

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

BERTHA LEONA PHILLIPS

, Complainant

vs.

JOSEPH DENNIS PHILLIPS

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~XXXXXX XXXXXXXX~~

Answer

_____ 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 Bertha Leona Phillips is forever divorced from the

said Joseph Dennis Phillips for and on account of

cruelty. The Complainant Bertha Leona Phillips is hereby awarded the full care, custody and control of Lawrence Wayne Phillips, age 5, and Patricia Ann Phillips age 2, and Joseph Dennis Phillips, the Respondent, shall have the right to visit them at any reasonable and proper time and shall have the right to have them visit him at his home at any time which shall not interfere with their health, education or general welfare. Joseph Dennis Phillips shall pay Bertha Leona Phillips the sum of \$30.00 every two weeks for the support and maintenance of the above named minor children, the first of which payments shall be made on Saturday, November 15th, 1952, and a like payment every two weeks thereafter until further order of this court. Joseph Dennis Phillips shall pay E. G. Rickarby, Jr. as Solicitors fee, as attorney for Complainant, the sum of \$75.00, to be paid \$25.00 on December 7, 1952 and a like amount on Jan. 7, 1953 and February 7, 1953.

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 Joseph Dennis Phillips the Respondent pay the cost herein to be taxed, for which execution may issue.

This 7th day of November, 1952

Julian J. Mallabury 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. _____ Page _____

The State of Alabama
Baldwin County

In Circuit Court, In Equity

BERTHA LEONA PHILLIPS

Complainant

vs.

JOSEPH DENNIS PHILLIPS

Respondent

DIVORCE DECREE

FILED

NOV 7 1952

ALICE J. DUCK, Register

LAW OFFICES

RICKARBY & RICKARBY

ELLIOTT G. RICKARBY

FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

28 January 1952

Mrs. Alice J. Duck
Register
Bay Minette, Alabama

Dear Mrs. Duck:

Re: Phillips vs Phillips

This poor little girl hasn't got a job, her husband has run her off, and she can't raise a penny. I felt like I ought to help her out and am asking you to waive the payment of the costs in advance.

Her husband is working regularly with the Southern Bell Telephone Co. and I don't think there will be any trouble about Court costs.

Please process this case. Am obliged.

Yours very truly,

RICKARBY & RICKARBY

By: 

EGRjr/fc

*J. D. Phillips lives in Daphne & works as a
line man for S. Bell Telephone Co. out
of Mobile District. We're fresh out
of summons.*

BERTHA LEONA PHILLIPS,

Complainant

-vs-

JOSEPH DENNIS PHILLIPS,

Respondent

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

AMENDMENT TO BILL

Comes the Complainant, BERTHA LEONA PHILLIPS, in
the above styled cause and amends her Bill of Complaint by
striking Paragraph Four.

RICKARBY & RICKARBY,
Solicitors for Complainant

By:

E. G. Rickarby, Jr.

277
RECORDED

Received in Sheriff's Office
this 2 day of July, 1952
TAYLOR WILKINS, Sheriff

BERTHA LEONA PHILLIPS

-VS-

JOSEPH DENNIS PHILLIPS

AMENDMENT TO BILL OF
COMPLAINT

*Executed by serving
a copy of the within
with an*

*Joseph Dennis
Phillips*

July 30th 1952

*Taylor Wilkins
J. D. Horn*

FILED

JUL 3 1952

ALICE J. DICK, Register

BERNHA LEONA PHILLIPS,

Complainant,

vs.

JOSEPH DENNIS PHILLIPS,

IN EQUITY.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Comes the Respondent in the above styled cause and for answer to the Bill of Complaint filed in said cause and to each and every paragraph thereof, separately and severally, says:

1. The Respondent admits the allegation of the first paragraph of the Bill of Complaint.

2. That the Respondent admits that he and Complainant were married on May 26, 1946, as set out in the second paragraph of the Bill of Complaint but denies the allegation in such paragraph that they lived together up until January 14, 1952, as alleged in paragraph but states the fact to be that the Complainant voluntarily abandoned the bed and board of the Respondent on April 4, 1951, without just cause or legal excuse and has failed and refused to live with him as his wife since that time.

3. The Respondent denies all of the allegations of the third paragraph of the Bill of Complaint and demands strict proof thereof.

4. The Respondent admits that allegation of the fifth paragraph of the Bill of Complaint as to the names and ages of their children but denies that the Complainant is a fit and proper person to have the custody and care of said children and he denies that he is not a suitable person to have the care and custody of such children. The Respondent denies all of the other allegations of the fifth paragraph of the Bill of Complaint and demands strict proof thereof.

For further answer to the Bill of Complaint the Respondent

says that the Complainant voluntarily abandoned the bed and board of the Respondent on April 4, 1951, without just cause or legal excuse and they have not lived together as man and wife since that time but they had stayed in the same dwelling a few times. The

Respondent says further that on January 14, 1952, that he was living

in the home of his parents and not with his wife and children who were then living in his former home and that she sent for him to come where she was then living to discuss getting a divorce; that when he arrived the Complainant began to argue with him and called him a son of a bitch; that the Respondent attempted to leave and the Complainant grabbed him by the arm and tried to hold him. That in the struggle to get away from the Complainant she was struck in the face by his hand but that he did not intentionally strike such Complainant.

The Respondent further says that he is a fit and proper person to have the care, custody and control of their minor children and that the Complainant is not a fit and proper person to have their care, custody and control.

Having answered the Bill of Complaint the Respondent prays that he be dismissed with his reasonable costs.

CHASON & STONE

By: 

Solicitors for Respondent.

BERTHA LEONA PHILLIPS,	§	IN THE CIRCUIT COURT OF
Complainant,	§	BALDWIN COUNTY, ALABAMA
vs.	§	IN EQUITY.
JOSEPH DENNIS PHILLIPS,	§	
Respondent.	§	

Comes the Respondent in the above styled cause and demurs to the Bill of Complaint filed in said cause, and each and every paragraph thereof, separately and severally, and assigns the following separate and several grounds, viz:

1. That said Bill of Complaint does not state a cause of action.

2. That said Bill of Complaint is vague and indefinite.

The Respondent further demurs to the following separate and several aspects of the Bill of Complaint and assigns the following separate and several grounds, viz:

(a) As to the third paragraph of the Bill of Complaint in which the Complainant alleges that the Respondent has committed actual violence on the person of his wife, attended with danger to her life or health by striking her with his fist at their home in Daphne, Alabama, on to-wit, the 14th day of January, 1952, and on many previous occasions, the Respondent demurs and assigns the following separate and several grounds, viz:

(1) That it is not alleged that the Respondent struck the Complainant.

(2) That it is not alleged that the Complainant has separated from the Respondent because of such act of cruelty.

(3) It is not alleged that the Complainant had reasonable apprehension that if she continued to live with him that her life or health would be in danger.

(4) It is not alleged on what previous occasions the Respondent struck the Complainant.

(b) As to that aspect of the Bill of Complaint set out in paragraph Four of such Bill of Complaint in which the Complainant charges that the Respondent, during the last year, has had an affair with a woman in Jackson, Mississippi, and has brought her down to Mobile and has lived with her there in Mobile and has committed

adultery with said woman on many occasions and has openly discussed his improper relations with said woman to the said Complainant, the Respondent demurs and assigns the following separate and several grounds, viz:

(1) For aught that appears the acts of adultery complained of have been condoned.

(2) For aught that appears from said Bill of Complaint the Complainant knew of such acts of adultery on the part of the Respondent and lived with him after having such knowledge, as his wife.

(3) That said paragraph fails to sufficiently set out the time when the Respondent was supposed to have had an affair with a woman in Jackson, Mississippi.

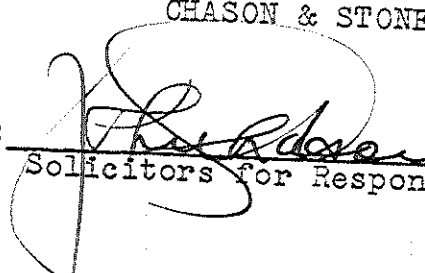
(4) That said paragraph neither states the name of the woman with whom the Respondent was supposed to have had an affair nor states that such name is unknown to the Complainant.

(5) That it is not alleged when the Respondent brought such woman to Mobile and lived with her there.

(6) For aught that appears, the Respondent did not commit adultery with such woman in Mobile.

(7) That the time and place of the alleged acts of adultery are vague and indefinite.

CHASON & STONE

By: 
Solicitors for Respondent.

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2171

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JOSEPH DENNIS PHILLIPS

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 _____

JOSEPH DENNIS PHILLIPS

, Defendant

by _____
BERTHA LEONA PHILLIPS, Plaintiff.....

Witness my hand this 1st day of Feb 1922

Wm. J. Smith, Clerk

No. 2771

RECORDED
Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

BERTHA LEONA PHILLIPS

Plaintiffs

vs.

JOSEPH DENNIS PHILLIPS

Defendants

SUMMONS and COMPLAINT

Filed 2-1-, 1952

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Feb. 1, 1952

Taylor Wilkins Sheriff

I have executed this summons

this Feb. 2, 1952

by leaving a copy with

Joseph Dennis Phillips

Taylor Wilkins Sheriff

V. F. Hall Deputy Sheriff

TO THE:

HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA: IN EQUITY

Comes BERTHA LEONA PHILLIPS and by this her Bill of Complaint presented against JOSEPH DENNIS PHILLIPS, 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 three years bona fide residents of Baldwin County, Alabama, living in Daphne, Alabama.

SECOND: That Complainant and Defendant were married May 26, 1946 and have lived together up until January 14, 1952.

THIRD: That the Defendant has committed actual violence on the person of his wife attended with danger to her life and health by striking her with his fist at their home in Daphne, Alabama on, to-wit, the 14th day of January, 1952 and on many previous occasions.


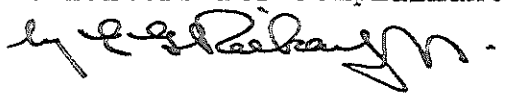
FOURTH: Complainant further charges that the Defendant, during the last year, has had an affair with a woman in Jackson, Mississippi and has brought her down to Mobile, Alabama and has lived with her there in Mobile and has committed adultery with said woman on many occasions and has openly discussed his improper relations with said woman to this Complainant.

FIFTH: That there was born to this marriage two children, namely: Lawrence Wayne Phillips, age four, and Patricia Anne Phillips, age fifteen months, who are now with their mother, your Complainant, and that this Complainant is a suitable and proper person to have custody and care of said children and that the Defendant is not a suitable person to have the care and custody of the children.

Complainant further shows that she is without funds or estate to care for herself and her two minor children and the Defendant is an able bodied man making good wages and is regularly employed with the Southern Bell Telephone & Telegraph Company working out of the Mobile office and that she is in need of funds for the support of herself and her minor children and to pay her attorney for his services in this behalf; and that the Defendant has driven this Complainant from their home which is in their joint names by threats of bodily harm and that it is not safe for her to live there.

THE PREMISES CONSIDERED, Complainant prays that proper notice be given to the Defendant requiring him to plead, answer or demur to this, her Bill of Complaint.

WHEREFORE, Complainant prays that on a proper hearing of this bill the Court ascertain the facts herein alleged and order a reference to determine proper amounts to be allowed to Complainant for support and maintenance and counsel fees pending in this action and that on a final hearing thereof, a decree of divorce be rendered forever divorcing her from this Defendant and fixing a just and proper amount to be allowed her for the support of said children and granting her the custody of said children.


RICKARBY & RICKARBY
Solicitors for Complainant


LAW OFFICES
RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

1 July 1952

RE:

BERTHA LEONA PHILLIPS

VS:

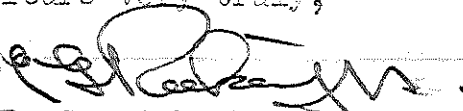
JOSEPH DENNIS PHILLIPS

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

Dear Mrs. Duck:

With this we hand you amendment to the bill of complaint
in the above mentioned case.

Yours very truly,



E. G. Rickarby, Jr.

EGRjr/fc
1355

DIVORCE DECREE

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

Bertha Leona Phillips, Complainant

vs.

Joseph Dennis Phillips, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree and Answer~~ on Answer 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

Bertha Leona Phillips is forever divorced from the said Joseph Dennis Phillips for and on account of

cruelty. The Complainant Bertha Leona Phillips is hereby awarded the full care, custody and control of Lawrence Wayne Phillips, age 5, and Patricia Ann Phillips age 2 and Joseph Dennis Phillips, the Respondent, shall have the right to visit them at any reasonable and proper time and shall have the right to have them visit him at his home at any time which shall not interfere with their health, education or general welfare. Joseph Dennis Phillips shall pay Bertha Leona Phillips the sum of \$30.00 every two weeks for the support and maintenance of the above named minor children, the first of which payments shall be made on Saturday, November 15th, 1952, and a like payment every two weeks thereafter until further order of this court. Joseph Dennis Phillips shall pay E. G. Rickarby Jr., as Solicitors fee, as attorney for Complainant, the sum of \$75.00, to be paid \$25.00 on December 7, 1952, and a like amount on Jan. 7, 1953 and February 7, 1953.

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 Joseph Dennis Phillips the Respondent pay the cost herein to be taxed, for which execution may issue.

This 7th day of November, 1952.

Telfair J. Mashburn, 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. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE