

(4852)

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

JANIE LYMAN DRISCOLL

Complainant

vs.

ROBERT E. DRISCOLL

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on 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

JANIE LYMAN DRISCOLL

is forever divorced from the

ROBERT E. DRISCOLL

for and on account of

Cruelty

It is further 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 marry except to each other during the pendency of said appeal.

It is further 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 further ordered that Janie Lyman Driscoll the Complainant pay the cost herein to be taxed, for which executed may issue.

This 16th day of February 1960.

[Handwritten signature]

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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THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

JANIE LYMAN DRISCOLL

Complainant

vs.

ROBERT E. DRISCOLL

Respondent

DIVORCE DECREE

*Filed*  
*2-16-60*  
*W. J. [unclear]*  
*Pres*

*[Faint, illegible text, possibly bleed-through from the reverse side]*

JANIE LYMAN DRISCOLL,

Complainant

vs.

ROBERT E. DRISCOLL,

Respondent

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,  
Oral Testimony taken before Commissioner

and in behalf of Defendant upon Answer and Waiver

*James M. Beckman*  
Solicitor for Complainant

*Alice J. Luck*  
Register.

*ML*

No. \_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**IN EQUITY**  
Circuit Court of Baldwin County

JANIE LYMAN DRISCOLL,

Complainant

VS.

ROBERT E. DRISCOLL,

Respondent

**Note of Testimony**

Filed in Open Court this \_\_\_\_\_

day of \_\_\_\_\_, 19\_\_\_\_

Register.

STATE OF ALABAMA )  
BALDWIN COUNTY )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ROBERT E. DRISCOLL to appear and answer, plead or demur, within thirty days from the service hereof, to a Bill of Complaint filed in this Court by JANIE LYMAN DRISCOLL, as Complainant, against ROBERT E. DRISCOLL, as Respondent, and at the same time make return of your actions hereunder.

Witness my hand this the 16 day of February, 1960.

*Alice J. Sluck*  
REGISTER

JANIE LYMAN DRISCOLL,  
Complainant  
-vs-  
ROBERT E. DRISCOLL,  
Respondent

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¶  
¶  
¶

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY  
CASE NUMBER: \_\_\_\_\_

Comes your Complainant, Janie Lyman Driscoll, and files this her Bill of Complaint for divorce against Robert E. Driscoll, and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant and the Respondent are both over the age of twenty-one years and that your Complainant is a resident of Baldwin County, Alabama for more than one year next preceding the filing of this Complaint. The Respondent is a resident of the State of New York, residing in Buffalo, New York.

SECOND:

That your Complainant and the Respondent were married on, heretofore, to-wit, the 17th day of January, 1942 in Amhurst, New York and lived together as husband and wife until on, to-wit, the 30th day of April, 1959, when, on account of the matters hereinafter

complained of, your Complainant was forced to live separate and apart from the Respondent; that on April 30, 1959 and at times prior thereto, Complainant states that the Respondent, from his manner and conduct toward her, gave reasonable apprehension of committing violence upon her person, attended with danger to her life and health, and that from his manner and conduct, she is reasonably certain that if she continues to live with him as his wife, he will commit actual violence upon her person with danger to her life and health or may injure her permanently.

THIRD:

That there have been three children born of the marriage between your Complainant and the Respondent, namely, Janie Driscoll, aged 17 years, Robert E. Driscoll, Jr., aged 14 years, and Claudia Driscoll, aged six years. That your Complainant and the Respondent have heretofore reached an agreement between themselves as to the disposition of their property and the custody of the children.

PRAYER FOR PROCESS AND RELIEF:

The premises considered, your Complainant prays that the above named Robert E. Driscoll be made a party Defendant to this cause by the usual writ or process of this Honorable Court requiring him to appear and answer, plead or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided; that upon a final hearing of this cause Your Honor will grant unto Complainant an absolute divorce from the Respondent and will decree that they be allowed to remarry if they see fit. Should your Complainant be mistaken in the relief prayed for, that there be granted to her such other, further and different relief to which she may be entitled and as in duty bound she will ever pray.

*Janie Lyman Driscoll*  
JANIE LYMAN DRISCOLL

STATE OF ALABAMA       )  
                                  )  
BALDWIN COUNTY        )

Before me, the undersigned authority, personally appeared Janie Lyman Driscoll, who, being by me first duly sworn, deposes and says that the facts contained in the foregoing instrument are true and correct.

*Janie Lyman Driscoll*  
JANIE LYMAN DRISCOLL

Sworn and subscribed to before me this the 16<sup>th</sup> day of February, 1960.

*[Signature]*  
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA

FILED

FEB 16 1960

ALICE J. DUCK, Register

RECORDED

INDEXED

FILED

FEB 16 1960

ALICE J. DUCK

REGISTER

NOTARY PUBLIC

BALDWIN COUNTY

ALABAMA

JANIE LYMAN DRISCOLL,  
Complainant

-VS-

ROBERT E. DRISCOLL,  
Respondent

SUMMONS AND BILL OF COMPLAINT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY



JANIE LYMAN DRISCOLL,  
Complainant

-vs-

ROBERT E. DRISCOLL,  
Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY  
CASE NUMBER: 4852

ANSWER AND WAIVER

Comes the Respondent in the above styled cause and for answer to the Bill of Complaint filed in said cause and for each and every paragraph thereof, separately and severally, says:

1. Respondent admits the allegations contained in the first paragraph of the Bill of Complaint.
2. Respondent admits the allegations contained in the second paragraph of the Bill of Complaint as to the date of marriage and date of separation but denies all other allegations of this paragraph and demands strict proof of the same.
3. Respondent admits the allegations contained in the third paragraph of the Bill of Complaint.

Respondent hereby accepts service of a copy of the Summons and Complaint in this cause and waives further service of the same. Respondent also waives notice of the taking of testimony and notice of submission of said cause and agrees that the testimony may be taken and the cause submitted without further notice to him.

*Robert E. Driscoll*  
ROBERT E. DRISCOLL

STATE OF NEW YORK )  
COUNTY OF )

I, the undersigned notary public in and for said state and county, do hereby certify that Robert E. Driscoll, 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 the instrument, he executed the same voluntarily on day same bears date.

Given under my hand and seal this 5<sup>th</sup> day of February, 1960.

My commission expires

FILED

FEB 16 1960

ALICE J. DUCK, Register

*Isabel K. Smith*  
NOTARY PUBLIC

ISABEL K. SMITH  
Notary Public State of New York  
Qualified in Erie County  
Commission expires Nov. 30, 1960

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IN THE DISTRICT COURT OF  
BALDWIN COUNTY, ALABAMA

ROBERT E. DRISCOLL, Plaintiff,  
vs -  
JANIE LYMAN DRISCOLL, Defendant.

FILED  
CLERK OF DISTRICT COURT

APPROVED FOR FILING  
BY CLERK OF DISTRICT COURT

**ANSWER AND WAIVER**

IN EQUITY

ROBERT E. DRISCOLL, Plaintiff,  
vs -  
JANIE LYMAN DRISCOLL, Defendant.

IN THE DISTRICT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ROBERT E. DRISCOLL  
PLAINTIFF

JANIE LYMAN DRISCOLL  
DEFENDANT

FILED  
CLERK OF DISTRICT COURT

APPROVED FOR FILING  
BY CLERK OF DISTRICT COURT

CLERK OF DISTRICT COURT

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: Helen Bailey

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 Mrs. Janie Lyman Driscoll and Mr. Duane Lyman

a witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Janie Lyman Driscoll

is the Complainant and Robert E. Driscoll

is the Respondent on oath, to be by you administered, upon said witnesses to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 16<sup>th</sup> day of February, 1960

Alice J. Duck Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. \_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

**JANIE LYMAN DRISCOLL**

Complainant

VS.

**ROBERT E. DRISCOLL**

Defendant

**COMMISSION TO TAKE DEPOSITION**

COMMISSIONER:  
**Helen Bailey**

WITNESSES:  
**Janie Lyman Driscoll**

**Duane Lyman**

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama  
(In Equity)

JANIE LYMAN DRISCOLL COMPLAINANT

vs.

ROBERT E. DRISCOLL RESPONDENT

I, Helen Bailey

as Register and Commissioner

have called and caused to come before me Janie Lyman Driscoll and

Mr. Duane Lyman

witnesses named in the requirement for Oral Examination, on the 16<sup>th</sup> day of February  
1960, at the office of Ernest M. Bailey, Attorney at Law

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

truth, the whole truth, and nothing but the truth, the said Janie Lyman Driscoll

and Duane Lyman

doth depose and say as follows:

TESTIMONY OF JANIE LYMAN DRISCOLL:

My name is Janie Lyman Driscoll and I am the Complainant in the above styled cause. The Respondent and I are both over the age of twenty-one years and I am a resident of Baldwin County, Alabama for more than one year next preceding the filing of the cause. The Respondent and I were married in Amhurst, New York on January 17, 1942 and lived together as husband and wife until April 30, 1959, when, because of his continued threats toward me, I was forced to leave him. I am of the opinion that if I had continued to live with him as his wife, he would have committed actual violence upon my person, attended with danger to my life and health.

Janie Lyman Driscoll  
JANIE LYMAN DRISCOLL

TESTIMONY OF DUANE LYMAN:

My name is Duane Lyman and I am the father of the Complainant in this cause. I have known the parties during their entire married life and I have often seen my daughter in a very distraught condition because of her domestic difficulties with her husband. I am of the opinion that if she had continued to live with him as his wife, he would have injured her permanently or caused her increasingly mental anguish.

Duane Lyman  
DUANE LYMAN

I, Helen Bailey 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 witnesses and read over to them and they signed the same in the presence of myself and Ernest M. Bailey at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; 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 16th day of February, 1960

Helen Bailey (L. S.)

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<b>THE STATE OF ALABAMA,</b>	
BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY	
JANIE LYMAN DRISCOLL	
VS.	
ROBERT E. DRISCOLL	
COMPLAINANT	RESPONDENT
<b>ORAL DEPOSITION</b>	
Filed	19 _____
<b>FILED</b>	
FEB 16 1960	
Alice J. Duck, Register	Register,
RECORDED IN	Record
Vol. _____	Page _____
Register,	

I have examined the foregoing deposition and find it to be a true and correct copy of the original as taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of myself and Ernest M. Bailey at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; 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.