

4350

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

----- BUFORD RIGBY -----, Complainant

vs.

----- SAMMIE RIGBY -----, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~XXXXXX XXXXXXXXXX~~

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

----- BUFORD RIGBY ----- is forever divorced from the said ----- SAMMIE RIGBY ----- for and on account of

Cruelty. IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the care, custody and control of the 3 minor children of this marriage, namely, Willburn Rigby, Darrell Rigby and Margaret Rigby, be reposed in the Complainant, and that she be paid the sum of \$50.00 per month for their support and maintenance.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Respondent, Sammie Rigby, shall have a right to visit these children at reasonable times, and shall have the right to have either or both of the boys visit with him in his home at such time as will not interfere with their education. IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Respondent, Sammie Rigby, pay to C. G. Chason, Solicitor of record for the Complainant, the sum of \$100.00 as attorney's fees.

It is futher 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 futher 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 futher ordered that ----- Sammie Rigby ----- the ----- Respondent ----- pay the cost herein to be taxed, for which executed may issue.

This ----- 9th ----- day of ----- October ----- 19----- 58 -----
----- J. Hubert M. Hess -----

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
OCT 9 1958
MARGIE J. LUCK, CLERK
RESSETER

CECIL G. CHASON

ATTORNEY-AT-LAW
FOLEY, ALABAMA

August 5, 1958

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

Dear Mrs. Duck:

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

Yours very truly,



C. G. Chason

CGC:fm

encls. as noted.

B UFORD RIGBY

vs.

SAMMIE RIGBY

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 Buford Rigby and Mrs. H. D. Lay

and in behalf of Defendant upon Answer and Waiver

[Handwritten signature]

Attorney for Complainant

[Handwritten signature]
Register.

No. 4350

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

BUFORD RIGBY

VS.

SAMMIE RIGBY

Note of Testimony

Filed in Open Court this

day of

FILED

, 19

OCT 01 1958

ALICE I. DICK CLERK Register.

MOORE PRINTING CO., BAY MINETTE, ALA.

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

BUFORD RIGBY

COMPLAINANT

vs.

SAMMIE RIGBY

RESPONDENT

I, Frances G. Mallory

as Register and Commissioner in Chancery

have called and caused to come before me Buford Rigby and Mrs. H. D. Lay

witnesses named in the requirement for Oral Examination, on the 7th day of October
19 58, 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 Buford Rigby and Mrs.

H. D. Lay

doth depose and say as follows:

Testimony of Buford Rigby:

My name is Buford Rigby. I am over the age of twenty-one years and a resident citizen of Foley, Baldwin County, Alabama, having been such a resident citizen for many years. Sammie Rigby is over the age of twenty-one years and also has been a resident citizen for ~~xxx~~ many years. We were married on December 28, 1939, and since that time, on many occasions, he has committed actual violence on my person attended with danger to my life or health, by striking me with his fists and other objects, and has on many occasions threatened my life. I have had to call the Police for protection and have been so frightened for my life or health that I am afraid to continue living with him. He also has become addicted since our marriage to habitual drunkenness, which habit continues to this day. We have three minor children of this marriage, Willburn Rigby, age 16, Darrell Rigby, age 12 and Margaret Rigby, age 11, who are in my care, custody and control. Sammie Rigby makes a reasonable salary, from which I believe that he can afford to pay to me for the support of these minor children \$50.00 per month. I also now feel that since he is devoted to our children that he should have the right to visit them and to have them visit him in his home, should they desire. I am financially unable to pay for an attorney to represent me, and ask the Court to provide for payment by my husband for my solicitor of record, in the amount of \$100.00.

Signed: Mrs. Buford Rigby

Testimony of Mrs. H. D. Lay:

My name is Mrs. H. D. Lay. I am over the age of twenty-one years and a resident of Foley, Baldwin County, Alabama. I am acquainted with Buford Rigby and Sammie Rigby. They are both over the age of twenty-one years, and are both residents of Baldwin County, Alabama, and have been for a long time. They were married in 1939, and lived together as husband and wife until Buford Rigby was forced to live apart from him, because he struck her with his fists and beat her, which I have seen him do on several occasions. ~~They have~~ I believe it reasonable for her to be afraid to live with him any longer. They have three children, Willburn Rigby, Darrell Rigby and Margaret Rigby, who are in the care, custody and control of Buford Rigby.

Signed: Mrs. H. D. Lay

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 7th day of October, 19 58 .

Frances G. Mallory
(L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

B UFGORD RIGBY

COMPLAINANT

vs.

SAWITE RIGBY

RESPONDENT

ORAL DEPOSITION

Filed _____, 19 _____

FILED

OCT 21 1958
RECORDED IN
ALICE J. DICK, CLERK
REGISTER

Record

, Register.

Vol. _____ Page _____

, 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, as such time and place as you may appoint, to call before you and examine Buford Rigby and Mrs. H. B. Lay

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

BUFORD RIGBY

, Complainant

and

SAMMIE RIGBY

Respondent

on oath, to be by you administered, upon them
to take and certify the depositionS of the witness eand return the same to our Court, with all con-
venient speed, under your hand.

Witness 17th day of October

, 1958

W. J. ...
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

BUFORD RIGBY

VS. Complainant

SAMMIE RIGBY

Defendant

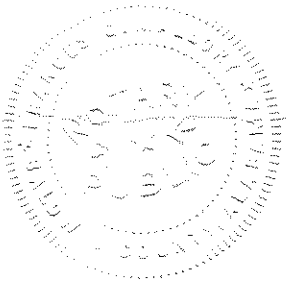
COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

on this the 16th day of September, 1958.

Frances G. Mallory
Notary Public, Baldwin County
State of Alabama



SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4350

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Sammie Rigby

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

Sammie Rigby

, Defendant

by Buford Rigby

, Plaintiff

Witness my hand this 6th day of August 19 58

Alise J. Duck Clerk

No. _____ Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

_____ Plaintiffs

vs.

_____ Defendants

Summons and Complaint

Filed _____ 19 _____

_____ Clerk

_____ Plaintiff's Attorney

_____ Defendant's Attorney

Defendant lives at

Received In Office

_____ 19 _____

_____, Sheriff

I have executed this summons

this _____ 19 _____

by leaving a copy with

_____ Sheriff

_____ Deputy Sheriff

BUFORD RIGBY	}	
Complainant,	}	IN THE CIRCUIT COURT OF
-vs-)}	BALDWIN COUNTY, ALABAMA
SAMMIE RIGBY	}	IN EQUITY
Respondent.	}	

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

Comes your Complainant, Buford Rigby, and files this her Bill of Complaint for divorce against Sammie Rigby, and respectfully represents and shows unto your Honor:-

1. That the Complainant is over the age of twenty-one years and has been a bona fide resident citizen of Baldwin County, Alabama for many years, but is temporarily residing in Pensacola, Florida; that the Respondent is over the age of twenty one years and is a resident of Baldwin County, Alabama.

2. That the Complainant and Respondent were lawfully married on, to-wit, December 28, 1939.

3. Complainant further avers that the Respondent has committed actual physical violence on her person attended with danger to her life and health, by striking her with his fists, and from his conduct toward her, she is reasonably apprehensive of other and further violence, so much so that she can no longer live with the Respondent; that the Respondent has made numerous threats of doing her other and further physical harm, and from his manner and conduct toward her, she is reasonably convinced that he will commit actual violence on her person attended with danger to her life or health.

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

5. Complainant further shows to the Court that there was born of this marriage four children, three of whom are still dependent minors, Willburn, age 16, Darrell, age 12, and Margaret, age 11, who are in the care, custody and control of your Complainant.

(6) Complainant further shows to the Court that the Respondent received for his work and labor in excess of \$80.00 per week and is therefore financially able to pay for the support of the minor children. Complainant has no income and is financially unable to employ Council to represent her in this proceeding.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED, your Complainant prays that Sammie Rigby be made a party defendant to this cause by the usual process of this Honorable Court by personal service, requiring him 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 this cause, that she be granted a divorce from the said Sammie Rigby, and that she be granted custody and control of the minor children hereinabove named, that there be granted to her such sum as the Court thinks meet and proper for the support of the minor children, and that the Court establish such sum as should be paid to her solicitor for representation in her behalf and shall order such sum paid by the Respondent. Should your Complainant be mistaken in the relief prayed for, that she be granted such other, further, different and general relief to which she may be entitled and as in duty bound she will ever pray.


Solicitor for Complainant