

(3667)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT. IN EQUITY

----- ELEANOR KIHANO -----, Complainant  
vs.

----- JOSEPH KIHANO -----, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree and Answer~~ 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 ELEANOR KIHANO ----- is forever divorced from the said JOSEPH KIHANO ----- for 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 payment of the cost of this suit.

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

This 2<sup>nd</sup> day of December, 1955

Hubert M. Stree  
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.

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THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

DEC 2 1955

ALICE J. DUCK, Register

ELEANOR KIHANO,	COMPLAINANT	}	IN THE CIRCUIT COURT OF
vs.			
JOSEPH KIHANO,	RESPONDENT	}	BALDWIN COUNTY, ALABAMA,

ANSWER AND WAIVER

Comes now the Respondent, JOSEPH KIHANO, and for answer to the Bill of Complaint heretofore filed against him in said cause says as follows:

1. That he denies each and every allegation of the said Bill of Complaint and demands strict proof thereof.

And for further answer to said Bill of Complaint the Respondent hereby accepts service of a copy and notice of the filing of the said complaint and hereby waives any further notice to him of the day set for hearing, the taking of testimony or the submission for final decree of the above styled cause and does here consent that the same may be submitted and testimony taken without further notice to him.

*Joseph Kihano*  
Joseph Kihano

Sworn to and subscribed before me this the 29 day of August, 1955.

*James M. Russell*  
JAMES M. RUSSELL, 1st Lt, Armor  
Commissioned Officer, United States Army.

RECORDED

Answer and Waiver

ELEANOR KIHANO  
Complainant

vs.

JOSEPH KIHANO  
Respondent

FILED

DEC 22 1955

ALICE J. DUCK, Register

*[Handwritten signature]*  
Alice J. Duck

1955, January 22, 1955, at the City of Chicago, Illinois

*[Faint handwritten text]*

THE STATE OF ALABAMA  
Baldwin County

Circuit Court

TO: Gertrude M. Bankester

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 ELEANOR KIHANO and Freda Brackin

a witnesses in behalf of ELEANOR KIHANO in a cause pending in our Circuit Court in Baldwin County, of said State, wherein ELEANOR KIHANO is

Complainant

and JOSEPH KIHANO is

Respondent

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

Witness 21 day of Nov., 1955

Alice J. Duck  
Register.

Commissioner's Fee, \$ \_\_\_\_\_

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

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

**THE STATE OF ALABAMA  
Baldwin County**

**CIRCUIT COURT**

**ELEANOR KIHANO**

Complainant

VS.

**JOSEPH KIHANO**

Defendant

**COMMISSION TO TAKE DEPOSITION**

COMMISSIONER:

**Gertrude M. Bankester**

WITNESSES:

**ELEANOR KIHANO**

**Freda Brackin**

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The State of Alabama,  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

ELEANOR KIHANO

Complainant

VS.

JOSEPH KIHANO

Respondent

I, Gertrude M. Bankester

as ~~Registered~~ Commissioner

have called and caused to come before me ELEANOR KIHANO and Freda Brackin

witnesses named in the Requirement for Oral Examination, on the 22 day of November

19 55, at the office of James A. Hendrix

in Robertsdale, Alabama, and having first sworn said Witnesses to speak the

truth, the whole truth, and nothing but the truth, the said ELEANOR KIHANO and Freda Brackin

doth depose and say as follows:

My name is Eleanor Kihano, I am over sixteen years old and have lived in Summerdale, Baldwin County, Alabama, for more than the past two years. Joseph Kihano is over twenty-one years old and is now in the service in Europe but was a resident of Baldwin County before he entered the service. Joseph and I were married in Lucedale, Mississippi, on November 20, 1954. On December 7, 1954, Joseph did strike, assault and hit me. He has committed actual violence on my person attended with danger to my life and health and since said time I have not lived with Joseph. We had no children; further there is no property settlement to be had between us.

Eleanor Kihano

My name is Freida Brackin, I am over twenty-one years old and have lived in Baldwin County, Alabama, for many years. I know of my own personal knowledge that Eleanor Kihano is over sixteen years old and has lived in Baldwin County, Alabama, for more than the past two years, that Joseph Kihano is over twenty-one years old and is in the service somewhere in Europe; that before his entrance into the service he was a resident of Summerdale, Baldwin County, Alabama. Eleanor and Joseph were married on November 20, 1954 at Lucedale, Mississippi. On December 7, 1954, I entered their home and at that time Joseph was committing an assault on Eleanor. He did hit, beat and strike her at that time; he has committed actual violence on her person attended with danger on her life and health and at that time he had been drinking pretty heavily. They have not lived together since said assault. They had no children.

Freda Brackin

ORAL EXAMINATION

I, Gertrude M. Bankester, 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 es and read over to them and they signed the same in the presence of myself Gertrude M. Bankester and James A. Hendrix

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 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 22 day of November, 19 55.

(L. S.)

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

The State of Alabama  
Baldwin County.

In Circuit Court, In Equity

ELIZANOR KIHANO

vs. Complainant

JOSEPH KIHANO

Respondent

**Oral Deposition**

Filed 2-11-55, 19 55

*Oliver J. Ducky*  
Recorded in \_\_\_\_\_ Register

Record \_\_\_\_\_

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Register \_\_\_\_\_



ELEANOR KIHANO

vs.

JOSEPH KIHANO

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, \_\_\_\_\_  
Answer and Waiver and the testimony of ELEANOR KIHANO and Freda Brackin  
as set out in the Oral Deposition.

and in behalf of Defendant upon \_\_\_\_\_

*James A. Headrip*

*Oliver J. Duck*  
Register.

No. ....

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

**IN EQUITY**  
**Circuit Court of Baldwin County**

**ELEANOR KIHANO**  
Complainant

vs.

**JOSEPH KIHANO**  
Respondent

**NOTE OF TESTIMONY**

Filed in Open Court this 2 .....

day of Nov ....., 1945

a. J. D.

Register.

STATE OF ALABAMA, BALDWIN COUNTY

ELEANOR KIHANO,	)	
	)	
Complainant	)	IN THE CIRCUIT COURT OF
	)	
vs.	)	BALDWIN COUNTY, ALABAMA,
	)	
JOSEPH KIHANO,	)	IN EQUITY.
	)	
Respondent	)	

To the Honorable Judge of the Circuit Court of Baldwin County,  
Sitting in Equity:

Comes now the Complainant, ELEANOR KIHANO, humbly complaining of the Respondent, JOSEPH KIHANO, in a matter of divorce, and represents and shows unto Your Honor as follows:

FIRST: That Complainant, ELEANOR KIHANO, is over the age of sixteen years and is a resident of Baldwin County, Alabama, and has been a bona fide resident of said State for more than two years next preceding the filing of this Bill of Complaint; that respondent's address is: Co. C 66th Tank Bn., A.P.O. 34, New York, N. Y.

SECOND: That your complainant and respondent were lawfully married on or about, to-wit: November 20, 1954, at Lucedale, Mississippi.

THIRD: Your complainant avers and charges that the said respondent did on or about the 7th day of December, 1954, commit an assault upon your complainant by hitting, beating and striking said complainant; that said respondent has committed actual violence on your complainant attended with danger to her life and health; that since assault she has not lived with said respondent and as a result of said assault.

FOURTH: Your complainant further avers that no children were born to the union of said complainant and respondent; and further, that there is no property settlement to be had between the parties.

PRAYER FOR PROCESS

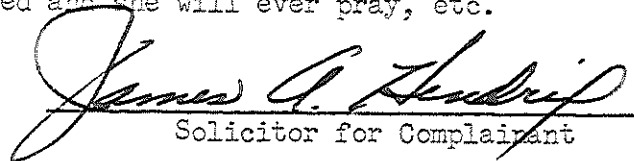
Wherefore the premises considered the complainant prays that the said JOSEPH KIHANO be made party respondent to this her Bill of Complaint and that a summons be issued and served upon him as required by law and the rules of this Honorable Court, and that he be required to plead, answer or demur to the within

Bill of Complaint within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR FINAL RELIEF

The premises considered the complainant prays that on a final hearing of this cause Your Honor will make and enter a decree forever dissolving the bonds of matrimony heretofore existing between the complainant and respondent, and will grant to the complainant a full and absolute divorce from the respondent and that in and by virtue of the said decree the complainant will be granted the right to again contract marriage.

Complainant prays all other further and general relief to which she may be entitled, the premises considered and she will ever pray, etc.

  
Solicitor for Complainant