix prays such other, further and general relief to which she maybe entitled, the premises considered, and your Oratrix will ever pray, etc.

Horne & Hodnette

HORNE & HODNETTE, Solicitors for the
Complainant.

FOOTNOTE:-

Defendant is required to answer each and every paragraph of the foregoing Bill of Complaint, numbered "FIRST", "SECOND", and "THIRD", but not under oath answer under oath being hereby expressly waived.

Horne & Hodnette

SOLICITORS FOR THE COMPLAINANT.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

BERNICE GODWIN, Complainant

vs.

ALBERT GODWIN, Respondent

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

~~and~~ Answer and Waiver, 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 BERNICE GODWIN is forever divorced from the said

ALBERT GODWIN,

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.

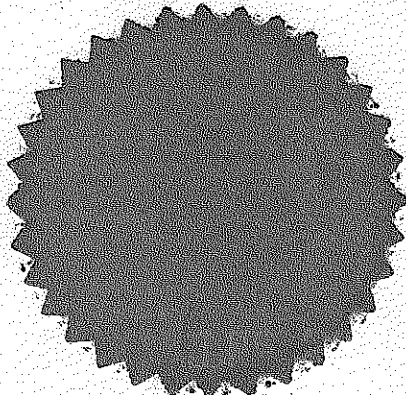
It is further ordered that BERNICE GODWIN and ALBERT GODWIN be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that ALBERT GODWIN, the Respondent, pay the cost herein to be taxed, for which execution may issue.

This 10th day of January, 1938

[Signature] Judge Circuit Court, in Equity.

I, [Signature], 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.

RECORDED

Duch

2 - 336

No. 391

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

BERNICE GODWIN,

Complainant,

vs.

ALBERT GODWIN,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 6th

day of January 1938

R.S. Duch

REGISTER

RECORDED

Duch
7-373

No. 391 Page _____

The State of Alabama,
Baldwin County.
CIRCUIT COURT, IN EQUITY

BERNICE GODWIN,
vs. Complainant,

ALBERT GODWIN,
Respondent,

**REQUEST FOR DECREE IN
VACATION**

Filed January 6th, 1938, 1938

R. S. Duch
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED

7-372

Deck

153

BERNICE GODWIN,
Complainant,

vs.

ALBERT GODWIN,
Respondent.

WAIVER & ANSWER

Filed January 1, 1935

R. S. Dade,

Register

RECORDED *And*
7-372

BERNICE GODWIN,
Complainant,

vs.

ALBERT GODWIN,
Respondent.

BILL OF COMPLAINT:

Filed January 1, 1938
R. S. Duck,
Plaintiff

ORIGINAL FILED IN BALDWIN COUNTY 2-5-38

No. 391 Page

The State of Alabama
Baldwin County

In Circuit Court, In Equity

BERNICE GODWIN,
vs. Complainant.

ALBERT GODWIN,
Respondent.

DIVORCE DECREE

Filed this the 11
day of January, 1938.

R. Sweet
Register.

The State of Alabama }
Baldwin County

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

BERNICE GODWIN

COMPLAINANT

VS.

ALBERT GODWIN,

RESPONDENT

I, Robert S. Duck,

as Register and Commissioner

have called and caused to come before me

Bernice Godwin and E. C. Hammond,

witnesses named in the requirement for Oral Examination, on the 6th day of January

1938, at the office of R. S. Duck, Register in Equity

in Bay Minette, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said BERNICE GODWIN,

doth depose and say as follows:

My name is Bernice Godwin. I married Albert Godwin at Bay Minette, Ala., December 24th, 1934. And we lived together thereafter as man and wife until on, to-wit, the 13th day of October, 1936. We are both residents of Baldwin County, Alabama, and I am over eighteen years of age, and the defendant is over the age of twenty-one years.

On or about the 1st day of October, 1936, the defendant commenced to treat me in a cruel and inhuman manner. That on, occasions he would threaten to kill me, or do me serious bodily harm. And that on, the 13th day of October, 1936, the defendant struck me about my face and body and threatened to kill me; that I escaped from him, and have not lived with him since. And that to do so would not in my opinion, be safe. That this cruelty was attended with grave danger to my life and health and I can no longer with any degree of comfort or safety continue to live with the said Albert Godwin.

Bernice Godwin

ORAL EXAMINATION

I, R. S. DUCK, as Register and Commissioner hereby certify that the foregoing deposition^s 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 _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ^{es} or had proof 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 6th day of January 19 38.

R. S. Duck (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

BERNICE GODWIN,
COMPLAINANT

vs.

ALBERT GODWIN,
RESPONDENT

ORAL DEPOSITION

Filed January 6th, 1938

R. S. Duck, Register,
RECORDED IN _____

Record _____

Vol. _____ Page _____

Register _____

My name is E. C. Hammond.
I live at Bay Minette, Baldwin County, Alabama, and I know the complainant and the respondent. They are both bona fide residents of Baldwin County, Alabama. They were married to each other at Bay Minette, Ala. on the 24th day of December, 1934. And they lived together thereafter as man and wife, until on, to-wit, the 13th day of October, 1936. I know that the defendant commenced to treat the complainant cruelly, about the first of October, and he would often threaten her, and attempt to do her serious bodily harm. That on, to-wit, the 13th day of October, 1936, he struck her about the face and body, ~~and made large blue, and red bruises.~~ That this treatment was accompanied with grave danger to her life and health. And that she can no longer, in my judgment, continue to live with the said Albert Godwin, with any degree of comfort or safety.

