

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 Evelyn Vitous

as witnesses in behalf of Evelyn Vitous in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Evelyn Vitous

_____, Complainant
and Albert Vitous

_____, Respondent

on oath, to be by you administered, upon Albert Vitous
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 May, 1949.

Alvin F. Leuch
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

EVELYN VITOUS

Complainant

VS.

ALBERT VITOUS

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

LOUISE MORRIS

WITNESSES:

Witness, Sub. 2
Commissioner, Sub. 2

EVELYN VITOUS

VS.

ALBERT VITOUS

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

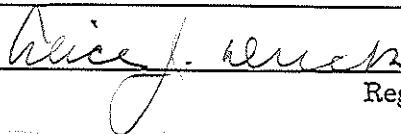
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____

Answer and waiver of Respondent and testimony of Complainant

and in behalf of Defendant upon _____

H. M. HALL



Register.

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

EVELYN VITOUS

vs.

ALBERT VITOUS

NOTE OF TESTIMONY

Filed in Open Court this 20th

day of May, 1949

Wesley J. Leuck
Register.

Printed By The Baldwin Times

EVELYN VITOUS

COMPLAINANT

VS.

ALBERT VITOUS

RESPONDENT

§

§

§

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Now comes the Respondent and accepts service of the summons and complaint in this cause.

The Respondent admits the allegations as to ages, residences, marriage and children but denies all allegations as to cruelty and demands strict proof of the same.

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

Albert Vitous

STATE OF ALABAMA §
BALDWIN COUNTY §

I, J. M. Fall, a Notary Public, in and for said County, in said State, hereby certify that Albert Vitous, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 16th day of May, 1949.


J. M. Fall
Notary Public, Baldwin County, Alabama

STATE OF ALABAMA §
BALDWIN COUNTY §

TO ANY SHERIFF OF THE STATE OF ALABAMA §

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

WITNESS my hand this 20 day of May, 1949.


Register

EVELYN VITOUS	§	IN THE CIRCUIT COURT OF
COMPLAINANT	§	BALDWIN COUNTY, ALABAMA
VS.	§	IN EQUITY
ALBERT VITOUS	§	
RESPONDENT	§	
	§	

TO HON. TELFAIR J. MASHBURN JR., JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA:

Your Complainant, EVELYN VITOUS, 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 married in Summerdale, Alabama, on June 19, 1935, and lived together as husband and wife, until on to-wit, February 2, 1949.

3.

That on February 2, 1949, and on various occasions prior thereto, the Respondent threatened and abused the Complainant, and often threatened to do violence to her person which would necessarily endanger her life and health. The conduct of the Respondent was such as to give the Complainant every reasonable apprehension to believe and she does 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.

4.

That your Complainant and the Respondent have two children, Beatrice Vitous, age thirteen and Georgia Vitous, age 11; that your Complainant is the proper person to have their care, custody and control.

WHEREFORE the premises considered your Complainant prays that your Honor will by proper process make the said Albert Vitous, 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 hereof your Honor will make and enter a decree forever barring the bonds of matrimony existing between your Complainant and the Respondent; that she be granted such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

John Free
Solicitor for Complainant

STATE OF ALABAMA §
BALDWIN COUNTY §

KNOW ALL MEN BY THESE PRESENTS, That this agreement made and entered into by and between EVELYN VITOUS, First party and ALBERT VITOUS, Second party, WITNESSETH:

WHEREAS the parties hereto have concluded that they can no longer live together as husband and wife, and have reached a full and complete agreement as to their mutual property rights, custody of children and any and all other questions.

NOW THEREFORE for and consideration of the mutual agreement by and between the parties hereto they do agree as follows:

1.

The First party is to have the custody of the two minor children, Beatrice Vitous, age 13 and Georgia Vitous, age 11, subject to the right of the Second party to visit with them at reasonable times.

2.

The first party does relieve and release the Second party from any and all claims that she may have against him as alimony or support and maintenance of said minor children.

3.

The First party has agreed and does convey to the Second party any and all rights, title and interest that the parties hereto may own jointly, or any property in which the First party may have any interest or claim against.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on this the 16th day of May, 1949.

Max Evelyn Vitous (SEAL)
Albert Vitous (SEAL)

STATE OF ALABAMA §
BALDWIN COUNTY §

I, Wm. H. H. H. H., a Notary Public, in and for said County, in said State, hereby certify that Evelyn Vitous, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 16th day of May, 1949.

Wm. H. H. H. H.
Notary Public, Baldwin County, Alabama,

STATE OF ALABAMA §
BALDWIN COUNTY §

I, *J. M. Fall*, a Notary Public, in and for said County, in said State, hereby certify that Albert Vitous, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 16th day of May, 1949.

J. M. Fall
Notary Public, Baldwin County, Alabama.

EVELYN VITOUS

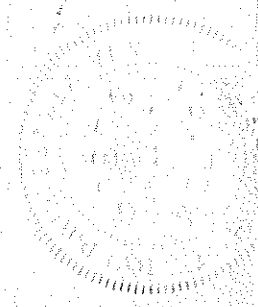
COMPLAINANT

VS.

ALBERT VITOUS

RESPONDENT

FILED
MAY 20 1949
ALICE J. DUCK, Register



THE STATE OF ALABAMA }
Baldwin County }

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

EVELYN VITOUS

COMPLAINANT

VS.

ALBERT VITOUS

RESPONDENT

I, LOUISE MORRIS

as Register and Commissioner

have called and caused to come before me Evelyn Vitous

witness named in the requirement for Oral Examination, on the 16 day of May
1949, at the office of H. M. Hall
in Baldwin County, Alabama, and having first sworn said witness to speak the
truth, the whole truth, and nothing but the truth, the said Evelyn Vitous

doth depose and say as follows:

My name is Evelyn Vitous. I am a bona fide resident of Baldwin County, Alabama, and over twenty-one years of age.

The Respondent Albert Vitous, is over twenty-one years of age and a bona fide resident of Baldwin County, Alabama.

The Respondent and I married at Summerdale, in Baldwin County, Alabama, on June 19th, 1935. We lived together as husband and wife, in Baldwin County, Alabama, until on to-wit, February 2, 1949.

The Respondent and I have two children, girls, ages 13 and 11 respectively; Beatrice Vitous and Georgia Vitous. These children have been with me all of their lives and I am the suitable fit and proper person to have their custody, care and control.

The Respondent and I for some years have been disagreeing and from time to time have had our differences and difficulties. The Respondent has from time to time threatened and abused me and threatened to do violence to my person which would necessarily endanger my life and health. The conditions are such that I have every reasonable apprehension to believe and I do actually believe that if I continued to live with him he will carry out his threats and do violence to my person which would necessarily endanger my life and health.

The conditions in our home are such as to render it absolutely impossible for the Respondent and me to live together as husband and wife.

I know that it is to our best interest and the best interest of the children that we separate and secure a divorce.

Mrs Evelyn Vitous

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 H. 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 16 day of May 1949.

Louise Morris (L. S.)

No. 2291

Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

EVELYN VITOUS

COMPLAINANT

vs.

ALBERT VITOUS

RESPONDENT

ORAL DEPOSITION

Filed _____, 194

_____, Register.

RECORDED IN

_____, Record

Vol. _____ Page _____

_____, Register

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

EVELYN VITOUS, Complainant

vs.

ALBERT VITOUS, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on 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 Evelyn Vitous is forever divorced from the said Albert Vitous for and on account of

Cruelty

~~IT IS FURTHER ORDERED, ADJUDGED AND DECREE~~ by the Court that the Complainant Evelyn Vitous be and she is hereby awarded the custody, care and control of the children, Beatrice Vitous and Georgia Vitous.

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 Evelyn Vitous the Complainant pay the cost herein to be taxed, for which execution may issue.

This 20th day of May, 1942.

Jessie J. Masliberry, Jr.
Judge Circuit Court, In Equity.

I, _____ 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 _____, 19_____

Register of Circuit Court, In Equity.

No. 2291 Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

EVELYN VITOUS

Complainant

vs.

ALBERT VITOUS

Respondent

DIVORCE DECREE

FILED
MAY 20 1949
ALICE J. DUCK, Register

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