

4552

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: DELTA H. GWALTNEY

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 **James E. Page and Janie Belle Page**

^{es}
I witness/in behalf of **James E. Page** in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein

James E. Page is

, Complainant

and

Della Rose Page is

Respondent

on oath, to be by you administered, upon **James E. Page and Janie Belle Page**
to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 20 day of

April, 1959.

Wing J. Wrench
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 4552

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

James E. Page

Complainant

VS.

Della Rose Page

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Delta H. Gwaltney

WITNESSES:

James E. Page

Janie Belle Page

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

James E. Page

COMPLAINANT

vs.

Della Rose Page

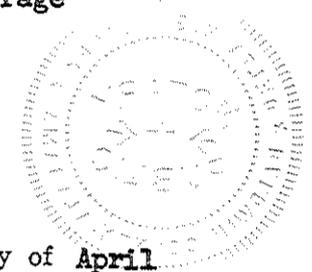
RESPONDENT

I, Delta H. Gwaltney

as ~~Register and~~ Commissioner

have called and caused to come before me

James E. Page and Janie Belle Page



witnesses named in the requirement for Oral Examination, on the 20th day of April

19 59, at the office of Wilters, Brantley and Nesbit

in Robertsdale, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said James E. Page and

Janie Belle Page

doth depose and say as follows:

My name is James E. Page and I am the Complainant in this case. The Respondent in this case is Della Rose Page and she fooled me because she told me she was pregnant by me. I believed her and we got married. Then in about two weeks after we got married, I found out that she was not pregnant by me or any body else. So I left her and have not lived with her since that time.

James E. Page

My name is Janie Belle Page and I am the mother of James E. Page. My son James came to me one Sunday and told me that Della Rose told him that she was one month pregnant by him so I told them go ahead and get married. About five weeks after my son and the respondent got married, the respondent, Della Rose, came to me and admitted that she fooled my son and that she was not pregnant. She said that she was agreeable to getting a "divorce".

Janie B. Page

*Wilters & Brantley
By Mrs. Phyllis S. Nesbit*

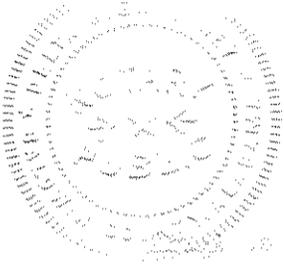
ORAL EXAMINATION

I, **Delta H. Gwaltney** 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 **Phyllis S. Nesbit** 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 **20th** day of **April**, 19 **59**.

Delta H. Gwaltney (L. S.)



No. 455-7 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

JAMES E. PAGE
COMPLAINANT

vs.

DELLA ROSE PAGE
RESPONDENT

ORAL DEPOSITION

Filed _____, 19 _____

FILED
APR 21 1959
RECORDED IN _____
Register.

Record _____

Vol. _____ Page _____ Register.

JAMES E. PAGE	§	
COMPLAINANT	§	IN THE CIRCUIT COURT OF
VS	§	BALDWIN COUNTY, ALABAMA
DELLA ROSE PAGE	§	IN EQUITY
RESPONDENT	§	NO. _____

DECREE OF ANNULMENT OF MARRIAGE

This cause coming on to be heard is submitted for final decree upon Bill of Complaint, Answer and Waiver of Respondent and Testimony as noted by the Register and upon consideration of the same, the Court is satisfied that the averments in the Bill of Complaint are true.

That the Complainant married the respondent because she falsely and fraudulently represented to him that she was pregnant by him at the time of the marriage and that the Complainant married this respondent because of her false and fraudulent representation.

It is therefore, ORDERED ADJUDGED AND DECREED that the said marriage ceremony between James E. Page and Della Rose Page be and the same is hereby annulled in the same manner as if it has never occurred.

It is further ORDERED, ADJUDGED AND DECREED that the costs of this suit incurred be and the same are hereby taxed against the Complainant, for which let execution issue.

Done this the 21 day of April, 1959.

Hubert M. Jones
 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 _____, 1959.

Register of Circuit Court in Equity.

James E. Page

vs.

Nella Rose Page

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,

*Testimony of James E. Page &
Jessie Belle Page*

and in behalf of Defendant upon

Answer & Waiver

*Winters & Brantley
By Mrs. Phyllis S. Nesbit*

Winters & Brantley
Register.

No. 4552

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

James E. Page

VS.

Hella Rose Page

Note of Testimony

Filed in Open Court this

FILED

day of APR 21 1959

ALICE J. DUCK, CLERK
REGISTER

Register.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons DELLA ROSE PAGE, to appear and plead, answer or demur within thirty days from the service hereto to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by JAMES E. PAGE, as Complainant and against DELLA ROSE PAGE, as Respondent.

WITNESS my hand this the 21 day of Apr, 1959.

Reece H. ...
Register

ANNOUNCEMENT

JAMES E. PAGE
COMPLAINANT
VS
DELLA ROSE PAGE
RESPONDENT

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Comes now the Complainant, James E. Page, and respectfully represents and shows unto your Honor as follows:

1.

That your Complainant is eighteen years of age and a bona fide resident citizen of Baldwin County, Alabama; that the Respondent is seventeen years of age and a bona fide resident citizen of Baldwin County, Alabama.

2.

That the Complainant and Respondent were married to one another in Loxley, Alabama, March 4, 1959 and lived together as husband and wife for about two weeks.

3.

Complainant avers that Respondent, Della Rose Page, represented to him that she was pregnant by him prior to their marriage, he avers further that this representation was false and fraudulent and that the respondent knew that it was false and fraudulent whereas the Complainant verily believed what she told him. Because the Respondent falsely and fraudulently told the Complainant that she was pregnant by him, he entered into the aforesaid marriage contract.

James E. Page

15

Willie Rose Page

Bill of Account

FILED

APR 21 1959

ALICE J. DUCK, CLERK
REGISTER

Your Complainant says further that he has recently discovered that the Respondent is and was not pregnant at the time of the aforesaid marriage and that he has not lived with her since this discovery.

WHEREFORE, the premises considered, your Complainant prays that Your Honor will by proper process make the said Della Rose Page, party Respondent to this bill of complaint requiring her to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant pleads that on a final hearing of this case, Your Honor will enter a decree annulling the aforesaid marriage contract, restore the Respondent to her maiden name, Your Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive.

WILTERS AND BRANTLEY

BY:

Charles S. Nesbit
Solicitor for the Complainant

James E. Page
Complainant

Sworn to and subscribed before me this 18th day of April, 1959.

FILED
APR 21 1959
ALICE J. DUCK, CLERK
REGISTER

Charles S. Nesbit
Notary Public,
State of Alabama at Large

4-552

James E. Page
vs

Nella Rose Page

Billof Compt

FILED

APR 21 1950

ALICE J. DUCK, CLERK
REGISTERED

JAMES E. PAGE

COMPLAINANT

VS

DELLA ROSE PAGE

RESPONDENT

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ANSWER AND WAIVER

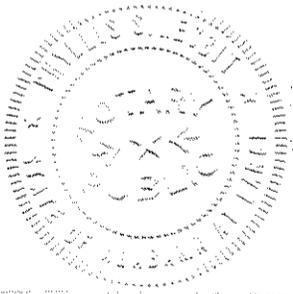
Now comes the Respondent, in her own proper person, and admits the allegations contained in the bill of complaint filed in the above styled cause as to ages, residents, marriage but denies all other allegations therein contained and demands strict proof of the same.

The Respondent waives notice of the time of taking of testimony on behalf of the Complainant; the right to cross examine Complainant's witnesses and agrees that this cause be submitted for final decree without further notice.

Della Rose Page

STATE OF ALABAMA
BALDWIN COUNTY

I, Thyllis S. Nestis a Notary Public, in and for said county, in said state, hereby certify that Della Rose Page, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.
Given under my hand and seal on this the 18th day of April, 1959.



FILED
APR 21 1959
ALICE J. DUCK, CLERK REGISTER

Thyllis S. Nestis
Notary Public, State of Alabama at Large