

4475

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARGARET HIGDON, Complainant

vs.

LEROY HIGDON, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ 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 Margaret Higdon is forever divorced from the said Leroy Higdon for and on account of Cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Complainant, Margaret Higdon, shall have the care, custody and control of the minor children, Danny, age 9; Kenneth, age 7; Shirley Ann, age 6; Ronnie, age 4; and Sandra, age 3.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Respondent, Leroy Higdon, shall pay to the Complainant, Margaret Higdon, the sum of Thirty-five & no/100 (\$35.00) Dollars per week as maintenance and support for said minor children, Danny, age 9; Kenneth, age 7; Shirley Ann, age 6; Ronnie, age 4; and Sandra, age 3.

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 Leroy Higdon the Respondent pay the cost herein to be taxed, for which executed may issue.

This 9 day of January 1959

Hubert M. Stace
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

MARGARET HIGDON

Complainant

vs.

LEROY HIGDON

Respondent

DIVORCE DECREE

FILED

JAN 19 1959

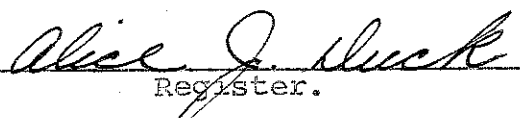
ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons LEROY HIGDON, 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 MARGARET HIGDON, as Complainant and against LEROY HIGDON, as Respondent.

WITNESS my hand this the 9 day of January, 1959.


Register.

MARGARET HIGDON	*	IN THE CIRCUIT COURT OF
COMPLAINANT	*	BALDWIN COUNTY, ALABAMA.
VS	*	IN EQUITY.
LEROY HIGDON	*	CASE NO. _____
RESPONDENT	*	

TO HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Your Complainant, Margaret Higdon, respectfully represents unto Your Honor and this Honorable Court as follows:

1.

That your Complainant is over the age of 21 and a resident of Alabama, and has been more than two years next preceding; The Respondent is over the age of 21 and a resident of Alabama, and has been more than two years next preceding.

2.

That your Complainant and the Respondent married at Lucedale, Mississippi on November 19, 1948, and lived together as husband and wife in Baldwin County, Alabama, until June 15, 1958.

3.

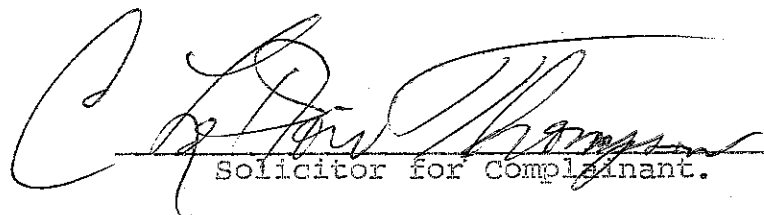
That on June 15, 1958, and on several occasions prior thereto the Respondent threatened and abused the Complainant and threatened to do actual violence to her person which would necessarily endanger her life and health. The conduct of the Respondent was such as to give the Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with him he would carry out his threats and do actual violence to her person, which would necessarily endanger her life and health.

4.

There were born as fruits of this marriage between the Complainant and the Respondent 5 children, Danny Higdon, age 9 years, Kenneth Higdon, age 7 years, Shirley Ann Higdon, age 6 years; Ronnie Higdon, age 4 years and Sandra Higdon, age 3 years.

WHEREFORE, the premises considered, your Complainant prays that your HOnor will by proper procedure make the said Leroy Higdon, party respondent to this bill of complaint requiring him 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 upon a hearing hereof, your Honor will enter an order and decree granting to her an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the respondent; and that a decree be made awarding to the complainant the care, custody and control of the minor children, Danny Higdon, age 9 years, Kenneth Higdon, age 7 years, Shirley Ann Higdon, age 6 years, Ronnie Higdon, age 4 years and Sandra Higdon, age 3 years; Your Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.


Solicitor for Complainant.

4475

RECORDED

MARGARET HIGDON

COMPLAINANT

VS

LEROY HIGDON

RESPONDENT

* * * * *

SUMMONS AND COMPLAINT

* * * * *

FILED

JAN 9 1959

ALICE J. DUCK, Register

MARGARET HIGDON

COMPLAINANT

VS

LEROY HIGDON

RESPONDENT

* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA.
* IN EQUITY.
* CASE NO. _____
*

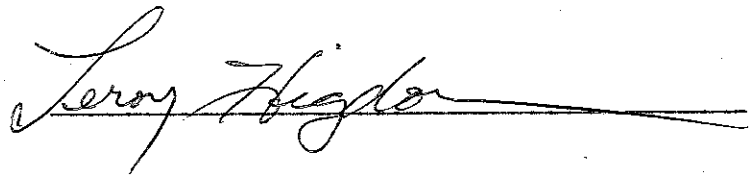
Now comes the Respondent and accepted service of the summons and complaint in this cause.

The Respondent admits the allegations as to the ages, marriage and residence, but denies all other allegations contained in the bill of complaint, and demands strict proof of the same.

The Respondent waives notice of the time of the taking of testimony on behalf of the complainant, the right to cross-examine complainant's witnesses; and agrees that this cause be submitted for final decree without further notice.

The Respondent agrees that \$35.00 a week is a reasonable and suitable amount as maintenance and support for the children herein-after named as fruits of this marriage, together with such medical attention to be separately considered as shall be required for said children, Danny, Kenneth, Shirley Ann, Ronnie and Sandra.

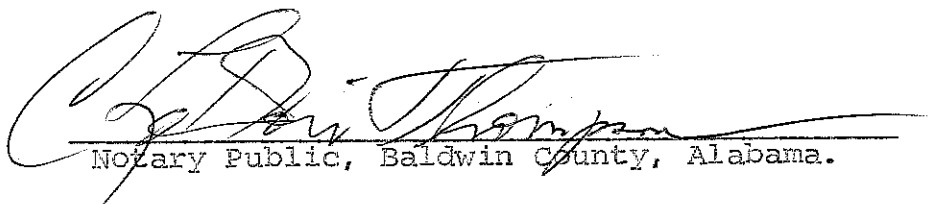
Respondent further agrees that the Complainant herein is a fit, suitable and proper person to have the care, custody and control of said children.



STATE OF ALABAMA
BALDWIN COUNTY

I, C. LeNeir Thompson, a Notary Public, in and for said County, in said State, hereby certify that Leroy Higdon, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 5 day of January, 1959.



Notary Public, Baldwin County, Alabama.

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

MARGARET HIGDON

COMPLAINANT

vs.

LEROY HIGDON

RESPONDENT

I, Lois Wilson

as Register and Commissioner

have called and caused to come before me Margaret Higdon and Mrs. Dorothy Golden

witnesses named in the requirement for Oral Examination, on the 5th day of January

19 59 , at the office of C. LeNoir Thompson

in Bay Minette , Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said Margaret Higdon and Mrs.
Dorothy Golden

doth depose and say as follows:

That my name is Margaret Higdon, I am over the age of 21 and have been a resident of Alabama all my life. The respondent Leroy Higdon, is over the age of 21 and is presently residing near Flomaton, Alabama. We were married on November 19, 1948 at Lucedale, Mississippi and lived together as husband and wife until on or about the 15th of June 1958 at which time I was forced to leave the respondent in fear of my life or health, because when I would inquire of the respondent about his irregular hours he would beat and abuse me until I became in fear of my life or health and was forced to leave him. This being the cause of our separation on the date named and we have not lived together as husband and wife since that date. There was born as fruits of our marriage 5 children being, Danny age 9, Kenneth age 7, Shirley Ann age 6, Ronnie age 4 and Sandra age 3. Your Complainant respectfully shows that she has had the care, custody and control of these children since birth and asks that the court grant to her the permanent care, custody and control of these children representing that she is a fit, suitable and proper person to have such care, custody and control. Your Petitioner further shows that she believes \$35.00 a week to be a reasonable sum for the maintenance and support of these children and respectfully ask that the court determine this amount together with any reasonable medical payments made necessary for these children as the maintenance and support which the court shall require the respondent to pay. Your complainant further shows that she has agreed with the said respondent only as to these sums and medical expenses.

Margaret Higdon

That my name is Mrs. Dorothy Golden, I know both parties to this cause the complainant is over the age of 21 and has been a resident of Alabama more than 2 years next preceding. The respondent is over the age of 21 and has been a resident of Alabama and presently residing on a route at Flomaton, Alabama. They were married in Lucedale, Mississippi on or about November 19, 1948 and lived together as husband and wife in Alabama until they separated about the middle of June, 1958 when the complainant was forced to leave the respondent in fear of her life or health. They have not lived together as husband and wife since that occasion. There was born as fruits of their marriage, 5 children, Danny about 9, Kenneth about 7, Shirley Ann about 6, Ronnie about 4 and Sandra about 3. The Complainant has had the care, custody and control of these children since their birth

and I respectfully submit that she is a fit, suitable and proper person to have their permanent care, custody and control. The Complainant was forced to leave the Respondent through no fault on her part being abused and struck so that she was placed in fear of her life or health. I do not believe they will ever live together again as husband and wife.

Mrs Dorothy Golden

ORAL EXAMINATION

I, Lois Wilson 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 C. LeNoir Thompson 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 5th day of January, 19 59.

Lois Wilson (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

MARGARET HIGDON

COMPLAINANT

vs.

LEROY HIGDON

RESPONDENT

ORAL DEPOSITION

Filed

FILED

JAN 9 1959, 19

ALICE J. DUCK, Register

RECORDED IN

Record

Vol.

Page

Register.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: LOIS WILSON

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 Margaret Higdon and Mrs. Dorothy Golden.

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

, Complainant

and Leroy Higdon

Respondent

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

Witness 9 day of Jan.

Alice J. Duck, 1959
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

MARGARET HIGDON

VS. Complainant

LEROY HIGDON

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

LOIS WILSON

WITNESSES:

MARGARET HIGDON
MRS. DOROTHY GOLDEN

FILED

JAN 9 1959

ALICE J. DICK, Register

MARGARET HIGDON

vs.

LEROY HIGDON

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,
Testimony of Margaret Higdon and Mrs. Dorothy Golden.

and in behalf of Defendant upon Answer and Waiver.

C. H. Thompson

Alice J. Luck
Register.

111

No. _____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

MARGARET HIGDON

VS.

LEROY HIGDON

Note of Testimony

Filed in Open Court this _____

FILED

day of _____, 19____

JAN 9 1959

ALICE J. DUCK, Register
Register.

MOORE PRINTING CO., BAY MINETTE, ALA.

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