

MARGARET RIVERS,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA
PERSON RIVERS,	)	IN EQUITY
Respondent.	)	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT, IN EQUITY SITTING:-

Comes your Complainant, Margaret Rivers, and files this her Bill of Complaint for Divorce against Person Rivers, and respectfully represents and shows unto your Honor as follows:-

1. That she and the Respondent, Person Rivers, are both over the age of twenty-one years and both are bona fide resident citizens of Baldwin County, Alabama, having resided therein for more than five (5) years.

2. That she and the Respondent, Person Rivers, were married on the 2nd day of November, 1934, and lived together as husband and wife in Summerdale, Alabama, until she was forced, due to the matters and facts hereinafter complained of, to live separate and apart from the Respondent.

3. That the Respondent has committed actual violence on her person attended with danger to her life or health, by beating her with his fists, and by otherwise abusing her and injuring her, and from his conduct toward her she is reasonably apprehensive of other and further acts of actual violence on her person, attended with danger to her life or health should she continue to live with him as husband and wife.

4. Complainant further shows that the Respondent has, after marriage, become addicted to habitual drunkenness, which habit continues to this date.

5. Complainant further shows unto the Court that there was born to this marriage six (6) children, five (5) of whom are still minors, and residing with your Complainant, namely, Olivett Rivers, 17 years of age, Carol Jean Rivers, 15 years of age, Naomi Rivers, 13 years of age, Lonnie Wayne Rivers, 8 years of age, and Lester Rivers, 2 years of age. These children are in

care, custody and control of your Complainant.

6. Complainant further shows that the Respondent is regularly employed at the Robertsdale Creosote Plant, and that to the best of her knowledge, information and belief, he earns One Dollar (\$1.00) per hour, resulting in a regular payment of Forty Dollars (\$40.00), plus occasional overtime.

7. Complainant further shows unto the Court that the Respondent, Person Rivers, owns an undivided one-half ( $\frac{1}{2}$ ) interest in and to that certain property in Summerdale, Alabama, on which the home occupied by your Complainant and the minor children is located, said property being described as follows, viz:- Lots nine (9), ten (10), eleven (11) and twelve (12), Block One Hundred Twenty (120), in Addition to the Townsite of Summerdale, in the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section thirty-one (31), Township six (6) South, Range four (4) East, according to a plat on file in the office of the Summerdale Investment Company. Complainant further shows that she has in the home certain items of furniture which she considers to be hers, but which might be claimed by the Respondent.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED, your Complainant prays that the Respondent, Person Rivers, may be made a party defendant to this cause by the usual process of this Honorable Court, requiring him to plead, answer or demur, within the time required by law and the Statutes in such cases made and provided, and that upon a final hearing hereof, that she may be granted a final Divorce from the Respondent; that she be granted custody and control of the minor children of this marriage hereinabove named, and that she be granted such sum as to the Court seems meet and proper, for their support and maintenance, and further, that she be granted, as alimony, the interest of the said Respondent in the real estate hereinabove described, and in any furniture, fixtures or equipment located in the dwelling, and that he be directed to make proper conveyance to her of this said interest, and failing to do so, for a period of thirty (30) days after so directed, that the Register in Chancery may make conveyance in his name and stead, and that she be granted such other, further, different or general

relief to which she may be entitled, and as in duty bound she will ever pray.



Solicitor for Complainant

SUMMONS AND COMPLAINT

By 4/621 n. s. e. v. o. p. receive

Moore Prtg. Co.

The State of Alabama,  
Baldwin County.

}

Circuit Court, Baldwin County

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

\_\_\_\_\_ TERM, 19\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Person Rivers

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against \_\_\_\_\_

Person Rivers, Defendant.

by Margaret Rivers

\_\_\_\_\_, Plaintiff.

Witness my hand this 15th day of June 19 59

E. J. 6-24-59 Alleg J. Duck, Clerk

**CECIL G. CHASON**

ATTORNEY AT LAW  
FOLEY, ALABAMA

June 12, 1959

Mrs. Alice J. Duck, Register  
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Bill of Complaint in the Divorce  
action of Rivers -vs- Rivers.

Yours very truly,



C. G. Chason

CGC:fm

encls. as noted.

TESTIMONY OF OLIVETT RIVERS:

My name is Olivett Rivers. I am 17 years of age and am the daughter of Margaret Rivers and Person Rivers. They are both over the age of twenty-one years and are both resident citizens of Summerdale, Baldwin County, Alabama, having been residents for many years. On many occasions I have seen Person Rivers beat and physically abuse Margaret Rivers, causing severe bodily injury, and believe it reasonable for her to believe that he would commit other and further actual violence on her person, leading to serious bodily harm, should she continue to live with him. I also know that he drinks constantly, particularly on week-ends, and believe him to be addicted to habitual drunkenness. I have 4 sisters and brothers living at home, Carol Jean Rivers, 15 years of age, Naomi Rivers, 13 years of age, Lonnie Wayne Rivers, 8 years of age, and Lester Rivers, 2 years of age. My mother, Margeret Rivers, is a fit and proper person to have care and custody of these children, and I certainly believe it to be to their best interest to be in the care, custody and control of their mother.

Signed: Olivett Rivers

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama  
(In Equity)

MARGARET RIVERS COMPLAINANT

vs.

PERSON RIVERS RESPONDENT

I, Frances G. Mallory

as Register and Commissioner in Chancery

have called and caused to come before me Margaret Rivers and Olivett Rivers

witnesses named in the requirement for Oral Examination, on the \_\_\_\_\_ day of August  
19 59 , 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 Margaret Rivers and Olivett

Rivers doth depose and say as follows:

TESTIMONY OF MARGARET RIVERS:

My name is Margaret Rivers. I married Person Rivers on the 2nd day of November, 1934. Both of us are over the age of twenty-one years and both have lived in Summerdale, Baldwin County, Alabama, for many years. On many occasions since my marriage, Person Rivers has committed actual violence on my person attended with danger to my life or health, by beating me with his fist, kicking me, and otherwise injuring me. He has been arrested and convicted on a number of occasions in the Summerdale Municipal Court, and in the Justice of the Peace Court for assault and battery committed on my person. He has, after marriage, become addicted to habitual drunkenness, and this habit continues to this date. I have been hurt on so many occasions that I am afraid for my life and safety should I continue to live with him. There was born of our marriage 6 children, one of whom is of age and married, and 5 of whom still live at home, namely, Olivett Rivers, 17 years of age, Carol Jean Rivers, 15 years of age, Naomi Rivers, 13 years of age, Lonnie Wayne Rivers, 8 years of age, and Lester Rivers, 2 years of age. I am a fit and proper person to have the care, custody and control of these children, and Person Rivers is not a fit and proper person. Person Rivers is employed regularly in the cresote plant in Robertsedale, and earns \$1.00 per hour for 40 hours a week, and in most weeks earns overtime. My house in Summerdale is located on Lots 9, 10, 11 and 12, of Block 120, of an Addition to the Townsite of Summerdale, in the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 31, Township 6 South, Range 4 East. Person Rivers owns an undivided one-half interest of this property, which should be conveyed to me, along with all furniture, equipment and utensils located therein.

Signed: Margaret Rivers

ORAL EXAMINATION

I, Frances G. Mallory as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me 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 proof 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

day of August, 19 59 .  
*Frances G. Mallory* (S.)

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

MARGARET RIVERS,

COMPLAINANT

vs.

PERSON RIVERS,

RESPONDENT

ORAL DEPOSITION

Filed **FILED** \_\_\_\_\_, 19  
OCT 31 1959

ALICE J. DUCK, Register, Register.

RECORDED IN

Record

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

Register.



MARGARET RIVERS,

Complainant,

vs.

PERSON RIVERS,

Respondent.

I  
I  
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I  
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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ANSWER:

Comes now the Respondent, Person Rivers, by his Solicitors, and files this his answer to the Bill of Complaint heretofore filed against him and respectfully represents and shows unto Your Honor as follows:

1. The Respondent admits the allegations of paragraph "1".

2. The Respondent admits that he and the Complainant were married on the 2nd day of November, 1934, and lived together as husband and wife in Summerdale, Alabama, but he denies that the Complainant was forced due to the matters and facts alleged in the complaint to live separate and apart from him, and for further answer to paragraph "2" of the Bill of Complaint the Respondent alleges that the Complainant left him on June 12, 1959, and abandoned his household for and on account of the fact that three weeks before that time he and the Complainant had difficulties over the fact that a man had been visiting at the home of the Respondent and the Complainant while the Respondent was at work.

3. The Respondent denies the allegations of paragraph "3" of the Bill of Complaint.

4. The Respondent denies the allegations of paragraph "4" of the Bill of Complaint.

5. The Respondent admits all of the allegations of paragraph "5" except that the children of the Respondent and the Complainant are now in the care, custody and control of the Complainant and for further answer to said paragraph of the Bill of Complaint alleges that said children are in the care, custody and control of your Respondent.

6. The Respondent admits the allegations of paragraph "6" of the Bill of Complaint.

7. The Respondent denies all of the allegations of paragraph "7" of the Bill of Complaint.

Respectfully submitted,

CHASON & STONE

By: \_\_\_\_\_



FILED

8-3-59

ALICE J. DUCK, CLERK  
REGISTERED



MARGARET RIVERS

vs.

PERSON RIVERS

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,  
and Testimony of Margaret Rivers and Olivett Rivers

and in behalf of Defendant upon Answer, Waiver of notice of taking of  
Testimony and agreement to submission

Solicitor for Complainant

Register.

No. ....

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

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**IN EQUITY**  
Circuit Court of Baldwin County

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MARGARET RIVERS

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VS.

PERSON RIVERS

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**Note of Testimony**

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Filed in Open Court this .....

day of ....., 19.....

Register.

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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, as such time and place as you may appoint, to call before you and examine Margaret Rivers and Olivett Rivers

a witness in behalf of Margaret Rivers in a cause pending in our  
Circuit Court in Baldwin County, of said State, wherein

Margaret Rivers

, Complainant

and

Person Rivers

Respondent

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

Witness day of August , 195 9

*Alice J. Duck*  
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

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THE STATE OF ALABAMA  
Baldwin County

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CIRCUIT COURT

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MARGARET RIVERS

Complainant

VS.

PERSON RIVERS

Defendant

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COMMISSION TO TAKE DEPOSITION

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COMMISSIONER:

WITNESSES:

MARGARET RIVERS,	)	
	)	
Complainant,	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
-vs-	)	
	)	IN EQUITY
PERSON RIVERS,	)	
	)	CASE NO. _____
Respondent.	)	

DECREE OF DIVORCE

This cause coming on to be heard was submitted upon Bill of Complaint, Answer of Respondent, Submission 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 Margaret Rivers is forever divorced from the said Person Rivers, for and on account of Cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, Margaret Rivers, have custody and control of the minor children of this marriage, namely, Olivett Rivers, Carol Jean Rivers, Naomi Rivers, Lonnie Wayne Rivers and Lester Rivers, with rights of reasonable visitation to the Respondent, and that the Respondent, Person Rivers, pay to the Complainant, Margaret Rivers, the sum of Fifteen Dollars (\$15.00) per week for the support and maintenance of the said minor children.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Respondent, Person Rivers, convey to the Complainant, Margaret Rivers, all of his right, title and interest in and to the following described real estate in Baldwin County, Alabama, to-wit:- Lots 9, 10, 11 and 12, Block 120, an Addition to the Townsite of Summerdale, in the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 31, Township 6 South, Range 4 East, as per plat on file in the office of the Summerdale Investment Company, and improvements thereon. In the event the said Person Rivers fails or neglects to make such conveyance



within thirty (30) days from the date hereof, the Register of the Circuit Court of Baldwin County, in Equity, is hereby authorized, empowered and directed to make such conveyance, for him and in his name and stead.

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 Margaret Rivers, the Complainant, pay the cost herein to be taxed, for which execution may issue.

This 2 day of November, 1959.

Hubert M. Stee  
Judge of the Twenty-eighth Judicial  
Circuit, in Equity

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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 \_\_\_\_\_, 1959.

**FILED**

NOV 2 1959

**ALICE L. DUCK, CLERK REGISTER**

Register of Circuit Court, in  
Equity

4621

STATE OF ALABAMA  
BALDWIN COUNTY

REGISTER'S DEED.

KNOW ALL MEN BY THESE PRESENTS: That whereas, the Register of the Circuit Court, Baldwin County, Alabama, in Equity, in that certain DECREE OF DIVORCE, wherein Margaret Rivers was complainant and Person Rivers was the respondent, which said decree was signed by Honorable Hubert M. Hall, Judge, 28th Judicial Circuit, Baldwin County, Alabama, and which was filed in this Court on the 2nd day of November, 1959, wherein by said decree rendered, the Register was authorized, empowered and directed to make a conveyance of certain lands described in said decree to the complainant, Margaret Rivers, if the respondent, Persons Rivers, failed or neglected to make such conveyance pursuant to said decree within thirty days, which he failed to do, and,

WHEREAS, I the undersigned Eunice G. Tindal, the present duly appointed Register of the Circuit Court, Baldwin County, Alabama, in Equity, now performs those duties above directed:

THEREFORE, for and in consideration of the premises, and in pursuance of the aforesaid Decree of Divorce, I, Eunice G. Tindal, Register of the Circuit Court of Baldwin County, in Equity, by virtue of the authority vested in me by said decree of said Court, have sold and conveyed, and by these presents, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said MARGARET RIVERS, now known as MARGARET SMITH, all right, title and interest of Person Rivers, in and to the following property lying in Baldwin County, Alabama, to-wit:

Lots 9, 10, 11, and 12, Block 120,  
Townsite of Summerdale, located in  
the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 31, Township  
6 South, Range 4 East, as per plat on  
file in the office of Summerdale In-  
vestment Company together with the im-  
provements thereon.

TO HAVE AND TO HOLD the aforesaid granted premises unto the said Margaret Rivers, now known as Margaret Smith, her heirs and assigns forever.

IN TESTIMONY WHEREOF, I have set my hand and affixed my seal of said Circuit Court, in Equity, at my office on this 29<sup>th</sup> day of June, 1979.

*Eunice G. Tindal*  
REGISTER, CIRCUIT COURT  
IN EQUITY

STATE OF ALABAMA  
BALDWIN COUNTY

I, \_\_\_\_\_, a Notary Public, in and for said County in said State, hereby certify that Eunice G. Tindal whose name as Register of the Circuit Court, Baldwin County, Alabama, in Equity, is signed to the foregoing instrument, and who is known to me, acknowledged to me on this date that being informed of the contents of said instrument, she in her capacity