

4487

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ELIZABETH MITCHELL

, Complainant

vs.

ELVIN MITCHELL

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~XXXXXXX~~ on
Waiver and Answer and Testimony as noted by the Register, and upon con-
sideration 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

ELIZABETH MITCHELL

is forever divorced from the

said ELVIN MITCHELL

for and on account of

"ABANDONMENT"

It is further ORDERED, ADJUDGED AND DECREED that the
Complainant, ELIZABETH MITCHELL, be, and she is hereby, awarded
the permanent care, custody and control of the minor children of
of this marriage, ELVIN MITCHELL, JR., DARROLL MITCHELL and
DEBORAH MITCHELL.

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 ELIZABETH MITCHELL
the Complainant pay the cost herein to be taxed, for which executed may issue.

This 26 day of January 19 59.

Robert M. T. Lee
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

JAN 26 1959

ALICE J. DUCK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: ALICE COX

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

ELIZABETH MITCHELL

a witness in behalf of ELIZABETH MITCHELL
Circuit Court in Baldwin County, of said State, wherein

in a cause pending in our

ELIZABETH MITCHELL

is the , Complainant
and

ELVYN MITCHELL

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

Witness 26th day of January

, 1959

Alice J. Duck
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ELIZABETH MITCHELL

VS. Complainant

ELYNN MITCHELL

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

FILED

JAN 26 1959

ALICE J. DUCK, Register

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

ELIZABETH MITCHELL COMPLAINANT

vs.

ELVIN MITCHELL RESPONDENT

I, ALICE COX

as ~~Register~~ Commissioner heretofore appointed by the Court

have called and caused to come before me ELIZABETH MITCHELL

witness named in the requirement for Oral Examination, on the 24 day of January

1959, at the office of Telfair J. Mashburn

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

truth, the whole truth, and nothing but the truth, the said ELIZABETH MITCHELL

doth depose and say as follows: "My name is Elizabeth Mitchell and I am the complainant in this case. I am over the age of twenty-one years and I am a bona fide resident citizen of Baldwin County, Alabama, and have been for more than the last past two years. Elvin Mitchell is over the age of twenty-one years and is a resident citizen of Baldwin County, Alabama. I was married to the respondent in Lucedale, Mississippi, on July 3, 1954, and we lived together as husband and wife until October, 1957. On or about the 19th of October, 1957, my husband moved out and left me and since that time he has not returned to live with me as my husband. I gave him no cause to abandon me and did not consent to his going. We have three children as a result of this marriage: ELVIN MITCHELL, JR., age 4 years, DARROLL MITCHELL, age 2 years, and DEBORA MITCHELL, age 1 year. Because of their tender years, I feel that I should be given the care, custody and control of these children, and I know it would be to their best interest. My husband and I have worked out the problem of supporting them between ourselves." Further deponent says not.

Elizabeth Mitchell

I, ALICE COX as ~~Register~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness_____ and read over to her and she signed the same in the presence of myself and Telfair J. Mashburn at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness_____ or had proof 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 ~~November~~ ^{January}, 19 58.

Alice Cox (L. S.)

No. _____		Page _____	
THE STATE OF ALABAMA, BALDWIN COUNTY			
IN CIRCUIT COURT, IN EQUITY			
<u>Caroline M. Muddall</u>		<u>vs.</u>	
COMPLAINANT		RESPONDENT	
ORAL DEPOSITION			
Filed _____, 19 _____		JAN 26 1959	
FILED		REGISTER	
ALICE J. DUCK, Register		RECORDED IN _____	
Record		Vol. _____ Page _____	
Register.		Register.	

<p>ELIZABETH MITCHELL</p> <p>Complainant,</p>	}	IN THE CIRCUIT COURT OF
VS.		BALDWIN COUNTY, ALABAMA,
<p>ELVIN MITCHELL</p> <p>Respondent.</p>	}	IN EQUITY.
		NO.....

DEMAND FOR ORAL EXAMINATION.

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from
BAY Minette, in the County of Baldwin

Alabama, the place of trial of said cause, to-wit: ELIZABETH MITCHELL

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.....

.....

.....

2. That said complainant requires an oral examination of said witnesses before a commissioner appointed by the Register of this Court.

Jessie J. Mascheru
 Solicitor for Complainant.

NOTE:

Complainant suggests the name of ALICE COX,

as a suitable and competent person to act as commissioner upon the examination of said witnesses.

Jessie J. Mascheru
 Solicitor for Complainant.

DEMAND FOR ORAL EXAMINATION.

ELIZABETH MITCHELL

Complainant,

Vs.

ELVIN MITCHELL

Respondent.

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

Filed this day of,

194.....

FILED

JAN 28 1959

Register.

ALICE J. DUCK, Register

ELIZABETH MITCHELL

VS.

ELVIN MITCHELL

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,
Waiver and Answer, and Testimony of ELIZABETH MITCHELL

and in behalf of Defendant upon Waiver and Answer

Jesse J. Mansburn

Alice J. Luck

Register.

No. _____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

ELIZABETH MITCHELL

VS.

ELVIN MITCHELL

Note of Testimony

Filed in Open Court this _____

day of _____, 19____

Register.

ELIZABETH MITCHELL

Complainant,

VS.

ELVIN MITCHELL

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. _____

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

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 admits the allegations contained in paragraph 4 of said bill of complaint.

witness:

Joseph J. Massabau

Elvin Mitchell

RESPONDENT

RECORDED

FILED

JAN 26 1959

ALICE J. DUCK, Register

ELIZABETH MITCHELL

Complainant,

VS.

ELVIN MITCHELL

Respondent.

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

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

Your complainant, ELIZABETH MITCHELL, respectfully represents and shows unto your Honor:

1. That complainant is over the age of twenty-one years and is a resident of said State and County; that ELVIN MITCHELL is over the age of twenty-one years and a resident of said State and County;
2. That your complainant and the respondent were lawfully married in Lucedale, Mississippi, on, to-wit: July 3, 1954.
3. Complainant further avers that said respondent voluntarily abandoned the bed and board of complainant for more than one year next preceding the filing of this bill of complaint, since which time complainant and respondent have not lived together nor in any way recognized each as husband and wife.
4. That there was born to the marriage between the complainant and the respondent, three children, ELVIN MITCHELL, Jr., age four years, DARROLL MITCHELL, age two years, and DEBORA MITCHELL, age one year; that your complainant is a fit and proper person to have the care, custody, and control of said minor children; that the respondent is not a fit and proper person to have the care, custody and control of said minor children; and that it is to the best interest of said children that they be left in the custody, and under the control, of their mother, your complainant.

PRAYER FOR PROCESS

WHEREFORE, THE PREMISES CONSIDERED, your complainant makes the said ELVIN MITCHELL party respondent to this her bill of complaint and in order that complainant may have the relief hereinafter prayed for, may it please your Honor to cause the State's Writ of Subpoena to be issued, directed to the said ELVIN MITCHELL, commanding him to plead, answer or demur to this bill of complaint, within the time required by law.

PRAYER FOR RELIEF

Your complainant further prays that on a final hearing of this cause your Honor will make and enter a decree granting her the following separate and several relief:

1. Forever divorcing her from said respondent.
2. Giving her the care, custody and control of their minor children named in paragraph 4 of this complaint.

And if your complainant be mistaken in the relief to which she is entitled, then she prays for such other, further, different, or general relief as in equity and good conscience she may be entitled to receive; and, as in duty bound, she will ever pray, etc.

Jeffrey G. MacLure
SOLICITOR FOR COMPLAINT