

DECREE OF DIVORCE

THE STATE OF ALABAMA
BALDWIN COUNTY

No. 398 CIRCUIT COURT IN
EQUITY.

KATHERINE RHODES,
Complainant

VS

HUBERT RHODES,
Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and, upon consideration thereof, the Court is of 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 the Complainant is forever divorced from the Defendant, for and on account of Cruelty;

It is further ordered by the Court that the said Katherine Rhodes, the Complainant, be and she is hereby given the custody, care and control of the minor children, subject to further orders of the court;

It is further ordered that the said Katherine Rhodes and Hubert Rhodes, be and they are hereby permitted again to contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Katherine Rhodes, the Complainant, pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may be issued against the said Hubert Rhodes, the Respondent.

It is further ordered, adjudged and decreed that said Katherine Rhodes, shall not again marry except to said Hubert Rhodes, until sixty days after this date, and if an appeal is taken within sixty days she shall not marry again except to said Hubert Rhodes, during the said pendency of appeal.

This 14th day of May, 1938.

F. W. Hare
Judge of the Circuit Court
of Baldwin County.

STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.

I, Alice J. Duck, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the 14th day of May, 1938, in the cause of Katherine Rhodes, Complainant, Vs. Hubert Rhodes, Defendant, as appears of record in said Court.

Witness my hand and the seal of said Court, this the 13th day of August, 1953.

Register

ORVIS M. BROWN
ATTORNEY AT LAW
BALDWIN BUILDING
ROBERTSDALE, ALA.

398

May 4th, 1938

Mr. Robert S. Duck
Clerk Circuit Court
Bay Minette, Alabama

Dear Mr. Duck:

I am herewith enclosing a letter addressed to me from Hubert L. Rhodes in a divorce proceeding entitled Katherine Rhodes vs Hubert L. Rhodes. You may place this letter in the file and withdraw the Answer and Cross Bill which I filed for Hubert L. Rhodes in this matter.

In drafting your divorce decree please be sure that the custody of the children remains with the Court. *and the Plaintiff is granted right to re-marry, there is not to be any alimony or support and cost in complainant in the decree.*

Yours very truly,

Orvis M. Brown
ORVIS M. BROWN.

OMB:VC
102

KATHERINE RHODES,
Complainant,
VS.
HUBERT RHODES,
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, KATHERINE RHODES, and humbly complaining against the Respondent, HUBERT RHODES, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant and the Respondent are both over twenty-one years of age and residents of Fairhope, in Baldwin County, Alabama.
2. That your Complainant and the Respondent were married at Pensacola, in the State of Florida, on to-wit, October 5th, 1934, and lived together as husband and wife until February 15th, 1938.
3. That the Respondent is a man with an ungovernable temper; that on to-wit, February 15th, 1938, and various times prior thereto, the Respondent has cursed, abused and threatened the Complainant; that on February 15th, 1938, he did actual violence to her person by striking and choking her; that his conduct is such that Complainant has every reasonable apprehension to believe, and does actually believe, that if she continues to live with him, he will continue to carry out his threats and do further violence to her person which will necessarily endanger her life and health.
4. That there was born to said marriage one child, a girl, two years old, Sharlyn Rhodes; that said minor child has all of her life been with your Complainant, her mother, and that the Complainant is ready, able and capable of caring for said minor child; that the Respondent is not a fit or proper person to have the care, custody and control of said child.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said HUBERT RHODES 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.

Complainant further prays that upon a final hearing of this cause, this

Honorable Court will give and grant unto her a decree of absolute divorce, forever barring the bonds of matrimony existing between her and the Respondent, HUBERT RHODES; that your Honor will enter a further order and decree awarding to her the care, custody and control of said minor child, Sharlyn Rhodes; that your Honor will give and grant unto her 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.

Katherine Rhodes
Complainant.

Beckwith & Beebe
Solicitors for Complainant.

FOOT NOTE:

The Respondent, HUBERT RHODES, is required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 4, inclusive, but not under oath, oath being hereby expressly waived.

Katherine Rhodes
Complainant.

Beckwith & Beebe
Solicitors for Complainant.

ANSWER AND CROSS BILL

KATHERINE RHODES,

Complainant

vs

HUBERT RHODES,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

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

And now comes HUBERT RHODES, Respondent and by the way of answer and Cross-Bill shows unto your Honor as follows:

ONE: The Respondent denies each and every allegation contained in Paragraph One and demands strict proof thereof.

TWO: The Respondent denies each and every allegation contained in Paragraph Two and demands strict proof thereof.

THREE: The Respondent denies each and every allegation of paragraph Three and demands strict proof thereof.

FOUR: The Respondent admits so much of Paragraph Four as follows "that there was born to said marriage one child, a girl, two years, Sharlyn Rhodes," but denies each and every other allegation of the said paragraph Four and demands strict proof thereof.

FIVE: The Premises considered, comes now your Respondent, Hubert Rhodes, and presents his bill praying that the Complainant, Katherine Rhodes be made Cross-Respondent and your Respondent be made Cross-Complainant and shows unto your Honor as follows:

Your Cross-Complainant Hubert Rhodes, exhibits this his Cross Bill of Complaint against the Cross-Respondent Katherine Rhodes, and respectfully shows unto your Honor as follows:

SIX: That the Cross-Complainant is a resident of Baldwin County, Alabama, namely, of Fairhope, and is over the age of twenty one years and that your Cross-Complainant herein is now and has been for more than three years next immediately preceding the filing this cross bill of Complaint an actual resident of Baldwin County, Alabama, and that the address of the Cross-Respondent is Pensacola, Florida and the Solicitors of Record for the Cross-Respondent are Beebe, Hall & Beebe of Bay Minette, Alabama.

SEVEN: That your Cross-Complainant and Cross-Respondent were

oath, oath to the said answer being hereby expressly waived.

That this Honorable Court will order a reference held to determine the care, custody and control of this child Sharlyn Rhodes until the hearing of the final decree as entered in this proceeding and that your Cross-Complainant be given the care, custody and control of the said child Sharlyn Rhodes pending the hearing of this cause and further that the final hearing and decree upon this proceeding be with-held until after the date of the birth of the expected child to your Cross-Respondent.

That upon the final hearing of this cause that your Honor will grant unto your Cross-Complainant an absolute divorce forever dissolving the bonds of matrimony now existing between your Cross-Complainant and Cross-Respondent and granting your Cross-Complainant the right to marry again.

That upon the final hearing of this cause that your Honor will grant unto the Cross-Complainant Hubert Rhodes the care, custody and control of the said child Sharlyn Rhodes for a period of six months time each and that your Cross-Complainant be given the care, custody and control of Sharlyn Rhodes for the first six months after the final decree and that the care, custody and control of this child Sharlyn Rhodes alternate in six month periods. And that after the arrival of the expected child and it has obtained an age which the Court be deemed wise and advisable that your Cross-Complainant be given the absolute care, custody and control of this child for six months periods alternating as to this Honorable Court seems equitable and just.

That upon the final hearing of this Court that your Honor will grant unto the Cross-Complainant this furniture or half of the same ^{which} and/your Cross-Respondent has removed from the home of the Cross-Complainant and therein the order of this Honorable Court directing that half of this furniture be delivered to the Cross-Complainant.

That upon the final hearing your Honor will grant its order taxing the costs of Court in this cause against the Cross-Respondent, and your Cross-Complainant prays for such other and further relief as in equity and good conscience he may be entitled to in the premises for which he will ever pray and he is at all times ready to do equity in this cause.

May it please your Honor to grant to your Cross-Complainant the State process by personal service directing to the Cross-Respondent aforesaid ~~that~~ directing her to appear in this Court in accordance with the law to answer the premises and abide by and perform such decrees as passed therein and to answer, plead or demur as she may deem best.

Hubert Rhodes
Respondent and Cross-Complainant

Chris M. Brown
Solicitor for Respondent and Cross-Complainant.

FOOT NOTE: Cross-Respondent, Katherine Rhodes, is required to answer each and every allegation contained in the foregoing cross bill of Complaint and Paragraphs One to nine inclusive but not under oath, oath being hereby expressly waived.

Hubert Rhodes
Respondent and Cross-Complainant

Chris M. Brown
Solicitor for Respondent and Cross-Complainant.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 398 May Term, 1938

KATHERINE RHODES, , Complainant

Vs.

HUBERT RHODES, , 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 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.

{ No. 398 CIRCUIT COURT IN EQUITY.

KATHERINE RHODES, Complainant.

vs.

HUBERT RHODES, Defendant.

In this cause it appears to the Register, R. S. Duck,
that a summons requiring the Defendant Hubert Rhodes,
having failed to answer :-

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
17th day of February 19.38

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 Hubert Rhodes, Defendant,

Defendant aforesaid.

This 04th day of May 19.38

R. S. Duck Register.

 KATHERINE RHODES,

 Complainant,

 vs.

 HUBERT RHODES,

 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; Testimony of Katherine Rhodes, and Testimony of Mrs.
 Etta Gavin;

 and in behalf of Defendant upon _____

R. Luck

 Register.

KATHERINE RHODES,

Complainant,

VS.

HUBERT RHODES,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

And now comes the Complainant and Cross Respondent and demurs to the Cross Bill filed by the Respondent and Cross Complainant, and to each count thereof, separately and severally, and for ground thereof, says:

1. That there is no equity in the bill.

2. That there are no facts set out therein which entitle the Respondent and Cross Complainant to relief prayed for.

And without waiving this demurrer by insisting thereupon, the Complainant files this answer to the Respondent and Cross Complainant's Cross Bill, and to each paragraph thereof, separately and severally, says:

a. That she denies each and every allegation contained in paragraphs six to nine, inclusive, not herein specifically admitted and demands strict proof thereof.

b. That she admits all the material allegations contained in paragraph six.

c. That she admits the allegation contained in paragraph seven that the Respondent and Cross Complainant and the Complainant and Cross Respondent were married at Pensacola, in the State of Florida, on to-wit, October 5th, 1934, and lived together as husband and wife until February 15th, 1938; that she denies all the other allegations contained therein and demands strict proof of the same.

d. That she denies all the material allegations contained in paragraph eight and demands strict proof of the same.

e. That she admits the allegation contained in paragraph nine.

Beberly Beberly
Attorneys for Complainant and Cross Respondent.

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

HUBERT RHODES

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

KATHERINE RHODES

against said

HUBERT RHODES

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 17th day

of February 193 8



Register

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

The State of Alabama }
Baldwin County

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

KATHERINE RHODES,

COMPLAINANT

VS.

HUBERT RHODES,

RESPONDENT

I, R. S. DUCK

as Register and Commissioner of the Circuit Court of Baldwin County, Alabama,

have called and caused to come before me Katherine Rhodes and Mrs. Etta Gavin

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

1938, at the office of Register of the Circuit Court of Baldwin County,

in Bay Minette, Alabama, and having first sworn said witness^{es} to speak the

truth, the whole truth, and nothing but the truth, the said Katherine Rhodes /

doth depose and say as follows:

My name is Katherine Rhodes. I am over twenty-one years of age and was at the time of the filing of the Bill of Complaint in this cause a resident of Fairhope, in Baldwin County, Alabama, however, I am now living at 1100 East De Soto Street, Pensacola, Florida.

The Respondent, Hubert Rhodes, is over twenty-one years of age and a resident of Fairhope, in Baldwin County, Alabama.

Hubert Rhodes and I were married at Pensacola, in the State of Florida, on to-wit, October 5th, 1934. We lived together as husband and wife until February 15th, 1938.

The Respondent, Hubert Rhodes, is a man with an ungovernable temper. On February 15th, 1938, and at various times prior thereto, he cursed, abused and threatened me, and on February 15th, 1938, he did actual violence to me by striking me with his fists and also by choking me.

On various times prior to this date he has had these temperamental fits, and on each occasion he abused me, and on several occasions he actually struck me. His conduct is such and has been that it is absolutely impossible for me to live with him. I know that if I should live with him, he would continue, as he has heretofore, and abuse and threaten me and continue to do violence to my person.

We have one child, a girl, two years old, Sharlyn Rhodes, who is now and has been all of her life with me. I have a home in Pensacola with my mother and father and they are able to care and provide for me and my child.

The Respondent, Hubert Rhodes, several times while we were living together, threatened to kill the child and cut her to pieces.

Hubert Rhodes is at present employed at Fairhope, on a small salary, and I understand boarding. He has no place to take care of the child, and in addition, he is not temperamentally suited or fit to have the custody and care of the child.

THE STATE OF ALABAMA, }
Baldwin County.

No. 398

Circuit Court, In Equity

KATHERINE RHODES,

Complainant.....

vs.

HUBERT RHODES,

Defendant.....

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register: and, upon consideration thereof, the Court is of 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 the Complainant is forever divorced from the Defendant, for and on account of Cruelty;

It is further ordered by the Court that the said Katherine Rhodes, the Complainant, be and she is hereby given the custody, care and control of the minor children, subject to further orders of the Court;

It is further ordered that the said Katherine Rhodes and Hubert Rhodes, be, and they are hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Katherine Rhodes, the Complainant, pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may be issued against the said

Hubert Rhodes, the Respondent.

It is further ordered, adjudged and decreed that said Katherine Rhodes, shall not again marry except to said Hubert Rhodes, until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said Hubert Rhodes,

during the said pendency of appeal

This 14th day of

May

1938

F. W. Ware

Judge of the Circuit Court of Baldwin County.

STATE OF ALABAMA, }
Baldwin County.

Circuit Court, In Equity.

I, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the day of 1938 in the cause of

Complainant.....

vs.

as appears of record in said Court.

Defendant.....

Witness my hand and the seal of said Court, this the day of 1938

Register

RECORDED *Over*
7-399

BILL OF COMPLAINT

KATHERINE RHODES,

Complainant,

VS.

HUBERT RHODES,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

*Filed February 17, 1935
R. S. Over, Register*

395
RECORDED
7-406

Bladen

810

Richardson

Answer and Over Bill

Filed March 15, 1935
R.S. Ditch, Register

RECORDED

Duch
2-363

No. 398

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

KATHERINE RHODES,

Complainant,

vs.

HUBERT RHODES,

Respondent.

NOTE OF TESTIMONY

Filed in Open Court this 14th

day of May 1938

R. Duch

REGISTER

Out
RECORDED 7-398

Serve on _____

Circuit Court of Baldwin County
IN EQUITY

No. 398

SUMMONS

KATHERINE RHODES,
Complainant,

vs.

HUBERT RHODES,
Respondent,

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 17

day of July, 1938

M A Waldman

SHERIFF

Executed this 17th day of

July 1938

by leaving a copy of the within Summons with

Hubert Rhodes

Defendant

M A Waldman

Sheriff

By *John R Davis*

Deputy Sheriff

BEEBE, HALL & BEEBE,
Solicitor for Complainant

and
RECORDED 7-41

DEMURRER AND ANSWER

KATHERINE RHODES,

Complainant,

VS.

HUBERT RHODES,

Respondent.

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

*Filed March 27, 1935.
R.S. Cook, Register*

RECORDED *Duck*
7-430

No. _____ Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

KATHERINE RHODES,

Complainant,

vs.

HUBERT RHODES,

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE**

Issued *May 14th* 19 *38*

R. A. Deek
Register.

Moore Printing Company, Bay Minette, Ala.

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 _____ 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 14 day of May 1938.

R. S. Duck (L. S.)

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

KATHERINE RHODES

COMPLAINANT

VS.

HUBERT RHODES

RESPONDENT

ORAL DEPOSITION

Filed May 14, 1938

R. S. Duck, Register

RECORDED IN

_____ Record

Vol. _____ Page _____

_____ Register

original

RECORDED

2-3-63

No. 398

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY
Baldwin County, Ala.

KATHERINE RHODES,

Complainant,

vs.

HUBERT RHODES,

Respondent.

DECREE OF DIVORCE

Filed in office this 16

day of May 1938

REGISTER

F. O. M.

MOORE PRINTING CO., BAY MINETTE, ALA.