

4190

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ESTELLE INDIA DALTON, Complainant

vs.

TROY MADISON DALTON, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Answer and Confession~~ 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 Estelle India Dalton is forever divorced from the

said Troy Madison Dalton for and on account of

Cruelty. It is ordered, adjudged and decreed that the Complainant shall have the care, custody and control of the minor children of their marriage and Respondent shall have the right to visit at reasonable times. The Defendant shall pay to Complainant as and for support of said minor children the sum of \$15.00 per week, payable bi-monthly on the 1st. and 15th day of each month; the first payment to commence on the 15th day of April, 1958, and Respondent shall pay to Complainant the sum of \$20.00 per week in like installments commencing on the first day of January, 1959. It is further ordered, adjudged and decreed that the Respondent and Complainant, respectively, have the right to all personal property now in the possession of each party.

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 Troy Madison Dalton the Respondent pay the cost herein to be taxed, for which executed may issue.

This 11 day of April 1958.

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

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

APR 11 1958

ALICE J. DUCK, Register

ESTELLE INDIA DALTON,
Complainant,

VS.

TROY MADISON DALTON,
RESPONDENT.

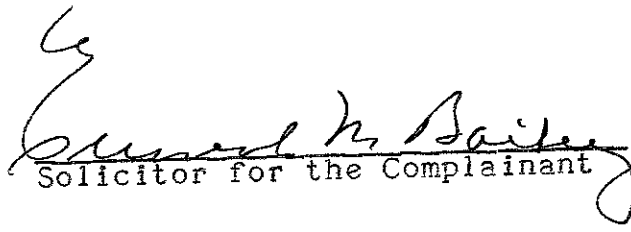
IN THE
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA. IN EQUITY.

AMENDED BILL OF COMPLAINT.

Comes the Complainant in the above styled cause and amends his bill of complaint to read as follows:

S E C O N D:

That your Complainant and the Respondent were married on heretofore, to-wit, December 14, 1929 in Cuthbert, Georgia, and lived together as man and wife until on, to-wit, November 15, 1957, when on account of the matters hereinafter complained of, your Complainant was compelled to live separate and apart from the Respondent; that on, to-wit, November 15, 1957, the Respondent did beat, abuse, curse, threaten and hurt the Complainant, and did commit actual violence on her person attended with danger to her life or health.


Solicitor for the Complainant

FILED

FEB 10 1958

ALICE J. DUCK, Register

ESTELLE INDIA DALTON, |
 Complainant, |
 - VS - |
TROY MADISON DALTON, |
 Respondent. |

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

ANSWER TO BILL OF COMPLAINT

Comes your Respondent, TROY MADISON DALTON, by his attorney, E. G. RICKARBY, and in answer to the Bill of Complaint heretofore filed against him says:

FIRST.

As to paragraph one, Respondent admits the age and the residence of the parties.

SECOND.

As to paragraph two, Respondent admits the marriage as alleged but denies that the Complainant was compelled to live separate and apart from the Respondent because of any actions on the part of the Respondent.

Respondent further denies that he has committed any acts constituting legal cruelty upon the Complainant as charged.

Respondent also denies the charges of adultery.

THIRD.

As to paragraph three, Respondent admits the ages and sex of the children born to this marriage but denies that he has property or an estate sufficient to support said children as alleged.

FOURTH.

Respondent denies that it was necessary for the Complainant to employ a solicitor to prosecute this action as he has always been ready, willing and able to provide for said children.

Respondent further denies that Complainant is unable to pay a reasonable solicitor's fee for the services of her solicitor in this matter.


FILED

FEB 10 1958

ALICE J. BUCK, Register

FIFTH.

Respondent further shows that he is fit and proper person to visit said children or have said children visit with him and asks that this answer be treated as a cross-bill, and that on a hearing hereof, if the Complainant should be given the custody and control of said minor children, he be allowed to visit said children, or have said children visit with him at all reasonable times and places, and for such other relief as is meet and proper.



E. G. RICKABY,
Attorney for Respondent.

ESTELLE INDIA DALTON,

Complainant,

-VS-

TROY MADISON DALTON,

Respondent.

ANSWER TO BILL OF COMPLAINT

FILED

FEB 10 1958

WILLIAM I. DUCK, Register

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

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Troy Madison Dalton to appear and plead, answer or demur, within thirty days from the service hereto, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by Estelle India Dalton, as Complainant, against Troy Madison Dalton, as Respondent.

Witness my hand this the 19 day of December, 1957.


REGISTER

ESTELLE INDIA DALTON,
Complainant

versus

TROY MADISON DALTON,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes your Complainant, Estelle India Dalton, and files this her Bill of Complaint for divorce against Troy Madison Dalton, and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

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

SECOND:

That your Complainant and the Respondent were married on heretofore, to-wit, December 14, 1929 in Cuthbert, Georgia; and lived together as man and wife until on, to-wit, November 15, 1957, when on account of the matters hereinafter complained of, your Complainant was compelled to live separate and apart from the Respondent; that on, to-wit, November 15, 1957 the Respondent did beat, abuse, curse, threaten, and hurt the Complainant; that on prior occasions during

this marriage between Complainant and Respondent, the Respondent has struck and beaten Complainant; that the Respondent has carried on illicit love affairs, committed adultery and lived in a state of adultery with other women; that on, to-wit, August, 1957, the Respondent committed acts of adultery with a person whose name is known to your Complainant and whose name can be furnished if the Respondent and the Court desires; that the Respondent has admitted to the Complainant that he committed such acts of adultery.

THIRD:

That there were born of the marriage between your Complainant and the Respondent the following named children, viz: Helen Dalton, age, thirteen years, and Richard Dalton, age, nine years. That the Complainant is a fit and proper person to have the care, custody and control of such children. That your Complainant has no money or property with which to properly support and educate such children and the Respondent is able to pay your Complainant sufficient amounts to properly educate and support such children. That your Complainant has employed Ernest M. Bailey as her Solicitor of Record to prosecute this cause of action and she is unable to pay him a reasonable Solicitor's fee for his services in this matter.

PRAYER FOR PROCESS AND RELIEF:

The premises considered, your Complainant prays that the above named Troy Madison Dalton be made a party Defendant to this cause by the usual writ or process of this Honorable Court requiring him to appear and 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 upon a final hearing of this cause Your Honor will award the Complainant custody and control of her minor children herein named and will order and decree that the Respondent shall pay your Complainant the sum of Forty (\$40.00) Dollars a week as support of such children; that Your Honor, if he deems necessary, will order a reference to determine such support as may be necessary as and for support of the said minor children. That Your Honor will also order and decree that the Respondent be required to pay Ernest M. Bailey a reasonable Solicitor's fee for his services in prosecuting this cause; that Your Honor will also

grant to your Complainant an absolute divorce from said Respondent and will decree that the parties be allowed to remarry if they see fit. Should your Complainant be mistaken in the relief prayed for, that there be granted to her such other, further and different relief to which she may be entitled and as in duty bound she will ever pray.

Estelle India Dalton
COMPLAINANT

STATE OF ALABAMA)
)
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared Estelle Troy Dalton, who after being by me first duly and legally sworn, says:

That the allegations contained in the foregoing Bill of Complaint are true.

Estelle India Dalton
COMPLAINANT

Sworn to and subscribed before me,
this the 18th day of December, 1957.

Conrad M. Bailey
NOTARY PUBLIC, STATE OF ALABAMA AT LARGE

4190 ✓

SUMMONS AND BILL OF COMPLAINT

ESTELLE INDIA DALTON,

COMPLAINANT

VERSUS

TROY MADISON DALTON,

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

DEFENDANT MAY BE SERVED
AT KLUMPP'S DAIRY, RFD,
FAIRHOPE, ALABAMA

6.6
Received 19 day of Dec 1957

and on 27 day of Dec 1957

I served a copy of the within 84 B/c

on Troy Madison Dalton

By service on _____

TAYLOR WILKINS, Sheriff

By Taylor Wilkins

Fairhope

Sheriff claims 70 miles at

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY Taylor Wilkins
DEPUTY SHERIFF

FILED

DEC 19 1957

ALICE L. BARK, Register

ESTELLE INDIA DALTON,		
Complainant,		IN THE CIRCUIT COURT OF
-VS-		BALDWIN COUNTY, ALABAMA,
TROY MADISON DALTON,		
Respondent.		IN EQUITY.

DEMURRERS TO COMPLAINT

Comes your Respondent, TROY MADISON DALTON, and offers the following separate and several demurrers to the Bill of Complaint filed against him:

ONE.

That said bill does not allege facts to show that the Complainant is entitled to the relief sought.

TWO.

Respondent demurs to that portion of the bill attempting to set out cruelty and assigns his grounds for demurrers, the following:

A. Because said acts as alleged do not show such cruelty as will justify a divorce;

B. Because said acts do not allege that the acts of violence were attended with danger to the Complainant's life or health, or that she had reasonable apprehension of such violence as would be attended with danger to her life or health.

THREE.

Respondent demurs to that portion of the bill seeking to obtain a divorce on the grounds of adultery in that:

A. It does not allege when and where the Respondent lived in adultery with other women, or name said other women;

B. Because Respondent desires that the Complainant name the party that she charges the Respondent with committing adultery.

C. Because no divorce can be granted on the confession of the parties.

FOUR.

Respondent demurs to that portion of the bill seeking support for such children because said bill does not show that the Respondent has any property or estate except by way of conclusion.

FIVE.

Respondent demurs to that portion of the bill seeking to have the Respondent pay Complainant's solicitor's fees in that the bill does not show that it is necessary for the Complainant to employ a solicitor in this case.



E. G. RICKABY
Attorney for Respondent.

~~4548~~
4190
ESTELLE INDIA DALTON,

Complainant,

-VS-

TROY MADISON DALTON,

Respondent.

DEMURREERS TO COMPLAINT

FILED
FEB 6 1958
ALICE I. BECK, Register

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

LAW OFFICES
E. G. RICKARBY
BANK BUILDING
FAIRHOPE, ALABAMA

February 4, 1958

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

Dear Mrs. Duck:

Inre: Dalton, vs. Dalton
Our File: 4348

With this I am handing you Demurrers in the case
of Dalton vs. Dalton.

Copy of this Demurrer has been furnished Mr.
Bailey.

Yours very truly,



EGR/nmk
Encl. 1
cc: Mr. Ernest Bailey

E. G. RICKARBY

BANK BUILDING

FAIRHOPE, ALABAMA

January 16, 1958

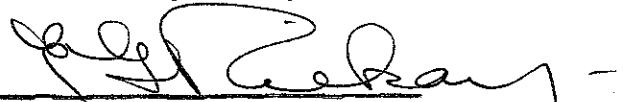
Mrs. Alice Duck,
Register in Chancery,
Circuit Court
Bay Minette, Alabama.

Dear Mrs. Duck:

Re: Estelle India Dalton
Vs: Troy Madison Dalton
In Equity - Case No. 4190

Request you enter an appearance for me, reserving
my right to plead or demur for the defendant, Troy
Madison Dalton, and oblige.

Yours very truly,


E. G. RICKARBY, Attorney
for TROY MADISON DALTON,
respondent.

EGR/ts

1-26-58

cc: Mr. Ernest M. Bailey
Attorney-at-Law
Fairhope, Alabama.

4190

FILED

JAN 17 1958

ALICE L. DUCK, Registrar