

(3749)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

SHIRLEY LINTON, Complainant

vs.

ROYCE LINTON, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~XXXXXXXXXXXXXXXXXXXX~~ 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 SHIRLEY LINTON is forever divorced from the said ROYCE LINTON 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 Shirley Linton the Complainant pay the cost herein to be taxed, for which executed may issue.

This 17 day of March, 1956

J. Hubert McCall 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**

MAR 17 1956

ALICE J. DUCK, Register

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 Shirley Linton and Ida M. Linton

as witnesses in behalf of Shirley Linton in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Shirley Linton, by Ida M. Linton, her next friend,

\_\_\_\_\_ , Complainant  
and Royce Linton

\_\_\_\_\_ Respondent  
on oath, to be by you administered, upon them

to take and certify the deposition of the witness es and return the same to our Court, with all convenient speed, under your hand.

Witness 17th day of March, 1956

Register.

Commissioner's Fee, \$ 5.00

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

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

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

**CIRCUIT COURT**

SHIRLEY LINTON, by Ida M.

Linton, her next friend

Complainant—

**vs.**

ROYCE LINTON

Defendant—

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER**

**FILED**

WITNESSES: **MAR 17 1956**

**ALICE J. DICK, Register**

SHIRLEY LINTON, by Ida M. Linton,  
her next friend,

ROYCE LINTON vs.

**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 Shirley Linton and Ida M. Linton

and in behalf of Defendant upon Answer and Waiver

*Ida M. Linton*  
*Substituted for Complaint*

Register.

No. ....

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

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

SHIRLEY LINTON, by Ida M.

Linton, her next friend,

vs.

ROYCE LINTON

**NOTE OF TESTIMONY**

Filed in Open Court this

day of

**FILED**  
**MAR 17 1956**

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**ALICE E. DUCK, Register.**

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama

(In Equity)

SHIRLEY LINTON, by Ida M. Linton, Complainant

her next friend, VS.

ROYCE LINTON

Respondent

I, Frances G. Mallory

as Register and Commissioner in Chancery

have called and caused to come before me Shirley Linton and Ida M. Linton

witnesses named in the Requirement for Oral Examination, on the 17th day of March 1956, at the office of C. G. Chason

in Foley, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Shirley Linton and Ida M. Linton doth depose and say as follows:

Testimony of Shirley Linton:

My name is Shirley Linton. I am 14 years of age and will be 15 in November, of 1956, and am a bona fide resident citizen of Robertsdale, Alabama, having lived there all my life. I have asked my friend, Ida M. Linton to file a Bill of Complaint for divorce in my name as my next friend, against Royce Linton, who is over the age of 20 years and is a bona fide resident citizen of Baldwin County, Alabama, but temporarily out of the State. Royce Linton and I were married in Lucedale, Mississippi, on November 8, 1955, and we had an argument immediately following our marriage, at which time he committed actual violence on my person by striking me, and from his conduct toward me I was reasonably apprehensive of other and further violence. In view of this violence done to me and in view of my age of only 14 years and inasmuch as we had not lived together as husband and wife since our marriage, and therefore had no children, nor any anticipated, and fearing for my safety because of his conduct, I decided it was to my best interest to live separate and apart, and that I was unable to live with him as his wife. Although I was only 13 years of age and would not have been 14 for approximately 2 weeks, I showed my age as 14 on the marriage license, which he believed to be true.

Signed: Shirley Linton

Testimony of Ida M. Linton:

My name is Ida M. Linton. I am over the age of twenty-one years and a bona fide resident citizen of Baldwin County, Alabama, residing in Robertsdale, Alabama. I am personally acquainted with Shirley Linton and Royce Linton, who are both residents of Robertsdale, Alabama. They went to Mississippi on the 8th day of November, 1955, to get married, but when they arrived back in Robertsdale, each went to their own separate homes and did not consummate the marriage. They had a fuss and fight following the marriage and I believe the argument to have been over her age, since he believed her to be over 16 years of age until the time came for the marriage, at which time her age was put on the marriage license as 14. I believe that she should be reasonably apprehensive of other and further violence should they live together as husband and wife. I am the Ida M. Linton who, at the request of Shirley Linton, filed a Bill of Complaint for divorce in her name as next friend.

Signed: Ida M. Linton

**ORAL EXAMINATION.**

I, Frances G. Mallory, as Register and Commissioner hereby certify that the foregoing deposition s 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 witnesses; 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 17th day of March, 1956.

*Frances G. Mallory* (S.)

NO. \_\_\_\_\_ PAGE \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

SHIRLEY LINTON, by Ida M.

Linton, her next friend

vs. Complainant

ROYCE LINTON

Respondent.

**Oral Deposition**

Filed \_\_\_\_\_, 1956

FILED

Register.

Recorded in

Record

Vol. \_\_\_\_\_

Page \_\_\_\_\_

Register



SHIRLEY LINTON, by  
 Ida M. Linton, her  
 next friend,  
  
 Complainant,  
  
 -vs-  
  
 ROYCE LINTON,  
  
 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, the 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.

*Royce Linton*  
 Respondent

Sworn to and subscribed before me, an officer authorized to administer oaths, on this the 5th day of March, 1956.

Adjutant, 42nd AREFS #03281 *Robert Woodall, Capt USAF*  
 Official Capacity Signature

SHIRLEY LINTON, by  
Ida M. Linton, her  
next friend,

Complainant,

-vs-

ROYCE LINTON,

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:-

Comes your Complainant, Shirly Linton, acting by and through  
Ida M. Linton, and respectfully represents and shows unto your  
Honor as follows:

1. That the said Shirley Linton, who, having no guardian,  
and being of the age of 14 years, shows unto this Court by and  
through her next friend, Ida M. Linton, that she is a bona fide  
resident citizen of Baldwin County, Alabama, having been such a  
bona fide resident citizen for more than one year next preceeding  
the filing of this Bill of Complaint. Royce Linton, the Respon-  
dent, is over the age of 20 years and is a bona fide resident  
citizen of Baldwin County, Alabama, but is presently temporarily  
out of the State.

2. That your Complainant and the Respondent were married  
in the State of Mississippi on the 8th day of November, 1955.

3. Complainant further shows unto your Honor that the  
Respondent, Royce Linton, has committed actual violence on her  
person attended with danger to her life or health, and from his  
conduct she is reasonably apprehensive of other and further viol-  
ence.

4. Complainant further shows unto this Court that there are  
no children of this marriage, nor none anticipated, inasmuch as  
marriage has not been consumated by sexual relationship.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED, your Complainant prays that Royce  
Linton be made a party defendant of this cause by the usual pro-  
cess of this Honorable Court, requiring him to plead, answer or  
demur within the time and under the panalties prescribed by the

rules of this Court and the Statutes in such cases made and provided; that upon a final hearing of this cause that she be granted a divorce from the said Respondent; Should your Complainant be mistaken in the relief prayed for that she be granted such other, futher, different and general relief to which she may be entitled and as in duty bound she will ever pray.

Shirley Linton  
Shirley Linton

By: Ida M Linton  
Ida M. Linton, her next friend,  
Complainant

[Signature]  
Attorney for Complainant