

41740

GRACE L. FINCH,)	IN THE CIRCUIT COURT OF
Complainant,)	BALDWIN COUNTY, ALABAMA
vs.)	IN EQUITY
JAMES D. FINCH,)	
Respondent.)	NO.

TO THE HONORABLE JUDGE OF SAID COURT, SITTING IN EQUITY:

Comes Grace L. Finch and exhibits this bill of complaint against James D. Finch and shows unto the Court the following:

ONE

Complainant avers that both she and the Respondent are over the age of twenty-one years and are bona fide resident citizens of Baldwin County, Alabama, and have been such for more than one year next immediately preceding the filing of this bill of complaint.

TWO

Complainant alleges and avers that she and the Respondent are husband and wife, having been lawfully married on the 5th day of December, 1957, in Lucedale, Mississippi.

THREE

Complainant further alleges that since their marriage and up through and including the present date respondent has become addicted to habitual drunkenness and that by reason thereof complainant separated from him.

PRAYER FOR PROCESS

WHEREFORE, the Complainant prays that the said James D. Finch be made a party respondent to this bill of complaint and be required to appear and plead, answer or demur to this bill of complaint within the time required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant prays that, upon the final hearing of this cause, Your Honors will enter a decree dissolving the bonds of matrimony now existing

between complainant and respondent, and grant unto her an absolute divorce with the right to remarry.

Complainant prays for such other, further and different relief as in equity and good conscience she may be entitled to receive, the premises considered.

TONSMEIRE & McFADDEN,

By 
Attorneys for Complainant

TONSMEIRE & McFADDEN
ATTORNEYS AND COUNSELLORS AT LAW
SUITE 407 FIRST NATIONAL ANNEX
MOBILE, ALABAMA

GEORGE A. TONSMEIRE
STOVA F. McFADDEN
WILLIAM R. FAVRE, JR.

October 20, 1959

HEMLOCK 3-6561

Clerk of the Circuit Court,
Baldwin County, Alabama,
Bay Minette, Alabama.

Dear Sir:

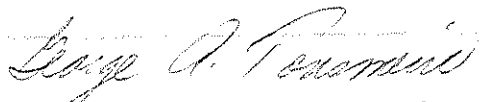
Re: Grace L. Finch vs. James D.
Finch.

Enclosed herewith please find original bill of complaint in the above
styled cause. An answer and waiver should follow in the near
future.

Thanking you, we are

Very truly yours,

TONSMEIRE & McFADDEN,


George A. Tonsmeire. *etc*

crc
Enclosure

TONSMEIRE & McFADDEN
ATTORNEYS AND COUNSELLORS AT LAW
SUITE 407 FIRST NATIONAL ANNEX
MOBILE, ALABAMA

GEORGE A. TONSMEIRE
STOVA F. McFADDEN
WILLIAM R. FAVRE, JR.

November 20, 1959

HEMLOCK 3-6561

Clerk of the Circuit Court, of
Baldwin County, Alabama,
Bay Minette, Alabama.

Dear Sir:

Re: Grace L. Finch vs. James D. Finch

Enclosed herewith is testimony, commissioner's certificate, note of evidence and final decree in the above styled divorce suit in which an answer and waiver has been previously filed. We are sorry that we do not know the case number, however, the case was recently filed on or about October 21, 1959.

Yours very truly,

TONSMEIRE & McFADDEN,



George A. Tonsmeire.

crc
Enclosure

CERTIFICATE

I, Cora Ruth Creighton, the Commissioner appointed by the Court and named in the attached commission, or named by agreement of the parties, in that certain cause now pending in

the Honorable Circuit Court of Baldwin Mobile County, Alabama, Sitting in Equity, No. _____, wherein

Grace L. Finch is Complainant, and James D. Finch

is Respondent, under and by virtue of the power conferred upon me by said Commission or agreement as such commissioner, caused Grace L. Finch, and Ethel E. Long

who ^{are} were made known to me, to come before me at 3:00 o'clock P. M., on November 17, 1959, at 407 Annex 1st Nat'l Bk. / Building Mobile, Alabama; that said witnesses were first duly sworn

by me as stated; that they were then examined by George A. Tonsmeire, 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 20th day of November, 1959

Cora Ruth Creighton
Commissioner

FILED
NOV 25 1959
ALICE J. DUCK, Register

TESTIMONY OF GRACE L. FINCH

My name is Grace L. Finch. I am the Complainant in a divorce suit against James D. Finch presently pending in the Circuit Court of Baldwin County, Alabama.

We are both over the age of 21 years and are resident citizens of Alabama. I presently reside at Foley, Alabama which has been my family home for more than 20 years.

I was lawfully married to James D. Finch on December 5, 1957 in Lucedale, Mississippi and we are presently husband and wife. Our marriage has been gradually deteriorating primarily because of his drinking and since such marriage he has become addicted to habitual drunkenness and for which reason I had to leave him. He has not supported me in any degree since we were married and for the last many months has spent all of his money on whiskey and has provided nothing for food, clothing or medical bills. He has a habit of getting drunk and staying drunk. He has not been able to hold a steady job because of this drinking. We have no children borne of this marriage and we have no joint property which needs settlement. He has no regular income and no property for which reason I have asked for no alimony.

Even Mr. Finch's father is ashamed of his son as he states in the letter which I want attached to my testimony.


Grace L. Finch

FILED

NOV 25 1959

ALICE J. DUCK, Register

October 14, 1959

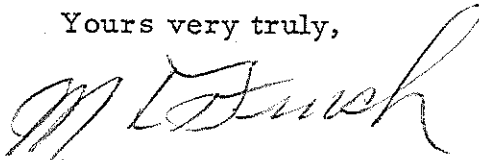
Mrs. Grace L. Finch,
Mobile, Alabama.

Dear Grace:

I regret to hear of the condition of your marriage and anything I can do to help you I will be glad to. The fact that my son, Jimmy, has had three previous wives is in itself pretty indicative of the fact that the present difficulties are in no way your fault. As I have told you he has never contributed anything to any of his previous wives as support nor in any way supported his daughter. And, the fact that he has not supported you in any manner is not at all surprising to me.

While I, as his father, regret the necessity of admitting that he is now an alcoholic, there is no question about it and I am satisfied that there is nothing else for you to do but proceed with divorce proceedings.


Yours very truly,

A handwritten signature in cursive script, appearing to read "M. D. Finch". The signature is written in dark ink and is positioned above the printed name.

M. D. Finch.

TESTIMONY OF ETHEL E. LONG

My name is Ethel E. Long. I am personally acquainted with and have known for more than 18 years, Grace L. Finch, who is the complainant in a divorce suit against James D. Finch which is presently pending in the Circuit Court of Baldwin County, Alabama. I have known her husband for the last several years. I know that he has not contributed to her support during the time that I have known him and have been to their house on occasions when he was passed out. To my own certain knowledge both parties are over the age of twenty-one years and are bona fide resident citizens of Alabama.


Ethel E. Long.

FILED

NOV 25 1959

ALICE J. DUCK, Register

GRACE L. FINCH,
Complainant

No. _____ VS. _____

JAMES D. FINCH,
Respondent

Entered on _____

Min. Book No. _____ Entry _____

W. Elsworth Houghton, Register

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

- 1. Original bill of complaint
- 2. Answer and waiver
- 3. Testimony of Grace L. Finch
- 4. Letter of M. D. Finch
- 5. Testimony of Ethel E. Long

TONSMEIRE & McFADDEN,

By *Gay A. Tonsmeire*
Solicitor^s For Complainant

FOR RESPONDENT

- 1. Answer and waiver

FILED, Nov. 25, 1959

Alice J. Duck Register

Solicitor—For Respondent

PROFESSIONAL REGISTER
STATE OF MINNESOTA
BOARD OF REGISTERED PROFESSIONALS
1000 UNIVERSITY AVENUE
ST. PAUL, MINN. 55102

PROFESSIONAL REGISTER
STATE OF MINNESOTA
BOARD OF REGISTERED PROFESSIONALS
1000 UNIVERSITY AVENUE
ST. PAUL, MINN. 55102

BOARDING NO. 1191

THIS IS TO CERTIFY THAT THE ABOVE NAMED PERSON HAS BEEN REGISTERED AS A REGISTERED PROFESSIONAL UNDER THE PROFESSIONAL REGISTER ACT, CHAPTER 325A, MINNESOTA STATUTES.

REGISTERED PROFESSIONAL
NAME: ALICE J. DUCK
CLASSIFICATION: REGISTERED PROFESSIONAL
EXPIRES: 12/31/1959

PROFESSIONAL REGISTER
STATE OF MINNESOTA
BOARD OF REGISTERED PROFESSIONALS
1000 UNIVERSITY AVENUE
ST. PAUL, MINN. 55102

m

No. _____

Vs. _____

FILED

NOV 25 1959

ALICE J. DUCK, Register

**ORDER OF SUBMISSION
NOTE OF EVIDENCE**

Filed _____

Register

Ent. Min. No. _____ Entry _____

BALDWIN
MOBILE COUNTY
THE STATE OF ALABAMA,

GRACE L. FINCH
Complainant,
No. vs.
JAMES D. FINCH
Defendant

CIRCUIT COURT — IN EQUITY
AT MOBILE, ALABAMA Bay Minette,
Alabama

Entered on _____
Min. Book No. _____ Entry _____

DECREE OF DIVORCE

This cause is submitted for decree on the pleadings, decree pro confesso and the testimony as shown by the note of submission on file, and on consideration, it is ordered, adjudged and decreed by the Court that the Complainant is entitled to relief, and that the bonds of matrimony heretofore existing between the Complainant and the Defendant be and the same are henceforth dissolved and annulled.

It is further ordered and decreed that Complainant and Defendant be, and hereby are permitted to again contract marriage, subject to such provision of the law as regulate the marriage of divorced persons, and in no event before the expiration of sixty days after the rendition of this decree.

It is further ordered that Complainant
pay the cost of this suit, for which execution may issue.

Dated, November 25, 1959, Hubert W. Wallace
Judge

M

CIRCUIT COURT OF MOBILE COUNTY

IN EQUITY

AT MOBILE, ALABAMA

No. _____

VS.

DECREE

Entered on _____

Min. Book No. _____ Entry _____

GRACE L. FINCH,

Complainant

No. Vs.

IN THE CIRCUIT COURT OF BALDWIN
MOBILE COUNTY, ALABAMA
IN EQUITY

James D. Finch,

Defendant

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 Cora Ruth Creighton, may take the testimony in this cause without the issuance of a commission.

James D. Finch
Defendant

Complainant agrees that Cora Ruth Creighton, may take the testimony in this cause as commissioner, without issuance of a commission.

Mrs. Grace L. Finch
Complainant

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

WITNESSES to signature of
Grace L. Finch

Benny A. Thomas
Ethel E. Leuz

WITNESSES to signature of
James D. Finch

J. W. Wilson
Ann Joseph

FILED
NOV 14 1959
ALICE L. DUCK, CLERK
REGISTER

Mobile, Alabama,

December 2, 1959.

I hereby acknowledge receipt of the sum of Ten Dollars
(\$10.00), representing my fee in the divorce suit entitled
Grace L. Finch vs. James D. Finch, in the Circuit Court of
Baldwin County, Alabama.


Cora Ruth Creighton