

(519)

ELOISE S. WINCHESTER,
Complainant,
VS.
SIDNEY ROLAND WINCHESTER,
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 be and she is 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 ELOISE S. WINCHESTER shall not again marry, except to the said SIDNEY ROLAND WINCHESTER, 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 SIDNEY ROLAND WINCHESTER, during the pendency of the appeal.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant be restored her maiden name: Eloise S. Nelson.

Dated at Monroeville, Monroe County, Alabama, this 18th day of November, 1939.

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

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

SIDNEY ROLAND WINCHESTER

1941 H. Street, N.E., Washington, D.C.
of _____ 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

ELOISE S. WINCHESTER

against said _____ SIDNEY ROLAND WINCHESTER

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, R. S. Duck, Register of said Circuit Court, this _____ 5th _____ day of
January _____, 193 9.

R. S. DUCK

clerk, - register

By _____ 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

TO MISS O'BYRNE JONES

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 Eloise S. Winchester and Mrs. Fannie Nelson

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

is Complainant and Sidney Roland Winchester

is 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 16th day of November, 1939

R. S. Duck

REGISTER

Commissioner's Fee \$

By H. E. Smith
Deputy

Witness' Fees, \$

ELOISE S. WINCHESTER,
Complainant,

VS.

SIDNEY ROLAND WINCHESTER,
Respondent.

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

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

Comes your Complainant, ELOISE S. WINCHESTER, and humbly complaining against the Respondent, SIDNEY ROLAND WINCHESTER, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant and Respondent are both residents of Baldwin County, Alabama, and over twenty-one years of age; that the Respondent is at present at 1941 H. Street, N.E., Washington, D. C.
2. That your Complainant and Respondent were married in Mobile, Mobile County, Alabama, on December 12th, 1936, and lived together as husband and wife, in Baldwin County, Alabama, until November 16th, 1938.
3. That on to-wit, November 16th, 1938, and various times prior thereto, the Respondent cursed, abused and threatened the Complainant and often threatened to do actual violence to her person, which would necessarily endanger her life and health; that the conduct of the Respondent was such as to give your Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with him as his wife, he would do actual violence to her person, which would necessarily endanger her life and health.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said SIDNEY ROLAND WINCHESTER 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, your Honor will enter an order and decree forever barring the bonds of matrimony existing between her and the Respondent; that a further decree be made and entered restoring to your Complainant her maiden name, Eloise S. Nelson; 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.

Baldwin County
Solicitors For Complainant.

FOOT NOTE:

The Respondent, SIDNEY ROLAND WINCHESTER, 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.

Richard B. Beebe
Solicitors for Complainant.

ELOISE S. WINCHESTER

Complainant

vs.

SIDNEY ROLAND WINCHESTER

Respondent

CIRCUIT COURT OF
Baldwin County.

IN EQUITY.

In this cause it being made to appear to the Register that on the 6th
day of January, 1939 ~~1938~~, a copy of the Bill of Complaint filed in this cause was
sent to SIDNEY ROLAND WINCHESTER

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
11th day of January, 1939 ~~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 SIDNEY ROLAND
WINCHESTER Defendant

This the 13th day of November, 1939 ~~1938~~

R. S. Duck, Register.

By H. E. Smith Deputy.

CHANCERY EXECUTION

BILL OF COSTS

No. 515

Winchester

VS.

Winchester

PLAINTIFF

DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward		
Filing each bill and other papers	\$ 10				\$ 4 50
Issuing each subpoena	50	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 copy thereof	40	50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Entering each return thereof	15	40	Each notice sent by mail to creditor	15	
For each order of publication	1 00	15	Filing receipting for and docketing each claim, etc.	25	
Issuing Writ of injunction	1 50		For all entries on subpoena docket, etc.	50	
For each copy thereof	50		For all entries on commission docket, etc.	50	
Entering each return thereof	15		Making final record, per 100 words	15	2 00
Issuing Writ of Attachment	1 00		Certified copy of decree	1 00	50
Entering each return thereof	15		Report of divorce to State Health Office (Acts 1915)	50	
Docketing each case	1 00	1 00	TOTAL FEES OF REGISTER		7 00
Entering each appearance	25		FEES OF SHERIFF		
Issuing each decree pro confesso on per ser.	1 00		Serving and returning subpoena on deft.	\$ 1 50	
Issuing each decree pro confesso on publica	1 00		Serving and returning subpoena for witness	65	
Each order appointing guardian	1 00		Levy and attachment	3 00	
Any other order by Register	50		Entering and returning same	25	
Issuing Commission to take testimony	50	50	Selling property attached		
Receiving and filing	10	10	Impaneling Jury	75	
Endorsing each package	10	10	Executing Writ of possession	2 50	
Entering order submitting cause	50	50	Collecting execution for costs	1 50	
Entering any other order of court	25		Serving and returning sci. fa., each	65	
Noting all testimony	50		Serving and returning notice	65	
Abstract of cause, etc.	1 00		Serving and returning writ of injunction	1 50	
Entering each decree	75	75	Serving and returning writ of exeat.	1 50	
For every 100 words over 500	15		Taking and approving bonds, each	75	
Taking account, etc.	3 00	4 50	Collecting money on execution		
Taking testimony, etc.	15		Making Deed	2 50	
Each report, 500 words or less	2 50		Serving and returning application, etc.	1 00	
For every 100 words over 500	15		Serving attachment, contempt of court	1 50	
Amount claimed less than \$500, etc.	2 00		TOTAL FEES OF SHERIFF		
Issuing each subpoena	25		RECAPITULATION		
Witness certificate, each	25		Register's Fees		7 00
Issuing execution, each	75		Sheriff's Fees		
Entering each return	15		Commissioner's Fees		
Making and approving bond, each	1 00		Solicitor's Fees		
Making copy of bill, etc.	15		Witness Fees		
Each notice not otherwise provided for	50		Guardian Ad Litem		
Each certificate or affidavit, with seal	50		Printer's Fees		
Each certificate or affidavit, no seal	25		Trial Tax	3 00	3 00
Hearing and passing on application, etc.	3 00		Recording Decree in Probate Court		
Each settlement with Receiver, etc.	3 00		TOTAL		10 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. _____
 Circuit Court, In Equity _____ Term, 193 _____

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 caused to be made the sum of _____ Dollars,

which _____ Plaintiff _____

recovered of _____ on the _____ day of _____ 193 _____

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____

_____ Dollars,

costs o' 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 _____ 193 _____ to date of collection.

Witness my hand, this _____ day of _____ 193 _____

Register

THE STATE OF ALABAMA
Baldwin County

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

ELOISE S. WINCHESTER COMPLAINANT

VS.

SIDNEY ROLAND WINCHESTER RESPONDENT

I, O'BYRNE JONES

as ~~Register~~ and Commissioner

have called and caused to come before me Eloise S. Winchester and Mrs. Fannie Nelson

witness ~~es~~ named in the Requirement for Oral Examination, on the 16th day of November
1939, at the office of Beebe, Hall & Beebe,

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 Eloise S. Winchester

doth depose and say as follows:

My name is Eloise S. Winchester. I am over twenty-one years of age and a resident of Barnwell, in Baldwin County, Alabama, where I have lived all my life. The Respondent, Sidney Roland Winchester, is over twenty-one years of age and a resident of Baldwin County, Alabama, but for sometime has been employed in Washington, D. C., his last known address being 1941 H. Street, N. E., Washington, D. C.

The Respondent and I were married in Mobile, Mobile County, Alabama, on to-wit, December 12th, 1936, and lived together as husband and wife, in Baldwin County, Alabama, until November 15th, 1938; that on to-wit, November 15th, 1938, the Respondent came home in an intoxicated condition and cursed, threatened and abused me and had often, prior to that time, especially while under the influence of liquor, threatened, cursed and abused me, and on several occasions prior to that time, while the Respondent was under the influence of liquor, he, in addition to his threats and abuses, actually struck me, and especially on one occasion he attacked me with a stick or club and beat me over the head, from which I still have a scar about my face. The Respondent was a man of high and ungovernable temper, especially while under the influence of liquor, and his conduct was such and his abuses to the extent that I had every reasonable apprehension to believe, and did actually believe that if I continued to live with him, he would further carry out his threats and abuses and do further actual violence to my person, which would necessarily endanger my life and health.

Eloise S. Winchester

MRS. FANNIE NELSON, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, DEPOSES AND SAYS:

My name is Mrs. Fannie Nelson. I live at Barnwell, in Baldwin County, Alabama, and am the sister of Mrs. Eloise S. Winchester, the complainant in this cause. The Complainant and Respondent, while living in Baldwin County, Alabama, lived about two miles from my place and I had occasion to see them several times a week. I have often been at the home of my sister when the Respondent would come

ORAL EXAMINATION

I, O'Byrne Jones, 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 Hubert M. Hall

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 16th day of November, 1939.

O'Byrne Jones (L. S.)
Commissioner

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

ELIJAH S. WINCHESTER

Complainant

Vs.

SIDNEY ROLAND WINCHESTER

Respondent

ORAL DEPOSITION

Filed November 16th, 19 39

R. S. Duchs Register
H. H. Smith Deputy
RECORDED IN

_____ Record

Vol. _____ Page _____

_____ Register

ELOISE G. WINCHESTER,

Complainant,

vs.

SIDNEY ROLAND WINCHESTER,

Respondent.

CIRCUIT COURT OF

BALDWIN COUNTY.

IN EQUITY.

I, R. S. Duck, Register of said Court, do hereby certify that I

did, on the 6th day of January, 1939, send to

SIDNEY ROLAND WINCHESTER Defendant.

whose address was 1941 "H" Street, N. E., Washington, D. C.,

by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," a copy of the Bill

of Complaint filed in this cause; that I demanded a return receipt addressed to the Register of this Court; and that such

receipt was duly received and filed by me in this cause, on the 11th day of January, 1939.

Witness my hand, this 13th day of November, 1939.

R. S. Duck

Register.

By

H E Smith

Deputy

ELOISE S. WINCHESTER

Complainant,

vs.

SIDNEY ROLAND WINCHESTER,
Defendant.

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 against defendant, Testimony of Eloise S.
Winchester and Mrs. Fannie Nelson, and Request for decree in
vacatkon.

and in behalf of Defendant upon Decree pro confesso.

R. S. Duak

Register.

By H. E. Smith, Deputy

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. Term, 192

ELOISE S. WINCHESTER, Complainant

vs.

SIDNEY ROLAND WINCHESTER, Defendant

To HON. 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.

ELOISE G. WINCHESTER,

Complainant,

vs.

SIDNEY ROLAND WINCHESTER,

Respondent.

CIRCUIT COURT OF

BALDWIN COUNTY.

IN EQUITY.

I, R. S. Duck, Register of said Court, do hereby certify that I

did, on the 6th day of January, 1939, send to

SIDNEY ROLAND WINCHESTER Defendant.

whose address was 1941 "H" Street, N. E., Washington, D. C.,

by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," a copy of the Bill

of Complaint filed in this cause; that I demanded a return receipt addressed to the Register of this Court; and that such

receipt was duly received and filed by me in this cause, on the 11th day of January, 1939.

Witness my hand, this 13th day of November, 1939.

By R. S. Duck Register. H. E. Smith

Deputy

ELOISE S. WINCHESTER

Complainant,

vs.

SIDNEY ROLAND WINCHESTER,
Defendant.

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 against defendant, Testimony of Eloise S.
Winchester and Mrs. Fannie Nelson, and Request for decree in
vacatkon.

and in behalf of Defendant upon Decree pro confesso.

R. S. Dush

Register.

By H. E. Smith, Deputy.

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. Term, 192

ELOISE S. WINCHESTER, Complainant

vs.

SIDNEY ROLAND WINCHESTER, Defendant

To HON. R. S. DUCK, Register :

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..... 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.

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the number of which appears in the face of this Card.

Signature of Recipient

Post office and State

Date of Receipt

Post Office and State

397

RECEIPT FOR REGISTERED ARTICLE No. _____

Postage fee paid. 1/6 class postage paid. 1/6, 1939

Declared value, \$ _____ Surcharges paid, \$ _____

From H. S. Dickey, Reg. of C. Clerk

Addressed to James Roland Marchetti

1941 N. St. Washington, D.C.

Accepting employee will place initials in space below, indicating restricted delivery.

Return receipt fee 3 in person _____ or order _____ Special delivery fee with



Vertical handwritten text on the right side of the dark return receipt area.