

433

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ELSIE M. NETTLETON, Complainant

vs.

JOHN D. NETTLETON, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on personal service 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 ELSIE M. NETTLETON, is forever divorced from the said

JOHN D. NETTLETON,

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 ELSIE M. NETTLETON, be, and she hereby permitted to again contract marriage upon the payment of the cost of this suit.

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

This 26th day of August, 1938

F. W. Lare
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, } No. _____ CIRCUIT COURT IN EQUITY.
Baldwin County.

ELSIE M. NETTLETON, Complainant
vs.

JOHN D. NETTLETON, Defendant
R. S. Duck, Register.

In this cause it appears to the
that a summons requiring the Defendant John D. Nettleton

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
24th day of June 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 E. G. Rickarby, Jr. Solicitor
for Complainant.

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 D. Nettleton

This 1st day of August 19 38
R. S. Duck Register.

SUMMONS—ORIGINAL

The State of Alabama, } Circuit Court of Baldwin County, In Equity
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

JOHN D. NETTLETON,

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

ELSIE M. NETTLETON,

against said JOHN D. NETTLETON,

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 22nd day

of June 193 8

R. S. Duck Register

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

ELSIE M. NETTLETON,
Complainant,

vs.

JOHN D. NETTLETON,
Defendant.

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

Comes the Complainant in the above-styled
cause and shows that service was had on the Defendant,
John D. Nettleton, on the twenty-fourth day of June,
1938. *and he has not answered*

WHEREFORE Complainant asks that a decree
pro confesso be entered in this case.

[Signature]
Solicitor for Complainant.

STATE OF ALABAMA
COUNTY OF BALDWIN

Comes your Complainant, ELSIE M. NETTLETON and exhibits this, her bill of divorce, against JOHN D. NETTLETON, showing to the Court the following facts as a basis for the relief hereinafter prayed:

FIRST: That both the Complainant and Defendant are and have been bona fide residents of Baldwin County, Alabama, for the three years next preceeding the filing of this bill of divorce; and are over the age of twenty-one years.


SECOND: That the Complainant and Defendant were married in Pensacola, Florida, on December 12, 1933, and have kept their residence in Foley, Baldwin County, Alabama and have lived there with the exception of six months in 1935 when they went to California.

THIRD: That on or about the 15th day of February, 1938, the Defendant without just cause or legal excuse committed actual violence upon the person of his wife, attended with danger to her health and that on said day aforementioned he became enraged and struck her at their home in Foley, Alabama; and that this Complainant was hurt and said blow caused her to become sick and nervous and she left said Defendant because of said violence; and since that time has been living separate and apart from him and that said act of cruelty has not been condoned and that this Complainant has reasonable grounds to believe that if she continued to live with said Defendant, he would commit violence upon her person.

WHEREFORE COMPLAINANT PRAYS that the Court will cause due notice to be given said Defendant, requiring him to plead, answer or demur to this her bill of divorce as required by law. THE PREMISES CONSIDERED, the Complainant further prays that the Court will, upon a final hearing of this bill, render a decree forever divorcing this Complainant

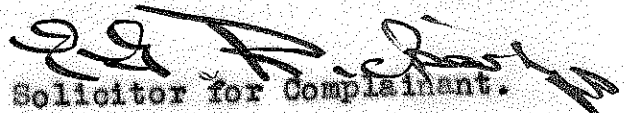
-: page two :-

and Defendant, granting her the right to remarry and resume her maiden name should she so desire, and such other, further or different relief as to Equity may seem meet.


Solicitor for Complainant.

Foot note:

The Defendant is required to answer each and every paragraph of the foregoing bill of Complaint, but not under oath, oath being hereby expressly waived.


Solicitor for Complainant.

TO THE SHERIFF

The Defendant works with the State Highway Department at Foley, Alabama

STATE OF ALABAMA

COUNTY OF BALDWIN

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-: page two :-

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Solicitor for Complainant.

Foot note:

The Defendant is required to answer each and every paragraph of the foregoing bill of Complaint, but not under oath, oath being hereby expressly waived.


Solicitor for Complainant.

TO THE SHERIFF

The Defendant works with the State Highway Department at Toley, Alabama

COMMISSION TO TAKE DEPOSITIONS.

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To DOROTHY FEARSON

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

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

ELSIE M. NETTLETON,

Complainant

and JOHN D. NETTLETON

Defendant,

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

Witness 1st day of August 19 38

R. S. Duch

REGISTER

COMMISSIONER'S FEE, \$ _____

WITNESS' FEES, \$ _____

Book 1

RECORDED 75-65

No. Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

ELSIE M. NEPPLETON,

vs.

JOHN D. NEPPLETON,

DECREE PRO CONFESSO ON
PERSONAL SERVICE

Issued..... Aug. 1, 19. 38

R. S. Reed
Register.

RECORDED 1
2-3-38

No. 433 Page

The State of Alabama
Baldwin County

In Circuit Court, In Equity

ELISIE M. NEPTLETON,
vs. Complainant.

JOHN D. NEPTLETON,

Respondent.

DIVORCE DECREE

Filed August 27, 1938
R. S. Dink, Register
By: Frankie Thompson
Deputy

(ORIGINAL)

John D. Nettleton,
Foley, Ala.

John D. Nettleton
1938
Foley

Serve on _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 433

S U M M O N S

ELISE M. NETTLETON,
Complainant,

vs.

JOHN D. NETTLETON,
Respondent.

ELLIOT G. RICKARBY, JR.

Solicitor for Complainant

Recorded in Vol. _____ Page _____

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RECORDED

Dual
9-4-35-

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this 24th day of

June

1938

by leaving a copy of the within Summons with

John D. Nettleton

Defendant

M. S. Nettleton

Sheriff

By *John Rickarby*

Deputy Sheriff

Dud
RECORDED 7-473

ELSIE M. NEFFLETON,
Complainant.

vs.

JOHN D. NEFFLETON,
Respondent.

BILL OF COMPLAINT.

Filed this 21 day ~~June~~ 1937
P. S. Ducker
Clerk-Register

NO _____

The State of Alabama
BALDWIN COUNTY
CIRCUIT COURT

EISIE M. NETTLETON,
Complainant,

vs.
Complainant

JOHN D. NETTLETON,
Respondent.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

DOROTHY PEARSON,

WITNESSES:

The State of Alabama,
Baldwin County.

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

..... ELSIE M. NETTLETON Complainant.

VS.

..... JOHN D. NETTLETON Respondent.

I Dorothy Pearson

~~as Register and Commissioner~~

have called and caused to come before me ELSIE M. NETTLETON

..... and MRS. JULIA WILLIS ROGERS

witnesses named in the Requirement for Oral Examination, on the 11 day of August

1938, at the office of Elliott G. Hickarby, Jr.

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

truth, the whole truth, and nothing but the truth, the said Elsie M. Nettleton and Julia Willis Rogers doth depose and say as follows:

..... My name is Elsie M. Nettleton and I am the Complainant in the divorce case against John D. Nettleton. I was born and raised in Baldwin County and have lived there all my life and for the three years before I started proceedings for this divorce I lived in Foley, Alabama, with the exception of a six-months visit that I made to California. My husband, John D. Nettleton, the defendant in this case, was born in Philadelphia but came here about fifteen years ago and has been a resident of Baldwin County all that time with the exception of the six months visit that he and I made to California. We were living in Baldwin County at the time we were married in December, 1933, but went over to Pensacola, Fla. to have the ceremony performed and came back here to live. On or about the middle of February of this year my husband struck me and knocked me down at my mother's home in Foley and his treatment of me on this occasion caused me to become sick and nervous and I was unable to perform my customary tasks due to his striking me like this. The reason that he struck me was because I was insisting that he take a job that my uncle told us was open and he resented this. At that time and for several months previous I had been making the money for us and I felt that I had a right to insist

ORAL EXAMINATION.

I, Dorothy Pearson, 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 and read over to them and they signed the same in the presence of myself and the attorney for Complainant at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness; 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 11th day of August 1938

Dorothy Pearson (L. S.)

NO. PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

ELSIIE M. WELPLETON

vs. Complainant

JOHN D. WELPLETON

Respondent.

Oral Deposition

Filed, 1938

Recorded in Register.

Recorded in

Record

Vol. Page

Register

Commissioner's fee, \$2.50, paid.

that he do his share. This was not the first time that he struck me. When we were in California we had another fuss about him not making an effort to get work and he threw me against a chair and I was badly bruised and hurt. When he strikes me or commits violence against my person not only am I badly bruised but I become sick and nervous from the effects of the shock and it is dangerous to my health. From his repeated violence towards me I know that if I continue to live with him it would have kept up and not only were the offenses which he committed dangerous to me but I know that they were getting worse. He has made no effort to support me since we were separated or, as a matter of fact, he has never done anything for my support, and he has recently gone to California. We separated on the day he struck me in the middle of February and have lived separate and apart since that time.

Elise M. Nettleton

Mrs. Julia Willis Rogerston:

My name is Mrs. Julia Willis Rogerston and I am the mother of the Complainant in this case. She was at my house on or about the middle of February of this year when John Nettleton struck her and I saw him strike her. At that time she had done nothing to him except insist that he see about taking a job which my brother had told us was open and he became enraged at this and struck her, knocking her down. I further know that she became sick and nervous from ^{blow} this/as she has done on various other occasions when he has struck her. I was never present at any of the other occasions when he struck her and do not know of them from my own personal knowledge, but I do know about this occasion as I saw it. At the time my daughter started this proceeding for divorce both she and her husband were and had been living in Baldwin County and were residents there for three years next preceeding her filing of this bill.

Julia Willis Rogers

Complaint,
IN
VS.
JOHN D. NETTLETON, EQUITY
Defendant.

DEPOSITIONS OF:
ELSIE M. NETTLETON
and
JULIA WILLIS ROGERS,
Witnesses for Complainant.

Mr. Robert S. Duck

Register

Bay Minette, Alabama

Filed this 15 day Aug 1935
R. S. Duck
Clerk-Register