

(1277)

The State Of Alabama, Baldwin County
CIRCUIT COURT, IN EQUITY

H. O. Newcomb

Complainant

VS

Eunice Newcomb

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decrees Pro Confesso on publication 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 H. O. Newcomb is forever divorced from the said

Eunice Newcomb

for and on account of Voluntary Abandonment

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 again marry except to each other during the pendency of said appeal.

It is further ordered that either party be, and is hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that H. O. Newcomb the Complainant pay the cost herein to be taxed, for which execution may issue.

This 1st day of May, 1945

J. 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.

No..... Page.....

The State Of Alabama

Baldwin County

In Circuit Court, In Equity

.....
.....
vs. Complainant.

.....
.....
Respondent.

DIVORCE DECREE

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

H. O. Newcomb

Complainant

Vs.

Eunice Newcomb

Defendant

Motion is hereby made for a Decree Pro Confesso against Eunice Newcomb

Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 25th day of April 19 45

746 Code

B. A. Turner

Solicitor.

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Innocent

Complainant _____

Vs.

Innocent

Defendant _____

Motion for Decree Pro Confesso
on Publication

Filed 4-23 1945

R. R. ...

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Moore Printing Co. Day 400016 1/16/45

RECORDED

Vertical handwritten notes on the right margin.

NOTICE TO NON-RESIDENT

TIMES PRINTING CO., BAY MINETTE

E. O. NEWCOMB.

No. 1277

vs.

EUNICE NEWCOMB.

The State of Alabama,

Baldwin. County.

Circuit Court, in Equity

This the 14th day of

February, 194 5

In this cause it being made to appear to the Clerk of this Court by the affidavit of

E. A. Cramer.

that the Defendant Eunice Newcomb.

is a non-resident of the State of Alabama

and further, that, in the belief of said Affiant ~~that~~ the Defendant is over the age of 21

years; it is, therefore, ordered that publication be made in the Fairhope Courier, a newspaper pub-

lished in Fairhope, Baldwin County, Alabama, once a week for four consecutive weeks, requiring

the said Eunice Newcomb.

to answer or demur to the Bill of Complaint in this cause by the 26th day of

March 194 5 or after thirty days therefrom a decree Pro Confesso may be

taken against her

E A Cramer
Solicitor for ~~Respondent~~
Complainant.

Register.

H. O. Newcomb
.....
Complainant,
VS.
Eunice Newcomb
.....
Respondent.

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

DEMAND FOR ORAL EXAMINATION.

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from
Bay Minette....., in the County of Baldwin.....

Alabama, the place of trial of said cause, to-wit:.....

H. O. Newcomb
.....

Mauldin D. Vines
.....

2. That said complainant requires an oral examination of said witnesses before a commissioner appointed by the Register of this Court.

E. A. Crawley
.....
Solicitor for Complainant.

NOTE:

Complainant suggests the name of Frances G. Crawford.....,

as a suitable and competent person to act as commissioner upon the examination of said witnesses.

E. A. Crawley
.....
Solicitor for Complainant.

1277

BT-6-10-500

DEMAND FOR ORAL EXAMINATION.

Amos

Complainant,

Vs.

Amos

Respondent.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA—IN EQUITY.

Filed this *25* day of *April*,

194*5*

R. R. [unclear]

Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

H. O. Newcomb

Complainant

Vs.

Eunice Newcomb

Defendant

In this cause it appears to the Register R. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 22nd day of February, 1945, in the Fairhope Courier a newspaper published in Fairhope, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 14th day of February 1945 and _____

And it now further appearing to the Register R. Duck that the said Eunice Newcomb

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant _____, ordered and decreed by the Register _____ that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Eunice Newcomb

This 25 day of April 1945
R. Duck Register.

No. 1277

Page

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Jusank

Vs.

Jusank

Decree Pro Confesso of Publication

Issued

4-25-1945

R. J. [Signature]

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Moore Printing Co., Bay Minette, Ala.

RECORDED

THE FAIRHOPE COURIER

E. B. GASTON, ESTATE, PUBLISHER

A PROGRESSIVE PAPER FOR PROGRESSIVE PEOPLE

ESTABLISHED 1894

FAIRHOPE, ALABAMA

This is to certify that the
attached legal notice appeared
in the Fairhope Courier, a news-
paper published in Fairhope,
Baldwin County Ala., on the dates
of February 22, March 1, 8 and 15, 1945

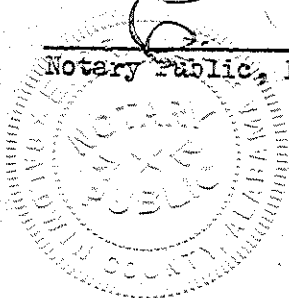
Frances G. Crawford

Frances G. Crawford, Editor.

State of Alabama
Baldwin County

Subscribed and sworn to this 26th day of March, 1945,
before me.

E. Crane
Notary Public, Baldwin County, Alabama.



In Account with

The Fairhope Courier

E. B. Gaston Estate, Publisher

Advertising and Commercial Printing

Rates on Application

Legal notice of
 158 words Re H. D.
 Newcomb vs Eunice
 Newcomb in issues
 of February 22, March 1-
 18 & 15-

\$ 7.11

H. J. Crawford

H. O Newcomb.

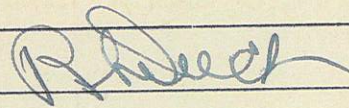
vs.
Eunice Newcomb

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 Decree Pro. Confesso and Testimony of _____
H O Newcomb and Mauldin D ~~Vine~~ Vines _____

and in behalf of Defendant upon _____



Register.

No. 1277

THE STATE OF ALABAMA
Baldwin County
IN EQUITY
Circuit Court of Baldwin County

H O. Newcomb.

vs.

Eunice Newcomb

NOTE OF TESTIMONY

Filed in Open Court this 30th

day of April., 194 5

R. H. Leaf
Register.

Printed by The Baldwin Times, Bay Minette.

and in behalf of Defendant upon

[Handwritten signature]

Register

DR. W. C. SIMMONS
BAY SPRINGS, MISS.

7-11-47

To Whom it may Concern
This is to certify that
Mrs Eunice Newcomb is under
my treatment for malaria fever
and will not be able to work
or leave home for 8-10 days
Sincerely Physician
W. C. Simmons
MD

STATE OF MISSISSIPPI
COUNTY OF JASPER:

Personally appeared before me after being duly sworn
came Dr. W.C. Simmons and says: that the facts set forth above and true
and correct as above stated

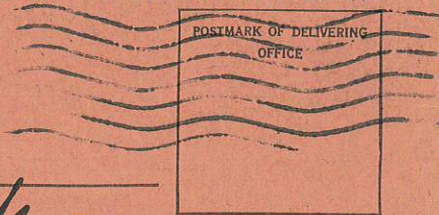
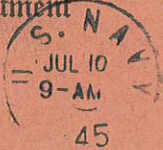
Sworn to and subscribed before me on this the 11th day of
July 1947.

Ossie Maye Sumrall
Notary Public

SEAL. My Com. Expires 7-2-1951

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



Return to R. S. Duck
(NAME OF SENDER)

Street and Number,
or Post Office Box, }

REGISTERED ARTICLE

No. 7

Post Office Bay Minette

INSURED PARCEL

No. _____

16-12421

State Ala

RETURN RECEIPT

Deliver to Addressee Only

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 H. M. G. & M. M. G.
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 6 JUL 1945, 1945

5-16-45
H. M. G. & M. M. G.
J. M. G.
J. M. G.

STANDARD TIME INDICATED
RECEIVED AT
TELEPHONE YOUR TELEGRAMS TO POSTAL TELEGRAPH

Postal Telegraph

Mackay Radio

Commercial Cables



All America Cables

Canadian Pacific Telegraphs

THIS IS A FULL RATE TELEGRAM, CABLE-GRAM OR RADIOGRAM UNLESS OTHERWISE INDICATED BY SYMBOL IN THE PREAMBLE OR IN THE ADDRESS OF THE MESSAGE. SYMBOLS DESIGNATING SERVICE SELECTED ARE OUTLINED IN THE COMPANY'S TARIFFS ON HAND AT EACH OFFICE AND ON FILE WITH REGULATORY AUTHORITIES.

Form 16 Dbl.

EXHIBIT "A"

Mobile, Ala.

10 55AM 27 th, 1945.

Mrs H O Newcomb,
Bay Springs, Miss.

Report in 21 days working now.

H O Newcomb,

11 10 AM.

No. 1278

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 14
day of July 1945

[Handwritten Signature]

REGISTER

and in behalf of Defendant upon

[Handwritten Signature]
Register

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO Frances G. Crawford

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine H. O. Newcomb and Mauldin D. Vines

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

H. O. Newcomb,

Complainant

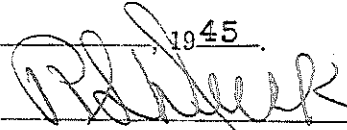
and Eunice Newcomb,

Defendant,

on oath to be by you administered, upon them

to take and certify the deposition of the witness and return the same to our Court, with all Convenient speed, under your hand.

Witness 25th day of April, 1945.



REGISTER

Commissioner's Fee \$ NONE

Witness' Fees, \$ NONE

NO. 1277

THE STATE OF ALABAMA
Baldwin County
CIRCUIT COURT

H. O. Newcomb.

Complainant

VS.

Eunice Newcomb.

Defendant

Commission To Take Deposition

COMMISSIONER:

Frances G. Crawford.

Witnesses:

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

H. O. NEWCOMB, Complainant

vs.

BUNICE NEWCOMB, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on PUBLICATION 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 H. O. NEWCOMB is forever divorced from the said BUNICE NEWCOMB for and on account of

VOLUNTARY ABANDONMENT

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 again 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 the payment of the cost of this suit.

It is further ordered that H. O. NEWCOMB the COMPLAINANT pay the cost herein to be taxed, for which execution may issue.

This 1st day of May, 19 45

F. W. HARE
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 15th day of July, 19 47

Register of Circuit Court, in Equity.

EXHIBIT "C"

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant.

Vs.

Respondent.

DIVORCE DECREE

Address reply to
Legal Assistance Officer

U. S. NAVAL TRAINING AND DISTRIBUTION CENTER
CAMP PEARY
WILLIAMSBURG, VIRGINIA

and refer to:
NM24-6/P-7/rdg
Serial No. L-

705

July 7, 1945

R. S. Duck, Clerk
Circuit Court
Baldwin County
Bay Minette, Alabama

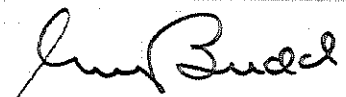
Dear Sir:

Huey O. Newcomb, AS, USN-I, is in receipt of a Petition from you in the matter of EUNICE NEWCOMB vs. H. O. NEWCOMB. This is a petition to declare void a decree of divorce granted to Newcomb on February 13, 1945.

Newcomb intends to retain E. Cramer, Attorney, Fairhope, Alabama to protect his interests in this matter. He would appreciate it if this matter could be delayed a few days until Mr. Cramer has had an opportunity to present Newcomb's defense.

Will you kindly place this letter in the file of the action in order that it may be brought to the attention of the Court before any decision is made?

Very truly yours,


G. M. BUDD
Lieutenant, USNR
Legal Assistance Officer

EUNICE NEWCOMB,)
Complainant,) IN THE CIRCUIT COURT OF
VS.) BALDWIN COUNTY, ALABAMA
H. O. NEWCOMB,) IN EQUITY
Respondent.)

Now comes the Respondent by and through his Solicitors, Hybart & Chason, and appears specially and limits his appearance for the purpose of suggesting to the Court that at present he is in the Armed Services of the United States of America and is likely to be transferred to duty out of the Continental Limits of the United States at an early date and is therefore not in a position to properly defend said suit and moves the Court that all proceedings relative to the same be held in abeyance until such time as he may be discharged from the Armed Forces of the United States of America.

Hybart & Chason
Solicitors for Respondent.

EUNICE NEWCOMB,
Complainant,
VS.
H. O. NEWCOMB,
Respondent.

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

Comes the Respondent in the above styled cause and moves the Court to require the Complainant to give security for cost in the above styled cause and as ground for said Motion says:-

FIRST:

In the Bill of Complaint it is alleged in paragraph one that the Complainant is a non-resident of the State of Alabama her address being Bay Springs, Mississippi.

WHEREFORE the Respondent says that the Complainant should be required, under the laws of the State of Alabama, to give security for cost in the above styled cause in such amount as your Honor may provide.

HYBART & CHASON

BY: 
Solicitors for Respondent.

OFFICE OF THE CLERK
CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
JULY 17 1947

IN EQUITY
EUNICE NEWCOMB, Complainant,
VS.
H. O. NEWCOMB, Respondent.
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.

MOTION
EUNICE NEWCOMB,
Complainant,
VS.
H. O. NEWCOMB,
Respondent.

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

Filed July 17, 1947.

Archie J. Neuch
Reg.

EUNICE NEWCOMB,	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY.
H. O. NEWCOMB,)	
Respondent.)	

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

ONE:

In answer to the first paragraph of the Bill of Complaint, the Respondent admits that the Complainant is over the age of twenty one years and a non-resident of the State of Alabama; the Respondent admits that she now lives in Bay Springs, Mississippi, but he does not know how long she has resided there.

TWO:

In answer to the second paragraph of the Bill of Complaint, the Respondent admits that he is over the age of twenty one years but denies that he is a non-resident of the State of Alabama, residing in Bay Springs, Mississippi. The Respondent says that he moved to Mobile, Alabama, about January 1943, where he resided until about January 1945; that he then moved to Fairhope in Baldwin County, Alabama, where he lived for about six months; that when he left Baldwin County, he returned to Mobile, Alabama, where he has lived since that time; that the Respondent has been absent from the State a part of this time while he was in the Navy.

THREE:

In answer to the third paragraph of the Bill of Complaint, the Respondent says that he filed a Bill of Complaint in the Circuit Court of Baldwin County, Alabama, on February 13, 1945, while he was a resident of Baldwin County, Alabama, and while his wife was a non-resident of the State of Alabama; he admits that he charged her with voluntary abandonment and that his divorce was granted on that ground.

FOUR:

In answer to the fourth paragraph of the Bill of Complaint, the Respondent admits that a divorce decree was granted


to him on May 1, 1945.

FIVE:

The Respondent denies all of the allegations of the fifth paragraph of the Bill of Complaint and demands strict proof thereof. The Respondent says that all of the allegations contained in his Bill of Complaint were true; the Respondent says that he has not been a resident of Bay Springs, Mississippi, for more than four years; that he does not own any property there and has no intentions of ever returning there; that his wife was living with him in Mobile, Alabama, at the time she abandoned him; that he knew that she returned at that time to Bay Springs, Mississippi, but she had told him that she was going to leave there and he was of the opinion that she had already left there when he filed his suit; the Respondent says that he had told his wife that he was intending to secure a divorce but he did not notify her after he secured one.

SIX:

The Respondent denies all of the allegations of the sixth paragraph of the Bill of Complaint and demands strict proof thereof; the Respondent says that there is no false statements in his Bill of Complaint which constituted a fraud upon the Complainant or the Court.


Solicitors for Respondent.

EUNICE NEWCOMB)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
H. O. NEWCOMB,)	
Respondent.	)	IN EQUITY

Comes the Respondent in the above styled cause and demurs to the Bill of Complaint filed in said cause and each and every paragraph thereof separately and severally and assigns the following separate and several grounds, viz:-

1.

That said Complaint does not state a cause of action.

2.

That the allegation in the fifth paragraph of the Complaint "that the allegations contained in the original Bill of Complaint filed by the Respondent, against the Complainant, were wholly false", is contradictory, in that certain allegations in the Complaint referred to were also made in this Bill of Complaint.

3.

That said Complaint fails to allege that the Respondent in this suit knew the Post Office Address of the Complainant in this suit at the time he filed his original Bill of Complaint.

4.

That the allegation in the fifth paragraph of the Bill of Complaint "that although the respondent knew her address," is now an allegation that he knew her Post Office Address at the time he filed his Bill of Complaint.

5.

That said Complaint fails to allege that the Complainant had not abandoned the Respondent prior to his filing a Bill of Complaint against her.

6.

For aught appearing from the Bill of Complaint the Respondent is a bona fide resident of the State of Alabama and had been such a resident for a sufficient length of time to enable him to file a Bill for Divorce at the time such Bill was filed.

7.

That said Bill of Complaint fails to allege how long the respondent has resided in Mobile, Alabama.

Howell L. Houston

Robert S. Brown
Solicitors for Respondent.

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1277 1/2

DEMURRER

EUNICE NEWCOMB,
Complainant,
VS.
H. O. NEWCOMB,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED: May 15, 1946

Register.

FILED

MAY 15 1946

R. S. DUCK, REGISTER

EUNICE NEWCOMB,
Complainant,
VS.
H. O. NEWCOMB,
Respondent.

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

This matter coming on to be heard on the Motion filed by the Respondent in the above styled cause to require security for cost on the part of the Complainant and it appearing to the Court that the Complainant, Eunice Newcomb is a non-resident of the State of Alabama, and that the law in such cases requires a security for cost be given.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Complainant, Eunice Newcomb give security for cost in the amount of \$ 70⁰⁰, within 20 days or the cause will stand dismissed.

Dated this 17th day of July, 1947.

J. W. Hare
Judge.

[Handwritten signature]

[Faint, mostly illegible text, possibly bleed-through from the reverse side of the page]

ORDER

EUNICE NEWCOMB,
Complainant,
VS.
H. O. NEWCOMB,
Respondent.

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

Filed July 17, 1947

[Handwritten signature]
Reg-

EUNICE NEWCOMB
COMPLAINANT
VS
H. O. NEWCOMB
RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 1277 $\frac{1}{2}$

Now come the parties hereto, acting by and through their
Solicitors of Record, and stipulate and agree as follows:

1.

That the testimony of the witnesses on behalf of the Complainant: Eunice Newcomb and Mrs. Ott Wilson, be taken before Evelyn Watts as special commissioner.

2.

That notice of the time and place of taking the testimony of said witnesses is waived.

3.

That the issuance of commission to Evelyn Watts as special commissioner is waived.

4.

That the testimony of said witnesses be taken down in shorthand, and when transcribed by the said special commissioner have the same probative force as if taken in accordance with law.

5.

That this cause be submitted for final decree without notice.

Dated this the 24th day of September, 1947/

W. W. White
Solicitor for the Complainant

Hubert A. Hays
Solicitor for the Respondent

UNITED STATES DISTRICT COURT
 DISTRICT OF COLUMBIA
 IN RE:

Case No. 03-1013
 Filed 03/26/03

EUNICE NEWCOMB

COMPLAINANT

VS

H. O. NEWCOMB

RESPONDENT

AGREEMENT

This Agreement is entered into by and between Eunice Newcomb, the Complainant, and H. O. Newcomb, the Respondent, for the purposes stated herein.

The Respondent hereby acknowledges that he has committed a wrongful act against the Complainant, and that the Complainant has suffered emotional distress as a result thereof.

The Respondent agrees to pay to the Complainant the sum of \$10,000.00 as compensation for the emotional distress suffered by the Complainant.

The Respondent further agrees to pay the Complainant's reasonable attorneys' fees and costs incurred in the prosecution of this claim.

The Complainant agrees to accept the sum of \$10,000.00 as full and final satisfaction of her claim against the Respondent.

This Agreement is made this 26th day of March, 2003, in the District of Columbia.

I hereby certify that the above is a true and correct copy of the original.

 Clerk of Court

TESTIMONY OF MRS. EUNICE NEWCOMB

What is your name? Eunice Wilson Newcomb.

Where do you live? Bay Springs, Mississippi.

How old are you? 33

How old is Mr. H. O. Newcomb? about 28.

Do you know where Mr. Newcomb lives? At Present? no sir.

Mrs. Newcomb, where were you residing on February 14, 1945?
Bay Springs, Mississippi.

How long have you been a resident of Bay Springs, Mississippi?
I have lived in and around Bay Springs all of my life, and for
the past five years I lived in Bay Springs.

Did you leave Bay Springs at any time? Only when we went
to Pascagoula and Mobile for him to work.

How long did you stay in Pascagoula? Just a couple months.

How long did you stay in Mobile? We went in October 1943,
and stayed until September 1944.

When you moved to Pascagoula and to Mobile did you carry
your furniture with you or did you just board. Just rented
an apartment. We rented a furnished apartment. Just enough
to light house keep. Just clothes and linens.

While you were in Mobile you and your Husband where was
your residence? Did you intent to reside in Mississippi? Yes.

When did you return to Bay Springs, Mississippi, from Mobile?
in September 1944.

When you returned from Mobile to Bay Springs, Mississippi,
was there any agreement between you and Mr. Newcomb? Yes Sir.

He asked me to go home to send the boy to school, and said
when school was out if he was not in service we could come back.

Did you go directly from Mobile to Bay Springs, Mississippi?
Yes Sir.

Have you lived since that time continuously in Bay Springs?
Yes Sir.

After leaving Mobile in September or October 1944 when
did you next see Mr. Newcomb. He came home a week or two
after he carried us home.

Was he home in 1944? Yes Spend Christmas in Bay Springs,
Mississippi.

After he left Bay Springs at Christmas time in 1944 when
did he next come back to Bay Springs? in January 1945.

You and your boy were still living at Bay Springs? Yes.

After he left there in January 1945, did he again come
back to Bay Springs? He was there in April.

Do you remember what time of April. 20th of April.

Did you see and talk with him. Yes Sir, he came to the
house.

Did you and him live together as husband and wife at that
time? Yes, we carried him to catch the bus at the time he
was there in April. He was on his way to Camp Shelby for
induction.

How long did he stay there at that time? He stayed from early in the morning until time to catch the bus.

About how many hours was he in Bay Springs at that time? He got off at the house about 4 o'clock and stayed to about 7 or 8 o'clock.

On this visit in April and on the previous visits that he made to Bay Springs did you see and talk with him? Yes sir.

Were you and the child living there at the time? Yes.

With whom were you living? My mother and father.

On each of his visits to Bay Springs he came out to the house where you were living? Yes.

Did you during the time intervening between these visits receive any word from him? Yes.

What was the nature of the messages you got from him? Wanting a divorce.

What did you tell him? I wanted to know why he wanted it.

What did he say to this? He told me he could get one any time he wanted it. I saw his sister-in-law in town and she told me he had it.

Mrs. Newcomb, where were you living during the months of February and March 1945? Bay Springs.

Did Mr. Newcomb at that time know that you lived at Bay Springs? Yes.

Mrs. Newcomb, was there at any time between the time you left Mobile and in April 1945 you were out of Bay Springs? No Sir.

You were in Bay Springs continuously from the time you left Mr. Newcomb in Mobile until the present time? Yes sir.

In April 1945 about the 27th did you receive a message from Mr. Newcomb? Yes, a telegram.

Is that the telegram you received? Yes.

I believe that you state Mrs. Newcomb, that just a few days prior to the 27th Mr. Newcomb was in Bay Springs? Yes, He was on his way to Camp Shelby.

Did Mr. Newcomb at any time tell you that he had changed his residence from Mississippi to Alabama? No Sir.

During the time he was in Mobile and you in Bay Springs did he at any time send any gifts or presents to your son? Yes Sir. When he came home Christmas he brought gifts and sent money from time to time.

Did you at any time abandon Mr. Newcomb? No sir.

When you left Mobile you stated, I believe, that it was at his request? Yes.

And he told you to go to Bay Springs? Yes, to send the boy to school.

You have remained in Bay Springs continuously from that time to the present? Yes sir.

The Complainant offers in evidence telegram from H. O. Newcomb to Mrs. H. O. Newcomb, Bay Springs, Mississippi, and asks that it be marked Exhibit "A".

The Complainant offers in evidence the original bill of Complainant filed in the Circuit Court of Baldwin County, Alabama, on February 14, 1945, in the case of H. O. Newcomb, Complainant, vs Eunice Newcomb, Respondent, and asks that it be made Exhibit "B".

The Complainant offers in evidence original decree of divorce in the case of H. O. Newcomb vs Eunice Newcomb dated May 1, 1945, and asks that it be made Exhibit "C".

Mrs. Newcomb, when did you say Mr. Newcomb asked you to return from Mobile to Bay Springs? In September when school started. What Year? 1944.

Mrs. Newcomb, where were you living on February 1, 1943? Bay Springs.

With your husband? He was working.

Do you remember where he was working in 1944? Pascagoula.

Were you living at Pascagoula at that time? We went down there but it was later on.

After February 1, 1945, did you live as wife with Mr. Newscomb? Yes.

I believe you stated you stayed in Pascagoula and also in Mobile? Yes.

And I believe you states that you continued to live with him until in September 1944? Yes.

The Complainant offers in evidence the original deposition of H. O. Newcomb taken before Frances G. Crawford as commissioner on April 27, 1945, and asks that it be identified as Exhibit "D".

CROSS EXAMINATION BY JOHN CHASON

Mrs. Newcomb when did you and Mr. Newcomb marry? 1936

What day and year? 18th day of December, 1936.

When was your child born? February 20, 1938.

You were living at Bay Springs, Mississippi at that time? We weren't living right in town but around.

When did you or your husband first leave Bay Springs, Mississippi? He left in 1943 to go to Pascagoula to work, The date and the Month? I don't remember the month.

How long did he stay in Pascagoula? Three or four months.

Did he leave there in 1943 or 1944? 1943.

Where did he go then? Mobile.

Do you know what month in 1943, he went to Mobile? I don't know.

Did you go with him when he first went to Pascagoula? No.

Did you live with him at all in Pascagoula? Yes.

How Long? Just a couple of months.

Did you go with him when he first went to Mobile, No, he went from Pascagoula to Mobile.

How long had he been in Mobile when you went there to live? About 4 or 5 months.

You went to Mobile to live with him about 4 or 5 months after he moved to Mobile, then you went there in 1944? Yes.

Do you know what month? October.

And how long did you stay there? Until the next September.

Now you say that you went there to live in October 1944 or 1943? It was 1943, because we came back in 1944 to start the boy to school.

Do you know how early in 1943 you went to Pascagoula. No.

Do you know what month? No.

But you say that he stayed in Pascagoula 3 or 4 months and then he went to Mobile and had been there 4 or 5 months when you went to him in October 1943, is that correct? We lived in Mobile from October 1943 until September 1944.

Now you left there and went back to Bay Springs, Mississippi? Yes.

Is it not a fact, Mrs. Newcomb that your husband left Bay Spring on July 17, 1942, and that you went to Mobile to him in the Spring of 1943. You just stated that you went there in October 1943. Isn't it a fact that you went to Mobile in the Spring of 1943 and you stayed there until September or October 1943? It would be some six months? We lived in Mobile in 1943 and moved back home in 1944.

How long did you stay with him in Mobile? From October to September, approximately 1 year.

Will you tell us your address in Mobile during that years' time? Crichton at Item Avenue.

Did you live there the full 11 months? Yes From October to the last day of August When we moved home.

Now you say you went back to Bay Springs, Mississippi? Yes.

At that time how old was you child? He was six, he started to school.

He was six years old and he started to school? Yes.

Is this a correct copy of the telegram from him. That is what I received.

Is this a correct copy or the original telegram? It is the telegram itself.

What causes you to say that you received this telegram in April, 1943? It is stamped on the back of the envelope. There is no date on this telegram to tell when it was sent or received is there Mrs. Newcomb. And you have no dependent recollection when you received it. I know it was in April because he went for an examination.

Now you brought some property in Mississippi with Mr. Newcomb's money? Yes, we were buying the place and he was

paying payments.

In all of it how much did he pay for it? I don't know how much he paid. He wasn't buying the place. He was paying payments on a part of it.

What size place was it that was being bought? 13 acres.

Did it have a house on it? Yes.

What was the cost price or the purchase price? I don't know.

Give us your best judgment. About how many hundred? I don't know.

What would you take for the place now? We have been offered \$1300.00.

About how much did he pay on it, your husband? Well he paid \$15.00 a month.

For how many months? He quit some time in 1945.

Mrs. Newcomb you handled the transaction in your name? No. Your mother's name. Yes.

You used his money and bought a place that you put in your Mother's name? No sir, he wanted it that way.

He had a car and you got that didn't you? No.

Did you say that you got the automobile? No.

Where is it? He didn't give me anything.

Didn't you have a car? We bought one in Mobile. I didn't get it

Were you satisfied in Mobile? Yes.

Isn't it a fact that you and your husband had lived in the home of your parents so that you became dis-satisfied when you were in Mobile? No sir I wasn't dissatisfied.

Isn't it a fact that you said you were going back to Bay Springs and take the child with you? No

Didn't you abandon him while he was in Mobile? No.

Didn't you tell him that you were going to leave and you didn't tell him where you were going. No.

Mrs. Newcomb, after you left Mobile in the latter part of August, 1944 and went back to Bay Springs, Mississippi, did you come back to Mobile any time? Yes.

Did you go to where Mr. Newcomb was living? Yes.

When did you come back? When he went to live with his mother. We spent Thanksgiving with his mother.

Where did his mother live? At Pritchard.

You went back and spent Thanksgiving with his mother? Yes.

When did you come back to Mobile again? Well I come back later and tried to get him to leave Mobile and he told me that he wanted to live in Mobile.

You left him and went back to Mississippi? I wanted to stay but he thought it best to go back and send the boy to school.

Now you say that you got a telegram from him? is that right?
Yes.

What did the telegram say? That he was to report in Camp Shelby in 21 days.

Did you say he was then in Mobile? Did you go over there?
No.

After you left him in Mobile did you go back to Mobile?
Only two times.

And the second time that you went back there you tried to persuade him to leave Alabama and go back to Mississippi? I didn't expect him to leave Alabama but I thought if I could get him to get away from the crowd he was running around with we could make a go of it.

Had you separated them? When I went down there he told me that he was through with us and never intended to live with us again.

Then when was that? I don't remember what month or the right date.

What year was it in? That was in 1945.

What time of the year? Fall of 1945.

Isn't it a fact that you were informed in Bay Springs by a relation of his in May, 1945, that a divorce had been granted and didn't you file this suit to set aside in June 1945 of which would be prior to the time you just mentioned? I might have said in 1945 but I didn't say May.

TESTIMONY OF MRS. OTT WILSON

What is your name? Mrs. Ott Wilson.

Mrs. Wilson, where do you live? Bay Springs, Mississippi.

Do you know Mrs. Ennice Newcomb? Yes.

What relation is she to you? My daughter.

Do you know where your daughter lived during the year 1943? She lived part of the year in my house in Bay Springs and the latter part of the year she went with her husband to Mobile.

During the year 1943 was your daughter and Mr. Newcomb living together as husband and wife? I thought they were. They stayed in my house.

After they moved to Mobile did you go down there? I went to Mobile and spent a few days with them.

Where were they living at that time? They were living at Crichton.

Do you know what year that was? 1944.

At that time Mr. Newcomb, Mrs. Newcomb and the boy were living there at Mr. George Newcomb at Chichton? Yes sir.

Do you know when your daughter came back to Bay Springs? She came back in the Fall 1944.

She has been there continuously, that is, she has lived there continuously since that time? Yes sir.

Have you seem Mr. Newcomb in Bay Springs since the Fall 1944 after you daughter came back? Yes sir. He spent a night and day with us.

Mr. Newcomb, after your daughter came back to Bay Springs from Mobile, came to Bay Springs and lived with his wife and in your home? No.

Has Mrs. Newcomb lived in Bay Springs continuously since she came back from Mobile? Yes.

CROSS EXAMINATION BY MR. JOHN CHASON:

Mrs. Wilson he paid a part on a house and piece of land that was put in your name. They had lived with us ever since they had been married in our house, and we had never charged them any rent. There was three notes on it and he asked if he could help pay for it and we all went on the notes and he paid part of it.

How much did he pay? I don't know

Now your daughter and the child have lived with you ever since the marriage of your daughter except the time they was working on the defense work. Yes.

How long was that period of time? Pascagoula three or four months. Mobile how long? Something like a year.

You daughter got dis-satisfied in Mobile? I didn't hear any talke of it. She came home crying.

You still live in the house that he helped pay for? I finished paying it out.

Didn't you try to get Mr. Newcomb and your daughter to come back and live ^{with} you in that house. I didn't encourage it. They just came back. They had left some of their things there.

Did you insist on your daughter coming back and live with him? My daughter wrote and aske me what to do about coming home.

The Respondant offers no testimony.

ONOR TOO COT AND WENT TO THE COURT HOUSE AND STAYED THERE FOR SEVERAL DAYS AND WAS PROTECTED BY POLICE UNTIL SHE WAS RELEASED TO HER HOME.

REMAINING PART OF THE DAY SHE WAS AT THE COURT HOUSE AND STAYED THERE UNTIL SHE WAS RELEASED TO HER HOME.

ON THE DAY SHE WAS RELEASED FROM THE COURT HOUSE SHE WAS TAKEN TO THE HOSPITAL AND STAYED THERE FOR SEVERAL DAYS.

ON THE DAY SHE WAS RELEASED FROM THE HOSPITAL SHE WAS TAKEN TO THE COURT HOUSE AND STAYED THERE UNTIL SHE WAS RELEASED TO HER HOME.

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TESTIMONY OF EUNICE
NEWCOMB AND MRS. OTT
WILSON

EUNICE NEWCOMB
COMPLAINANT
VS
H. O. NEWCOMB
RESPONDENT

ON THE DAY SHE WAS RELEASED FROM THE COURT HOUSE SHE WAS TAKEN TO THE HOSPITAL AND STAYED THERE FOR SEVERAL DAYS. ON THE DAY SHE WAS RELEASED FROM THE HOSPITAL SHE WAS TAKEN TO THE COURT HOUSE AND STAYED THERE UNTIL SHE WAS RELEASED TO HER HOME. ON THE DAY SHE WAS RELEASED FROM THE COURT HOUSE SHE WAS TAKEN TO THE HOSPITAL AND STAYED THERE FOR SEVERAL DAYS. ON THE DAY SHE WAS RELEASED FROM THE HOSPITAL SHE WAS TAKEN TO THE COURT HOUSE AND STAYED THERE UNTIL SHE WAS RELEASED TO HER HOME.

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THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

H. O. Newcomb

Complainant

VS.

Eunice Newcomb

Respondent

I, Frances G. Crawford

as Register and Commissioner

have called and caused to come before me H. O. Newcomb and Mauldin D. Vines

witnesses named in the Requirement for Oral Examination, on the 27th day of April 1945, at the office of E. A. Cramer, Attorney, in Fairhope, Alabama, and having first sworn said Witnesses to speak the truth, the whole truth, and nothing but the truth, the said H. O. Newcomb doth depose and say as follows:

I was married to Eunice on December 18th 1936 at Laurel, Mississippi. I am 28 years of age and my wife is 32 years of age. I have lived in Baldwin County, Alabama, for more than two years. On or about February 1st 1943, my wife left me. So far as I know, there was no justification for her leaving. She has refused to return and for about one year past I have not even known where she was. I was advised that she had left the State of Alabama, however. Through her family, I know that she is not a member of the Armed Forces.

H O Newcomb

And the said Mauldin D. Vines doth depose and say as follows:

I have known Mr. H. O. Newcomb more than two years. I know that his wife left him in the early part of 1943 and has not lived with him ever since that date. I have occasion to see Mr. Newcomb almost daily and have had for nearly two years. I am 29 years of age and, at present, a resident of Baldwin County, Alabama.

Mauldin D Vines

ORAL EXAMINATION.

I, Frances G. Crawford, as Register and Commissioner hereby certify that the foregoing deposition—on Oral Examination was taken down by me in writing in the words of the witness~~es~~ and read over to them and they signed the same in the presence of myself _____ 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 27th day of April, 1945.

Frances G. Crawford (L. S.)

EXHIBIT "D"

NO. 1277 PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

W. W. W. W.

vs. Complainant

Shirley

Respondent.

Oral Deposition

Filed April 30, 1945

Frances G. Crawford, Register.

Recorded in _____

Record _____

Vol. _____

Page _____

Register.

H. O. Newcomb	)	In the Circuit Court
Complainant)	
	)	Baldwin County
vs)	
	)	Alabama
Eunice Newcomb)	
Respondent	)	In Equity

To the Honorable Francis W. Hare, Judge of said Court, sitting in Equity:

Comes Your Complainant, H. O. Newcomb, and respectfully exhibits this, His Bill of Complaint against Eunice Newcomb and shows unto Your Honor as follows:

First: Complainant who is past the age of 28 years and Respondent who is past the age of 32 years intermarried on December 18th 1936 at Laurel, Mississippi.

Second: On or about February 1st 1943, Respondent voluntarily abandoned the Complainant and has continued said abandonment ever since to the present date with total neglect of the marital covenant on her part.

Third: Complainant has been a resident of the State of Alabama for two years past, residing presently in Baldwin County therein.

The premises considered, Complainant prays that Your Honor grant all appropriate and legal process and that same be directed to said Eunice Newcomb demanding her to personally appear before this Honorable Court within the time prescribed by law and then and there to answer fully and completely the several paragraphs of this Bill of Complaint and that she be required to abide and obey all decrees and orders of this Court which to Your Honor may seem meet and proper.

Complainant further prays, upon a hearing of this cause, that a decree be rendered forever divorcing Complainant from said Eunice Newcomb and granting Complainant such other, further and different relief as may be or appear proper in the premises.

E. A. Cramer
Solicitor for Complainant.

State of Alabama, Baldwin County, ss
Personally appeared E. A. Cramer, who, being duly sworn, deposes and says: That he is attorney for H. O. Newcomb in a suit of divorce against Eunice Newcomb; that he believes, upon information and investigation, that said Eunice Newcomb is past the age of twenty one years and is, presently, a non resident of the State of Alabama wherefore he believes that notice of the pendency of said action ought to be given by publication.

E. A. Cramer

Subscribed and sworn to this 13th day of February, A. D. 1945, before me.

Charles H. Blahar
Notary Public, Baldwin County
Alabama.

1277

EXHIBIT "B"

Department of Justice
Federal Bureau of Investigation
Washington, D. C.

TO THE ATTORNEY GENERAL, WASHINGTON, D. C.
FROM THE ATTORNEY GENERAL, WASHINGTON, D. C.

Complaint
I, **Wauchock**, do hereby certify that the following is a true and correct copy of the original as filed in my office on **July 14, 1945**.

Richard
Regier

RECORDED

...the ... of ...

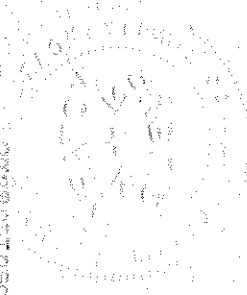
Richard D. Regier

...the ... of ...

Richard D. Regier

...the ... of ...

Richard D. Regier



STATE OF ALABAMA,
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETINGS:

WE COMMAND YOU that you summon H. O. NEWCOMB, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction, within thirty days after the service of summons, and there to plead, answer or demur, without oath, to a bill of complaint lately exhibited by Eunice Newcomb, against the said H. O. Newcomb, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondent shall in no wise omit under penalty of the law. And we further command that you return this writ with your execution thereon, to our said Court immediately upon the execution thereof.

WITNESS R. S. DUCK, Register of said Court, this the 4 day of June, 1945.


Register

EUNICE NEWCOMB,
COMPLAINANT,
VS.
H. O. NEWCOMB,
RESPONDENT.

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

TO HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

The Complainant, Eunice Newcomb, humbly complaining against the Respondent, H. O. Newcomb, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant is over twenty-one years of age, a non resident of the State of Alabama, her address being Bay Springs, Mississippi;

2.

That the Respondent, H. O. Newcomb, is over twenty-one years of age, a non resident of the State of Alabama, his address being Bay Springs, Mississippi; however, he is presently residing in Mobile County, Alabama, his address being 104-B 10th Street, Blakeley Island, Mobile, Alabama;

3.

That on to-wit, February 13, 1945, the Respondent filed his bill in the Circuit Court of Baldwin County, Alabama, in equity, against the

the Complainant, alleging among other things, that the Complainant was a resident of the State of Alabama, and had been for 2 years before the filing of the bill of complaint, and residing in Baldwin County, Alabama; that the Complainant on, or about February 1, 1943, voluntarily abandoned the Respondent and had continued said abandonment to the present date, with total neglect of the marital covenant on her part;

4.

That on May 1, 1945, a decree was rendered by this Honorable Court, forever dissolving the bonds of matrimony between the Complainant and the Respondent;

5.

That the allegations contained in the original bill of complaint filed by the Respondent, against the Complainant, were wholly false; that the Respondent knew that they were false; that the Respondent was not at that time, and had never been a bona fide resident of Baldwin County, Alabama, but was a resident of Bay Springs, Mississippi; that the Complainant was at the time the suit was filed, a bona fide resident of Bay Springs, Mississippi; that although the Respondent knew her address, it was not given and she was not served with notice as required by law; that the first knowledge she had of the proceeding by the Respondent was after the decree had been granted, when she was notified by the Respondent that he had secured a divorce;

6.

That the false statements contained in the original bill of complaint, by the Respondent, constituted a fraud upon the complainant and also upon the Court.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process, make the said H. O. Newcomb party Respondent to this bill of complaint, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that your Honor will, upon a final hearing hereof, enter a decree setting aside and hold for naught and void the decree rendered in favor of the Respondent and against the Complainant on May 1, 1945; that this Honorable Court will give and grant unto the Complainant such other, further, different, or general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

BEEBE & HALL

By: *J. S. Beebe*
Solicitors for the Complainant.

The Respondent's address:

104-B 10th Street,
Blakeley Island,
Mobile, Alabama, or
112 Battle Street,
Chickasaw, Mobile County,
Alabama.

197

Send a copy (copy sent) and full name (name) to the

After the copies are sent the copies should be sent to the

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1277

1277

The Department of the Navy
Department of the Navy
Washington, D.C. 20340
101-2-2000 (Rev. 5-5-64)

Copy mailed

7-3-45

40 Hancock Ave
Co 83 unit 20A-1
us Naval Training
and Distribution Center
Camp Perry
Millersburg Va
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STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, H. M. Hall, a Notary Public in and for said County, in said state personally appeared Eunice Newcomb, who is known to me, and who having been by me first duly sworn, deposes and says that she is the Complainant in the foregoing cause; that she is fully acquainted with the facts therein stated; that they are true.

Mrs Eunice Newcomb.

Sworn to and subscribed before me on this the 12 day of June, 1945.

J. L. See
Notary Public, Baldwin Co., Ala.

[Faint, illegible handwritten notes and signatures in the lower half of the page, including a date '1945' on the right side.]

RECEIVED
GENERAL INVESTIGATIVE
DIVISION

Bill to set aside decree, H. O. Newcomb vs. Army

Bill to set aside decree, H. O. Newcomb vs. Army

Bill to set aside decree, H. O. Newcomb vs. Army

Bill to set aside decree, H. O. Newcomb vs. Army

Bill to set aside decree, H. O. Newcomb vs. Army

1277 1/2
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EUNICE NEWCOMB,
COMPLAINANT,

VS.
Army
H. O. NEWCOMB,
RESPONDENT.

Bill to set aside decree.

Filed June 14-1945
Robert
Ryder

6-16-45

1277 1/2
Received
6/16/45
Not found in
and found in
H. O. Newcomb
vs. Army
A. E. Folger
Capt. Army 6/18/45

EUNICE NEWCOMB

COMPLAINANT

VS

H. O. NEWCOMB

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

This cause coming on to be heard was submitted upon the demurrers filed by the Respondent to the original bill of complainant.

It is the opinion of the court that the demurrers are not well taken, and should be over ruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the demurrers filed by the Respondent to the original bill of complaint be and the same are hereby over ruled.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent be and he is hereby given twenty days in which to file further pleadings if he sees fit.

Dated at Bay Minette, in Baldwin County, Alabama, this the 30 day of September, 1946.



Judge

1277½
EUNICE NEWCOMB

COMPLAINANT

VS

H. O. NEWCOMB

RESPONDENT

DEGREE OVERRULING
DEMURRERS.

FILED

OCT 28 1946

R. S. DUCK, REGISTER
By Alice J. Duck

EUNICE NEWCOMB	Y	
COMPLAINANT	Y	IN THE CIRCUIT COURT OF
VS	Y	BALDWIN COUNTY, ALABAMA,
H. O. NEWCOMB	Y	IN EQUITY
RESPONDENT	Y	

This cause coming on to be heard is submitted, for final decree, upon the original bill of Complaint, and the pleadings and proof as noted by the Register.

The Court, after considering and understanding the matter, is of the opinion that the Complainant is entitled to the relief prayed for, and that the decree rendered by this court in the case of H. O. Newcomb as Complainant vs Eunice Newcomb as Respondent, should be set aside.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, by the Court, that the decree of divorce heretofore granted by this Court in the case of H. O. Newcomb as Complainant vs Eunice Newcomb, as Respondent, on May 1, 1945, being cause no 1277, be and the same hereby is set aside, and declared void and of no effect.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court, that the Respondent pay the costs of this cause, for which execution may issue.

Dated this the 30th day of September, 1947.

L. P. Hall
JUDGE

EUNICE NEWCOMB
COMPLAINANT

VS

H. O. NEWCOMB
RESPONDENT

DECREE TO SET ASIDE DECREE

1281

*Filed
9/20/49
Alice J. Neuch*