

4745

CLARICE MILLER

~~XXXXXXXXXXXXXXXXXXXX~~ vs.

LEO JAMES MILLER

Entered on _____

Min. Book No. _____ Entry _____

~~XXXXXXXXXXXXXXXXXXXX~~, 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

1. Bill of Complaint
2. Answer, Waiver and Agreement
3. Testimony of Clarice Miller and of Ouida Howard, witness on behalf of the Complainant.

William J. Taylor

 Solicitor—For Complainant

FOR RESPONDENT

FILED, 10-24-59

Alice J. Duck Register

Solicitor—For Respondent

m

No. _____

CLARICE MILLER

Vs.

LEO JAMES MILLER

ORDER OF SUBMISSION
NOTE OF EVIDENCE

FILED

Filed _____

Oct 18

ALICE J. DUCK, Clerk
Register

Ent. Min. No. _____ Entry _____

CLARICE MILLER

Subscribed to this
document and noted the
contents thereof to wit:
the above named
parties and their
attorneys.

ALICE J. DUCK

Notary Public
for the State of
California

CLARICE MILLER

Complainant

IN THE CIRCUIT COURT OF

BALDWIN

MOBILE COUNTY, ALABAMA

No. _____

vs.

LEO JAMES MILLER

Defendant

IN EQUITY

ANSWER AND WAIVER,
AGREEMENT

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 allegation of said Bill of Complaint and demands strict proof thereof.

I understand that the testimony in this cause will be taken in open Court on oral examination, and waive notice of the time 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.

Leo James Miller
* - * - * Defendant

NOTE: The space below is intended for "Agreements Between the Parties" Defendant agrees that the Complainant should be granted the custody and control of four of their minor children, Leola Miller, Joan Miller, Jean Miller and Charles Ward Miller, subject to his right to see and visit with said minor children at all reasonable times. Complainant agrees that the Defendant should be granted the custody and control of Claudia Miller, age sixteen years, and Defendant agrees to pay to the Complainant the sum of \$50.00 per week as support and miantenance for the Complainant and the said four minor children. Defendant further agrees to execute a Quit-Claim Deed to the Real Estate jointly owned by the parties hereto, located at 804 Donald Street, Mobile, Alabama over to the Complainant. Defendant also agrees that the Complainant is the owner of the 1949 Cheverolet Automobile, and Complainant agrees that the Defendant is the sole ownerof the 1958 Oldsmobile automobile. Defendant agrees to pay all doctors and medical bills now due and which were incurred by the Complainant and their minor children. Defendant also agrees to pay the furniture account at Sears, Roebuck and Company. Defendant further agrees to pay the sum of \$100.00 towards the courts costs and attorneys fees incident to these proceedings.

Clarice Miller
COMPLAINANT.

Leo James Miller
DEFENDANT.

STATE OF ALABAMA

COUNTY OF Mobile

I, *William Thompson*, a NOTARY PUBLIC in and for said State and County, do hereby certify that *Leo James Miller*, 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, Leo James Miller executed the same voluntarily on the day same bears date.

Witness my hand and seal this 24th day of October, 1959.

William Thompson
NOTARY PUBLIC

FILED 10-28-59 STATE OF ALABAMA

Henry J. Duck, Register COUNTY OF Mobile

CLARICE MILLER,
Complainant,
-vs-
LEO JAMES MILLER,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY:
NO. _____

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF MOBILE COUNTY,
ALABAMA, SITTING IN EQUITY:

Comes the Complainant and shows unto Your Honors and unto
this Honorable Court as follows:

ONE

Complainant is the wife of the Respondent and they were
married to each other on August 20, 1940 in Lucedale, Mississippi.
Both the Complainant and the Respondent are each over the age
of twenty-one years and both the Complainant and the Respondent
are bona-fide resident citizens of Mobile County, the State of
Alabama and have been such for more than one year next preceding
the filing of the bill of complaint herein. There are five minor
children as issue of their marriage, Leola Miller, age eighteen
years, Claudia Miller, age sixteen years, Joan Miller, age thirteen
years, Jean Miller, age seven years and Charles Ward Miller, age
eight weeks. Said children live and reside with the Complainant
and both the Complainant and the Respondent are fit and proper
persons to be granted their custody and control.

TWO

The Respondent has committed adultery with one or more females
since his marriage to the Complainant.

PRAYER FOR PROCESS

Complainant prays that Your Honors will take jurisdiction of
this cause, will make the said Leo James Miller, party-respondent
hereto, and will cause him to appear, plead, answer or demur
hereto, within the time allowed by law and the rules of this
Honorable Court.

PRAYER FOR RELIEF

Complainant further prays that Your Honors will see fit to grant her an absolute divorce from the bonds of matrimony with the Respondent, that she will be awarded the custody and control of the minor children, and Complainant further prays for such other, further or different relief as in equity she may be due, and as in duty bound she will ever pray, etc.

William Gordon
SOLICITOR FOR COMPLAINANT.

CERTIFICATE

I, Peggy Preston, 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 COUNTY, ~~Mobile County,~~ Alabama, Sitting in Equity, No. 52,578-I, wherein

CLARICE MILLER is Complainant, and LEO JAMES MILLER

is Respondent, under and by virtue of the power conferred upon me by said Commission or agreement as such commissioner, caused CLARICE MILLER, and OUIDA HOWARD

are who were made known to me, to come before me at 2:00 o'clock P.M., on October 27, 19 59, at 56 S. Conception St. Mobile, Alabama; that said witnesses were first duly sworn

by me as stated; that they were then examined by WILLIAM GRAYSON, Solicitor for the COMPLAINANT, ~~and cross examined by~~

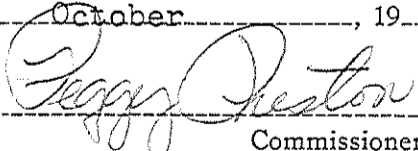
~~XXXXXX~~
~~XXXXXX~~ _____, and they testified in ~~XXXXXX~~

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 27th day of October, 19 59.



Commissioner

TESTIMONY OF MRS. CLARICE MILLER, WITNESS ON HER OWN BEHALF:

My name is Mrs. Clarice Miller and I am the Complainant in this cause. I am the wife of the Respondent and we were married to each other on August 20, 1940 in Lucedale, Mississippi. Both myself and the Respondent are each over the age of twenty one years and both myself and the Respondent are bona-fide resident citizens of the State of Alabama, I have been a resident of Mobile County, Alabama for more than one year next preceding the filing of the bill of complaint herein. There are five minor children as issue of our marriage, Leola Miller age eighteen years, Claudia Miller, age sixteen years of age, Joan Miller, age thirteen years, Jean Miller, age seven years, Charles Ward Miller, age eight weeks. All of said children live with me with the exception of Claudia Miller who is going to live with her father and I think that I am a fit and proper person to be granted their custody and control. The Respondent has committed adultery with one or more females since our marriage to each other. There has always been some woman or another in my husband's life ever since our marriage, but he would break off with them and would make promises to me that it would not happen again and I would take him back. On the last such of these occasions when I last lived with the Respondent as husband and wife, The Respondent bragged to me that he had in so many words had an affair with the woman's daughter where he was staying. The Respondent is a supervisor of construction work and he isn't home very often. I knew all the while that there were other women in his life but could not prove it because of the fact that I did not see him when he would come in at night and could not examine his clothing, etc., however, I do know that his money steadily disappeared after pay day, and know that he was spending same on women. Before the Respondent started staying away from home I found lipstick on his clothing and his clothes would be very wrinkled when he would come in at night and I would know that he had been laying around with some woman. When I asked him about it he wouldn't deny it or admit it. I have not condoned the Respondent's adulterous acts in any shape, form or fashion and I do not ever intend to live with him again.

Clarice Miller

TESTIMONY OF OUIDA HOWARD, WITNESS ON BEHALF OF THE COMPLAINANT.

My name is Mrs. Ouida Howard and I am a friend of the Complainant. I have known the Complainant for approximately seven and a half years. The Complainant is the wife of the Respondent and they were married to each other on August 20, 1940 in Lucedale, Mississippi. Both the Complainant and the Respondent are each over the age of twenty-one years and both the Complainant and the Respondent are bona-fide resident citizens of Mobile County, Alabama, and the Complainant has been such for more than one year next preceding the filing of the bill of complaint herein. There are five minor children as issue of their marriage, four of whom live with the Complainant and she is a fit and proper person to be granted their custody and control. The Respondent is a fit and proper person to be granted the custody and control of Claudia Miller. I have known the Respondent for a good many years, and I have always known her to be a woman of good moral character. She has always been a good and loving mother to her children and has tried to raise them to be good children. I know the Complainant's general reputation in the community in which she lives and it is very good. I know her general reputation for telling the truth and it is good also. I would believe what the Complainant said whether she were under oath or not.

Mrs. Ouida Howard

RECEIVED BY THE CLERK OF THE COURT OF THE COUNTY OF ALBANY, N.Y.

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ALICE J. DUCK, CLERK REGISTER

Witness

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THE STATE OF ALABAMA, ^{BALDWIN}~~MOBILE~~ COUNTY

<u>CLARICE MILLER</u>		
	Complainant,	} <u>CIRCUIT COURT — IN EQUITY</u> AT MOBILE ALABAMA BAY MINETTE,
No.	vs.	
<u>LEO JAMES MILLER</u>		Entered on _____
	Defendant	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.

The parties hereto have entered into an agreement, which is in open Court, and on record in writing and on file in this cause; the Court approves said agreement and orders and decrees as follows:

That the Complainant be and she hereby granted the custody and control of Leola Miller, Joan Miller, Jean Miller and Charles Ward Miller, with the right of the Defendant to see and visit with said children at all reasonable times.

That the Defendant be and hereby is granted the custody and control of Claudia Miller, with the right of the Complainant to see and visit with said child.

The Defendant hereby is ordered to pay to the Complainant the sum of \$50.00 per week as support and maintenance for the Complainant and their four minor children.

The Defendant has agreed and is hereby ordered to deed all his interest in the jointly owned real estate located at 804 Donald Street, Mobile, Alabama over to the Complainant.

The Complainant is hereby awarded the 1949 Cheverolet automobile.

The Defendant is hereby awarded the 1958 Oldsmobile automobile.

The Defendant is herby ordered to pay all medical expenses and bills now due and which were incurred by the Complainant and their minor children.

The Defendaat is hereby ordered to pay the furnitue account at Sears, Roebuck and Company. Defendant further agrees to pay the sum of \$100.00 towards the court costs and attorneys fees incident to these proceedings.

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

Dated, October 28th 1959
Hubert M. Hall
Judge

4745

m

CIRCUIT COURT OF MOBILE COUNTY
Baldwin
IN EQUITY

AT MOBILE, ALABAMA
Bay Minette,

No. _____

CLARICE MILLER,

VS.

LEO JAMES MILLER

DECREE

FILED

OCT 28 1956

Entered on _____

Min. Book No. ALICE J. DUCK, CLERK
REGISTER
Entry _____