

The State of Alabama, }  
Baldwin County.

No. 372

CIRCUIT COURT, IN EQUITY

Dietrich Gerberding

Complainant.....

vs.

Elsie Gerberding,

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.

On account of adultery, of the Defendant,

*It is further ordered, adjudged and decreed by the Court that respondent Elsie Gerberding shall not again contract in marriage, except to her husband Dietrich Gerberding, except by permission from this Court.*

Dietrich Gerberding

It is further ordered, that the said ..... he is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

Dietrich Gerberding,

It is further ordered, that the said ..... pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found,"

Elsie Gerberding,

then execution for such costs may issue against the said.....

Dietrich Gerberding

It is further ordered, adjudged and decreed that said.....

Elsie Gerberding

shall not again marry except to said ..... until sixty days after this date, and that if an appeal is taken within sixty days .....he shall not marry again except

Elsie Gerberding

to said ..... during the pendency of said appeal.

This 5<sup>th</sup> day of

April

1923

*John D. Leigh*  
Judge of the Circuit Court of Baldwin County.

THE 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 ..... 192....., in the cause of

Complainant.....

vs.

Defendant.....

as appears of record in said Court.

Witness my hand and the seal of said Court, this the ..... day of ..... 192.....

Register.

372

No. 372

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.  
BALDWIN COUNTY, ALA.

Dietrich Gerberding

Vs.

Elsie Gerberding,

DECREE OF DIVORCE.

Filed in office this 6th

day of April, 1923

D. W. Richardson

Register.

E. O. M.

RECORDED

RECORDED

*[Faint handwritten notes in the left margin, possibly including names and dates.]*

*[Faint circular stamps or markings in the center of the page.]*

*[Faint handwritten notes in the right margin, possibly including the number 372.]*



To Mrs Elsie Gerberding

Toley

Ala.

Mar 26 1923  
Sumnerdale

Alcu.

Dear sweetheart,

I received your letter  
so I thought I ~~should~~  
drop you a few lines  
well I guess the movies  
open this week dont  
they. this is as plain  
as I can write Elsie  
I hope you can read  
it. you say you are  
having a good time  
well I am not so bad.  
as I was first. and  
I suppose I can wait  
till May. if I must  
just so it comes out  
right in the end

and I dont drink as  
much moon shine as  
I did. They got the still  
sunday before last. like  
you said they would.  
so you see it is hard  
to get, and I dont want  
to start one myself.  
because they might get  
me to. and that would  
be kind of bad now  
but if it was not for  
one thing I would not  
mind it. I might go  
before may. but the Lord  
no's I hate to leave  
you here. and so I  
dont say for sure  
but I hardly think so.  
now I might be down  
~~at~~ to the moves quit

often. and say look out  
for me friday night  
on the circus grounds  
you know that show  
that comes of Friday well  
I am coming clown Friday  
night, with them boys  
that stay on your old  
place. please see me.  
if you can. because  
chances are few. well  
I guess I must close  
for this time sweetheart  
remember me aways.

I wish I had a. S. W. like you

With love and a kiss

to you.

From your ever loving  
Albert.

I am glad you liked my  
Last Letter. good-bye

To

Mrs Elsie Gerberding

Foley

Ala.



Mar 12 1923

Summerville Ala

Dear sweetheart.

I hope you got my letter by this time I feel like I could write you one every day. how about you Elsie I hope you dont get tired reading. I no. I never get tired reading yours. I cant see you so I have to write my thoughts I hope you did not get mad about that last letter. I meant it good. and wrote my thoughts. so I hope you dont get



hot about it. Elsie  
sweetheart. What is more  
sad than losing your  
last friend. Well that  
is about the way I am  
fixed. so if you leave  
me I should go mad  
crazy. I believe I got  
the blues worse than  
I had them in a  
long time. my mind  
~~has~~ keeps run back  
to the same thing  
Elsie. I never knew  
well I guess I can  
hold out three weeks  
yet but no longer  
no longer Elsie  
if you dont want  
me now why you  
never will. you

With Love and a kiss  
to you  
Albert.

Can hurry up if you  
want to. I no I would  
if it was up to me.  
but you see it aint  
well I guess I will  
have to close for this  
time sweetheart.

see me Sunday in  
Toley. and write me  
a couple of letters,  
Well so long.

sweetheart with love  
and a kiss catch on  
to what's below,  
I believe in this,

summer night stars above  
world is right whispers love  
maiden fair moon so pale  
boy is there here's my tale  
good-bye sweetheart,

To Mrs Eliza B

28

Mar 18 1993

Sumner Road Al

Dear sweetheart

Will drop you a few lines. But I must say I am doing the most writing. Why dont you answer my letters. dont you think I mean what I write. Well I mean every word. and if you dont answer I may as well quit too. I looked all over the clan place for a letter this morning but I did not find any. I want you to write me a letter this week. Elsie I have been kind

of sick for a few days.  
and I am afraid it will  
get back on me again  
or I would have come  
down there today, and.  
this weather is just like  
my feelings. I hope  
my sweetheart will ~~keep~~  
keep her promise to me.  
do you think she will  
Elsie. I am lonesome.  
now, the old man and  
old lady are gone some  
where. still they could  
not keep me company.  
you no I would rather  
be alone. always a fighter  
first this then that  
a regular hell on earth.  
remember Elsie I will  
be ready any time you

call for me. 2 weeks yet  
you no. I hope I can  
use you after that time  
for my S.W. Elsie I  
wish I had that letter  
I took ~~of~~ away from you  
that time. I guess you  
no witch one I mean  
well I guess I must close  
for this time, sweetheart,  
be sure and write me  
a letter write away.

With love from  
Albert.

and a kiss. and  
something else if you  
were here Ha Ha He.  
see if you can get on  
this

I. W. J. H. A. S. W

Deitrich Gerberding a witness for Complainant testified as follows;

My name is Deitrich Gerberding ,and I am the Complainant in this cause.

I am 68 years of age . I live at Foley, Baldwin County, Alabama, I was Living at Summerdale, Baldwin County, Ala, when the Bill was filed in this cause, and have since moved to Foley, in Baldwin County, I came to Baldwin County, Alabama in Febuary 1922, and have lived here ever since, Elsie Gerberding the Defendant is about twenty two years of age, I was married to Elsie Gerberding the Defendant some time in August 1919, at Oklohoma City in the State of Oklahoma, We were married by Mr Walton an Evangelican Minister and we lived near Oklahoma City about 11 months, We then moved to Kansa Bluff City where we lived until we came to Summerdale Baldwin County in Febuary, 1922, and have lived in Baldwin County ever since .

I have always treated my wife good . I gave her everthing she wanted and all the money she wanted, I was always kind, affectionate and loving toward her,

I have every reesson to believe that she has committed ~~sexual~~ acts of adultery with other men the names of one of these parties is Albert Doering and also with Edward Romer,

She went together with Albert Doering very often out in the woods ,sometimes on Sunday she would stay all day with him, and sometimes she would stay out at night with him until eleven and twelve O'clock,

On Sunday last January, after supper I saw her go in to a dwelling house that was un occupied and it belonged to the father of Albert Doering and about a quarter of a mile from my home they stayed in there about an hour and a half or longer, I went up to thr house with Joe Hunter and stood on the outside and heard them laughing and talking in the house, they afterwards came out of the house and Albert accompanied her about half way to my house and then she went home by herself.

About the middle of January last ,she came from Foley, and brought a young man with her named Edward Romer and he spent the night ,after supper I left my wife and Edward Romer sitting in the Kitchen and went into my bedroom and lay down on the bed I heard them go out of the house and after waiting some time I went in to the kitchen and found no one in there , then I went out in the yrad and saw her coming out of the Barn, he went out the other side of the Barn, they had no light at all ,about 8 O'clock at night it was I saw them coming out of the barn.

Only last Sunday since we moved to Foley ,about 10 O'clock at night my wife and Edward Romer were coming from a moving picture show and I saw them in the woods they were lying down and he was on top of her .

Since I have found out that she has committed adultery I have never had sexual intercourse with her and have done nothing to forgive or condone her offenses, .

I hereto attach 3 letters which came addressed to Mrs. Elsie Geberding from Albert Doering, with the original envelopes in which the came through the Post Office, as Exhibits to my testimony.

*D. Gerberding*

Joe Hunter witness for Complainant testified as follows:  
My name is Joe Hunter, I am 50 years of age and live in  
Baldwin County, Alabama, near Summerdale, about one half mile #  
from Mr. Geberding when he lived at Summerdale, and was  
living there when he and his wife moved to Summerdale in  
1922, I was often at the house and worked for Mr. Gerberding  
he treated his wife fine, he was kind and considerate of  
her, I have seen Mrs. Elsie Gerberding and Albert Doering  
together out in the woods very often during the last year,  
On Sunday night in last January I went with Mr. Gerberding  
and saw Albert Doering and Elsie Gerberding go into a dwell-  
-ing house about a quarter of a mile from Mr. Gerberdings,  
it was an unoccupied house and there was no light in the  
house they stayed in there about an hour or longer, Mr  
Gerberding and I went up close to the house and heard them  
talking and then saw them come out of the house, they went  
on towards Mr Gerberdings house and Albert Doering went  
with her about half the way

Joe Hunter



I, T.W. Richerson, as Register,

hereby certify that the foregoing deposition on oral examination was taken down by me in writing in the words of the witness 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 the personal identity of the said witness<sup>es</sup>, or had proof made before me of the identity of said witness<sup>es</sup>; that I am not of counsel or of kin to any of the parties to said cause; or in any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court, and placed the same on file in my office.

Given under my hand and seal this the 4th, day of April, 1923

T.W. Richerson (L. S.)

WITNESS FEES.

I hereby certify that the following named witnesses are entitled to the amounts stated below:

.....	days' attendance at \$1.50 per day	.....	\$
.....	days' attendance at \$1.50 per day	.....	\$
.....	days' attendance at \$1.50 per day	.....	\$
.....	days' attendance at \$1.50 per day	.....	\$
.....	days' attendance at \$1.50 per day	.....	\$
.....	days' attendance at \$1.50 per day	.....	\$
.....	days' attendance at \$1.50 per day	.....	\$
.....	days' attendance at \$1.50 per day	.....	\$
.....	days' attendance at \$1.50 per day	.....	\$
.....	days' attendance at \$1.50 per day	.....	\$

REGISTER'S FEES.

.....	days at \$1.50 per day	.....	\$
.....	words at 20 cents per hundred	.....	

**The State of Alabama,**

Baldwin COUNTY.

**IN CIRCUIT COURT, IN EQUITY.**

Deitrich Gerberding

vs. Complainant,

Elsie Gerberding

Defendant.

**Deposition Taken Before Register on Oral Examination.**

Deposition of Complainant, s witnesses

for Complainant.

Filed 4 day of April, 19 23

Published by order of Counsel 4th  
~~the Court~~

day of April, 19 23

D. W. [Signature]  
Register.



THE STATE OF ALABAMA,  
BALDWIN COUNTY.

}

CIRCUIT COURT, IN EQUITY.

No. 372. Vacation Term, 1913

Deitrich Gerberding Complainant.....

vs.

Elsie Gerberding. Defendant.....

To T.W. Richerson. 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 W.S. Anderson,

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.



Solicitor for Complainant.

No. .... Page .....

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

*Dulcinda Gerberding*

vs.

*Elsie Gerberding*

REQUEST FOR DECREE IN  
VACATION.

Filed *April 4<sup>th</sup>* 19*23*

*D. W. [Signature]*

Register

Recorded in ..... Record

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Register

RECORDED

# NOTE OF TESTIMONY

The State of Alabama,

Deitrich Gerberding,

Complainant

VS.

Elsie Gerberding,

Respondent

No. 372,

In Circuit Court,  
In Equity

IN THIS CAUSE comes the Complainant  
by his solicitor and submits the same for final  
decree upon the Original Bill and ~~exhibits thereto~~ Decree pro Confesso

, and upon the following testimony, to-wit:

D. Gerberding the Complainant and  
Joe Hunter

I hereby certify that the above note of Testimony is correct.

This 4th day of April, 19 23

J.W. Peterson  
Register.

No. 372

**The State of Alabama**

Baldwin County

Circuit Court in Equity

Deitrich Berberding

Complainant

vs.

Elsie Gerberding.

Respondent

**NOTE OF TESTIMONY**

Filed 4th day of April, 19 23

J. M. Ricumore Register

Record Page

**RECORDED**

NOTE OF TESTIMONY

The State of Alabama

Circuit Court

*Handwritten signature*

APPLICATION FOR ORAL EXAMINATION.  
-----

Dietrich Gerberding  
Complainant.  
vs

Elsie Gerberding,  
Respondent.

Circuit Court In  
Equity. Baldwin County  
Alabama.

Now comes the Complainant by W.S. Anderson, Solicitor of record,  
and makes application to the Register of said Court to issue a  
commission to take the testimony in said cause, on oral examina-  
-tion, of the following witnesses who reside in said County, viz;  
Dietrich Gerberding, Foley, Ala,  
Joe Hunter, Summerdale, Ala.

And complainant suggests the name of the Register of the Court  
T.W. Richerson, of Bay Minette, Baldwin County, as a suitable per-  
-son to be appointed Commissioner to take the testimony of said  
witnesses .

This 2nd day of April 1923.

*W. S. Anderson*

-----  
Solicitor for Complainant.

Deitrich Geberding

vs.

Elsie Geberding.

THE STATE OF ALABAMA,

Baldwin COUNTY.

CIRCUIT COURT OF

Baldwin COUNTY,

IN EQUITY.

*In this cause it being made to appear to the Court that a Summons was served upon the Defendant.....*

*Elsie Geberding.*

*by the Sheriff of Baldwin County, on the 24th day of*

*February, 19 23, requiring her to appear and plead, answer or demur to the*

*Bill of Complaint in his cause within thirty days from the service of said Summons, and the said Defendant.....*

*having failed to plead, answer or demur to the said Bill to the date hereof. It is now, therefore, on motion of*

*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 Elsie Geberding,*

*Defendant.....aforesaid.*

*This 28th day of March, 19 23.*

*D. W. Peterson*

Register & Clerk of the Circuit Court of

Baldwin County.



4  
No. 372.

IN EQUITY.

CIRCUIT COURT OF

Baldwin COUNTY,

Deitrich Geberding.

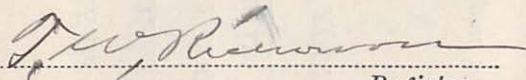
vs.

Elsie Geberding.

DECREE OF PRO CONFESSO.

Filed in office this 28th, day of

March, 1923.

  
Register.

E. O. M.

RECORDED

The State of Alabama, }  
BALDWIN COUNTY.

No. <sup>372.</sup> ..... CIRCUIT COURT IN EQUITY.

Deitrich Geberding.

Complainant....

vs.

Elsie Geberding.

Defendant....

Motion is hereby made for a Decree Pro Confesso against Elsie Geberding,

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..... has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 27<sup>th</sup> day of March 1923

*W. L. Anderson*  
Complainant's -

Solicitor.

No. 372. Page .....

STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Deitrich Geberding.

Vs.

Elsie Geberding.

MOTION FOR DECREE PRO  
CONFESSO ON PERSONAL SERVICE

Filed March 27th, 1923. 192

*T. W. Reardon*

Register.

Recorded in ..... Record,

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Register.

Baldwin Times Print, Bay Minette.

RECORDED

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 Elsie Geberding,

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

Dietrich Geberding

against said Elsie Geberding,

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, T. W. Richerson, Register of said Circuit Court, this 7th, day of February,  
1923. 192-

T. W. Richerson  
Register.

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

*Original 2nd*

Serve on Elsie Geberding, Summerdale, Ala.

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

No. ....

SUMMONS.

Dietrich Geberding

vs.

Elsie Geberding.

Summerdale  
Ala.

W. S. Anderson,

Solicitor for Complainant.

Recorded in Vol. .... Page .....

RECORDED

Received in office this .....

day of ..... 191.....

Sheriff.

Executed this 24 day of

February 19123

by leaving a copy of the within Summons with

Elsie Geberding

Defendant

Sheriff

By E. E. G. [Signature]

Deputy Sheriff.

Dietrich Gerberding, )  
Complainant, ) IN THE CIRCUIT COURT, BALDWIN COUNTY, ALABAMA.  
vs. ) IN EQUITY.  
Elsie Gerberding, )  
Defendant. )

To the Hon. John D. Leigh, Judge of the Twenty-first Judicial Circuit of the State of Alabama:

The Bill of Complaint of Dietrich Gerberding exhibited against Elsie Gerberding, respectfully shows to your Honor as follows:

1.

Orator shows unto your Honor that he is over the age of twenty-one years and resides near Summerdale in Baldwin County, Alabama, that Elsie Gerberding is over the age of twenty-one years, and is a resident of Baldwin County, Alabama, living near Summerdale, Alabama.

2.

Orator shows unto your Honor that he and the said Elsie Gerberding were lawfully married on or about the 25th day of August 1919, at Oklahoma City, in the State of Oklahoma, by A. Walton, an Evangelican Pastor. That they lived they lived together in Oklahoma City, for about one year, when they moved to Kansas Bluff City, where they lived until they came to Summerdale in Baldwin County, Alabama, in the early part of the year 1922, and they have lived near Summerdale ever since. No children have been born to the parties hereto.

3.

Orator shows unto your Honor that since their marriage he has treated his wife with great affection and kindness, has provided her with a comfortable home and all things necessary for her welfare and happiness; that he has always been a faithful husband to her, but she has not been a faithful wife to him, on the contrary, he charges that she has been guilty of acts of adultery with different men.

He charges that she committed adultery with one Edward Roemer, on or about the middle of January 1923. He also charges that she committed adultery with one Carl Albert Doering on or about the 4th day of February 1923. And Orator shows that since the evidence of these acts of adultery came to his knowledge, he has not admitted his said wife to his conjugal embraces, and has in no way condoned or forgiven said offenses.

Prayer for Process.

To the end therefore that equity may be done in the premises Complainant prays that the State's writ of subpoena may issue to the said Elsie Gerberding, requiring her to plead, answer or demur to this his Bill of Complaint against her within the time required by law and the rules of this Court.

Prayer for Relief.

Complainant further prays that upon the hearing of the cause your Honor will make and enter a decree dissolving the bonds of matrimony now existing between him and the said Elsie Gerberding, and that he may be permitted to marry again, and for such other or further relief as to your Honor may seem meet and proper in the premises.

And as in duty bound he will ever pray &c.

W. S. Anderson

Solicitor for Complainant.

Foot note:

The defendant is required to answer each paragraph of the Bill, from paragraph 1 to paragraph 3 both inclusive, but not under oath, her oath being expressly waived.

W. S. Anderson

Solicitor for Complainant.

Original. 1st  
No. 372.

Dietrich Gerberding

vs.

Elsie Gerberding.

Bill for Divorce.

Filed Feb 7th 1923  
D. W. Rickman  
Register

RECORDED