

3669

LENA HAIL MARSH,	∅	
Complainant,	∅	IN THE CIRCUIT COURT OF
vs.	∅	BALDWIN COUNTY, ALABAMA
J. S. MARSH,	∅	IN EQUITY.
Respondent.	∅	

ORDER FOR ORAL EXAMINATION

It appearing to the Court that the above styled cause is now pending in this Court and that a final decree has not been rendered therein; it is, therefore,

ORDERED by the Court that the Complainant be examined orally before the undersigned as the Judge of said Court in chambers and that the same be taken down and transcribed by the Court reporter and filed in said cause.

Done this 5 day of December, 1955.

Hubert M. Hall
Circuit Judge.

J. S. Marsh
Judge.

Dated this 5 day of December, 1955.

execution may issue.

Marsh the Complainant pay the cost herein to be taxes, for which

It is further ORDERED, ADJUDGED and DECREED that Lena Hall

gain contract marriage upon payment of the cost of this suit.

plainant and the Respondent be, and they are hereby, permitted to a-

It is further ORDERED, ADJUDGED and DECREED that the Com-

ing the pendency of said appeal.

sixty days, neither party shall again marry except to each other dur-

after the rendition of this decree, and that if appeal is taken within

to this suit shall again marry except to each other until sixty days

It is further ORDERED, ADJUDGED and DECREED that neither party

same, is hereby restored to her.

the Complainant by her former marriage, viz: Lena Hall, be, and the

It is further ORDERED, ADJUDGED and DECREED that the name of

Marsh for and on account of voluntary abandonment.

that the said Lena Hall Marsh is forever divorced from the said J. S.

ant and the Respondent be, and the same are hereby, dissolved, and

that the bonds of matrimony heretofore existing between the Complain-

It is therefore ORDERED, ADJUDGED and DECREED by the Court

for in said Bill.

of the opinion that the Complainant is entitled to the relief prayed

and filed in this cause and upon consideration thereof, the Court is

Complaint, Answer and Waiver and Testimony taken before the Court

This cause coming on to be heard was submitted upon Bill of

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IN EQUITY

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BALDWIN COUNTY, ALABAMA

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IN THE CIRCUIT COURT OF

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Complainant,

I

LENA HALL MARSH,

vs.

J. S. MARSH,

Respondent.

LENA HAIL MARSH,)	
)	
Complainant,)	IN THE
)	CIRCUIT COURT OF BALDWIN
VS.)	COUNTY, ALABAMA.
J. S. MARSH,)	
)	IN EQUITY.
Respondent.)	
)	

TESTIMONY TAKEN BEFORE THE COURT, IN CHAMBERS, UNDER EQUITY
RULE 56.

LENA HAIL MARSH, THE COMPLAINANT, BEING FIRST DULY SWORN,
TESTIFIED AS FOLLOWS:

Direct Examination by Mr. Stone.

Q. Is this Mrs. Lena Hail Marsh?

A. Yes.

Q. Are you at this time married to J. S. Marsh?

A. Yes.

Q. Where do you live?

A. Robertsdale, Alabama.

Q. What is your age?

A. 62.

Q. How long have you lived in Robertsdale, and the State of
Alabama?

A. Since 1909/

Q. Where does Doctor Marsh Live?

A. Saraland, Alabama.

Q. Mobile County, Alabama?

A. Yes sir.

Q. When were you and J. S. Marsh married?

A. August 11, 1953.

Q. That was in Lucedale, Mississippi?

A. Yes sir.

Q. Now did you all live together in Robertsdale after that time?

A. Yes sir.

Q. Until when?

A. About November 15, 1954.

Q. Then you have been separated more than a year?

A. Yes sir.

Q. As of today?

A. Yes sir.

Q. Did J. S. Marsh abandon you?

A. Yes sir.

Q. Moved away from Robertsdale?

A. Yes sir.

Q. Where did he move?

A. Saraland, Alabama.

Q. You were living in Baldwin County when the separation occurred were you not?

A. Yes sir.

Q. Have you been a bona fide resident of this State and of Baldwin County, for more than two years?

A. Yes sir.

Q. There were no children born?

A. No.

Q. What was your name before your marriage to J. S. Marsh?

A. Lena Hail.

Q. That was not your maiden name?

A. No.

Q. That was your name by a former marriage?

A. Yes sir.

Q. You have not lived with J. S. Marsh since around November 15th of last year?

A. Right.

Q. He left the home in Robertsdale and went to Saraland?

A. Yes.

Q. And he has not returned?

A. No.

C E R T I F I C A T E :

I hereby certify that the foregoing, consisting of two pages, constitutes a true and correct transcript of the testimony taken by me, before Hon. Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, in chambers.

This 5th day of January, 1955.

Louise Newbury
Official Court Reporter

LENA HAIL MARSH,	I	
Complainant,	I	
vs.	Ø	IN THE CIRCUIT COURT OF
J. S. MARSH,	Ø	BALDWIN COUNTY, ALABAMA
Respondent.	I	IN EQUITY
	I	

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

Comes your Complainant, Lena Hail Marsh, and files this her Bill of Complaint for divorce against J. S. Marsh, and respectfully represents 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 the State of Alabama. That your Complainant resides at Robertsdale in Baldwin County and that the Respondent resides at Saraland, Alabama, but that they resided together in Robertsdale, Alabama, for more than one year prior to the matters hereinafter referred to and complained of.

SECOND:

That your Complainant and the Respondent were married on heretofore, to-wit; August 11, 1953, in Lucedale, Mississippi and lived together in Robertsdale, Alabama, until, to-wit; the 15th day of November, 1954, when the Respondent voluntarily abandoned the bed and board of your Complainant. That your Complainant and the Respondent were residing in Baldwin County, Alabama, when the separation occurred and your Complainant has been a bona fide resident citizen of this State and County for more than twelve (12) months next preceding the filing of this complaint. That no children were born to your Complainant and the Respondent.

That prior to the marriage to the Respondent your Complainant's name was Lena Hail and which name was not her maiden name but was her married name by a former husband.

PRAYER FOR PROCESS:

The premises considered, your Complainant prays that the Respondent be made a party to this cause by the issuance of the usual writ of process or by the rules of this Honorable Court and the Statutes in such cases made and provided.

PRAYER FOR RELIEF:

The premises considered, your Complainant further prays that on a final hearing of this cause that your Honor will grant to your Complainant an absolute divorce from the said Respondent for and on account of voluntary abandonment and that in and by the terms of said decree that your Honor will restore to your Complainant her name and the name by which she was known as a result of a former marriage, Lena Hail. And your Complainant prays for such other, further and different relief as in the premises will be meet and proper.

Lena Hail Marsh
Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Narborne C. Stone, Jr., a Notary Public in and for said State and County, personally appeared Lena Hail Marsh who is known to me and who after being by me first duly and legally sworn did depose and say under oath as follows:

That she is the Complainant in the foregoing Bill of Complaint and that she executed the same as such and that the facts alleged therein are true.

Lena Hail Marsh
Lena Hail Marsh

Sworn to and subscribed before me this 5th day of December, 1955.

Narborne C. Stone, Jr.
Notary Public, Baldwin County, Alabama

LENA HALE MARSH,
Complainant,
vs.
J. S. MARSH,
Respondent.

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I
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ANSWER AND WAIVER

Comes now the Respondent and for answer to the Bill of Complaint filed in the above styled cause denies each and every allegation of said Bill of Complaint and demands strict proof thereof.

For further answer to said Bill of Complaint the Respondent does hereby accept service of a copy of the same and does hereby waive any further notice to him of the filing of the Bill of Complaint or of the date set for the hearing of the same or of submission for final decree and does hereby consent that testimony may be taken in said cause and the same submitted for final decree without further notice to him.


J. S. Marsh