

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Marjorie Mayfield Peters, Complainant vs. Henry Arthur Peters, III, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, answer and waiver stipulation of parties and Testimony taken orally before the court 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 Marjorie Mayfield Peters is forever divorced from the said Henry Arthur Peters, III for and on account of Cruelty

It is further ordered, adjudged and decreed by the court that the stipulation entered into between the parties and filed in said cause is hereby ratified and approved by the court.

It is further ordered, adjudged and decreed by the court that the Complainant be allowed to resume her maiden name.

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 Henry Arthur Peters, III the Respondent pay the cost herein to be taxed, for which executed may issue.

This 1st day of June, 1956

Handwritten signature of Judge Robert 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

JUN 1 1956

Alice J. Duck, Register

STATE OF ALABAMA

IN THE CIRCUIT COURT - IN EQUITY

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA

You are hereby commanded to summon Henry Arthur Peters III to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Marjorie Mayfield Peters, as Complainant, against Henry Arthur Peters III, as Respondent.

Witness my hand this 14th day of May, 1956


Register

MARJORIE MAYFIELD PETERS	I	
Complainant,	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
HENRY ARTHUR PETERS III	I	IN EQUITY
Respondent.	I	

Comes your Complainant Marjorie Mayfield Peters, and files this her Bill of Complaint for divorce against Henry Arthur Peters III and shows unto your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant and the Respondent are both over the age of twenty-one years, and were both resident citizens of Baldwin County, Alabama, residing at Fairhope, Alabama until the date of their separation hereinafter set out. That your Complainant now resides at Cairo, Georgia, and that the Respondent still resides at Fairhope, Alabama.

SECOND:

That your Complainant and the Respondent were married on heretofore, to-wit: January 25, 1953 and that they lived together as man and wife, except for one period as hereinafter referred to, until May 5, 1956 and at that time the Complainant was compelled to leave the Respondent and to live separate and apart from him on account of matters hereinafter set out. On or about May 28, 1955, the Respondent committed an act of violence on the person of your Complainant by striking her with his fist and again on or about June 11, 1955 the Respondent slapped the Complainant in her face and on or about July 22, 1955 the Respondent pulled your Complainant out of her friends house by main force and carried her to their home against her will and a few hours after that occasion your Complainant separated from the Respondent and lived separate and apart from him for approximately six weeks until, because of threats made by him, she was compelled to return and live with him as his wife. On or about May 3, 1956, the Respondent, with a loaded gun, threatened to commit suicide and your

Complainant had reasonable apprehension, from the manner in which he was waving the gun around, that if she continued to live with him her life or health would be endangered and on May 5, 1956 your Complainant left the Respondent and has not lived with him as his wife since that time. Subsequent to leaving him on May 5, 1956, the Complainant has received, through the mail, a letter written to her by the Respondent in which he threatens her with various and sundry matters unless she returns to live with him as his wife.

THIRD:

Your Complainant further shows unto your Honor that she and the Respondent have accumulated various items of personal property including an automobile which was purchased by her father for her, which stands in the name of the Respondent, on which the Respondent traded an old automobile belonging to him which had a value of approximately \$400.00. Your Complainant has a deposit with the Home Savings & Loan Association in Mobile, Alabama, which stands in their joint names but which is her property. There are various household appliances and silver ware which was given to the Complainant as wedding gifts which should be turned over to her. The Respondent is an able bodied man, capable of supporting your Complainant and your Complainant has no real or personal property sufficient to properly support her according to her station in life.

FOURTH:

Your Complainant has employed the firm of Chason & Stone to prosecute this cause and she is unable out of her own finances to pay a reasonable Solicitors fee for the prosecution of this cause until such time as she is able to get control of her money which is on deposit at the Home Savings & Loan Association and the Respondent should be required to pay her Solicitors fee.

PRAYER FOR PROCESS AND RELIEF

The premises considered, your Complainant prays that the above named Henry Arthur Peters III be made a party Defendant to this cause by the usual writ or process of this Honorable Court requiring him to appear and 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 this cause that your Honor will grant unto your complainant an absolute divorce from said Respondent. That your Honor will also decree that the complainant be allowed to remarry if she sees fit. Your Complainant also prays that this court will ascertain and fix a reasonable amount of alimony to be paid by the Respondent to the Complainant for her support and that this court will ascertain and fix a reasonable Solicitors fee to be paid to Chason & Stone as Solicitors for the Complainant for their services in this matter. Your Complainant also prays that she be allowed to resume her maiden name upon a final hearing of this cause. Your Complainant prays for such other further and different relief to which she may be entitled and as in duty bound she will ever pray.

Margaret Mayfield Peters
Complainant

Chason & Stone

Solicitors for Complainant

MARJORIE MAYFIELD PETERS,	I	IN THE CIRCUIT COURT OF
Complainant,	I	BALDWIN COUNTY, ALABAMA
vs	I	IN EQUITY
HENRY ARTHUR PETERS III,	I	
Respondent.	I	

STIPULATION

WHEREAS, the Complainant in the above styled cause has filed her suit for divorce against the Respondent in the above styled cause in the Circuit Court of Baldwin County, Alabama, in equity, in which suit she claimed certain items of personal property which were purchased by her, or which were given to her as wedding gifts, or which were jointly owned by the parties and she has also claimed a solicitors fee for her solicitors, Chason & Stone. She also claimed alimony to be paid by the Respondent to her, and

WHEREAS, the parties have entered into an agreement as to the articles of personal property which will be delivered to her, and as to the solicitors fee and alimony and such parties are executing this instrument, the original of which is to be filed in the cause and is to be approved by the court at the time such court renders a decree in said cause.

IT IS THEREFORE stipulated and agreed by and between Mar-jorie Mayfield Peters, the Complainant, and Henry Arthur Peters, III, the Respondent, in said cause as follows:

1. That the Complainant is the owner of and is entitled to the possession of the following described items of personal property which she shall have the right to take with her immediately following the rendering of a decree in this cause viz:

1. T. V. Set
2. Mixmaster
3. Table
4. Chafin Dish
5. Two silver pitchers
6. One silver cream and sugar
7. Linen
8. Six place settings of silver
9. Silver bread tray
10. Washing Machine
11. Crystal
12. China
13. Four silver table spoons
14. Silver salad fork and spoon
15. White throw rugs

- 16. Silver and wooden salad fork and spoon
- 17. Silver cake knife
- 18. Two silver trays
- 19. Lamp
- 20. Cut glass dish
- 21. Two bird plates
- 22. Leaf plate
- 23. Suit case
- 24. Silver candlesticks

2. The Complainant and the Respondent jointly own an automobile which the Complainant will deliver to the Respondent immediately after the signing of a decree in this cause, provided the Respondent delivers to the Complainant a cashiers check or a certified check payable to the Complainant in the sum of \$400.00.

3. The Complainant has deposited in the Home Savings And Loan Association in Mobile, Alabama, the sum of \$ 635⁰⁰ which is her property, which account is in the joint names of the Complainant and Respondent. It is hereby agreed by and between the parties hereto that the Respondent will deliver to the Complainant, immediately following the execution of a decree in this cause, authorization to such Company to pay said sum of money to the Complainant.

4. It is further agreed by and between the parties of this instrument that the Complainant will pay her Solicitors of record their fee for representing her in said cause and the Respondent will not be responsible for any portion of said fee. It is further agreed that the Respondent shall pay court costs of this proceeding and that such decree will tax him with such cost.

Dated this 1st day of June, 1956.

WITNESSES

[Signature]
Attorney for Complainant

[Signature] (SEAL)
Complainant

[Signature]
Attorney for Respondent

[Signature] (SEAL)
Respondent

MAJORIE MAYFIELD PETERS,

Complainant,

vs.

HENRY ARTHUR PETERS, III,

Respondent.

¶
¶
¶
¶
¶

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes Henry Arthur Peters, III, the Respondent in the above styled cause and for answer to the Bill of Complaint filed in said cause says:

1. That he admits the allegations of paragraph "1" in the Bill of Complaint.

2. That he admits the allegations in paragraph "2" in the Bill of Complaint as to the date of marriage and the date of the last separation but he denies all the other allegations of paragraph "2", and demands strict proof thereof.

3. That he admits all of the allegations of the third paragraph of the Bill of Complaint except that the Complainant is not able to properly support herself, which allegation he denies and demands strict proof thereof.

4. That he denies the allegations of paragraph "4" of the Bill of Complaint and demands strict proof thereof.

The Respondent hereby waives notice of the taking of testimony in said cause and notice of submission of said cause and agrees that the testimony may be taken and the cause submitted without further notice to him.

Witness

*James W. B...
Solicitor for Respondent*

Henry Arthur Peters III
Respondent

FILED
JUN 6 1956
ALICE J. DUCK, Register

MARJORIE MAYFIELD PETERS,
Complainant,
VS.

HENRY ARTHUR PETERS, 111
Respondent

)
) IN THE
))
)) CIRCUIT COURT OF BALDWIN COUNTY,
)
)) ALABAMA. IN EQUITY.
)

TESTIMONY TAKEN IN OPEN COURT, BEFORE HON. HUBERT M. HALL, JUDGE
OF SAID COURT:

MARJORIE MAYFIELD PETERS, THE COMPLAINANT, BEING FIRST DULY SWORN,
TESTIFIED:

Examination by Mr. Chason.

Q. Are you Marjorie Mayfield Peters?

A. Yes sir.

Q. You are the Complainant in this suit for divorce brought
against Henry Arthur Peters, 111?

A. Yes sir.

Q. He is your husband?

A. Yes.

Q. At the time of your separation where were you living?

A. Fairhope.

Q. Where does Mr. Peters live?

A. Fairhope.

Q. When did you and Mr. Peters marry?

A. January 25, 1953.

Q. When did you separate?

A. May 5, 1956.

Q. Now Mrs. Peters, did you - Did an incident occure on or
about July 22, 1955, in Fairhope?

A. Yes sir.

Q. What happened at that time?

A. At that time I was going to leave Pete and I went to the home
of a friend and he came and forcibly removed me from the house
and in the process he slapped me and then took me and kept me at

our house until my parents came.

Q. After that you did live together after a fashing -- I believe you stayed separated from him for several weeks at that time?

A. Yes sir.

Q. Later did the Complainant -- Later on, did you come back and live with him for a while as his wife?

A. Yes sir.

Q. I will ask you whether or not on May 3rd of this year - two days before the separation, Pete made any threats to do you bodily harm?

A. Yes he did.

Q. Did you have reasonable apprehension on May 3, 1956 that if you did not leave him your life/^{or health}would be in danger?

A. Yes sir.

Q. Did you leave him on May 5, 1956?

A. Yes I did.

Q. Have you lived with him as his wife since that time?

A. No.

Q. Do you and Pete have any children of your own?

A. No.

Q. No children were born of this marriage?

A. No.

Q. You and Pete have both executed a stipulation as to a complete property settlement, have you not?

A. Yes sir.

Q. Which stipulation is being filed in this cause?

A. Yes sir.

Q. It is your intention to go with Mr. Bailey, attorney for Mr. Peters and get those articles that are to be turned over to you?

A. Yes sir.

Q. You have agreed that you do not desire any alimony or support from Mr. Peters?

A. Yes.

Q. After we put that in the bill of complaint, you requested

THAT THAT PHASE WAS TO BE dropped?

A. Yes.

Q. You also asked in your bill of complaint for your Solicitor's fees, but you now ask that that part be dropped?

A. Yes sir.

I hereby certify that the foregoing, consisting of pages 1 to 3 both inclusive, correctly sets forth a true and correct transcript of the testimony taken in open court in the above styled cause.

This 1st day of June, 1956.

Louise Deschamps
Court Reporter