

4581

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

-----RUTH DUEITT-----, Complainant

vs.

-----MICHAEL DUEITT-----, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ 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 RUTH DUEITT is forever divorced from the said MICHAEL DUEITT for and on account of

Cruelty

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 RUTH DUEITT the Complainant pay the cost herein to be taxed, for which executed may issue.

This 7 day of June 1959

Robert M. Stone

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 6-2-59
Alice J. [unclear]
Ray*

Ruth Dueitt,

No.....VS.
Michael Dueitt,

Entered on _____
Min. Book No. _____ Entry _____
~~W. E. EISWORTH HAUGHTON~~, Register
Alice J. Duck,

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

FOR COMPLAINANT

Original Bill of Complaint
Answer, Waiver and Agreement
Depositions of Ruth Dueitt and Jane Chadwell

FILED, 6-2-59
Alice J. Duck Register

Graham A. Sullivan
Solicitor—for Complainant

FOR RESPONDENT

.....
Solicitor—For Respondent

M

No.....

Ruth Dueitt,

vs.

Michael Dueitt,

ORDER OF SUBMISSION
NOTE OF EVIDENCE

Filed

FILED

JUN 2 1959 Register

Ent. Min. ANNE J. DUCK, CLERK Entry
REGISTER

Ruth Dueitt, the complainant, a witness in her own behalf, being first duly sworn, testified as follows:-

My name is Ruth Dueitt and I am the complainant in this divorce case now pending against Michael Dueitt, the respondent. Each of us is over twenty-one years of age and each of us is a bona fide resident citizen of the State of Alabama and have been such continuously for a period of more than one year next immediately preceding the filing of the bill of complaint in this cause. I am the lawful wife of the respondent, we having been lawfully married to each other on November 23rd., 1957 at Lucedale, Mississippi. After our marriage we lived together as husband and wife until about two weeks ago when I was forced to separate from my husband because of his cruel treatment to me. No children were born to us of this marriage.

A short time after our marriage my husband began to beat, abuse and mistreat me. In fact, we were married the latter part of November in 1957 and just about two or three days before Christmas that year he jumped on me and beat me severely and unmercifully, leaving bad marks and bruises on my person for a long period of time. After much begging and pleading by him and many promises to treat me as a man should treat his wife I decided to remain with him. It was only a very short time after this that he again began to be extremely mean and abusive towards me, cursed me and threatened me all the time and he started drinking excessively. He continued to drink and up to the present is drinking and staying drunk a great portion of the time. All this drinking made matters between us even worse and his conduct and actions toward me became steadily worse. I remained with him just as long as I possibly could under these circumstances, hoping that there would be a change for the better but instead he treated me worse and worse. On the particular occasion of our final separation he again jumped on me and beat me severely and unmercifully and cursed me and threatened. I separated from him at that time for that reason and have never lived with him since, nor do I ever intend to live with him again under any circumstances. I wish this Court to grant me an absolute divorce from him and grant me permission to remarry in the event I so care.

Ruth Dueitt

Jane Chadwell, a witness for the complainant, being first duly sworn, testified as follows:-

My name is Jane Chadwell and I am over twenty-one years of age and a resident of Mobile County, Alabama. I know both parties to this divorce case and the complainant is my sister. Both she and the respondent are each over twenty-one years of age and each of them is a bona fide resident citizen of the State of Alabama and have been such continuously for a period of more than one year next immediately preceding the filing of the bill of complaint in this cause. I know that they are husband and wife and I recall the occasion when they were lawfully married to each other in November, 1957 at Lucedale, Mississippi. After their marriage they lived together as husband and wife until the latter part of April, 1959, at which time my sister was forced to separate from her husband because of his cruel treatment to her. No children were born to them of this marriage.

I know that this man committed actual violence upon his wife attended with danger to her life or health on numerous different occasions while they lived together and from his conduct and actions toward her there certainly was and is reasonable apprehension of such violence. He cursed her and threatened her repeatedly and has beaten her severely and unmercifully on many different occasions. She has carried scars, marks and bruises on her person and black eyes for long periods of time as a result of the beatings that he gave her and I know that she was endangering her life and health by living with him. From what I have seen and heard out of this man I certainly would not think it safe or wise for her to attempt to live with him again and I feel that it would be best for every one concerned that they be divorced.

Jane Chadwell

CERTIFICATE

I, Roselle C. Finch, the Commissioner ~~appointed by the Court and named~~
~~in the attached commission,~~ named by agreement of the parties, in that certain cause now pending in
Baldwin
 the Honorable Circuit Court of ~~Mobile~~ Mobile County, Alabama, Sitting in Equity, No. _____, wherein
Ruth Dueitt is Complainant, and Michael Dueitt

is Respondent, under and by virtue of the power conferred upon me by said ~~Commissioner~~ or agreement as
 such commissioner, caused Ruth Dueitt, and Jane Chadwell,

are
 who ~~were made~~ known to me, to come before me at 10:00 o'clock A M., on May 29th.
19 59, at 307 Van Antwerp Bldg. Mobile, Alabama; that said witnesses were first duly sworn
 by me as stated; that they were then examined by Graham A. Sullivan, Solicitor for the
Complainant, and ~~cross-examined by~~

~~Solicitor for~~
~~Guardian Ad Litem &~~
~~Attorney Ad Litem for~~ _____, and they testified in

response thereto as is hereinabove written; and the testimony was by me reduced to writing as given
 by said witnesses in narrative form, and as near might be the identical language of said witnesses, and
 that, after said testimony had been so reduced to writing, it was by me read over to said witnesses; who
 assented to and signed same, ~~who refused to sign same, who was physically unable to sign same, or who~~
~~waived the reading and signing of same,~~ in my presence and in the presence of said Solicitor for

Complainant ~~Solicitor for~~
~~and Guardian Ad Litem &~~
~~Attorney Ad Litem for~~

I further certify that I am not of counsel or kin to any of the parties to the said cause, and am not
 in anywise interested in the result thereof, and that the depositions are true and correct as given by
 the witnesses.

Witness my hand this 29th. day of May, 19 59.

Roselle C. Finch
 Commissioner

GRAHAM A. SULLIVAN
ATTORNEY AT LAW
VAN ANTWERP BUILDING
MOBILE 12, ALABAMA
HEMLOCK 3-4761

June 1st., 1959

Hon. Alice J. Duck, Register
Circuit Court of Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

I am forwarding to you herewith the depositions and note of evidence in the case of Ruth Dueitt vs Michael Dueitt.

Please include two certified copies of the decree in the costs and if you will let me know the amount of these costs I will immediately forward check for same on to you.

Thanking you very much for your kind attention to this matter, I am

Yours very truly,


GRAHAM A. SULLIVAN

GAS/rcf
Encls. 2

GRAHAM A. SULLIVAN
ATTORNEY AT LAW
VAN ANTWERP BUILDING
MOBILE 12, ALABAMA
HEMLOCK 3-4761

May 16th., 1959

Hon. Alice J. Duck, Register
Circuit Court of Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

I am forwarding to you herewith for filing in your Court original bill of complaint and answer and waiver in the cause of Ruth Dueitt vs Michael Dueitt. We expect to take the testimony in this case by agreement, without the issuance of a commission, within the next few days. This lady will pay the court costs the moment I am notified of the amount.

I will certainly appreciate your assistance in this matter.

Yours very truly,


GRAHAM A. SULLIVAN

GAS/rcf
Encls. 2

Ruth Dueitt,	*	
)	
Complainant,	*	In the Circuit Court of Baldwin
)	
vs	*	County, Alabama.
)	
Michael Dueitt,	*	In Equity
)	
Respondent.	*	No. <u>4581</u>

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF SAID COUNTY, SITTING IN EQUITY:-

Your complainant, Ruth Dueitt, respectfully represents and shows unto Your Honors as follows:-

1. Complainant avers that she and respondent are each over twenty-one years of age and that each of them is a bona fide resident citizen of the State of Alabama and have been such for more than one year next immediately preceding the filing of this bill of complaint.

2. Complainant avers that she is the lawful wife of the respondent, they having been lawfully married to each other on November 23rd., 1957 at Lucedale, Mississippi, of which marriage there is no issue.

3. Complainant avers that respondent has committed actual violence on her person attended with danger to her life or health or that from his conduct towards her there is reasonable apprehension of such violence, that she has separated from his bed and board for this reason and remains so separated.

PRAYER FOR PROCESS

Complainant prays that upon the filing of this bill of complaint that proper process issue to Michael Dueitt, making him a party respondent and requiring him to appear and plead, answer or demur to the allegations thereof within the time required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant prays that upon the final hearing hereof that your Honors will grant her an absolute divorce from the respondent and grant her permission to remarry in the event she should so care and she prays for all such other, further or different relief to which she is entitled.

Ruth Dueitt
Complainant

Subscribed and sworn to before me this the 13th. day of May, 1959.

Russell C. Smith
Notary Public, Mobile County, Alabama.

Isidore A. Sullivan
Solicitor for the Complainant

FILED

MAY 18 1959

**ALICE J. DUCK, CLERK
REGISTER**

Ruth Dueitt,
No. Vs.
Michael Dueitt,

Complainant
Defendant

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA
IN EQUITY

ANSWER AND WAIVER

Comes the defendant in the above entitled cause and for answer to the Bill of Complaint therein admits the allegations as to the ages, residences and marriage and denies each and every other allegations of said Bill of Complaint and demands strict proof thereof.

I agree that the testimony in this cause may be taken by deposition on oral examination, and waive notice of the time and place of the taking such testimony and agree that this cause may be submitted for final decree at any time. I waive all notices to which I may be entitled by law in this cause.

I further agree that Roselle C. Finch, may take the testimony in this cause without the issuance of a commission.

Michael Dueitt
Defendant

Complainant agrees that Roselle C. Finch, may take the testimony in this cause as commissioner, without issuance of a commission.

Ruth Dueitt
Complainant

NOTE: The space below is intended for "Agreements Between the Parties".

NO AGREEMENT

Executed in the presence of:

Emanuel Richardson
Cathel L. Richardson

STATE OF _____
COUNTY OF _____

I, _____, a NOTARY PUBLIC in and for said State and County, do hereby certify that _____, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me this day, that being informed of the contents of the instrument, _____ executed the same voluntarily on the day same bears date.

Witness my hand and seal this _____ day of _____, 19_____.

NOTARY PUBLIC

Filed _____
STATE OF _____
COUNTY OF _____

FILED
MAY 18 1958
ALICE L. DUCK, CLERK & REGISTER

No. _____

Vs.

ANSWER AND WAIVER

Filed, **FILED**, 19

NOV 18 1959

**ALICE J. DUCK, CLERK
REGISTER**

1857