

(4133)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ELLIS MCARTHUR, Complainant

vs.

EDNA MCARTHUR, 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 Ellis McArthur is forever divorced from the said Edna McArthur for and on account of

Voluntary abandonment. That the care, control and custody of the minor children of the said marriage, Swendolyn McArthur, age 9, Brenda McArthur, age 8, Youlanda McArthur, age 7, is awarded to the Respondent, Edna McArthur, with the right on the part of the Complainant to visit the said children at reasonable times and places and to have them visit him at reasonable times and places; that the Complainant pay over to the Respondent the sum of \$68.00 each month to begin on the 1st day of October, 1957, and monthly thereafter on the 1st day of each month, provided, however, that in the event the Complainant shall remain in the military service of the United States then, in that event, the amount of support and maintenance to be paid to the Respondent for the said minor children shall be the amount or amounts designated by the Dependents' Assistance Act of 1950 and any amendments thereto. The monthly payments shall be for the support and maintenance of the minor children only.

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 payment of the cost of this suit.

It is further ordered that Ellis McArthur the Complainant pay the cost herein to be taxed, for which executed may issue.

This 20th day of September 19 57

Hubert M Hall

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

Ellis McArthur

Complainant

vs.

Edna McArthur

Respondent

DIVORCE DECREE

FILED

SEP 20 1957

ALICE J. DUCK, Register

4133

Ans. & Waiver

FILED

SEP 20 1957

ALICE J. DUCK, Registrar

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STATE OF ALABAMA
BALDWIN COUNTY

TO MY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons EDNA MCARTHUR 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 ELLIS MCARTHUR, as Complainant and against Edna McArthur, as Respondent.

WITNESS my hand this the _____ day of _____, 1957.

Register

ELLIS MCARTHUR

COMPLAINANT

VS

EDNA MCARTHUR

RESPONDENT

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

TO THE HONORABLE ROBERT A. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY:

Comes now your Complainant and respectfully shows unto Your Honor as follows:

1.

That your Complainant and the Respondent are both over the age of twenty-one years, and are bona fide resident citizens of Baldwin County, Alabama.

2.

That your Complainant and the Respondent were lawfully married to one another on, to-wit: August 10, 1947, at Mobile, Alabama, and lived together as husband and wife in Baldwin County, Alabama, until, to-wit: May 10, 1950.

3.

Your Complainant further avers that on, to-wit: May 10, 1950, that the said Respondent voluntarily abandoned the bed and board of your Complainant for more than one year next preceding the filing of this Bill of Complaint, and since that time your Complainant and the Respondent have not lived together as husband and wife.

4.

That there was born to the marriage between your Complainant and the Respondent three children: Gwendolyn McArthur, age 9; Brenda McArthur, age 8,

Youlanda McArthur, age 7; that your Respondent is a fit and proper person to have the care, custody and control of said minor children.

5.

That the aforesaid children are now in the care, custody and control of the Respondent and that she is a fit and proper person to have the care, custody and control of the said children and that your Complainant is now contributing to their support and maintenance in such amount or amounts as is designated by the Dependents' Assistance Act of 1950 and the amendments thereto.

WHEREFORE, the premises considered, your Complainant prays that Your Honor will by proper process make the said Edna McArthur, party Respondent to this Bill of Complainant requiring her 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.

Your Complainant further prays that on a final hearing of this cause, Your Honor will enter a decree granting your Complainant a divorce from the Respondent and granting him the right to remarry; your Complainant further prays that Your Honor will by said decree grant the Respondent the permanent care, custody and control of said minor children, Gwendolyn McArthur, age 9, Brenda McArthur, age 6, Youlanda McArthur, age 7. Your Complainant further prays for such other, further or different relief to which the Complainant may be in equity be entitled.

Winters & Brantley

BY: 
Solicitor for the Complainant

4133

ELIJS McARTHUR

Complainant

vs

EDNA McARTHUR

Respondent

Bill of Complaint

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

SEP 20 1957

ALICE J. DECK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: June Rider

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Ellis McArthur and Frank Carroll

a witness in behalf of Ellis McArthur in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein Ellis McArthur

, Complainant

and Edna McArthur

Respondent

on oath, to be by you administered, upon Ellis McArthur and Frank Carroll to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 20 day of September

, 1957

W. J. Leuck
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ELLIS McARTHUR

Complainant

VS.

EDNA McARTHUR

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

FILED WITNESSES:

SEP 20 1957

ALICE J. DUCK, Registrar

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[Faint, illegible text, likely a deposition transcript or notes.]

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

Ellis McArthur

COMPLAINANT

vs.

Edna McArthur

RESPONDENT

I, June Rider

as Register and Commissioner

have called and caused to come before me Ellis McArthur and Frank Carroll

witness es named in the requirement for Oral Examination, on the day of September
19 57, at the office of Walters and Brantley

in Bay Ninette, Alabama, and having first sworn said witness es to speak the
truth, the whole truth, and nothing but the truth, the said Ellis McArthur and Frank Carroll

doth depose and say as follows:

My name is Ellis McArthur and I am the Complainant in this cause and Edna McArthur is the Respondent. We are both over the age of twenty-one years and residents of Baldwin County, Alabama. We were married on August 10, 1947, in Mobile, Alabama, and lived together as husband and wife in Baldwin County until about May 10, 1950. On this date, Edna McArthur voluntarily abandoned my bed and board and since that time we have not lived together as husband and wife. There were three children born to our marriage, Gwendolyn McArthur, age 9, Brenda McArthur, age 8, and Youlanda McArthur, age 7. These children have been living with their mother and she is a fit and proper person to have their care, custody and control. I have been contributing to the support and maintenance of these children, the amount of \$68.00 each month through the Dependents' Assistance Act of 1950 and the amendments thereto. I am now in the military service of the United States and intend to remain in the service and I am willing to contribute to their relief - that is, relief of the children - under the act before mentioned.

Ellis McArthur

My name is Frank Carroll. I have known Ellis McArthur and Edna McArthur all their married life and I know that they separated in about the year, 1950, and I know they have not lived together since that time.

Frank Carroll

I, June Rider 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 Harry J. Wilkins, Jr. 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 20 day of September, 1957.

June Rider (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

ETIS PARTIOR _____

COMPLAINANT

vs.

EDNA LEARNER _____

RESPONDENT

ORAL DEPOSITION

Filed _____ 19____

Register.

RECORDED IN
SEP 20 1957

Record

Vol. _____ Page _____

ALICE J. BARK, Register

Register.

Ellis McArthur

 vs.
 Frank McArthur

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 and testimony of Ellis McArthur and Frank Carroll

and in behalf of Defendant upon _____

Walter S. Brantley
by Gary J. Walthers

Archie J. Newkirk

Register.

No. 4135

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

VS.

NOTE OF TESTIMONY

Filed in Open Court this

FILED

day of _____, 194

SEP 20 1957

Max Register Register.

Printed by the Baldwin Times