

3700

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: FRANCES G. MALLORY

KNOW YE: that we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Ernest W. Henderson and Glenn P. Smith

as witnesses in behalf of Ernest W. Henderson in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

Ernest W. Henderson

Complainant

and Flossie A. Henderson

Respondent

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

Witness 17 day of Jan, 1956

King J. Smith
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ERNEST W. HENDERSON

Complainant—

vs.

FLOSSIE A. HENDERSON

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

3700

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ERNEST W. HENDERSON, Complainant

vs.

FLOSSIE A. HENDERSON, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, 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 ERNEST W. HENDERSON is forever divorced from the said FLOSSIE A. HENDERSON for and on account of Abandonment.

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 Ernest W. Henderson the Complainant pay the cost herein to be taxed, for which executed may issue.

This 18th day of January, 1956

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

JAN 18 1956

WILE & SON, BALDWIN

ERNEST W. HENDERSON

vs.

FLOSSIE A. HENDERSON

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, and
Testimony of Ernest W. Henderson and Glenn P. Smith

and in behalf of Defendant upon Answer and Waiver

[Handwritten Signature]
Submits for Complaint

[Handwritten Signature]
Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

ERNEST W. HENDERSON

vs.

FLOSSIE A. HENDERSON

NOTE OF TESTIMONY

Filed in Open Court this 17.....

day of June....., 1946

W. J. Anderson
Register.

Printed By The Baldwin Times

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

ERNEST W. HENDERSON Complainant

VS.

FLOSSIE A. HENDERSON Respondent

I, Frances G. Mallory
as Register and Commissioner in Chancery
have called and caused to come before me Ernest W. Henderson and Glenn P. Smith

witnesses named in the Requirement for Oral Examination, on the 17th day of Jan
1956, at the office of C. G. Chason
in Foley, Alabama, and having first sworn said Witnesses to speak the
truth, the whole truth, and nothing but the truth, the said Ernest W. Henderson and Glenn P. Smith
doth depose and say as follows:

Testimony of Ernest W. Henderson:

My name is Ernest W. Henderson. I am over the age of twenty-one years and a bona fide resident citizen of Foley, Baldwin County, Alabama, having been such a citizen for more than one year. Flossie A. Henderson is over the age of twenty-one years and a resident citizen of New Orleans, Louisiana. We were married on January 7, 1944, and lived together as husband and wife until February of 1944, at which time she voluntarily and with no cause abandoned my bed and board. We have not lived together as husband and wife since that time. There were no children of this marriage.

Signed: Ernest W. Henderson

Testimony of Glenn P. Smith:

My Name is Glenn P. Smith. I am personally acquainted with Ernest W. Henderson and Flossie A. Henderson. They were married in January of 1944 and lived together approximately one month, at which time she voluntarily and with no cause abandoned his bed and board. Both are over the age of twenty-one years and he is a resident citizen of Foley, Baldwin County, Alabama, having resided in Foley for more than one year. She is a resident of New Orleans, Louisiana. They have no children.

Signed: Glenn P. Smith

ORAL EXAMINATION.

I, Frances G. Mallory, 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 and C. G. Chason at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; that I am not of counsel or 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 7th day of January, 1956

Frances G. Mallory

Frances G. Mallory (s)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

ERNEST W. HENDERSON

vs. Complainant

FLOSSIE A. HENDERSON

Respondent

Oral Deposition

Filed 1-17, 1956

Archie James
Recorded in _____ Register.

Record

Vol. _____ Page _____

Register

ERNEST W. HENDERSON
Complainant,
-vs-
FLOSSIE A. HENDERSON
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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. She admits the allegations contained in Paragraph 1 of said Bill of Complaint.
2. She admits the allegations contained in Paragraph 2 of said Bill of Complaint.
3. She denies each and every allegation contained in Paragraph 3 of said Bill of Complaint and demands strict proof thereof.

Flossie A. Henderson
Respondent

Sworn to and subscribed before me, a Notary Public, on this the 27th day of Dec., 1955.

[Signature]
Notary Public, County of Wheeler
State of Louisiana

ERNEST W. HENDERSON,

Complainant,

-vs-

FLOSSIE A. HENDERSON,

Respondent.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, Sitting in Equity:-

Your Complainant, Ernest W. Henderson, files this his Bill of Complainant for Divorce against Flossie A. Henderson, and 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, and has been a bona fide resident of said State and County for more than one year next preceding the filing of this Bill of Complaint; that Flossie A. Henderson is a non-resident, her present address being 1430 Cleveland Avenue, c/o Carmelle Stevens, Boston Bar and Lounge, New Orleans, Louisiana, and is over the age of twenty-one years.

2. That your Complainant and Respondent were lawfully married on, to-wit, January 7, 1944.

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 other as husband and wife. There were no children of this marriage.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED, your Complainant prays that Flossie A. Henderson be made a party defendant to this cause by the usual process of this Honorable Court, by requiring her to 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 said cause he be granted a divorce from said Respondent. Should your Complainant be mistaken in the relief prayed for, that there be granted to him such other,

(first page)

different and general relief to which he may be entitled and as in duty bound he will ever pray.



Solicitor for Complainant