

W. F. SPENCER,)
PETITIONER,) IN THE CIRCUIT COURT OF
VS.) BALDWIN COUNTY, ALABAMA.
MRS. LUCILE B. SPENCER,) IN EQUITY
RESPONDENT.)

NO. 2234-

BILL OF REVIEW

TO THE HONORABLE JUDGES OF SAID COURT:

Comes your Petitioner, W. F. Spencer, and respectfully represents and shows unto your Honors the following facts:

1.

That Petitioner is over the age of 21 years and is a bona fide resident citizen of Birmingham, Jefferson County, Alabama, and has been such resident citizen of said county, in said state, all of his life; that Defendant is a citizen of Alabama and is over the age of 21 years and is now living in Foley, Baldwin County, Alabama.

2.

That Petitioner and Defendant were legally married to each other on October 18th, 1947, under authority and license to marry issued by the Probate Judge of Jefferson County, Alabama, and that they lived together as man and wife until August 23rd, 1948, at which time the Defendant, without just cause or legal grounds, voluntarily abandoned the Petitioner and has voluntarily remained away from him since that time.

3.

That on August 31st, 1948, the Defendant herein filed a bill for divorce against the Petitioner herein, in the Circuit Court of Baldwin County, Alabama, in Equity, said cause being #2148 in said court. The style of said cause being Lucile Spencer vs. William F. Spencer. A copy of the bill of complaint in said cause is attached hereto and marked "Exhibit 1", and made a part hereof as though fully set forth herein.

4.

The record in said cause #2148, in said court shows, that on September 3rd, 1948, the Respondent therein (Petitioner herein), filed an answer to said Bill of Complaint, in which answer the said Respondent specifically denied all of the material averments of said Bill, and demanded strict proof thereof. A copy of said answer of the Respondent in said cause is hereto attached and marked "Exhibit 2" and the same made a part hereof as though fully set forth herein.

5.

The record in said cause #2148, in said court, further shows that, notwithstanding the fact, that the said answer of the Respondent in said cause denied the truth of all of the material averments of the said Bill of Complaint, and specifically demanded strict proof thereof, no testimony has yet been taken in said cause, and no strict proof has yet been offered, either by deposition, or orally before the court, in support of the truth of material averments of said Bill of Complaint.

6.

The record in said cause #2148 in said court further shows that in lieu of strict proof of the said material averments of said Bill of Complaint, as demanded by the Respondent therein, the Complainant therein, (Respondent herein), filed an unverified, untrue and uncertified paper writing which purported to be a statement by the said Complainant therein. A copy of said unverified and uncertified paper writing is attached hereto and marked "Exhibit 3" and made a part hereof as though fully set out herein.

7.

The record in said cause #2148, in said court further shows that said unverified, untrue and uncertified paper writing (Exhibit 3 herein) is not the sworn, verified testimony of Lucile Abernethy Spencer in said cause, and that the same has no probative value therein, as proving or tending to prove the material averments of said Bill of Complaint, and the same should be suppressed and

stricken from the record in said cause.

8.

The record in said cause #2148, in said court, further shows that, on September 2nd, 1948, the Clerk and Register of said court, in which said cause was then pending, issue a commission to one Louise Morris, as commissioner, to take the deposition of Complainant in said cause, and that said commission was never exercised, executed or consummated by said Commissioner and returned to said court, as required by law and the same is still outstanding and unexecuted, a copy of said unexecuted commission to take said testimony is attached hereto and marked "Exhibit 4" and made a part hereof as though fully set forth herein.

9.

The record in said cause #2148 in said court further shows, that the said commissioner named in said commission to take said deposition, as aforesaid, did not certify, as required by law, that she called and caused to come before her the said witness; that she swore or cautioned said witness to speak the truth; that she took down in writing the testimony of said witness, and read the same over to her, and that the same was signed before her; that she had personal knowledge of the personal identity of said witness; that she was not of counsel or kin to any of the parties to said cause, or interested in the result thereof.

10.

The record in said cause #2148, in said court further shows that, notwithstanding the fact that no testimony had been taken in said cause, as required by law, and that said commission to take testimony therein was still outstanding and unexecuted, said cause was submitted to the court for final decree on behalf of Complainant therein, upon the original Bill of Complaint, answer of Respondent therein, and said unverified and uncertified paper writing as being the testimony of the Complainant in said cause,

Page 4.

(Exhibit 3 hereto). A copy of the note of testimony upon which said cause was submitted for final decree is attached hereto and marked "Exhibit 5" and made a part hereof as though fully set out herein.

11.

The record in said cause #2148, in said court, further shows, that upon said premature and wrongful submission of said cause, as aforesaid, and upon the untrue statement contained in said note of testimony to the effect that said unverified and uncertified paper writing (Exhibit 3 hereto) was the legal deposition and testimony of the Complainant in said cause, the court ordered, adjudged and decreed that the bonds of matrimony theretofore existing between the parties to said cause be dissolved. A copy of said final decree of divorce in said cause is attached hereto and marked "Exhibit 6" and made a part hereof as though fully set out herein.

12.

Exhibits 1 to 6, inclusive, attached hereto, is the complete record in said cause #2148 in said court, and the same affirmatively shows, that said final decree of divorce rendered in said cause, as aforesaid, is unsupported by any legal testimony or evidence whatsoever, and is therefore void, and the same should be set aside, vacated and annulled by this Honorable Court.

13.

Petitioner further shows unto this Honorable Court that he has a good and meritorious defense to said divorce action; that he was ever mindful of his duties and obligations to his wife, Respondent herein, and has never committed any offense or been guilty of any misconduct which would entitle her to a divorce; that said decree of divorce in said cause was the result of hasty and ill advised action on the part of Respondent herein, and is unsupported by any real or tangible grounds and proof.

WHEREFORE, Petitioner prays that Mrs. Lucile Abernethy Spencer be made a party defendant to this Bill of Review, and that by due process she be required to answer, plead or demur hereto within

the time and manner required by law, and the rules of this Honorable Court. And Petitioner prays that upon final hearing of this matter this Honorable Court will review ^{the record & proceedings} in cause #2148, heretofore pending in this court, as set out herein, and will order, adjudge and decree, as follows:

(a) Setting aside, vacating and declaring for naught that certain final decree of divorce heretofore rendered in cause #2148, in this court, on September 4th, 1948 (Exhibit 6 hereof).

(b) Suppressing and striking from the record of said cause #2148, in this court, that certain unverified and uncertified paper writing purporting to be a statement and deposition of Complainant therein. (Exhibit 3 hereof).

And Petitioner prays for such other, further and different relief as may be just and proper in the premises, and as in duty bound will ever pray, etc.

Baughniff & Morris
Solicitors for Petitioner

Address Mursey Bldg
Bham. Ala.

STATE OF ALABAMA)

BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon WILLIAM F. SPENCER, to appear, within thirty days from the service hereof and plead, answer or demur to a bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in equity, by LUCILE ABERNETHY SPENCER, as Complainant, and against WILLIAM F. SPENCER, as Respondent.

WITNESS my hand and seal on this the 31 day of August, 1948.

ALICE J. DUCK,
Register

LUCILE ABERNETHY SPENCER,)
COMPLAINANT,)

VS.)

WILLIAM F. SPENCER,)
RESPONDENT.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

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

Your Complainant, LUCILE ABERNETHY SPENCER, respectfully represents and shows unto your Honor, and this Honorable Court as follows:

1.

That your Complainant and the Respondent are both over twenty-one years of age, and residents of the State of Alabama, living at Foley, in Baldwin County, Alabama.

2.

That your Complainant and the Respondent married on October 18, 1947 and lived together as husband and wife, in Baldwin County, Alabama, until on to-wit, August 23rd, 1948.

3.

That on to-wit, August 23rd, 1948 the Respondent cursed and threatened and abused your Complainant and 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 the Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with the Respondent he would carry out his threats and do actual violence to her person which would necessarily endanger her life and health; that your Complainant and Respondent were living at Foley in Baldwin County, Alabama, when your Complainant on account of the conduct of the Respondent was forced to leave him.

4.

That the Respondent is a lawyer by profession and financially able to support your Complainant and to pay all cost of this proceeding, including the attorney's fee.

Wherefore, the premises considered your Complainant prays that your Honor will by proper process make the said WILLIAM F. SPENCER 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; that your Honor will order a reference to determine alimony pendente lite and attorney's fees to be paid by the Respondent to your Complainant.

Your Complainant further prays that upon a final hearing hereof your Honor will make and enter a decree forever barring the bonds of matrimony existing between your Complainant and Respondent; that your Complainant be awarded such alimony as to your Honor shall seem just and proper; that your Complainant be given such other further, different or general relief as she may be in equity and good conscience entitled to receive.

Respondent's address:
William F. Spencer, Morris Hotel
Birmingham, Alabama

H. M. HALL
Solicitor for Complainant

EXHIBIT I.

LUCILE ABERNETHY SPENCER,

COMPLAINANT,

VS.

WILLIAM F. SPENCER,

RESPONDENT.

)

)

)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Now comes the Respondent, in his own proper person and through his Solicitor, Robert M. Mundine, and for answer to the Complainant's bill of complaint, says:

1.

He admits the allegations as to ages, residences, and marriage, as contained in paragraphs one and two.

2.

He denies all allegations as to cruelty as contained in paragraph three, and demands strict proof thereof.

3.

The Respondent waives notice of the time of taking testimony on behalf of the Complainant; the right to cross examine Complainant's witnesses; and agrees that this cause be submitted forthwith for final decree without notice.

W. F. SPENCER
Respondent

ROBERT M. MUNDINE
Solicitor for Complainant

ORAL DEPOSITION

THE STATE OF ALABAMA ;
BALDWIN COUNTY)

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
(IN EQUITY)

LUCILE ABERNETHY SPENCER, COMPLAINANT

VS.

WILLIAM F. SPENCER, RESPONDENT

I, LOUISE MORRIS, as Register and Commissioner, have called and caused to come before me, LUCILE ABERNETHY SPENCER, witness named in the requirement for Oral Examination, on the 2nd day of September, 1948, at the office of HUBERT M. HALL in BAY MINETTE, ALABAMA, and having first sworn said witness to speak the truth, the whole truth, and nothing but the truth, the said LUCILE ABERNETHY SPENCER doth depose and say as follows:

My name is Lucile Abernethy Spencer. I am a resident of Foley, Baldwin County, Alabama, and over twenty-one years of age. The respondent William F. Spencer is a resident of Foley, Alabama, and over twenty-one years of age.

The respondent and I married in Baldwin County, Alabama, on August 18, 1947. We lived together as husband and wife in Baldwin County, Alabama, until August 23, 1948.

The Respondent on August 23, 1948, threatened and abused me and threatened to do actual violence to my person which would necessarily endanger my life and health. The conduct of the Respondent was such as to give me every reasonable apprehension to believe and I did actually believe that if I continued to live with him he would carry out his threats and do actual violence to my person which would necessarily endanger my life and health.

The respondent and I are both of mature age and seriously considered this matter, and I know that it is absolutely impossible for us to live together.

The Respondent and I have made a full and complete settlement as to our joint properties and all questions as to alimony support and attorney's fees.

Lucile Abernethy Spencer

I, Louise Morris, 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 her and she 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 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 2nd day of September, 1948.

L.S.

EXHIBIT 3.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA .)

BALDWIN COUNTY)

CIRCUIT COURT

TO: Louise Morris

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 Lucile Abernethy Spencer as witness in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Lucile Abernethy Spencer, Complainant and William F. Spencer, Respondent, on oath, to be by you administered, upon Lucile Abernethy Spencer, to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 2nd day of September, 1948.

Commissioner's Fee \$ _____

Witness Fees, \$ _____

ALICE J. DUCK,

Register

EXHIBIT 4

NOTE OF TESTIMONY)

THE STATE OF ALABAMA

LUCILE ABERNETHY SPENCER)

BALDWIN COUNTY

VS.

IN EQUITY

WILLIAM F. SPENCER)

CIRCUIT COURT OF BALDWIN COUNTY

This cause is submitted in behalf of Compliant upon the original Bill of Complaint, answer and waiver of Respondent and Testimony of Lucile Abernethy Spencer and in behalf of Defendant upon answer and waiver.

ALICE J. DUCK

Register

EXHIBIT 5

DIVORCE DECREE

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

LUCILE ABERNETHY SPENCER, Complainant,

vs.

WILLIAM F. SPENCER, Respondent.

This cause coming on to be heard was submitted upon Bill of Complaint, Answer and 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 Lucile Abernethy Spencer is forever divorced from the said William F. Spencer for and on account of cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant may and she is hereby given and granted the right to resume her former name: LUCILE ABERNETHY.

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 William F. Spencer, the Respondent, pay the cost herein to be taxed, for which execution may issue.

This 4th day of September, 1948.

F.W. Hare, 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 7th day of September, 1948.

(SEAL)

Alice J. Duck,
Register of Circuit Court in
Equity.

EXHIBIT 6

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, }

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No.-----

-----TERM, 194-----

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You Are Hereby Commanded to Summon Mrs. Lucile Spencer

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against-----

Mrs. Lucile Spencer-----, Defendant.---

by-----

W. F. Spencer-----, Plaintiff.---

Witness my hand this 4th day of February 194 9

Alice F. Duck-----, Clerk.

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THE STATE of ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

vs.

Plaintiffs

Defendants

SUMMONS and COMPLAINT

Filed _____, 194_____

Clerk

Plaintiff's Attorney

Defendant's Attorney

Moore Printing Co.

Defendant lives at

RECEIVED IN OFFICE

, 194 _ _ _ _

-, Sheriff

I have executed this summons

this _____, 194____
by leaving a copy with _____

Sheriff

Deputy Sheriff

W. F. SPENCER,	)	IN THE CIRCUIT COURT OF BALDWIN
PETITIONER,	)	COUNTY, ALABAMA
VS.	)	IN EQUITY
MRS. LUCILE B. SPENCER,	)	
RESPONDENT.	)	NO. 2235

Now comes the Petitioner, W. F. Spencer, and demurs to the cross-bill heretofore filed in this cause and for grounds of demurrer sets down and assigns the following:

1. There is no equity in the cross-bill.
2. For that it affirmatively appears from the answer and cross-bill of the Respondent that said divorce was null and void.
3. For that it affirmatively appears from said answer and cross-bill that the said divorce was agreed upon between the parties and that the same was collusive and should be set aside and vacated.
4. For that it affirmatively appears that the said divorce was null and void and that the court should set aside and vacate the same.

Bauknight & Mims

SOLICITORS FOR PETITIONER,
W.F. SPENCER

W. F. SPENCER	¶	
PETITIONER	¶	IN THE CIRCUIT COURT OF
VS.	¶	BALDWIN COUNTY, ALABAMA
MRS. LUCILE B. SPENCER	¶	IN EQUITY
RESPONDENT	¶	NO. 2235

Now comes the Respondent and demurs to the Petitioner's bill of review, and for grounds of said demurrers, says:

1.

That the petition is without equity.

2.

That there is no equity in the Petitioner's bill of review.

3.

That the bill of review affirmatively shows that the Petitioner is not entitled to the relief prayed for.

4.

That the petition affirmatively shows that the Petitioner was a party to the original proceeding, and is therefore precluded from the relief prayed for.

5.

The Respondent without waiving the foregoing demurrers, but most strenuously insisting thereon, for answer to the Petitioner's bill of review, says:

6.

That she is a citizen of Alabama, over twenty-one years of age, and is now living in Foley, Baldwin County, Alabama; that the Petitioner is over twenty-one years of age and so far as the Respondent known, is now residing in Birmingham, Alabama.

7.

The Respondent admits the allegations contained in paragraph three of the original bill of review.

8.

That she admits the allegations contained in paragraph four of the original bill of review.

9.

For answer to paragraphs five and six, the Respondent says, that she, the Petitioner, W. F. Spencer and their respective Solicitor of record and Miss Louise Morris, as special Commissioner, all appeared in the office of the Solicitor for the Respondent, and agreed upon a divorce and a full and complete settlement of any and all claims that the Respondent might have against the Petitioner or that the Petitioner might have against the Respondent; that the said Miss Louise Morris, in the presence of the parties took down in Shorthand, and then transcribed the testimony of the Respondent; that the testimony when transcribed was handed to the Respondent and she read the same over, and the Petitioner read over and studied the testimony of the Respondent, and thereafter the said testimony was duly signed by the Respondent; that the Petitioner and his attorney directed the preparation of an answer and waiver and after its preparation it was duly signed by the Petitioner and his Solicitor; that thereafter the original bill of complaint, the answer and waiver and the said testimony duly signed by the Respondent together with the other papers, together with the appointment by the Register of Miss Louise Morris, as special Commissioner, note of testimony and prepared form of final decree, were delivered over to the Register of the Court; that decree of divorce was granted on September 4th, 1948, by Honorable F. W. Hare, Judge of Circuit Court in equity; that the testimony of the Respondent was duly taken in accordance with the requirements of the law; that the Petitioner read over and in affect approved the testimony as given by the Respondent.

10.

The Respondent for answer to paragraph seven of the bill of review says, that the testimony as shown as exhibit three, is her testimony as given before Miss Louise Morris, as special Commissioner, and in the presence of the Petitioner, his Solicitor, my Solicitor and Miss Louise Morris; that the facts therein are true; that the same is

her testimony; that it was given by her in accordance with the law and read over and studied by her before being signed, and then duly signed by her, as her true testimony or evidence in the case.

11.

The Respondent for answer to paragraph eight of the bill of review admits that the Register of the Circuit Court of Baldwin County, Alabama, issued a commission to Miss Louise Morris, as Commissioner to take her testimony; that said commission was duly exercised by the said Miss Morris, and that the testimony of the Respondent was duly taken by Miss Morris, then transcribed and after a discussion between the Respondent and the Petitioner the said testimony was duly signed by the Respondent, and then filed with the Register of the Circuit Court of Baldwin County, Alabama.

12.

The Respondent for answer to paragraph nine says, that Miss Louise Morris, as Commissioner in accordance with the law, took down in shorthand, and then transcribed the testimony of the Respondent, after which it was delivered to the Respondent and read over and discussed with all parties present after which it was duly signed by the Respondent.

13.

The Respondent for answer to paragraph ten of the bill of review, says, that a decree of divorce was granted by the Honorable F. W. Hare, Judge of Circuit Court, of Baldwin County, Alabama, in equity, on September 4th, 1948; that a copy of said decree appears as exhibit six to the petitioner's original bill of complaint; that she denies all other allegations contained in said paragraph.

14.

The Respondent for answer to paragraph eleven, admits that exhibit six attached to the Petitioner's original bill of review is a correct copy of the final decree of divorce, but denies all other allegations contained therein, and demands strict proof of the same.

15.

The Respondent denies the allegations contained in para-

graph twelve of the original bill of review and demands strict proof of the same. For further answer to the complainant's bill of com-

plaint, she says, that she and the Petitioner are both bona fide residents of the State of Alabama; she living at Foley, in Baldwin County, Alabama, and he at Birmingham, in Jefferson County, Alabama; that both are over twenty-one years of age; that she and the Petitioner married on October 18th, 1947, and lived together as husband and wife, where they were living at the time they separated at Foley, Baldwin County, Alabama, until on to-wit August 23rd, 1948; that on to-wit August 23rd, 1948, the Petitioner cursed, threatened and abused the Respondent and threatened to do actual violence to her person, which would necessarily endanger her life and health; that the Petitioner drank heavily; that on account of his conduct toward her she was forced to leave her own home, and seek shelter elsewhere; that the conduct of the Petitioner was such as to give her every reasonable apprehension to believe and she did actually believe that if she continued to live with him, he would continue his abuses, and carry out his threats and do actual violence to her person, which would necessarily endanger her life and health.

16.

That the Petitioner is an able bodied man, a lawyer by profession; that during their married life the Respondent furnished the Petitioner with a home and contributed her part toward the expense of the home and other living expenses; that she has been put to a great expense in defending, and prosecuting her rights under this bill; that she has necessarily had to employ counsel; that at the time of the property settlement between the Respondent and the Petitioner, and at the time the decree of Divorce was signed in this cause, the Petitioner by fraud, obtained and fraudulently withholds from this Respondent the sum of SEVEN THOUSAND (\$7000.00) DOLLARS, which is rightly the property of the Respondent; that the Respondent gave to the Petitioner a check dated September 2nd, 1948, on her own account, at the Farmers and Merchants Bank, Foley, Alabama, for SEVEN THOUSAND (\$7000.00) DOLLARS, which the Petitioner has cashed. WHEREFORE the premises considered, the Respondent prays that this be taken as her answer and cross bill, and that the said

W. F. Spencer by proper process be made a party hereto, and required 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;

That your Honor will order, or hold a reference to determine a reasonable amount to be paid by the said W. F. Spencer, to this Respondent, as alimony pendente lite, and also a reasonable attorney's fee, to be paid by the said W. F. Spencer, to the Solicitor of record for this Respondent.

Complainant further prays that upon a final hearing hereof this Honorable Court will give and grant to her the following relief;

A.

That the said W. F. Spencer be required to pay to this Respondent, as permanent alimony, such amount, as to this Honorable Court may seem just and proper;

B.

That a decree be made and entered that the decree of divorce heretofore made and entered on September 4th, 1948, is in all ways sufficient, and that said decree absolutely divorced the said W. F. Spencer and this Respondent.

C.

That the said W. F. Spencer be required to repay to the Respondent the sum of SEVEN THOUSAND (\$7000.00) DOLLARS, which he fraudulently procured from her;

D.

That a decree be made and entered establishing the testimony of this Respondent, taken before Miss Louise Morris, as her true testimony; that a decree be made and entered authorizing and directing Miss Louise Morris, as Commissioner to sign the certificate to the testimony of Mrs. Lucile Abernethy Spencer, as taken before her on September 2nd, 1948, as being the true testimony of the said Mrs. Lucile Abernethy Spencer.

That in the event it is found that the testimony of this Respondent was not taken in accordance with the requirements of the law, that a decree be made and entered authorizing and directing the taking of testimony on the Respondent's cross bill, and that upon a submission thereof, a decree of divorce be granted to this Respondent,

upon the grounds of cruelty as alleged in her cross bill; that in the event this Respondent has prayed for the wrong relief, then that this court make and enter a decree awarding to her such relief as she may be entitled under the allegation contained in her cross bill.

That she be awarded such other further, different, or general relief as she may be in equity and good conscience entitled to receive.

J. M. Fall
Solicitor for the Respondent-Cross bill.

(No 2235)

DEMURRER-ANSWER and
CROSS BILL.

W. F. SPENCER

PETITIONER

VS.

MRS. LUCILE B. SPENCER

RESPONDENT

Filed 2-24-49
Alice J. Webb
Register