

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. Term, 192

NORMAN PHILLIPS , Complainant ..

vs.

MAGGIE PHILLIPS , Defendant ..

To HON. R. S. DUCK , Register :

In the above stated cause ~~an Answer and Waiver having been filed by the~~
~~and Decree and Confession 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

..... 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,
By: *John Hall*
Solicitor for Complainant.

NORMAN PHILLIPS

VS.

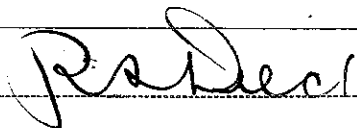
MAGGIE PHILLIPS

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, _____
Testimony of Norman Phillips and Minnie Lee Taylor, Commission to take
Deposition to Miss O'Byrne Jones, and Request for Decree in Vacation

and in behalf of Defendant upon Answer and Waiver



Register.

NORMAN PHILLIPS,
Complainant,
VS.
MAGGIE PHILLIPS,
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, Answer and Waiver of the Respondent, and Proof 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 voluntary abandonment.

IT IS FURTHER ORDERED that the Complainant be and he is hereby permitted to again contract marriage, upon the payment of the costs in this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said NORMAN PHILLIPS shall not again marry, except to the said MAGGIE PHILLIPS, until sixty days after this date, and that if an appeal is taken within sixty days, he shall not again marry, except to the said MAGGIE PHILLIPS, during the pendency of the appeal.

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

Dated at Monroeville, Monroe County, Alabama, this 24th day of ^{September}~~July~~, 1940.

F. W. HARE
Judge of the 21st Judicial Circuit of Alabama.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, R. S. DUCK, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above and foregoing is a full, true and correct copy of the decree rendered by said Court on the 24th day of ^{September}~~July~~, 1940, in the case of NORMAN PHILLIPS, Complainant, vs. MAGGIE PHILLIPS, Respondent, as the same appears on file in said Court.

WITNESS my hand and seal of said Court on this 24th day of ^{September}~~July~~, 1940.

R. S. Duck
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 Norman Phillips and Minnie Lee Taylor

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

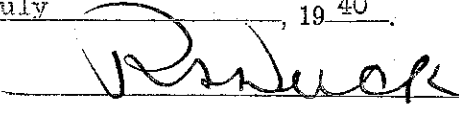
is Complainant and Maggie Phillips

is Defendant,

on oath to be by you administered, upon them

to take and certify the deposition of the witnesses and return the same to our Court, with all Convenient speed, under your hand.

Witness 11th day of July, 1940.


REGISTER

Commissioner's Fee \$ 5.00

Witness' Fees. \$

CHANCERY EXECUTION

BILL OF COSTS

No. 647

Norman Phillips,
Complainant

Vs.

Maggie Phillips,
Respondent.

Plaintiff
Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$	50
Filing each bill and other papers	6	0	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 subpoena		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Issuing each copy thereof		40	Each notice sent by mail to creditor ..	15	
Entering each return thereof		15	Filing, receipting for and docketing each claim, etc.	25	
For each order of publication	1	00	For all entries on subpoena docket, etc.	50	
Issuing writ of injunction	1	50	For all entries on commission docket, etc.	50	
For each copy thereof		50	Making final record, per 100 words ...	15	200
Entering each return thereof		15	Certified copy of decree	1 00	50
Issuing Writ of Attachment	1	00	Report of divorce to State Health Office (Acts 1915)	50	8 00
Entering each return thereof		15	Total Fees of Register		
Docketing each case	1	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	15 00
Issuing each decree pro confesso on publica.	1	00	Serving and returning subpoena for witness	65	
Each order appointing guardian	1	00	Levying attachment	3 00	
Any other order by Register		50	Entering and returning same	25	
Issuing commission to take testimony		50	Selling property attached		
Receiving and filing		10	Impaneling Jury	75	
Endorsing each package		10	Executing writ of possession	2 50	
Entering order submitting cause		50	Collecting execution for costs	1 50	15 00
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	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	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	3 00
Amount claimed less than \$500, etc.		2 00	Total Fees of Sheriff		
Issuing each subpoena		25			
Witness certificate, each		25	RECAPITULATION		
Issuing execution, each		75	Register's Fees	8 00	
Entering each return		15	Sheriff's Fees	3 00	
Taking and approving bond, each	1	00	Commissioner's Fees <i>including</i>	5 00	
Making copy of bill, etc.		15	Solicitor's Fees		
Each notice not otherwise provided for ..		50	Witness Fees		
Each certificate or affidavit, with seal ...		50	Guardian Ad Litem		
Each certificate or affidavit, no seal		25	Printer's Fees		
Hearing and passing on application, etc.	3	00	Trial Tax	3 00	3 00
Each settlement with receiver, etc.	3	00	Recording Decree in Probate Court		
Examining each voucher of Receiver, etc.		10			
Examining each answer, etc.	3	00	Total	919 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 ct.; all over \$100 and not exceeding \$1,000, 1 1-2 per ct; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.					
Sub Total Carried Forward	5	50			

The State of Alabama, { No. 647
Baldwin County. Circuit Court, In Equity December Term, 1940

To Any Sheriff of the State of Alabama—GREETING:

You are hereby commanded, That of the goods and chattels, lands and tenements of

Norman Phillips Defendant

you cause to be made the sum of Five hundred and no 100 (\$19.00) Dollars,

which Plaintiff

recovered of Decree of costs taxed against Complainant on the 24 day of September 1940

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

costs of 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 14 day of December 1940

R. S. Duch, Register.

NORMAN PHILLIPS,
Complainant,
VS.
MAGGIE PHILLIPS,
Respondent.

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

And now comes the Respondent, in her own proper person, and waives notice of the time of taking testimony on behalf of the Complainant, the right to cross-examine the witnesses, and agrees that this cause be submitted forthwith for final decree without further notice.

WITNESSES:

William M. Middleton

Maggie Phillips
Respondent

Norman Phillips

NORMAN PHILLIPS,

Complainant,

VS.

MAGGIE PHILLIPS,

Respondent.

) IN THE CIRCUIT COURT OF
)
)
)
)
)
)
)

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

And now comes the Respondent, in her own proper person, and for answer to the Complaint and to each paragraph thereof, separately and severally, says:

1. That she admits the allegations contained in Paragraphs 1 and 2.
2. That she denies the allegation contained in Paragraph 3, and demands strict proof of the same.

WITNESSES:

William Middleton

Norman Phillips

Maggie Lee Phillips
Respondent.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

WE COMMAND YOU, That you summon MAGGIE PHILLIPS 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 NORMAN PHILLIPS against said MAGGIE PHILLIPS, 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 3rd day of July, 1940.

R. S. Duck
Register.

NORMAN PHILLIPS,)	IN THE CIRCUIT COURT OF
Complainant,)	
VS.)	BALDWIN COUNTY, ALABAMA,
MAGGIE PHILLIPS,)	
Respondent.)	IN EQUITY.

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

And now comes your Complainant, NORMAN PHILLIPS, and humbly complaining against the Respondent, MAGGIE PHILLIPS, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant and the Respondent are both bona fide residents of Baldwin County, Alabama, and over twenty-one years of age.
2. That your Complainant and the Respondent were married at Loxley, in Baldwin County, Alabama, in 1933, and lived together as husband and wife, until, in October, 1934.
3. That on to-wit, in October, 1934, the Respondent voluntarily abandoned the bed and board of your Complainant and has remained away voluntarily and continuously since that time.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said MAGGIE PHILLIPS party respondent to this Bill of Complaint, requiring her 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 give and grant unto him a decree of absolute divorce, forever barring the bonds of matrimony existing between him and the Respondent, MAGGIE PHILLIPS; that your Honor will give and grant unto him such other, further, different or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.

Norman Phillips
Complainant

BEEBE & HALL,

By, W. H. Hall
Solicitors for Complainant.

NORMAN PHILLIPS,
Complainant,
VS.
MAGGIE PHILLIPS,
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, Answer and Waiver of the Respondent, and Proof 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 voluntary abandonment.

IT IS FURTHER ORDERED that the Complainant be and he is hereby permitted to again contract marriage, upon the payment of the costs in this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said NORMAN PHILLIPS shall not again marry, except to the said MAGGIE PHILLIPS, until sixty days after this date, and that if an appeal is taken within sixty days, he shall not again marry, except to the said MAGGIE PHILLIPS, during the pendency of the appeal.

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

Dated at Monroeville, Monroe County, Alabama, this 24th day of September,
1940.

J. W. Hare
Judge of the 21st Judicial Circuit of
Alabama.

No.

Page

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

NORMAN PHILLIPS

VS.

MAGGIE PHILLIPS

REQUEST FOR DECREE IN
VACATION

FILED

July 12

19*41*

[Handwritten Signature]

Register

RECORDED IN RECORD

VOL. PAGE

Register

RECORDED

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

NORMAN PHILLIPS,

VS.

MAGGIE PHILLIPS,

NOTE OF TESTIMONY

Filed in Open Court this 12

day of July 1940

[Handwritten Signature]

REGISTER

NO. _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

NORMAN PHILLIPS

Complainant

VS.

MARGIE PHILLIPS

Defendant

Commission To Take Deposition

COMMISSIONER:

O'Byrne Jones

Witnesses:

Norman Phillips

Winnie Lee Fowler

WAIVER:

NORMAN PHILLIPS,

Complainant,

VS.

MAGGIE PHILLIPS,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed July 11 1940
R. S. [Signature]
Rg

647

BILL OF COMPLAINT

NORMAN PHILLIPS,
Complainant,

VS.

MAGGIE PHILLIPS,
Respondent.

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

Filed July 3, 1940
R. S. Durb, Registrar

Executed July 8th
1940. by serving
copy of within on
Maggie Phillips

W. R. Sweet
/ Sheriff
By A. O. Campbell
A. O. Campbell

FINAL DECREE OF DIVORCE:

NORMAN PHILLIPS,

Complainant,

VS.

MAGGIE PHILLIPS,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed September 24, 1940
R. S. Dush, Register

RECORDED

THE STATE OF ALABAMA }
Baldwin County }

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

NORMAN PHILLIPS

COMPLAINANT

VS.

MAGGIE PHILLIPS

RESPONDENT

I, O'Byrne Jones,

as ~~Registered~~ Commissioner

have called and caused to come before me Norman Phillips and Minnie Lee Taylor

witnesses named in the Requirement for Oral Examination, on the 11th day of July
1940, at the office of Beebe & Hall.

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 Norman Phillips

doth depose and say as follows:

My name is Norman Phillips. I live at Rosinton, in Baldwin County, Alabama, and am over twenty-one years of age. The Respondent, Maggie Phillips, also lives at Rosinton, in Baldwin County, Alabama, and is over twenty-one years of age.

The Respondent and I were married at Loxley, in Baldwin County, Alabama, in 1933. We lived together as husband and wife until in October, 1934; that in October, 1934, the Respondent voluntarily abandoned me and has remained away voluntarily and continuously since that time. I am living now at the same place I was living when the Respondent left me. I know of no reason, and in fact, she has never given me any reason for leaving. After the Respondent left me, I went to her on three different occasions, in an effort to persuade her to come back and live with me, and each time she refused and still continues to refuse to live with me.

Norman Phillips

MINNIE LEE TAYLOR, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, DEPOSES AND SAYS:

My name is Minnie Lee Taylor. I live at Rosinton, in Baldwin County, Alabama. I am personally acquainted with Norman Phillips and also Maggie Phillips. I know that they are not living together as husband and wife, and, in fact, Maggie Phillips lives with Ed Ellis. I know that the Respondent and the Complainant have not lived together as husband and wife for more than two years.

Minnie Lee Taylor

ORAL EXAMINATION

I, O' Byrne Jones, as ~~Register and~~ Commissioner hereby certify that the foregoing depositions 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 11th day of July, 1940.

O' Byrne Jones (L. S.)
Commissioner

No. _____	Page _____
THE STATE OF ALABAMA Baldwin County	
IN CIRCUIT COURT, IN EQUITY	
MOEMAN PHILLIPS	
Complainant	
Vs.	
MAGGIE PHILLIPS	
Respondent	
ORAL DEPOSITION	
Filed <u>July 12</u> , 19 <u>40</u>	<u><i>R. Jones</i></u> , Register
RECORDED IN	
Record _____	Page _____
Vol. _____	Register _____

FINAL DECREE OF DIVORCE:

NORMAN PHILLIPS,

Complainant,

VS.

MAGGIE PHILLIPS,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.