

INTERROGATORIES

LOIS TOMEY,

Complainant

vs:

W. R. TOMEY,

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Now comes the respondent and propounds interrogatories to Mrs. Jerome G. Harris, a witness whose testimony, when taken, will be material evidence for the respondent on the trial of the above cause.

Interrogatories to Mrs. Jerome G. Harris:

First Interrogatory: Please state your name and permanent residence.

Second Interrogatory: Are you the wife of Jerome G. Harris?

Third Interrogatory: How long have you been married to Jerome G. Harris?

Fourth Interrogatory: In 1947 or thereabouts did you have occasion to leave your husband?

Fifth Interrogatory: Please state the circumstances and what action was taken at that time, include in your answer the following:

- a. Did you meet a Lois Stevenson in your house in the company of your husband?
- b. Before this meeting had you known of any acquaintance or relationship between this Lois Stevenson and your husband?
- c. At the meeting between you and Lois Stevenson did you make any statement?
- d. To the best of your recollection what statement did you make?
- e. What statement or what action did Lois Stevenson take at that time?
- f. As to the circumstances of your husband's relation with Lois Stevenson did he tell that he had an affair with her and that that their conduct was such as to cause you to know that Lois Stevenson was an adulteress?

Sixth Interrogatory: Did you meet a William R. Tomey in Siesta Key in 1952?

Seventh Interrogatory: State the time and circumstances?

Eighth Interrogatory: Did W. R. Tomey show you a series of photostats of letters and ask you if you could identify them?

Ninth Interrogatory: When you read the letters what remark did you make with reference to Lois Tomey?

Tenth Interrogatory: Did your husband tell you that he had written the letters?

Eleventh Interrogatory: Did you ever have occasion to see a letter written by a member of Lois Tomey's family to your husband?

Twelfth Interrogatory: From whom was the letter?

Thirteenth Interrogatory: Did that person in the context of the letter request that your husband take good care of Lois Stevenson?

Fourteenth Interrogatory: Do you know who was the original person that reopened the affair between Lois Tomey and your husband in 1952?

Fifteenth Interrogatory: When you read the letters what was requested in all the letters by your husband?

Sixteenth Interrogatory: What would you say was the reason that the request was not complied with?

*W. R. Tomey*  
\_\_\_\_\_  
Attorney for Respondent

THE STATE OF ALABAMA, )  
BALDWIN COUNTY. )

Before me Gus Schultz, a notary public in and for said state and county, personally appeared Forest A. Christian, who being by me first duly sworn deposes and says: That he is agent and attorney for the respondent, W. R. Tomey; that the witness whose testimony is to be taken is a non-resident of the State of Alabama, residing in Siesta Key, Sarasota, Florida; that the witness, Mrs. Jerome G. Harris, is a material witness for the respondent and her evidence to be secured by this deposition will be material evidence for the respondent on the trial of this cause.

*W. R. Tomey*  
\_\_\_\_\_  
Attorney for Respondent

Sworn to and subscribed before me  
this the 26th day of November, 1952.

*Gus Schultz*  
\_\_\_\_\_  
Notary Public

The name of Paul M. Souder, Attorney, Palmer National Bank Building, Sarasota, Florida, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories and it is requested that a commission issue to him for that purpose.

*W. R. Tomey*  
\_\_\_\_\_  
Attorney for Respondent

ANSWER TO INTERROGATORIES

LOIS TOMEY,	*		
Complainant	*	IN THE CIRCUIT COURT OF	
vs.	*	BALDWIN COUNTY, ALABAMA	
W. R. TOMEY,	*	IN EQUITY.	
Respondent.	*		

Deposition of CHARLOTTE F. (MRS. JEROME G.) HARRIS,  
a witness examined on behalf of Respondent in the foregoing cause,  
by the Commissioner at the place, time and in the manner herein-  
after stated:

1. To the First Interrogatory, she saith:

Charlotte F. Harris, Siesta Key, Sarasota,  
Florida.

2. To the Second Interrogatory, she saith:

Yes.

3. To the Third Interrogatory, she saith:

Yes.

4. To the Fourth Interrogatory, she saith:

33 years.

5. To the Fifth Interrogatory, she saith:

I left my husband temporarily while he  
sell our home at Sebring, Florida.

(a) Yes.

(b) Yes.

(c) Yes.

(d) I do not remember my statements.

(e) She left the house hurriedly.

(f) He told me of the affair, but I did not know  
the situation for certain.

6. To the Sixth Interrogatory, she saith:

Yes.

7. To the Seventh Interrogatory, she saith:

Mr. Tomey called at our house on Siestate Key Sarasota, Fla., during the first week in August, 1952, and discussed the situation between Mrs. Tomey and my husband.

8. To the Eighth Interrogatory, she saith:

Yes.

9. To the Ninth Interrogatory, she saith:

I do not remember.

10. To the Tenth Interrogatory, she saith:

Yes.

11. To the Eleventh Interrogatory, she saith:

Yes.

12. To the Twelfth Interrogatory, she saith:

Mrs. Tomey's daughter.

13. To the Thirteenth Interrogatory, she saith:

Yes.

14. To the Fourteenth Interrogatory, she saith:

Mrs. Tomey.

15. To the Fifteenth Interrogatory, she saith:

The letters speak for themselves.

16. To the Sixteenth Interrogatory, she saith:

I do not know.

Charlotte F. Harris  
Witness.

LOIS TOMEY,

Complainant

vs.

W. R. TOMEY,

Respondent.

\*

\*

\*

\*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

CERTIFICATE

STATE OF FLORIDA )  
COUNTY OF SARASOTA )

SS.

The undersigned PAUL M. SOUDER, the Commissioner named in the commission hereto attached, does by these presents certify that JEROME G. HARRIS and CHARLOTTE F. HARRIS are to him personally known to be the same persons named in said commission; that JEROME G. HARRIS and CHARLOTTE F. HARRIS were by him first duly sworn to speak the truth, the whole truth and nothing but the truth, and then examined in the manner and as required by law, and that the answers of the said JEROME G. HARRIS and CHARLOTTE F. HARRIS were by him caused to be reduced to writing by JEROME G. HARRIS and CHARLOTTE F. HARRIS, as near as may be, in the language of the said JEROME G. HARRIS and CHARLOTTE F. HARRIS, and was subscribed by JEROME G. HARRIS and CHARLOTTE F. HARRIS in the presence of the undersigned PAUL M. SOUDER on the 5th day of January, 1953, at Sarasota, in Sarasota County, State of Florida, and your Commissioner further certifies that Exhibits #1 to #7 attached to the Deposition of the said JEROME G. HARRIS were identified by him as photostatic copies of letters to which reference is made in Interrogatories 10, 11 and 12, and the Answers thereto of his said Deposition.

And the undersigned further certifies that he is not of counsel nor of kin to any of the parties to this suit, nor is he in any way interested in the result of said cause.

5th Witness the hand and seal of said commissioner, this day of January, 1953.



COMMISSIONER

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

LOIS TOMEY, Complainant

vs.

W. R. TOMEY, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Conesso~~ 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 LOIS TOMEY is forever divorced from the said W. R. TOMEY for and on account of Cruelty. It is further ordered, adjudged and decreed that the Complainant shall have the right of enjoyment and use of her former Surname, Stevenson.

An agreement as to alimony, support and maintenance having been reached by the parties as set out in the testimony of the Complainant, no award is made by the Court.

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 W. R. Tomey the Respondent pay the cost herein to be taxed, for which execution may issue.

This 9th day of May, 1953

J. Hubert McHale 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.

2839

No. \_\_\_\_\_ Page 1

The State of Alabama  
Baldwin County

In Circuit Court, In Equity

Complainant

vs.

Respondent

**DIVORCE DECREE**

**FILED**

MAY 8 1953

ALICE J. DUCK, Register

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Frances Mallory, Complainant

vs.

Paul H. Mallory, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Order For Confession~~ 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 Frances Mallory is forever divorced from the

said Paul H. Mallory of and on account of

Cruelty

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 Frances Mallory the Complainant pay the cost herein to be taxed, for which execution may issue.

This 29th day of July, 1952.

J. J. [Signature] Judge Circuit Court, In Equity.

I, [Signature], 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. 2840 Page \_\_\_\_\_

The State of Alabama  
Baldwin County

In Circuit Court, In Equity

Frances Mallory

Complainant

vs.

Paul H. Mallory

Respondent

**DIVORCE DECREE**

FILED

JUL 29 1952

ALICE J. DUCK, Register

LOIS TOMEY, ( )  
 Complainant, ( ) IN THE CIRCUIT COURT OF  
 -vs- ( ) BALDWIN COUNTY, ALABAMA  
 W. R. TOMEY, ( ) IN EQUITY  
 Respondent. ( )

TO THE HONORABLE TELFAIR J. MASHBURN, JR., Judge of the Circuit Court  
 Sitting in Equity

Comes your Complainant, Lois Tomey, and files this her Bill of Complaint for divorce against W. R. Tomey and respectfully represents and shows unto your Honor:

1. That the Complainant is over the age of twenty-one years and is a resident citizen of the State of Alabama, Baldwin County,. That W. R. Tomey is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County.

2. That the Complainant and Respondent were lawfully married on to-wit:- June 11, 1950.

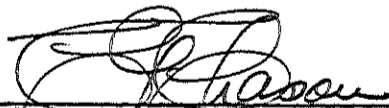
3. The Complainant further avers that the Respondent has committed actual violence on her person attended with danger to her life and health and from his conduct she is reasonable apprehensive of other and further violence; that Respondent has made numerous threats of doing her physical harm and from his manner and conduct toward her she is reasonably convinced that he will commit actual violence on her person attended with danger to her life or health.

4. Complainant shows unto the court that the respondent has cash on deposit in the amount of approximately Three Thousand Six Hundred Dollars (\$3,600.00); that his monthly income is Four Hundred Eleven Dollars (\$411.00). That since marriage the Complainant and Respondent have purchased real estate on which Three Thousand Five Hundred Dollars (\$3,500.00) was paid in cash and that payments in addition have been made for twelve months at the rate of Fifty Dollars (\$50.00) per month. That Complainant and the Respondent have purchased since marriage, personal property of a value in excess of Three Thousand Dollars (\$3,000.00) The Complainant therefore shows to the court that the Respondent has sufficient funds with which to properly and adequately support and maintain her and that he is financially able to pay to her the sum of Two Hundred Dollars (\$200.00)

as alimony pendente lite and that he is financially able to pay the sum of Five Hundred Dollars (\$500.00) as attorney fees for her legal counsel. The Complainant also shows that the Respondent is financially able to furnish her a home and to pay permanent alimony as support and maintenance for her.

PRAYER FOR PROCESS AND RELIEF

The premises considered, your Complainant prays that W. R. Tomey be made a party defendant to this cause by the usual process of this Honorable Court requiring him to plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the statutes in such cases made and provided; that your Honor will hold a reference for the purpose of determining what real property, personal property, negotiable securities, cash and income is owned and enjoyed by the Respondent; that the Complainant may be paid alimony and support pending the completion of this litigation and that she may be paid the sum she has agreed to pay for attorney fees. The Complainant further prays that upon final hearing of this cause that she be granted a divorce from said Respondent and that she be granted the use and enjoyment of her prior name, Stevenson, and that she be granted the home in which she and the Respondent regularly resided prior to separation and that she be granted adequate maintenance and support. Should your Complainant be mistaken in the relief prayed for that she be granted such other, further, different and general relief to which she may be entitled and as in duty bound she will ever pray.



Solicitor for Complainant

Respondent's Address is  
Magnolia Springs, Alabama

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2-839

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

W. R. Jolley

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 \_\_\_\_\_

W. R. Jolley

\_\_\_\_\_, Defendant....

by

Louis Jolley

\_\_\_\_\_, Plaintiff....

Witness my hand this

14<sup>th</sup>

day of

July

19

57

Lucy J. ..., Clerk

No. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE OF ALABAMA**  
BALDWIN COUNTY

**CIRCUIT COURT**

Plaintiff's

vs.

Defendants

**SUMMONS and COMPLAINT**

Filed \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

\_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, Sheriff

I have executed this summons

this \_\_\_\_\_, 19\_\_\_\_

by leaving a copy with

\_\_\_\_\_, Sheriff

\_\_\_\_\_, Deputy Sheriff

LOIS TOMEY, ( )  
 Complainant, ( ) IN THE CIRCUIT COURT OF  
 -vs- ( ) BALDWIN COUNTY, ALABAMA  
 W. R. TOMEY, ( ) IN EQUITY  
 Respondent. ( )

Upon consideration of the Bill and Petition of the Complainant and the same being duly read, considered and understood by the Court, it is therefore ordered, adjudged and decreed by the Court that a reference be held before said Court to ascertain the following:

FIRST: What real and personal property or interest therein, including cash on deposit or securities, each of the parties to this suit own, together with a full and accurate description thereof and its situation, market and retail value and what encumbrances, if any, are thereon.

SECOND: What income each of the parties to this suit have either weekly, monthly or annually and of what it consists.

THIRD: What amount Lois Tomey has paid or agreed to pay in this cause and whether the agreed amount is reasonable compensation to pay her solicitor.

FOURTH: What amount per week or per month would be reasonably necessary to support and maintain Lois Tomey pending this suit taking into consideration her condition in life and the ability of W. R. Tomey to pay.

FIFTH: Such other and further matters as may be properly inquired into by this Court.

It is further ordered, adjudged and decreed by the Court that the 29<sup>th</sup> day of July, 1952 at 10:00 o'clock be set as the day for holding said reference and that notice thereof shall be given to the parties, and that at said reference either party may offer any legal and competent evidence either oral or written.

Done this the 14<sup>th</sup> day of July, 1952.

Julian J. Madhewy  
 Judge

Received in Sheriff's Office  
this 14 day of July 1952  
TAYLOR WILKINS, Sheriff

*W 2839*

LOIS TOMEY,  
Complainant,

-vs-

W. R. TOMEY,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Filed: This 14<sup>th</sup> day of July,  
1952.

*Alice Hancock*  
Register

Executed by leaving a copy of t  
the within decree with the  
defendent on the 15 day of  
July, 1952.

*Taylor Wilkins*  
By Sheriff

*Edleigh Steadham*

LOIS TOMEY,	‡	
Complainant,	‡	IN THE CIRCUIT COURT OF
-vs-	‡	BALDWIN COUNTY, ALABAMA
W. R. TOMEY,	‡	IN EQUITY.
Respondent.	‡	

WHEREAS, HERETOFORE, a decree and order of reference was made and entered in this cause by this Court on the 14<sup>th</sup> day of July, 1952, and after due notice given as required by law, such reference was held as directed on the 29th day of July, 1952. There were present, the Complainant, in her own person, and by her Solicitor, C. G. Chason and the Respondent, in his own person and by his Solicitors, Forest Christian and H. M. Hall, and the said parties being duly sworn, testified in their own behalf and upon consideration of said testimony the court is of the opinion and finds that the Complainant is entitled to alimony and support and maintenance during the pendency of this suit and believes that a final hearing can be held on the 15th day of August, 1952 as agreed by the parties and their attorneys and believes and finds that the sum of Three Hundred Dollars (\$300.00) is a reasonable amount to be paid for the support and maintenance of the Complainant from the date of seperation to August 15, 1952, the date set for final hearing, and believes the sum of One Hundred Fifty Dollars (\$150.00) per month to be a reasonable amount to be paid if said hearing is continued beyond that date.

By agreement of the parties no decision was reached as to the amount which should be paid for and as attorney's fees for the Complainant's attorney at this hearing.

It is therefore, ordered, adjudged and decreed by the Court that the Respondent, W. R. Tomey, pay to the Complainant, Lois Tomey, the sum of Three Hundred Dollars (\$300.00) as alimony, support and maintenance during the pendency of this suit for that period of time until August 15, 1952.

It is further ordered, adjudged and decreed by the Court that the Respondent, W. R. Tomey, pay to the Complainant, Lois Tomey, the sum of One Hundred Fifty Dollars (\$150.00) per month as alimony, support and maintenance during the pendency of this suit, should the final hearing be continued beyond August 15, 1952.



It is further ordered, adjudged and decreed by the Court that August 15, 1952 at 10:00 A. M. be and it is hereby the date and time set for a final hearing of this cause.

Done this the 29th day of July, 1952.

Julian J. Maschery, Jr.  
Circuit Judge

THE STATE OF ALABAMA,  
Baldwin County

No. \_\_\_\_\_ Circuit Court, In Equity.

LOIS TOMMY

Complainant

Vs.

W. R. TOMMY

Defendant

Motion is hereby made for a Decree Pro Confesso against W. R. TOMMY

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant ....; and that said summons was duly served according to law, and that said Defendant ... ha S failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 6th day of May

19 53

Solicitor.

RECORDED  
RECORDED

No. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, In Equity

LOIS TOMEY

Vs.

W. R. TOMEY

Motion for Decree Pro Confesso on  
Personal Service

Filed 5-6 1932

*W. R. Tomes*  
Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

MOTION TO STRIKE

LOIS TOMEY,  
Complainant

-vs-

W. R. TOMEY,  
Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Comes the complainant in the above styled cause and makes motion to the Court in respect to the Interrogatories heretofore filed by the attorney for the respondent to Jerome G. Harris as follows;

1. To strike the first Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
2. To strike the second Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
3. To strike the third Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
4. To strike the fourth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
5. To strike the fifth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
6. To strike the sixth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
7. To strike the seventh Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
8. To strike the eighth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
9. To strike the ninth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
10. To strike the tenth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
11. To strike the eleventh Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
12. To strike the twelfth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
13. To strike the tenth Interrogatory on the ground that the photostats of letters referred to in said Interrogatory are not made a part of the copy sent to the attorney for the complainant and therefore no cross-interrogatories

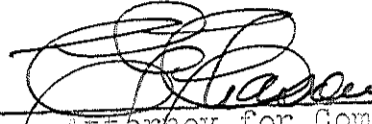
can be prepared.

14. To strike the affidavit of Forest A. Christian , attorney for the respondent on the grounds that the Interrogatories propounded show that the witness is not a material witness and that his evidence will not be material on the trial of this cause.

The complainant further moves in respect to Interrogatories heretofore filed by the attorney for the respondent to Mrs. Jerome G. Harris as follows;

1. To strike the first Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
2. To strike the second Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
3. To strike the third Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
4. To strike the fourth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
5. To strike the fifth Interrogatory and to sections a, b, c, d, e, and f, thereof, separately and severally, on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
6. To strike the sixth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
7. To strike the seventh Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
8. To strike the eighth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
9. To strike the ninth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
10. To strike the tenth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
11. To strike the eleventh Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
12. To strike the twelfth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
13. To strike the thirteenth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
14. To strike the fourteenth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.

15. To strike the fifteenth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
16. To strike the sixteenth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.



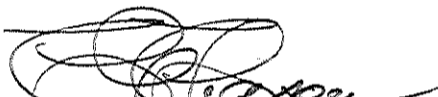
Attorney for Complainant

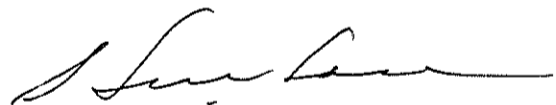
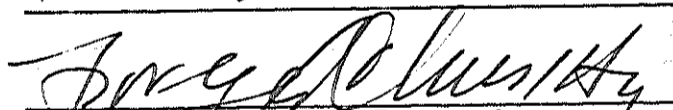
LOIS TOMEY,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA
W. R. TOMEY,	)	IN EQUITY
Respondent.	)	

Come the parties in the above styled cause by their attorneys of record and approve the appointment of Lorna Underwood as Commissioner for the purpose of taking the deposition of A. S. Mason, Sr. and approve the submission of the deposition to the Court, said deposition having been taken by examination by C. G. Chason, as attorney for the Complainant, and cross-examination by Forest A. Christian, as attorney for the Respondent.

It is further agreed between the parties hereto that the Court, as in equity cases, shall consider only such parts or portion of such testimony as is material.

Done this the 24th day of September, 1952.

  
 \_\_\_\_\_  
 Attorney for Complainant

  
 \_\_\_\_\_  
  
 \_\_\_\_\_  
 Attorneys for Respondent

LOIS TOMMY,  
Complainant.  
-vs.-  
W. R. TOMMY,  
Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ANSWER AND WAIVER

Comes the Respondent in the above-styled cause and accepts service of a bill of complaint heretofore filed in said cause; waives notice of the filing of interrogatories in said cause, and the right to cross same; waives notice of the taking of testimony in said cause, and consents that the same may be taken and the cause submitted for final decree.

And for answer to the bill of complaint heretofore filed in this cause, Respondent says:

1. He admits the allegations contained in Paragraph 1 of said bill of complaint.
2. He admits the allegations contained in Paragraph 2 of said bill of complaint.
3. He denies each and every allegation contained in Paragraph 3 of said bill of complaint and demands strict proof thereof.
4. He denies each and every allegation contained in Paragraph 4 of said bill of complaint and demands strict proof thereof.

May 8, 1953-



FOREST A. CHRISTIAN  
Attorney for Respondent



LOIS TOMEY

vs.

W. R. TOMEY

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 Lois Tomey and A. S. Mason

and in behalf of Defendant upon Answer and Waiver

*A. S. Mason*  
Soleitor for Complainant

*Alice J. Puck*  
Register.

M

No. ....

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

LOIS TOMEY

vs.

W. R. TOMEY

NOTE OF TESTIMONY

Filed in Open Court this .....

day of ....., 194.....

Register.

LAW OFFICE OF  
FOREST A. CHRISTIAN  
FOLEY, ALABAMA

December 3, 1952

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

Re: Toney vs: Toney

Dear Mrs. Duck:

Enclosed are some photostatic copies of letters which you should  
enclose with the interrogatories in the case of Toney vs: Toney.

Yours very truly,



FOREST A. CHRISTIAN

INTERROGATORIES

LOIS TOMMY,

Complainant

vs:

W. R. TOMMY,

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Now comes the respondent and propounds interrogatories to Mrs. Jerome G. Harris, a witness whose testimony, when taken, will be material evidence for the respondent on the trial of the above cause.

Interrogatories to Mrs. Jerome G. Harris:

First Interrogatory: Please state your name and permanent residence.

Second Interrogatory: Are you the wife of Jerome G. Harris?

Third Interrogatory: How long have you been married to Jerome G. Harris?

Fourth Interrogatory: In 1947 or thereabouts did you have occasion to leave your husband?

Fifth Interrogatory: Please state the circumstances and what action was taken at that time, include in your answer the following:

- a. Did you meet a Lois Stevenson in your house in the company of your husband?
- b. Before this meeting had you known of any acquaintance or relationship between this Lois Stevenson and your husband?
- c. At the meeting between you and Lois Stevenson did you make any statement?
- d. To the best of your recollection what statement did you make?
- e. What statement or what action did Lois Stevenson take at that time?
- f. As to the circumstances of your husband's relation with Lois Stevenson did he tell that he had an affair with her and that that their conduct was such as to cause you to know that Lois Stevenson was an adulteress?

Sixth Interrogatory: Did you meet a William R. Tommy in Siesta Key in 1952?

Seventh Interrogatory: State the time and circumstances?

Eighth Interrogatory: Did W. R. Tommy show you a series of photostats of letters and ask you if you could identify them?

Ninth Interrogatory: When you read the letters what remark did you make with reference to Lois Tommy?

Tenth Interrogatory: Did your husband tell you that he had written the letters?

Eleventh Interrogatory: Did you ever have occasion to see a letter written by a member of Lois Toney's family to your husband?

Twelfth Interrogatory: From whom was the letter?

Thirteenth Interrogatory: Did that person in the context of the letter request that your husband take good care of Lois Stevenson?

Fourteenth Interrogatory: Do you know who was the original person that reopened the affair between Lois Toney and your husband in 1952?

Fifteenth Interrogatory: When you read the letters what was requested in all the letters by your husband?

Sixteenth Interrogatory: What would you say was the reason that the request was not complied with?

*Paul M. Souder*  
Attorney for Respondent

THE STATE OF ALABAMA, )  
BALDWIN COUNTY. )

Before me Gus Schultz, a notary public in and for said state and county, personally appeared Forest A. Christian, who being by me first duly sworn deposes and says: That he is agent and attorney for the respondent, W. R. Toney; that the witness whose testimony is to be taken is a non-resident of the State of Alabama, residing in Siesta Key, Sarasota, Florida; that the witness, Mrs. Jerome G. Harris, is a material witness for the respondent and her evidence to be secured by this deposition will be material evidence for the respondent on the trial of this cause.

*Paul M. Souder*  
Attorney for Respondent

Sworn to and subscribed before me  
this the 10th day of November, 1952.

*Gus Schultz*  
Notary Public

The name of Paul M. Souder, Attorney, Palmer National Bank Building, Sarasota, Florida, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories and it is requested that a commission issue to him for that purpose.

*Paul M. Souder*  
Attorney for Respondent

INTERROGATORIES

LOIS TOMMY,

Complainant

vs:

W. R. TOMMY,

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Now comes the respondent and propounds interrogatories to Jerome G. Harris, a witness whose testimony, when taken, will be material evidence for the respondent on the trial of the above cause.

Interrogatories to Jerome G. Harris:

First Interrogatory: Are you Jerome G. Harris of Siesta Key, Florida?

Second Interrogatory: Are you married?

Third Interrogatory: What is your wife's name?

Fourth Interrogatory: How long have you been married?

Fifth Interrogatory: Did you know a Lois Stevenson of Sebring, Florida on or about 1947?

Sixth Interrogatory: Did you have an illicit affair with Lois Stevenson during that time?

Seventh Interrogatory: Did this affair include sexual intercourse?

Eighth Interrogatory: Did you admit to your wife that you had this affair?

Ninth Interrogatory: Did you during the months of April to June 1952 correspond with this Lois Stevenson, then known to you as Lois Tommy, the wife of W. R. Tommy of Magnolia Springs, Alabama, using the name of J. G. Harris, General Delivery, Sarasota, Florida, and addressing her as Mrs. George Meyers, General Delivery, Foley, Alabama?

Tenth Interrogatory: Enclosed with this deposition are photostats of letters alleged to have been written by you to Lois Tommy. Do you acknowledge to have written the original of these letters?

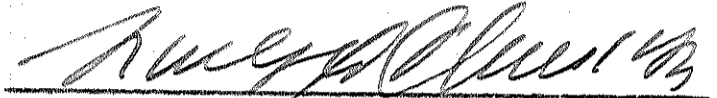
Eleventh Interrogatory: On the reverse of these photostats have you acknowledged, before a notary under oath to have written the original of these letters?

Twelfth Interrogatory: Did you admit to your wife that you had written the letters the photostats of which have been presented to you?

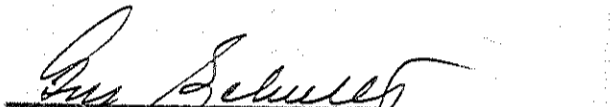
  
\_\_\_\_\_  
Attorney for Respondent

THE STATE OF ALABAMA, )  
BALDWIN COUNTY. )

Before me, Gus Schultz, a notary public in and for said state and county, personally appeared Forest A. Christian, who being by me first duly sworn deposes and says: that he is agent and attorney for the respondent, W. R. Tomey; that the witness whose testimony is to be taken is a non-resident of the State of Alabama; residing in Siesta Key, Sarasota, Florida; that the witness, Jerome G. Harris is a material witness for the respondent and his evidence to be secured by this deposition will be material evidence for the respondent on the trial of this cause.

  
\_\_\_\_\_  
Attorney for Respondent

Sworn to and subscribed before me  
this the 26th day of November, 1952.

  
\_\_\_\_\_  
Notary Public

The name of Paul M. Souder, Attorney, Palmer National Bank Building, Sarasota, Florida, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories and it is requested that a commission issue to him for that purpose.

  
\_\_\_\_\_  
Attorney for Respondent

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: Lorna Underwood

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 A. S. Mason, Sr.

as witnesses in behalf of Complainant in a cause pending in our  
Circuit Court in Baldwin County, of said State, wherein Lois Tomey

Complainant  
and W. R. Tomey

Respondent

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

Witness 24th day of September, 1952

Alice J. Leuch  
Register.

Commissioner's Fee, \$ 5.00

Witness' Fees, \$ \_\_\_\_\_



No. \_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

LOIS TOMEY

Complainant—

vs.

W. R. TOMEY

Defendant—

**COMMISSION TO TAKE DEPOSITION**

COMMISSIONER

Lorna Underwood

WITNESSES:

A. S. Mason, Sr.

CECIL G. CHASON

ATTORNEY AT LAW  
FOLEY, ALABAMA

11 July, 1952

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

Dear Mrs. Duck:

Enclosed herewith are two Bills of Complaint for divorce. The Tomey case requires the attention of Judge Mashburn, therefore please submit the Bill of Complaint and suggested order of hearing to him at once.

Yours very truly,

  
C. G. Chason

CGC:fs

Enclo.

W 283 4

Lair Joney  
vs

W. R. Joney

Invoice

Filed 9.14.52

1. Summ & Compt
2. Order by Judge  
del. J. Shul

NO. 10 1000  
10-10-1000  
10-10-1000

MOTION TO STRIKE

LOIS TOMMY,

Complainant

-vs-

W. R. TOMMY,

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes the complainant in the above styled cause and makes motion to the Court in respect to the Interrogatories heretofore filed by the attorney for the respondent to Jerome G. Harris as follows;

1. To strike the first Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
2. To strike the second Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
3. To strike the third Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
4. To strike the fourth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
5. To strike the fifth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
6. To strike the sixth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
7. To strike the seventh Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
8. To strike the eighth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
9. To strike the ninth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
10. To strike the tenth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
11. To strike the eleventh Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
12. To strike the twelfth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
13. To strike the tenth Interrogatory on the ground that the photostats of letters referred to in said Interrogatory are not made a part of the copy sent to the attorney for the complainant and therefore no cross-interrogatories

can be prepared.

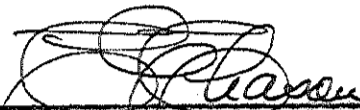
14. To strike the affidavit of Forest A. Christian , attorney for the respondent on the grounds that the Interrogatories propounded show that the witness is not a material witness and that his evidence will not be material on the trial of this cause.

The complainant further moves in respect to Interrogatories heretofore filed by the attorney for the respondent to Mrs. Jenome G. Harris as follows;

1. To strike the first Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
2. To strike the second Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
3. To strike the third Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
4. To strike the fourth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
5. To strike the fifth Interrogatory and to sections a, b, c, d, e, and f, thereof, separately and severally, on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
6. To strike the sixth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
7. To strike the seventh Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
8. To strike the eighth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
9. To strike the ninth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
10. To strike the tenth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
11. To strike the eleventh Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
12. To strike the twelfth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
13. To strike the thirteenth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.
14. To strike the fourteenth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.

15. To strike the fifteenth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.

16. To strike the sixteenth Interrogatory on the ground that it is prolix, irrelevant, frivolous and calls for testimony which is not admissible in this cause.



Attorney for Complainant

FILED  
DEC 11 1964  
MICHIGAN

IN WORTH...  
MAYOR...  
THE...

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M. B. ...

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TOLE...

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: FRANCES G. MALLORY

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 Lois Tomey

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

\_\_\_\_\_ , Complainant

and W. R. Tomey

\_\_\_\_\_ Respondent

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

Witness 8th day of May, 195 3

W. J. [Signature]  
Register.

Commissioner's Fee, \$ 5.00

Witness' Fees, \$ \_\_\_\_\_

No. \_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

LOIS TOMEY

Complainant—

**vs.**

W. R. TOMEY

Defendant—

**COMMISSION TO TAKE DEPOSITION**

COMMISSIONER

WITNESSES:



LOIS TOMMY,

COMPLAINANT,

VS

W. R. TOMMY,

RESPONDENT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

SUMMONS

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon W. R. Tommy 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 W. R. Tommy, Defendant by Lois Tommy, Plaintiff.

Witness my hand this 14th day of July, 1952.

Alice J. Duck, Clerk.

BILL OF COMPLAINT

TO THE HONORABLE TELFAIR J. MASBURN, JR., JUDGE OF THE CIRCUIT COURT SITTING IN EQUITY

Comes your Complainant, Lois Tommy, and files this her Bill of Complaint for divorce against W. R. Tommy and respectfully represents and shows unto your Honor:

1. That the Complainant is over the age of twenty-one years and is a resident citizen of the State of Alabama, Baldwin County,. That W. R. Tommy is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County.

2. That the Complainant and Respondent were lawfully married on to-wit:- June 11, 1950.

3. The Complainant further avers that the Respondent has committed actual violence on her person attended with danger to her life and health and from his conduct she is reasonable apprehensive of other and further violence; that Respondent has made numerous threats of doing her physical harm and from his manner and conduct toward her she is reasonably convinced that he will commit actual violence on her person attended with danger to her life or health.

4. Complainant shows unto the court that the respondent has cash on deposit in the amount of approximately Three Thousand Six Hundred Dollars (\$3,600.00); that his monthly income is Four Hundred Eleven Dollars (\$411.00). That since marriage the Complainant and Respondent have purchased real estate on which Three Thousand Five Hundred Dollars (\$3,500.00) was paid in cash and that payments in addition have been made for twelve months at the rate of Fifty Dollars (\$50.00) per month. That Complainant and the Respondent have purchased since marriage, personal property of a value in excess of Three Thousand Dollars (\$3,000.00). The Complainant therefore shows to the court that the Respondent has sufficient funds with which to properly and adequately support and maintain her and that he is financially able to pay to her the sum of Two Hundred Dollars (\$200.00) as alimony pendente lite and that he is financially able to pay the sum of Five Hundred Dollars (\$500.00) as attorney fees for her legal counsel. The Complainant also shows that the Respondent is financially able to furnish her a home and to pay permanent alimony as support and maintenance for her.

Prayer For Process and Relief

The premises considered, your Complainant prays that W. R. Tommy be made a party defendant to this cause by the usual process of this Honorable Court requiring him to plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the statutes in wuch cases made and provided; that your Honor will hold a reference for the purpose of determining what real property, personal property, negotiable securities, cash and income is owned and enjoyed by the Respondent; that the Complainant may be paid alimony and support pending the completion of this litigation and that she may be paid the sum she has agreed to pay for attorney fees. The Complainant further prays that upon final hearing of this cause that she be granted a divorce from said Respondent and that she be granted the use and enjoyment of her prior name, Stevenson, and that she be granted the home in which she and the Respondent regularly resided prior to separation and that she be granted adequate maintenance and support. Should your Complainant be mistaken in the relief prayed for that she be granted such other, further, different and general relief to which she may be entitled and as in duty bound she will ever pray.

C. G. Chason, Solicitor for Complainant

Respondent's Address is  
Magnolia Springs, Alabama

Filed: This the 14th day of July, 1952.

Alice J. Duck, Register

ORDER OF JUDGE

Upon consideration of the Bill and Petition of the Complainant and the same being duly read, considered and understood by the Court, it is therefore ordered, adjudged and decreed by the Court that a reference be held before said Court to ascertain the following:

FIRST: What real and personal property or interest therein, including cash on deposit or securities, each of the parties to this suit own, together with a full and accurate description thereof and its situation, market and retail value and what encumbrances, if any, are thereon.

SECOND: What income each of the parties to this suit have either weekly, monthly or annually and of what it consists.

THIRD: What amount Lois Tomey has paid or agreed to pay in this cause and whether the agreed amount is reasonable compensation to pay her solicitor.

FOURTH: What amount per week or per month would be reasonably necessary to support and maintain Lois Tomey pending this suit taking into consideration her condition in life and the ability of W. R. Tomey to pay.

FIFTH: Such other and further matters as may be properly inquired into by this Court.

It is further ordered, adjudged and decreed by the Court that the 29th day of July, 1952 at 10:00 o'clock be set as the day for holding said reference and that notice thereof shall be given to the parties, and that at said reference either party may offer any legal and competent evidence either oral or written.

Done this the 14th day of July, 1952.

Telfair J. Mashburn, Jr.,  
Judge.

Filed: This 14th day of July, 1952.

Alice J. Duck, Register.

ORDER OF JUDGE

WHEREAS, HERETOFORE, a decree and order of reference was made and entered in this cause by this Court on the 14th day of July, 1952, and after due notice given as required by law, such reference was held as directed on the 29th day of July, 1952. There were present, the Complainant, in her own person, and by her Solicitor, C. G. Chason and the Respondent, in his own person and by his Solicitors, Forest Christian and H. M. Hall, and the said parties being duly sworn, testified in their own behalf and upon consideration of said testimony the court is of the opinion and finds that the Complainant is entitled to alimony and support and maintenance during the pendency of this suit and believes that a final hearing can be held on the 15th day of August, 1952 as agreed by the parties and their attorneys and believes and finds that the sum of Three Hundred Dollars (\$300.00) is a reasonable amount to be paid for the support and maintenance of the Complainant from the date of separation to August 15, 1952, the date set for final hearing, and believes the sum of One Hundred Fifty Dollars (\$150.00) per month to be a reasonable amount to be paid if said hearing is continued beyond that date.

By agreement of the parties no decision was reached as to the amount which should be paid for and as attorney's fees for the Complainant's attorney at this hearing.

It is therefore, ordered, adjudged and decreed by the Court that the Respondent, W. R. Tomey, pay to the Complainant, Lois Tomey, the sum of Three Hundred Dollars (\$300.00) as alimony, support and maintenance during the pendency of this suit for that period of time until August 15, 1952.

It is further ordered, adjudged and decreed by the Court that the Respondent, W. R. Tomey, pay to the Complainant, Lois Tomey, the sum of One Hundred Fifty Dollars (\$150.00) per month as alimony, support and maintenance during the pendency of this suit, should the final hearing be continued beyond August 15, 1952.

It is further ordered, adjudged and decreed by the Court that August 15, 1952 at 10:00 A. M. be and it is hereby the date and time set for a final hearing of this cause.

Done this the 29th day of July, 1952.

Telfair J. Mashburn, Jr.,  
Circuit Judge.

Filed: August 19, 1952.

Alice J. Duck,  
Register.

AGREEMENT TO TAKE DEPOSITION

Come the parties in the above styled cause by their attorneys of record and approve the appointment of Lorna Underwood as Commissioner for the purpose of taking the deposition of A. S. Mason, Sr. and approve the submission of the deposition to the Court, said deposition having been taken by examination by C. G. Chason, as attorney for the Complainant, and cross-examination by Forest A. Christian, as attorney for the Respondent.

It is further agreed between the parties hereto that the Court, as in equity cases, shall consider only such parts or portion of such testimony as is material.

Done this the 24th day of September, 1952.

C. G. Chason,  
Attorney for Complainant.

H. M. Hall,  
Forest A. Christian,  
Attorneys for Respondent.

Filed: September 29, 1952  
Alice J. Duck,  
Register.

COMMISSION TO TAKE DEPOSITION

TO: Lorna Underwood

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 A. S. Mason, Sr., as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Lois Tomey, Complainant and W. R. Tomey, Respondent on oath, to be by you administered, upon him to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 24th day of September, 1952.

Alice J. Duck,  
Register.

Commissioner's Fee, \$5.00.

Witness' Fees, \$

ORAL DEPOSITION

I, Lorna Underwood as Register and Commissioner in chancery have called and caused to come before me A. S. Mason, Sr., witness named in the Requirement for Oral Examination, on the 24th day of September 1952, at the office of C. G. Chason in Foley, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said A. S. Mason, Sr., doth depose and say as follows: upon examination by C. G. Chason, as attorney for the Complainant, and cross-examination by Forest A. Christian, as attorney for the Respondent.

ORAL EXAMINATION

I, Lorna Underwood, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness and read over to him and he signed the same in the presence of myself and C. G. Chason at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proom 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 24th day of September, 1952.

Lorna Underwood

Filed: 9-29-52  
Alice J. Duck,  
Register.

COMMISSION TO TAKE DEPOSITIONS

TO: Paul M. Souder  
Palmer National Bank Building  
Sarasota, Fla.

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 Jerome G. Harris as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Lois Tomey, Complainant and W. R. Tomey, Respondent on oath, to be by you administered, upon him to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 22nd day of December, 1952.

Alice J. Duck,  
Register.

Commissioner's Fee, \$10.00  
Witness' Fees, \$

INTERROGATORIES

Now comes the respondent and propounds interrogatories to Jerome G. Harris, a witness whose testimony, when taken, will be material evidence for the respondent on the trial of the above cause.

Interrogatories to Jerome G. Harris:

THE STATE OF ALABAMA  
BALDWIN COUNTY

Before me, Gus Schultz, a notary public in and for said state and county, personally appeared Forest A. Christian, who being by me first duly sworn deposes and says: that he is agent and attorney for the respondent, W. R. Tomey; that the witness whose testimony is to be taken is a non-resident of the State of Alabama; residing in Siesta Key, Sarasota, Florida; that the witness, Jerome G. Harris is a material witness for the respondent and his evidence to be secured by this deposition will be material evidence for the respondent on the trial of this cause.

Forest A. Christian,  
Attorney for Respondent.

Sworn to and subscribed before me this the 26th day of November, 1952.

Gus Schultz,  
Notary Public.

The name of Paul M. Souder, Attorney, Palmer National Bank Building, Sarasota, Florida, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories and it is requested that a commission issue to him for that purpose.

Forest A. Christian,  
Attorney for Respondent

Filed: November 26, 1952  
Alice J. Duck,  
Register

CLERK'S CERTIFICATE

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 Summons, Bill of Complaint, Order of Judge, Order of Judge, Agreement to Take Deposition, Commission to Take Deposition, Oral Deposition, Oral Examination, Commission to Take Depositions, Interrogatories, and Oath, which said instruments are on file in my office.

Witness my hand and seal this the 21st day of April, 1953.

Register of Circuit Court, In Equity.

THE STATE OF ALABAMA  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

LOIS TOMEY Complainant

VS.

W. R. TOMEY Respondent

I, Frances G. Mallory

as Register and Commissioner In Chancery

have called and caused to come before me Lois Tomey

witness named in the Requirement for Oral Examination, on the 8th day of May  
1953, at the office of C. G. Chason

in Foley, Alabama, and having first sworn said Witness to speak the  
truth, the whole truth, and nothing but the truth, the said

Lois Tomey doth depose and say as follows:

TESTIMONY OF LOIS TOMEY:

My name is Lois Tomey. I am over the age of 21 years and a resident of Baldwin County, Alabama. W. R. Tomey is over the age of 21 years and was a resident of Baldwin County, Alabama at the time I filed my suit for divorce, but I understand that he now resides in DeSoto City, Florida. We were married on June 11, 1950, and lived together as husband and wife until June of 1952 in Magnolia Springs, Alabama. In June of 1952 W. R. Tomey comitted actual violence on my person by throwing me bodily from the house into the yard and by locking me from the house. In addition to that, he has, on several occasions, threatened to kill me and do me other bodily harm, and from his manner and conduct I was convinced that he would comitt other and further actual violence on my person attended with danger to my life or health should we continue to live together. In my Bill of Complaint for divorce I asked for alimony, support and maintenance. On May 7, 1953, W. R/ Tomey executed a Warranty Deed subject to an outstanding mortgage (real estate), conveying to me the property where we resided in Magnolia Springs, Alabama, and agreed to pay me the further and additional sum of \$1,300.00 immediately upon rendition of the decree of divorce. This conveyance and payment of this sum of money shall be considered as full settlement of my claim for alimony, support and maintenance. I have requested of the Court that I be awarded the right of use and enjoyment of the surname Stevenson, which was my name prior to marriage to W. R. Tomey.

Signed: Lois Tomey

**ORAL EXAMINATION.**

I, Frances G. Mallory, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness \_\_\_\_\_ and read over to her and she signed the same in the presence of myself and C. G. Chason at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness \_\_\_\_\_ or had proom 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 8th day of May, 194 53.

*Frances G. Mallory* (l. s.)

NO. \_\_\_\_\_ PAGE \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY,

LOIS TOMMY

vs. Complainant

W. R. TOMMY

Respondent.

**Oral Deposition**

Filed **FILED** \_\_\_\_\_, 194 \_\_\_\_\_

MAY 8 1953, Register.

Recorded in \_\_\_\_\_ Record  
ALICE I. DICK, Registrar

Vol. \_\_\_\_\_ Page \_\_\_\_\_, Register.

EXAMINATION BY C. G. CHASON

Q. You are Mr. A. S. Mason, Sr.?

A. Yes.

Q. Are you the father of Lois Tomey?

A. Yes.

Q. What is your age Mr. Mason?

A. Well, I will be 85 the 2nd of December next.

Q. You are personally acquainted with W. R. Tomey?

A. Yes sir.

Q. Is he the husband of your daughter, Lois Tomey?

A. Yes sir.

Q. When were they married?

A. 1950.

Q. In June of 1952, were you living with Lois Tomey and her husband in Magnolia Springs?

A. Yes sir until the 15th day of June. I left there on the 15th of June.

Q. They have a home at Magnolia Springs and that was their residence?

A. Yes sir.

Q. Did any difficulties occur between Mr. & Mrs. Tomey on that date Mr. Mason? The date I am referring to is June 10th, 1952.

A. In the late afternoon, yes sir, at night.

Q. Would you please state what occurred.

A. Well, late in the afternoon Lois and I went down to the river; they had a boat, and took the car. She wanted to clean up around the boat landing, so she did and we put alot of trash and stuff in the car. We went back up to the house late in the afternoon, I imagine about sundown, and drove in the yard and she took the stuff down and he called to me; he was on the screen porch at the back, "Tell Lois to come here, I want to see her" and I said, "Can't you go out there where she is?" He said, "No, I want her to come up here." I called her and said, "Bill wants to see you." Then I walked out with a bucket of water to water some popcorn plants and when I came back she was on the outside of the screen door and he was just inside and I could hear him talking very loudly before I got up there. When I walked up he said, "I want to read you something; here are some letters I want to read you of the things your daughter's been doing" and he starting reading

something and I said, "Now, hold on a minute, I don't want to hear any letters." Then I tried to open the door and he said, "You can't come in here; neither one of you; I let one woman in once and she got the advantage of me; I'm not going to let her come in here." Then I walked off and got in the car. Finally Lois came over and sat in the car and I said, "Well, what are you going to do; we can't get in the house; we can't stay here all night", and finally she went and called him to the window or door and told him, "If you don't let me in, you let Pop in because he's sick." I was feeling mighty bad, and then in a little while he said, "Well, I'll let him in but you can't come in" and he let me in, then fastened the door. I walked in and sat down for a while and then I said, "Well, I feel bad and I'm going upstairs and lay down, but I want to tell you before I go that I think you are going at this thing in the wrong manner. If you feel that she has wronged you, the thing to do is to let the Court say." I said, "In my opinion, you have no right to lock her out and tell her that she can't come in here. After all, she is your wife and this is her home and in my opinion you don't have any right to lock her out and say that she can't come in." He said, "Well, I stood as much of it as I was going to" and I decided it wasn't any use to say any more so I went upstairs and went to bed.

Q. Did he seem to be very angry?

A. Well, the man, in the condition he was in, he acted more like a crazy man to me; he was angry and crazy all at the same time.

Q. Was she in the house the next day when you came down from upstairs?

A. Yes, when I came down the next morning; I walked by her bedroom door and I saw her lying on the bed and I walked in and there she was crying and she said that her back hurt; that she tried to come in and when he opened the screen door to the porch and he had pushed her out and hurt her back.

Q. Was she in bed for some time that day or for all day?

A. My recollection was that she was in bed most of the day and I stayed there until the 15th.

Q. Could you tell from observing her that she was in bad condition?

A. Apparently she was, yes sir.

Q. But you have no knowledge of when she got in the house?

A. No sir, she told me the next day that he let her in on the screen porch about 2 o'clock.



Q. Did you hear anything that night after you had gone upstairs?

A. Yes sir, latter part of the night I heard a noise, alittle like something falling and she said that was when he pushed her, but of course, I couldn't swear to that.

CROSS EXAMINATION BY FOREST A. CHRISTIAN

Q. Did Mrs. Tomey go out at all the next day? Didn't she go out some in the next day or two? Didn't she go to the store or somewhere?

A. Well, now I couldn't tell you; I can't remember, but I know she did complain of her back hurting.

Q. What were these letters you talked about?

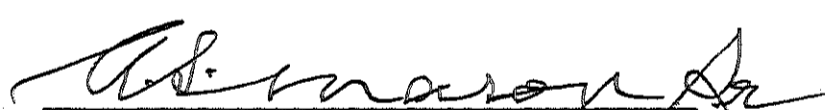
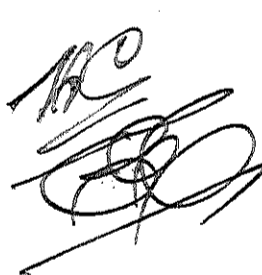
A. I don't know. I never did see them, only he said that they were letters.

Q. Did you ever know of a Mr. Jerome Harris from Florida?

A. Yes, I knew several years ago that there was a man named Harris, an Army officer, who visited her. Once, while I was down in Florida visiting her, the Army officer came to visit her and that was his name, Harris.

Q. That was probably about five years ago?

A. Something like that, yes sir.



THE STATE OF ALABAMA  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

LOIS TOMEY

Complainant

VS.

W. R. TOMEY

Respondent

I, Lorna Underwood

as Register and Commissioner in chancery

have called and caused to come before me A. S. Mason, Sr.

witness named in the Requirement for Oral Examination, on the 24th day of September 1945, at the office of C. G. Chason

in Foley, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said A. S. Mason, Sr.

doth depose and say as follows: upon examination by

C. G. Chason, as attorney for the Complainant, and cross-examination by Forest A. Christian, as attorney for the Respondent.

ORAL DEPOSITION  
C. G. CHASON  
Foley, Alabama  
September 24, 1945  
A. S. Mason, Sr.  
Lorna Underwood  
W. R. Tomey  
Lois Tomey

2839

**ORAL EXAMINATION.**

I, Lorna Underwood, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness \_\_\_\_\_ and read over to him and he signed the same in the presence of myself and C. G. Chason

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness \_\_\_\_\_ or had proom 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 24th day of September, 1952.

Lorna Underwood (L. S.)

NO. \_\_\_\_\_ PAGE \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

LOIS TOMMY

vs. Complainant

W. R. TOMMY

Respondent

**Oral Deposition**

Filed 9-29, 1952

Lucy French, Register.  
Recorded in \_\_\_\_\_

Vol. \_\_\_\_\_ Page \_\_\_\_\_  
Record \_\_\_\_\_

Register.