

2304

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

June 13, 1949

Mrs. Alice J. Duck
Register Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

PAYNE vs. PAYNE: With this find bill for divorce and answer in this case which please file. The Complainant in this case was the domestic for my old friend and client, Mrs. C. L. Coleman, and since that time for her daughter. She left her husband in September, 1947 because, after a long series of mistreatments, he waylaid and beat her severely in the yard of a neighbor and she has lived away from him ever since. Financial reasons prevented her from going ahead with the divorce at the time, but she has now raised the large part of the money and wishes to go ahead, especially as he has been persistently annoying her, even though carefully abstaining from violence for which last we think a written warning from us was largely responsible.

We are sending check for \$12.00 for costs. Testimony and copies of the decree will follow, perhaps tomorrow.

There were no children born to this marriage and no alimony nor counsel fees claimed, so the matter should go through without delay.

Sincerely,

for:
RICKARBY & RICKARBY

EGR:la
2854.
encls.

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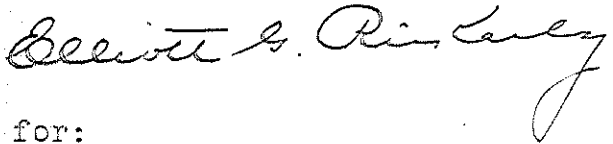
June 14, 1949

Mrs. Alice J. Duck
Register Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Payne vs. Payne: With this we hand
you testimony and decree, together with copies
to be certified. We will appreciate your
submitting this case at once.

Sincerely,



for:
RICKARBY & RICKARBY

EGR:la
2854.
4 encls.

THE STATE OF ALABAMA }
Baldwin County }

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

RUTELIA J. PAYNE,

COMPLAINANT

vs.

ROBERT LEE PAYNE,

RESPONDENT

I, RHODA L. ALLEN,

as ~~Register and Commissioner~~ by agreement of parties

have called and caused to come before me Rutelia J. Payne and Mary Bolden,
witnesses for Complainant

witness named in the requirement for Oral Examination, on the 14th day of June,
1949, at the office of Rickarby & Rickarby

in Fairhope, Alabama, and having first sworn said witness es to speak the
truth, the whole truth, and nothing but the truth, the said Rutelia J. Payne and
Mary Bolden

doth depose and say as follows:

RUTELIA J. PAYNE,

I am the Complainant in this cause and have been a bona fide resident citizen of Baldwin County, Alabama, since infancy. I am now twenty-six years of age and reside in Fairhope. On December 16th, 1946, I married Robert Lee Payne, who is also over the age of twenty-one years and a resident of Fairhope. We lived together as husband and wife not quite a year in Fairhope, but I left him on November 18th, 1947 and have since that time lived separate and apart from him with no resumption of marital relations.

My marriage to this man was a mistake as he did not support me, spent what money he made in gambling and expected me to feed not only myself but him. On a number of occasions he has beaten me and on September 6th, 1947, he jumped out of some bushes as I was passing through a yard and beat me cruelly. He was stopped by a friend of mine, Mary Bolden, whom I was with. I did not leave him at this time, but was always afraid of him from that time. He was so quarrelsome and threatening that I left him on November 18th, 1947, and have lived apart from him since. From the way he had beaten me and threatened me since that time, I fear to continue to live with him lest he do me some serious injury, or probably kill me. He would have done me harm when he attacked me but for Mary Bolden, who pulled him off and I fear that he will attack me when I have no one to protect me.

Rutelia J. Payne

I, Rhoda L. Allen 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 es and read over to them and they signed the same in the presence of myself and Elliott G. Rickarby

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 14th day of June, 1949.

Rhoda L. Allen (L. S.)
Commissioner by agreement of parties.

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

RUTELIA J. PAYNE,

COMPLAINANT

vs.

ROBERT LEE PAYNE,

RESPONDENT

ORAL DEPOSITION

Filed 6-15, 1949

Alvin J. Leuck, Register.

RECORDED IN

Record

Vol. _____ Page _____

_____, Register

RUTELIA J. PAYNE,
Complainant

No.
E Q U I T Y

-VS-

CIRCUIT COURT OF

ROBERT LEE PAYNE,
Respondent

BALDWIN COUNTY, ALABAMA

Comes ROBERT LEE PAYNE, Respondent in the above styled cause, and for answer to the Bill of Complaint says he denies each allegation of same.

Respondent hereby waives notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony; of the time and place set for taking same and of the right to introduce evidence in his own behalf. He further agrees that this cause may be submitted for final decree at any time on the pleading and Complainant's evidence as noted by the Register.

Witness to Marker:

Rhoda Allen

Robert Lee Payne
Respondent
MRS. L.

Before me, the undersigned Notary Public, personally appeared Robert Lee Payne, who is known to me to be the Respondent above named and who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the 2nd day of December, 1947.

Elliott B. Rinkley
Notary Public, Baldwin County, Alabama

RUTELIA J. PAYNE,
Complainant

-vs-

ROBERT LEE PAYNE,
Respondent

ANSWER AND WAIVER

FILED

JUN 14 1949

ALICE J. DUCK, Register

TO THE TELFAIR J. MASHBURN, Jr.,
HONORABLE/~~XXXXXXXXXX~~, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA: IN EQUITY

Comes, RUTELIA J. PAYNE and by this her Bill of Complaint presented against ROBERT LEE PAYNE, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of twenty-one years; that both are now and have been for more than five years next preceding the filing of this bill bona fide resident citizens of Baldwin County, Alabama.

SECOND: That Complainant and Defendant were married at Pascagoula, Mississippi on December 16th, 1946, but have not lived together since November 18th, 1947.

THIRD: That in recent months Defendant has on numerous occasions committed actual violence to the Complainant attended with danger to her life or health and from his unreasoning acts when enraged she has reasonable apprehension of even greater violence, endangering her life should she continue to live with him.

TBE PREMISES CONSIDERED, Complainant prays that ROBERT LEE PAYNE be made party defendant to this cause, and by proper process required to answer this bill within the time prescribed by law.

Complainant further prays that upon the hearing of this cause a decree be rendered forever divorcing her from said Robert Lee Payne, granting her a suitable sum for payment of her counsel in this cause, the right to marry again should she so desire, and to have such other, further or different relief as to equity may seem meet.

R. K. R. R. R.
Solicitors for Complainant.

Solicitors for Complainant.

meet.

have and other, further as different relief as to edifica may seem
in this cause, the right to have said should she so desire, and to
see have, granting her a divorce and for payment of her counsel
costs as decreed by rendered. However divorcing her. This said report
Complainant further states that upon the hearing of this
matter to answer this bill within the time prescribed by law.
SHE BE MADE AWARD TO THIS CAUSE, and by proper process
THE HONORABLE COURT. Complainant asks that ROBERT LEE
PAYNE.

violence, emphasizing her life should she continue to live with
when married she has received the abuse of even greater
with danger to her life as well as from the increasing acts
occasional committed against violence to the Complainant attended
WIFE: that is recent months Defendant has on numerous
together since November 1947.

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RUTELIA J. PAYNE,
Complainant

-VS-

ROBERT LEE PAYNE,
Defendant

BILL OF COMPLAINT

FILED
JUN 14 1949
ALICE J. DUCK, Register

RICKARBY & RICKARBY,
Solicitors for Complainant

STICIA COURT, WYOMING: IN EQUITY

FORWARDING TO THE JUDGE OF THE CIRCUIT COURT OF
TO THE DISTRICT OF COLUMBIA, D.C.

RECEIVED
JUN 14 1949

Rutelia J. Payne

vs.

Robert Lee Payne

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, _____
and Testimony of Complainant and Mary Bolden

and in behalf of Defendant upon _____

Answer and Waiver

Price J. Luck
Register.

Pickard & Pickard

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

RUTELIA J. PAYNE, Complainant

vs.

ROBERT LEE PAYNE, 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 RUTELIA J. PAYNE is forever divorced from the said ROBERT LEE PAYNE for and on account of

C R U E L T Y

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 RUTELIA J. PAYNE the Complainant pay the cost herein to be taxed, for which execution may issue.

This 16th day of June, 1949.

J. J. M. M. M. M. M.
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. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

RUTELIA J. PAYNE,
Complainant

vs.

ROBERT LEE PAYNE,
Respondent

DIVORCE DECREE

FILED

JUN 16 1949

ALICE J. DUCK, Register

2304