

4862

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MELBA JOAN BINNS

Complainant

vs.

WARREN EDWARD BINNS

Respondent

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

MELBA-JOAN-BINNS is forever divorced from the said WARREN EDWARD BINNS for and on account of CRUELTY:

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

That the Complainant be, and hereby is awarded the custody and control of their two minor children, subject to the right of the Defendant to see and visit with said children at all reasonable and seasonable times, and the Defendant is ordered to pay to the Complainant the sum of \$40.00 per week, said payments to made either by the week or monthly, for the support and maintenance of said minor children.

The Complainant having made no claims as to alimony and support, no order is made as to same.

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 Melba Joan Binns the Complainant pay the cost herein to be taxed, for which executed may issue.

This 11th day of March 1960.

Hubert M. Stone

Judge Circuit Court, In Equity

I, ALICE J. DUCK

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 March, 1960.

Register of Circuit Court, In Equity.

11

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

In Circuit Court, In Equity

MELBA JOAN BINN S

Complainant

vs.

WARREN EDWARD BINNS

Respondent

DIVORCE DECREE

FILED

MAR 11 1960

ALICE J. DUCK, CLERK  
REGISTRAR

# 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 ~~Mobile~~ County, Alabama, Sitting in Equity, No. \_\_\_\_\_, wherein

MELBA JOAN BINNS is Complainant, and WARREN EDWARD BINNS

is Respondent, under and by virtue of the power conferred upon me by said Commission or agreement as such commissioner, caused Melba Joan Binns, and Estelle McAlleese

~~are~~ who were made known to me, to come before me at 3:00 o'clock P.M., on March 10, 1960, 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~~


Solicitor for Guardian Ad Litem & \_\_\_\_\_, and they testified in Attorney Ad Litem for

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 10 day of March, 19 60

  
Commissioner

TESTIMONY OF MELBA JOAN BINNS, WITNESS ON HER OWN BEHALF:

My name is Melba Joan Binns and I am the Complainant in this cause. I am the wife of the Respondent and they were married to each other on May 14, 1955 in Rutherford, New Jersey. Both myself and the Respondent are each over the age of twenty one years and were such at the time of the filing of the bill of complaint. I am a bona-fide resident citizen of the State of Alabama and the Respondent is a resident of the State of New Jersey. There are two minor children as issue of our marriage, Warren Thomas Binns, age four years and Nancy Ann Binns, age two and a half years. Said children live and reside with me and I think that I am a fit and proper person to be granted their custody and control. The Respondent has committed actual violence upon my person, attended with danger to my life and health, and from his conduct there is reasonable apprehension of such violence being inflicted upon my person if I were to ever live with the Respondent again in any respect as husband and wife. The Respondent has a very mean and nasty temper which he loses at the least little thing. He is an extremely jealous person and he has cursed and abused me for nasty and vulgar names on many occasions. The Respondent has hit me on numerous occasions with his hands and with his fists. On several of these occasions I have been forced to wear black eyes for several days at a time. The Respondent has repeatedly made threats to do me bodily harm and even to go so far as to kill me if I didn't do just as he said. I do not ever intend to live with the Respondent again and fear for my life if I were forced to live with him.

Melba Joan Binns

TESTIMONY OF ESTELLE MC ALEESE, WITNESS ON BEHALF OF THE COMPLAINANT.

I am a friend of the Complainant's. I have known the Complainant in this cause for approximately ten years. The Complainant is the wife of the Respondent and they were married to each other on May 14, 1955 in Rutherford, New Jersey. Both the Complainant and the Respondent are each over the age of twenty-one years and were such at the time of the filing of the bill of complaint herein. The Complainant is a bona-fide resident citizen of the State of Alabama and the Respondent is a resident of New Jersey. There is two minor children as issue of their marriage, Warren Thomas Binns, age four years and Nancy Ann Binns, age two and a half years. Said children live and reside with the Complainant and she is a fit and proper person to be granted their custody and control. The Respondent has committed actual violence upon the person of the Complainant, attended with danger to her life and health, and from his conduct there is reasonable apprehension of such violence being inflicted upon the person of the Complainant if she were to ever live with the Respondent again in any respect as husband and wife. I know of my own personal knowledge that the Respondent has a very bad temper because I have been present when the Respondent has become angry with the Complainant for no reason whatsoever. I have also been present when the Respondent has lost his temper and has struck the Complainant and had I not been there he would have done her great bodily harm. I have also heard him curse and abuse the Complainant with nasty and vulgar names on many occasions. The Complainant has exhibited bruises on and about her body to me on several different occasions which were the result of the Respondent's hitting her.

Estelle McAleese

MELBA JOAN BINNS

COMPLAINANT

vs.

WARREN EDWARD BINNS

DEFENDANT

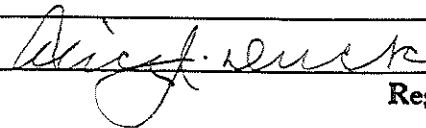
THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,  
Answer, Waiver and Agreement, and Testimony of Melba Joan Bims  
and of Estelle McAleese

WILLIAM GRAYSON, SOLICITOR FOR COMPLAINANT

and in behalf of Defendant upon



Register.

*mv*

No. -----

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

**IN EQUITY**  
Circuit Court of Baldwin County

VS.

**Note of Testimony**

Filed in Open Court this -----

**FILED**

day of -----, 19-----

**MAR 11 1960**

**ALICE J. DUCK**, CLERK Register.  
**REGISTER**

MOORE PRINTING CO., BAY MINETTE, ALA.

ALABAMA

MELBA JOAN BINNS,  
Complainant,

-vs-

WARREN EDWARD BINNS,  
Respondent.

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

NO. \_\_\_\_\_

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN 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 May 14, 1955 at Rutherford, New Jersey.  
Both the Complainant and the Respondent are each over the age of  
twenty-one years. The Complainant is a bona-fide resident citizen  
of the State of Alabama and the Respondent is a resident of the  
State of New Jersey. There are two minor children as issue of  
our marriage, Warren Thomas Binns, age four years and Nancy Ann  
Binns, age two and a half years. Said children live with me and  
I am a fit and proper person to be granted their custody and control.

TWO

The Respondent has committed actual violence upon my person,  
attended with danger to my life and health, and from his conduct  
there is reasonable apprehension of such violence.

PRAYER FOR PROCESS

Complainant prays that Your Honors will take jurisdiction of  
this cause, will make the said Warren Edward Binns, 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, and that she will be awarded the custody and control of their two 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.

FILED  
MAR 2 1960  
ALICE J. DUCK, CLERK  
REGISTER

*William S. Simpson*  
\_\_\_\_\_  
SOLICITOR FOR COMPLAINANT.

MELBA JOAN BINNS

Complainant

IN THE CIRCUIT COURT OF

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

vs.

BALDWIN

MOBILE COUNTY, ALABAMA

WARREN EDWARD BINNS

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.

and agree

by deposition

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.

*Warren Edward Binns*  
\* - \* - \* Defendant

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

Complainant and Defendant agree that Mrs. Peggy Preston, may take the testimony in this cause, without the issuance of a commission.

Defendant agrees that the Complainant should be granted the custody and control of their two minor children, Warren Thomas Binns and Nancy Ann Binns, subject to the right of the Defendant to see and visit with said children at all reasonable and seasonable times.

Defendant agrees to pay to the Complainant the sum of \$40.00 per week, said payments to be made either by the week or monthly.

Complainant releases the Defendant from all claims of alimony and support, as to herself alone, both temporary and permanent.

*Warren Edward Binns*  
DEFENDANT.

*Melba Joan Binns*  
COMPLAINANT.

STATE OF NEW JERSEY

COUNTY OF PASSAIC

I, RITA J. FABER, a NOTARY PUBLIC in and for said State and County, do hereby certify that Warren Edward Binns, 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, he executed the same voluntarily on the day same bears date.

Witness my hand and seal this 7th day of March, 1960.

*Rita J. Faber*  
RITA J. FABER NOTARY PUBLIC  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires July 1961

FILED \_\_\_\_\_ STATE OF NEW JERSEY  
\_\_\_\_\_, Register COUNTY OF \_\_\_\_\_