

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

VIVIAN I. NEWKIRK

Complainant

vs.

ROYCE G. NEWKIRK

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree and Answer~~ on Respondent's answer & waiver 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 VIVIAN I. NEWKIRK is forever divorced from the

said ROYCE G. NEWKIRK ~~for all purposes~~

It is further ordered, adjudged and decreed the complainant be granted the right and she is hereby granted the right to resume her maiden name, Vivian Inez Fortson.

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 the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Vivian I. Newkirk the Complainant pay the cost herein to be taxed, for which execution may issue.

This 24th day of June, 1954

Hubert M. Hall  
Judge Circuit Court, In Equity.

I, Alice J. Duck, Register of the Circuit Court of 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 June, 1954

Register of Circuit Court, In Equity.

No. 3287 Page       

The State of Alabama  
Baldwin County

In Circuit Court, In Equity

Complainant

VS:

Respondent

**DIVORCE DECREE**

**FILED**

JUN 24 1954

ALICE J. DUCK, Register

VIVIAN I. NEWKIRK

vs.

ROYCE G. NEWKIRK

THE STATE OF ALABAMA

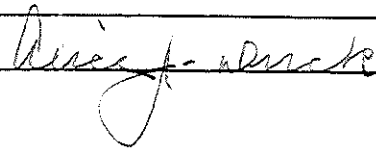
Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, \_\_\_\_\_  
Oral depositions of Complainant's witnesses \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and in behalf of Defendant upon \_\_\_\_\_ answer and waiver. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
SOLICITOR FOR COMPLAINANT  
Register.

No. 3283.....

**THE STATE OF ALABAMA**

**Baldwin County**

**IN EQUITY**

**Circuit Court of Baldwin County**

**VIVIAN I. NEWKIRK**

**vs.**

**ROYCE G. NEWKIRK**

**NOTE OF TESTIMONY**

Filed in Open Court this .....

day of

**FILED**

, 194 .....

**JUN 24 1954**

**ALICE J. DUCK, Register**

**Register.**

Printed by the Baldwin Times

The State of Alabama,  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

Vivian I. Newkirk

Complainant

VS.

Royce G. Newkirk

Respondent

I, Dixie A. Peterson

as Register and Commissioner

have called and caused to come before me Vivian I. Newkirk and

Avie Marie Breechen

witnesses named in the Requirement for Oral Examination, on the 24 day of June 1954

1954, at the office of Dixie A. Peterson, Foley, Alabama

in \_\_\_\_\_, Alabama, and having first sworn said Witnesses to speak the

truth, the whole truth, and nothing but the truth, the said Vivian I. Newkirk and

Avie Marie Breechen doth depose and say as follows:

My name is Vivian Inez Newkirk. I am the complainant in this case. I am over eighteen years of age and am a bona fide resident of the State of Alabama. I have lived in Alabama all of my life. Royce G. Newkirk is over twenty-one years of age and is a resident of the State of Alabama. He has lived in the State of Alabama all of his life. My name before I married Royce Newkirk was Vivian Inez Fortson.

I and Royce G. Newkirk were legally married in Trenton Georgia, October 12, 1952. We do not have any children.

Around the seventeenth or eighteenth of April of this year, Royce and I were out with another couple at the Legion Club in Foley. Royce drinks a lot too much. This night he was mad before we went out to the club and started drinking heavy right away. He got pretty tight and made me stop dancing with some of the other guys that was out there. He cussed me and threatened to beat me up out there. I got the couple with us to take us home only Royce then didn't want to go and started cussing me and saying all sorts of bad things. Before we got to the house he had hit me several times and threatened to do worse when we got into the house. He hurt me in several places pretty bad. I went home with the other couple as I was and am afraid of him. I haven't lived with him since that time.

*Mrs. Vivian I. Newkirk*

My name is Avie Marie Breechen. I live in Foley, Alabama. On the night of April seventeenth, I guess it was. It was the Saturday night after the fifteenth of the month. I was out to the legion Club in Foley with my husband and Vivian Newkirk and her husband. Royce, Vivian's husband got a little stewed and acted real mean to Vivian. He wouldn't dance with her and cussed her out after she had danced with some fellows who were out there. No one was having any fun so when Vivian suggested we go home, we left. On the way home Royce started accusing Vivian of flirting and making dates with the boys she danced with and finally started beating her with his fists. My husband stopped the car and he quit. We went on to thier house and he threatened he was going to beat her up again when she came in. He got out of the car and went in the house so we took Vivian withus to our house. Vivian was scared to death. She had ear where he hit her and several black and blue bruises on her body for a long time. We thought for a few days that he had broke her rib. She has lived with me every since that night and is actually scared to death of Royce.

*Mrs. Avie Marie Breechen*

I, Dixie A. Peterson, as Register and Commissioner hereby certify that the foregoing deposition s on Oral Examination was taken down by me in writing in the words of the witness es 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 proom 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.

Given under my hand and seal, this 24th day of June, 1954.

Oliver A. Peterson (L. S.)

No. 3283 Page         

The State of Alabama  
Baldwin County.

In Circuit Court, In Equity

Waylan I. Newkirk  
vs.  
Complainant

Royce G. Newkirk  
Respondent

Respondent

Oral Deposition

Filed         , 19    

**FILED**  
JUN 4 1954  
Recorded  
ALICE I. WICK, Register

Vol.          Page         , Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: DIXIE A. PETERSON

Foley, Alabama

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 Vivian I. Newkirk

and Avie Marie Breechen

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

\_\_\_\_\_, Complainant  
and Royce G. Newkirk

\_\_\_\_\_, Respondent

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 24th day of June, 1954

Reinhold W. W. W.

Register.

Commissioner's Fee, \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_

No. 3283

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

VIVIAN I. NEWKIRK

Complainant—

vs.

ROYCE G. NEWKIRK

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

DIXIE A. PETERSON

WITNESSES:

VIVIAN I. NEWKIRK

AVIE MARIE BRECHEN



VIVIAN I. NEWKIRK )  
COMPLAINANT )  
VS. )  
ROYCE G. NEWKIRK )  
RESPONDENT ))

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA, SITTING IN EQUITY:

Your complainant Vivian I. Newkirk, respectfully represents  
and shows unto your Honor:

1. That the complainant is over the age of eighteen years  
and is a bona fide resident of Baldwin County, Alabama and has been a  
bona fide resident of Alabama, all of her life; that Royce G. Newkirk  
is over the age of twenty-one years and is a resident of Baldwin County,  
Alabama, and has been a resident of Baldwin County, Alabama for more than  
one year, and the State of Alabama, all of his life.

2. That your complainant and Royce G. Newkirk were lawfully  
married at Trenton, Georgia on or about to-wit: October 12, 1952 and  
that of this marriage there are no children.

3. Your complainant avers and charges that the said respondent  
did on or about the 17th day of April, 1954, and many times subsequent  
thereto assault, beat, hit and strike the complainant; that said respondent  
has committed actual violence on her person attended with danger to her  
health or life; complainant avers and charges that respondent has made  
numerous threats of doing her physical harm and from his manner and con-  
duct toward her, she is reasonably convinced that he will commit an actual  
violence upon her person, attended with danger to her life or health.

The premises considered, your complainant makes the said Royce G.  
Newkirk a party respondent to this bill of complaint, and in order that  
the complainant have the relief herein prayed for may it please your Honor  
to have the State's Writ of Subpoena issued, directed to the said Royce G.  
Newkirk, commanding him to answer, plead or demur within the time required  
by law; and that on a final hearing of this cause, that your Honor will  
enter a decree divorcing your complainant from the respondent; granting  
the complainant the right to resume her maiden name; and that your Honor  
will grant such other, further or different relief as unto your Honor will  
seem just and proper, and your complainant will ever pray.

  
SOLICITOR FOR COMPLAINANT

703283

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

\*\*\*\*\*

VIVIAN I. NEWKIRK  
COMPLAINANT

VS

ROYCE G. NEWKIRK  
RESPONDENT.

\*\*\*\*\*

BILL OF COMPLAINT  
\*\*\*\*\*

FILED

JUN 21 1954

ALICE J. DICK, Register

VIVIAN I. NEWKIRK  
Complainant

VS.

ROYCE G. NEWKIRK  
Respondent

IN THE CIRCUIT COURT OF

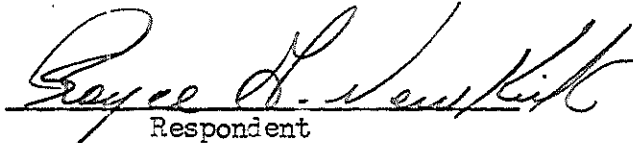
BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes the Respondent in the above styled cause and accepts service of a bill of complaint heretofore filed in said cause; waives notice of the filing of interrogatories in said cause, and the right to cross the same; waives notice of the taking of testimony in said cause, and consents that the same may be taken and the cause submitted for final decree.

And for answer to the bill of complaint heretofore filed in this cause, respondent says:

1. He admits the allegations contained in paragraph one of said bill of complaint.
2. He admits the allegations contained in paragraph two of said Bill of Complaint.
3. He denies each and every material allegation contained in paragraph three of said bill of Complaint and demands strict proof thereof.

  
Respondent

  
WITNESS

  
WITNESS

3287

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

\*\*\*\*\*

VIVIAN I NEWKIRK  
COMPLAINANT

VS.

ROYCE G. NEWKIRK  
RESPONDENT

\*\*\*\*\*

ANSWER AND WAIVER

\*\*\*\*\*

FILED

JUN 24 1954

ALICE J. DUCK, Register