(4785)

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

JUNE ORMAY SWOGER, Complainant

vs.

ARTHUR SWOGER, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~XXXXXXXXXXXXXX~~ 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 JUNE ORMAY SWOGER is forever divorced from the said ARTHUR SWOGER for and on account of Cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant be and she is hereby authorized and empowered to re-assume the use of her maiden name, to-wit: June Ormay.

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 June Ormay Swoger the Complainant pay the cost herein to be taxed, for which executed may issue.

This 15 day of December 1957

Hubert M Hare

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.

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No._____ Page_____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

_____

_____

Complainant

vs.

_____

_____

Respondent

DIVORCE DECREE

CECIL G. CHASON
ATTORNEY-AT-LAW
FOLEY, ALABAMA

December 8, 1959

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

Dear Mrs. Duck:

Enclosed herewith is Bill of Complaint for Divorce in the case of Swoger -vs- Swoger. The Respondent is a non-resident. Service should be had by Registered Mail.

Yours very truly,

C. G. Chason

CGC:fm

encls. as noted.

8581—NOTE OF TESTIMONY

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

JUNE ORMAY SWOGER

vs.

ARTHUR SWOGER

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 June Ormay Swoger and Robert Haines Gannon

and in behalf of Defendant upon Answer and Waiver

Solicitor for Complainant

Register.

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No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY

Circuit Court of Baldwin County

JUNE ORMAY SWOGER

VS.

ARTHUR SWOGER

Note of Testimony

Filed in Open Court this

FILED

day of DEC 15 1959, 19

ALICE J. DUCK, Register

Register.

MOORE PRINTING CO., BAY MINETTE, ALA.

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 June Ormay Swoger and Robert Haines Gannon

a witness in behalf of June Ormay Swoger in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

June Ormay Swoger

, Complainant

and Arthur Swoger

Respondent

on oath, to be by you administered, upon them to take and certify the deposition ~~s~~of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 9th day of December, 1959.

Alice J. Duck
Register.

Commissioner's Fee, $

Witness' Fees, $

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

JUNE ORMAY SWOGER

Complainant

VS.

ARTHUR SWOGER

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

FILED
DEC 15 1959
ALICE J. DUCK, Register

ORAL DEPOSITION

THE STATE OF ALABAMA BALDWIN COUNTY	Circuit Court of Baldwin County, Alabama (In Equity)

JUNE ORMAY SWOGER COMPLAINANT

vs.

ARTHUR SWOGER RESPONDENT

I, Frances G. Mallory

as Register and Commissioner In Chancery

have called and caused to come before me June Ormay Swoger and Robert Haines Gannon

witness es named in the requirement for Oral Examination, on the 9th day of December

19 59 , at the office of C. G. Chason

in Foley , Alabama, and having first sworn said witness es to speak the

truth, the whole truth, and nothing but the truth, the said June Ormay Swoger and Robert Haines Gannon

doth depose and say as follows:

TESTIMONY OF JUNE ORMAY SWOGER:

My name is June Ormay Swoger. I am over the age of twenty-one years and a bona fide resident citizen of Baldwin County, Alabama, residing near Spanish Fort. Arthur Swoger is over the age of twenty-one years and is presently residing at 179 MacDougal Street, New York 11, New York. We were married on August 20, 1952, and lived together as husband and wife until late summer of 1954, which I believe to have been in August. Shortly after our marriage he began to abuse me, primarily at that time by hurting me through pinching the muscles at the base of my neck, and in time his cruelty to me progressively got worse. Before our separation I had become very much afraid of him, in that he had an extremely hot temper, stricking me, and on one occasion threw a glass which narrowly missed me. Also, his threats to me became much more serious and more often. I was afraid that should I continue to live with him, he would do me serious bodily harm. We have not lived together as husband and wife nor recognized each other as husband and wife since our separation. We have no children of this marriage. My name before marriage was June Ormay, which I desire to have restored to me as my legal name.

Signed: June Ormay Swoger

TESTIMONY OF ROBERT HAINES GANNON:

Myname is Robert Haines Gannon. I am personally acquainted with June Ormay Swoger and Arthur Swoger. She is a resident of Baldwin County, Alabama, and he is a resident of New York City. Both are over the age of twenty-one years. They were married in 1952 or 1953, and lived together as husband and wife for about two years, and have no children. On many occasions I have seen bruises on her neck, arms or face, which I learned were from blows or injuries committed on her person by her husband. I also am aware that on many occasions he has threatened her life and safety, and I believe it reasonable for her to assume that he would commit actual violence on her person attended with danger to her life or health, or would seriously injure her if she continued to live with him as husband and wife.

Signed: Robert Haines Gannon

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 9th ~~day of~~ December , 19 59 .

Frances G. Mallory (L.S.)

No. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

JUNE ORMAY SWOGER COMPLAINANT

vs.

ARTHUR SWOGER RESPONDENT

ORAL DEPOSITION

Filed FILED DEC 15 1959 , 19 , Register.

ALICE J. DUCK, Register
RECORDED IN Record

Vol. Page

, Register.

BILL OF COMPLAINT

JUNE ORMAY SWOGER, Complainant	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA,
Vs.	)	IN EQUITY, NO. _____
ARTHUR SWOGER, Respondent	)	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT, SITTING IN EQUITY:

Now comes June Ormay Swoger, the complainant in the above styled cause, and respectfully exhibits this her bill of complaint against Arthur Swoger, the respondent herein, and represents unto Your Honor as follows:

ONE

The complainant is a bona-fide resident citizen of the state of Alabama, and resides in Baldwin County, Alabama; and the complainant and the respondent, Arthur Swoger, are each over twenty-one(21)years of age. The respondent is a non-resident of Alabama, and his place of residence and post-office address is 179 MacDougal Street, New York 11, New York.

TWO

The complainant is the lawful wife of the respondent, and was married to him in Pittsburgh, Pennsylvania, by licensed marriage ceremony on August 20th, 1952, or 1953; and thereafter the respondent and the complainant lived together as husband and wife in New York City, New York, until they were separated from one another two years after their said marriage, and on or about August 20th, 1954, or 1955, because after their said marriage and soon prior to their said separation the respondent committed actual violence on the complainant's person, attended with danger to her life or health, and from the respondent's conduct during said time there was a reasonable apprehension of such violence should the complainant have continued to live with the respondent; and as a consequence of such actual violence and the reasonable apprehension thereof the complainant was forced to and did separate from the respondent in New York City, New York, on or about August 20th, 1954, or 1955, and has continuously been separated from the respondent ever since then.

THREE

No children were born of the marriage of the complainant and the respondent.

PRAYER FOR PROCESS

WHEREFORE, THE PREMISES CONSIDERED, the complainant prays that the said Arthur Swoger be made a party respondent to this bill of complaint by proper process of this Honorable Court by publication or registered mail, or otherwise, as may be proper, and that he be required thereby to plead to, answer or demur to this bill of complaint within the time required by law and the rules and practices of this Honorable Court, else, in failure thereof, the allegation of this bill of complaint shall be taken as confessed against him.

PRAYER FOR RELIEF

WHEREFORE, THE PREMISES FURTHER CONSIDERED, the complainant prays that upon a final hearing of this cause Your Honor will render a decree granting to the complainant an absolute divorce from her bonds of matrimony to the respondent, and the right to marry again, should she so desire, and the right to re-assume her former and maiden name of June Ormay. And the Complainant prays for such other, further and different relief as in equity and good conscience she may be deemed to be entitled to receive.

K. E. Henderson
Solicitor for the Complainant.

Solicitor for the Complainant

BILL OF COMPLAINT

JUNE ORMAY SWOGER,

Complainant,

-vs-

ARTHUR SWOGER,

Respondent.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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BILL OF COMPLAINT

JUNE ORMAY SWOGER, Complainant	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA,
Vs.	)	IN EQUITY, NO. _____
ARTHUR SWOGER, Respondent	)	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT, SITTING IN EQUITY:

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K. E. Henderson
Solicitor for the Complainant. Mobile

R. R. Pierson
Solicitor for the Complainant

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BILL OF COMPLAINT

JUNE ORMAY SWOGER,
Complainant,

-vs-

ARTHUR SWOGER,
Respondent.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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FILED
DEC 8 1959
ALICE J. DUCK, CLERK
REGISTER

ANSWER AND WAIVER

JUNE ORMAY SWOGER, Complainant	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA,
Vs.	)	IN EQUITY, NO._____
ARTHUR SWOGER, Respondent	)	

Comes the respondent, Arthur Swoger, 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, the respondent, 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 of 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 Francis Mallory , may take the testimony in this cause without the issuance of a commission.

Dated this 7 day of December, 1959.

Arthur Swoger
Arthur Swoger, Respondent

Complainant, June Ormay Swoger, agrees that Francis Mallory may take the testimony in this cause without the issuance of a commission.

June Ormay Swoger
June Ormay Swoger, Complainant

STATE OF NEW YORK,
COUNTY OF New York

I, George Sundel, a Notary Public in and for said State and County, do hereby certify that Arthur Swoger, the respondent whose name is signed to the foregoing answer and waiver instrument, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the said instrument, he executed the same voluntarily on the day the same bears date.

Witness my hand and seal this 7th day of December, 1959.

George Sundel
Notary Public, State of New York,
County of New York

My commission expires: GEORGE SUNDEL Notary Public, State of New York No. 01-02-4199 Qualified in New York County Certificate filed with County Clerk, New York County Commission Expires March 30, 1960

Filed this 7 day of December, 1959

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Register of Court

ANSWER AND WAIVER

June Ormay Swoger,
Complainant

Vs.

Arthur Swoger,
Respondent