

MARY JO STEWART HARTUNG,  
Complainant

vs.

ALBERT E. HARTUNG,  
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 after service by Registered Mail; Testimony  
of Mary Jo Stewart Hartung, and Carolyn Childress;

and in behalf of Defendant upon \_\_\_\_\_

*R. S. Duck*

Register.

STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 399                      May                      Term, 1938

MARY JO STEWART HARTUNG,                      , Complainant

Vs.

ALBERT E. HARTUNG,                      , 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.

MARY JO STEWART HARTUNG,  
Complainant,  
VS.  
ALBERT E. HARTUNG,  
Respondent.

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

This cause coming on to be heard was submitted upon the original Bill of Complaint, Decree Pro Confesso and testimony as noted by the Register, and the Court, after due consideration, is of the opinion that the Complainant is entitled to the relief prayed for;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Complainant and the Respondent be, and the same are hereby dissolved, and the Complainant is forever divorced from the Respondent on the ground of cruelty.

IT IS FURTHER ORDERED THAT the Complainant and Respondent be and they are hereby permitted to again contract marriage upon the payment of the costs in this cause.

IT IS FURTHER ORDERED that the Complainant pay the costs herein taxed, for which execution may issue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said MARY JO STEWART HARTUNG shall not again marry, except to the said ALBERT E. HARTUNG, until sixty days after this date, and that if an appeal is taken within sixty days, she shall not again marry, except to the said ALBERT E. HARTUNG, during the pendency of the appeal.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant be restored her maiden name: Mary Jo Stewart.

Dated at Monroeville, Monroe County, Alabama, this the 28<sup>th</sup> day of May, 1938.

*J. W. Hare*  
Judge of the Circuit Court of Baldwin  
County, Alabama.

MARY JO STEWART HARTUNG,

Complainant,

vs.

ALBERT E. HARTUNG,

Respondent.

CIRCUIT COURT OF  
Baldwin County.

IN EQUITY.

In this cause it being made to appear to the Register that on the 21st day of February 1938, a copy of the Bill of Complaint filed in this cause was sent to ALBERT E. HARTUNG, 50th Observation, Territory of Hawaii;

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 22nd day of March 1938, 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

ALBERT E. HARTUNG, Defendant

This the 16th day of May 1938

R. S. Duch Register.

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

ALBERT E. HARTUNG,

of 50th OBSERVATION SQUADRON, LUKE FIELD, TERRITORY OF HAWAII.  
to be and appear before the Judge of the Circuit Court  
of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Sum-  
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

MARY JO STEWART HARTUNG,

against said ALBERT E. HARTUNG,

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 18th day  
of February 1938



Register

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

MARY JO STEWART HARTUNG,	)	IN THE CIRCUIT COURT OF
	)	
Complainant,	)	BALDWIN COUNTY, ALABAMA,
	)	
VS.	)	
	)	
ALBERT E. HARTUNG,	)	IN EQUITY.
	)	
Respondent.	)	

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

Comes your Complainant, MARY JO STEWART HARTUNG, and humbly complain-  
ing against the Respondent, ALBERT E. HARTUNG, respectfully represents and shows  
unto your Honor and this Honorable Court as follows:

1. That your Complainant is a bona fide resident of Foley, in Bald-  
win County, Alabama, eighteen years of age; that the Respondent is over twenty-  
one years of age and a resident of Foley, in Baldwin County, Alabama, but at  
present temporarily located in the territory of Hawaii, his address being: 50th  
Observation Squadron, Luke Field, Territory of Hawaii.

2. That your Complainant and the Respondent were married at Milton,  
in the State of Florida, on to-wit, July 29th, 1937.

3. That on to-wit, July 29th, 1937, or July 30th, 1937, the Respondent  
threatened and abused your Complainant; that his conduct was such as to give your  
Complainant reasonable apprehension to believe, and she did actually believe, that  
if she continued to live with him, he would carry out his threats and do actual  
violence to her person, which would necessarily be attended with danger to her  
life and health.

WHEREFORE, the premises considered, Complainant prays that your Honor  
will, by proper process, make the said ALBERT E. HARTUNG 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 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, ALBERT E. HARTUNG;  
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.

Buel-Dee-Bue  
Solicitors for Complainant.

FOOT NOTE:

The Respondent, ALBERT E. HARTUNG, is required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 3, inclusive, but not under oath, oath being hereby expressly waived.

Buel-Dee-Bue  
Solicitors for Complainant.

*Book*  
RECORDED 7-402

BILL OF COMPLAINT

MARY JO STEWART HARTUNG,

Complainant,

VS.

ALBERT E. HARTUNG,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed this *18* day *Sept.* 19*38*  
*R. S. D...*  
Clerk-Register



RECORDED Book  
9-402  
(original)

Serve on \_\_\_\_\_  
Circuit Court of Baldwin County  
IN EQUITY

No. 399

**SUMMONS**

MARY JO STEWART HARTUNG,

Complainant,

vs.

ALBERT E. HARTUNG,

Respondent.

BEERBE, HALL & BEERBE,  
Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE OF ALABAMA,**  
BALDWIN COUNTY

Received in office this \_\_\_\_\_

day of \_\_\_\_\_, 193\_\_\_\_\_

SHERIFF

Executed this \_\_\_\_\_ day of

193\_\_\_\_\_

by leaving a copy of the within Summons with

Defendant

Sheriff

By \_\_\_\_\_ Deputy Sheriff

RECORDED *Quick*  
7-450

No. \_\_\_\_\_

CIRCUIT COURT OF BALDWIN  
COUNTY, ALA.

In Equity.

MARY JO STEWART HARRUNG,

Complainant,

vs.

ALBERT E. HARRUNG,

Respondent.

Decree Pro Confesso After  
Notice By Registered Mail.

Filed in office this 16th day of

May

1938.

*R. S. Quick* Register

Entered in O. B. \_\_\_\_\_ Page \_\_\_\_\_

RECORDED *Decl*  
2-366

FINAL DECREE:

HARRY JO STEWART HARRING,

Complainant,

VS.

ALBERT E. HARRING,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

*Filed June 4, 1935.  
R. S. O'Neil, Register*

RECORDED *Duck*  
7-4-58

No. \_\_\_\_\_ Page \_\_\_\_\_

**The State of Alabama,**

Baldwin County.

CIRCUIT COURT, IN EQUITY

MARY JO STEWARD HARTUNG,

Complainant.

Vs.

ALBERT E. HARTUNG,

Respondent.

**REQUEST FOR DECREE IN  
VACATION**

Filed May 26th, 1938

*R. S. Duck*  
Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

RECORDED *Dush*  
2-366

No. 399

---

**The State of Alabama**  
BALDWIN COUNTY

---

**IN EQUITY**  
**Circuit Court of Baldwin County**

---

MARY JO STEWART HARTUNG,

Complainant

vs.

ALBERT E. HARTUNG,

Respondent.

---

**NOTE OF TESTIMONY**

---

Filed in Open Court this 26<sup>th</sup>

day of May 193 8

*R. S. Dush*

REGISTER

The State of Alabama }  
Baldwin County

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

MARY JO STEWART HARTUNG,

COMPLAINANT

VS.

ALBERT E. HARTUNG

RESPONDENT

I, R. S. DUCK,

as Register and Commissioner

have called and caused to come before me Mary Jo Stewart Hartung and Carolyn Childress

witnesses named in the Requirement for Oral Examination, on the 25 day of May  
1938, at the office of Clerk of the Circuit Court of Baldwin County, Alabama,  
in Bay Minette, Alabama, and having first sworn said witnesses to speak the  
truth, the whole truth, and nothing but the truth, the said Mary Jo Stewart Hartung

doth depose and say as follows:

My name is Mary Jo Stewart Hartung. I am a bona fide resident of Foley, in Baldwin County, Alabama. I am now about eighteen years of age. The Respondent, Albert E. Hartung, is over twenty-one years of age and a resident of Foley, in Baldwin County, Alabama, but is at present temporarily residing in the Territory of Hawaii, his address being now: Administration Building, Hickam Field, Territory of Hawaii, however, formerly his address was 50th Observation Squadron, Luke Field, Territory of Hawaii.

The Respondent and I were married at Milton, in the State of Florida, on July 28th, 1937.

That on to-wit, July 31st and soon after we were married, it was found that we could not live together as husband and wife and the Respondent threatened and abused me; that his conduct was such as to give me every reasonable apprehension to believe and I did actually believe that if I continued to live with him he would carry out his threats and do actual violence to my person, which would necessarily be attended with danger to my life and health.

I haven't lived with the Respondent since July 31st, 1937, and he has contributed nothing toward my support or maintenance.

I know that it is absolutely impossible for the Respondent and me to live together as husband and wife.

Mary Jo Stewart Hartung

ORAL EXAMINATION

I, R. S. DUCK, as Register and Commissioner hereby certify that the foregoing deposition es on Oral Examination was taken down in writing by me in the words of the witnesses 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 25th day of May 1938.

R. S. Duck (L. S.)

No. \_\_\_\_\_ Page \_\_\_\_\_

**The State of Alabama  
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

HARRY JO STEWART HARRPUNG,

COMPLAINANT

vs.

ALBERT E. HARRPUNG

RESPONDENT

**ORAL DEPOSITION**

Filed May 25th, 1938

R. S. Duck, Register

RECORDED IN

Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register

CAROLYN CHILDRRESS, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, DEPOSES AND SAYS :

My name is Carolyn Childress. I live at Foley, in Baldwin County, Alabama, and am personally acquainted with Mary Jo Stewart Hartung and Albert E. Hartung.

Mary Jo has been living with me since June 1st, 1937.

Mary Jo and Albert E. Hartung were married at Milton, Florida, on July 29th, 1937. Soon after they were married, on to-wit, July 31st, 1937, it was found that they could not longer live together as husband and wife, and separated.

The conduct of the Respondent was such as to render it absolutely impossible for Mary Jo to live with him. Mary Jo has been living in the home with me since July 31st, 1937, and I know that the Respondent has contributed nothing toward her support. It is my opinion that it is absolutely impossible for Mary Jo to live with the Respondent as his wife.

Carolyn Childress



Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. \_\_\_\_\_

INSURED PARCEL

No. \_\_\_\_\_

PENALTY FOR LATE USE TO AVOID PAYMENT OF POSTAGE FEE

POSTAL OFFICE OF DELIVERING OFFICE

Return to \_\_\_\_\_  
NAME OF SENDER

Street and Number  
or Post Office Box \_\_\_\_\_

Post Office at \_\_\_\_\_  
City \_\_\_\_\_

Box \_\_\_\_\_  
State \_\_\_\_\_

RECEIPT FOR REGISTERED ARTICLE No. \_\_\_\_\_

Postage fee paid \_\_\_\_\_ class postage paid \_\_\_\_\_ (Date) 1938

Declared value, \$ \_\_\_\_\_ Surcharge paid, \$ \_\_\_\_\_

From \_\_\_\_\_ (Sender)

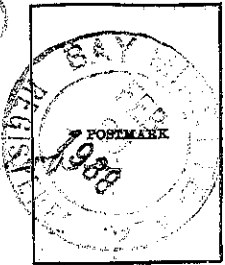
Addressed to \_\_\_\_\_ (Street and number) \_\_\_\_\_ (Post office and State)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (Street and number) \_\_\_\_\_ (Post office and State)

Return receipt fee \_\_\_\_\_ in person \_\_\_\_\_ or order \_\_\_\_\_ Special delivery fee \_\_\_\_\_

Delivery restricted to addressee \_\_\_\_\_ Fee paid \_\_\_\_\_ Postmaster, per \_\_\_\_\_



NET WORK RECEIPT

Amount paid for Purchase of Payment received on this date in full  
of which appears on the face of this Receipt.

*Alfred J. ...*

*John ...*

Received of ...