

1327

BERNICE H. STACEY,
Complainant,
VS.
ROBERT EDWARD STACEY,
Respondent.

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

FINAL DECREE

This cause coming on to be heard on this date is submitted for Final Decree on behalf of the parties upon the original Bill of Complaint, Answer and Waiver and the Testimony as noted by the Register, upon consideration of all of which the Court is of the opinion that the Complainant is entitled to the relief prayed for by her in her said Bill of Complaint whereupon IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the bonds of matrimony heretofore existing between the Complainant, Bernice H. Stacey, and the Respondent, Robert Edward Stacey, be and they are hereby dissolved and the Complainant is forever divorced from the Respondent on the ground of cruelty.

2. The Complainant and the Respondent are each hereby permitted to again contract marriage but they shall not marry except to each other until after the expiration of sixty days from the date of this Decree and if an appeal is taken in this cause within sixty days they shall not marry except to each other during the pendency of said appeal.

3. The costs of this proceeding are hereby taxed against the Respondent, for which execution may issue.

ORDERED, ADJUDGED AND DECREED this 20th day of April, 1945.

A. W. Hare

Judge.

BERNICE H. STACEY,)	
Complainant	(
-vs-)	IN THE CIRCUIT COURT OF
ROBERT EDWARD STACEY,	(BALDWIN COUNTY, ALABAMA
Respondent)	IN EQUITY - No. _____
	(

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

The Bill of Complaint exhibited by Bernice H. Stacey, Complainant, against Robert Edward Stacey, Respondent, respectfully shows:

ONE

Your Complainant, Bernice H. Stacey, is over the age of twenty-one (21) Years, and is now and has been for more than two years next immediately preceding the filing of this Bill of Complaint a bona fide resident citizen of the County of Baldwin, State of Alabama, while the Respondent, Robert Edward Stacey, is over the age of twenty-one (21) years, and presently and temporarily in the armed services of the United States, but is a bona fide resident citizen of Baldwin County, Alabama.

TWO

Complainant and Respondent were married to each other on January 30th 1934 at Pensacola, Florida, and thereafter continued to live together as husband and wife in Baldwin County, Alabama until the month of May 1942. They have not resided and lived together since May 1942.

THREE

Within one year prior to May 1942 the respondent committed actual violence on the person of Complainant, attended with danger to her life or health, for that within said time he struck her with his fist on the left part of her face, and the blows were of sufficient violence to bruise and lacerate her face so that she had to have three stitches taken therein.

Thereafter he threatened from time to time to strike her so

that she had to separate from him in May 1942; and your Complainant avers further that there is reasonable apprehension of such violence should she live with him further as his wife.

PRAYER FOR PROCESS

The premises considered, your Complainant, Bernice H. Stacey, would respectfully pray that Robert Edward Stacey be made a party respondent to this Bill of Complaint, and that process in the usual form be issued out of this Court directing, ordering and commanding the respondent to be and appear before this Court within the time required by law, then and there to plead, answer or demur to this bill of complaint.

PRAYER FOR RELIEF

Complainant would further pray that upon a final hearing hereof, your Honor will be pleased to grant unto her a decree of divorce forever dissolving the bonds of matrimony now existing between your Complainant and the Respondent. And if the Complainant has not prayed for the proper relief may it please the Court to grant unto her such other, further and general relief as in equity and good conscience she may be entitled to, the premises considered.

Bernice H. Stacey
Complainant

Samuel Johnston
John M. McCall Johnston
Solicitors for Complainant

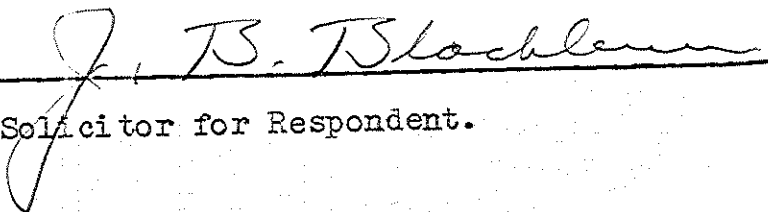
BERNICE H. STACEY,
Complainant,
VS.
ROBERT EDWARD STACEY,
Respondent.

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

ANSWER

Now comes the Respondent in the above entitled cause by his solicitor, and for answer to the Bill of Complaint filed therein admits the allegations of paragraphs One and Two of the Bill of Complaint but denies each and all of the other allegations of the said Bill of Complaint and demands strict proof thereof.

The Respondent agrees that the testimony in this cause be taken by deposition on oral examination and waives notice of the time and place of taking such testimony. He further waives the issuance of a commission to take the deposition of the witnesses and consents and agrees that Miss Carolee Borden, of Mobile, Alabama, or some other suitable person may act as Commissioner for the taking of such depositions and he further agrees that the cause be submitted for final decree at anytime without further notice to him.


Solicitor for Respondent.

P. O. Box 550
Mobile, Alabama
April 27, 1945

CIRCUIT COURT
BALDWIN COUNTY
BAY MINETTE, ALABAMA

REGISTER IN CHANCERY

To: Carolee Borden
P. O. Box 550
Mobile 4, Alabama

Commissioner's Fee: Bernice H. Stacey v.
Robert Edward Stacey

Depositions of Bernice H. Stacey, Complainant,
and Margaret H. Martin, Witness on Behalf
of Complainant

\$5.00

BERNICE H. STACEY,

Complainant,

VERSUS

ROBERT EDWARD STACEY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY - NO. _____

DEPOSITIONS OF BERNICE H. STACEY, COMPLAINANT, AND MARGARET H. MARTIN, WITNESS ON BEHALF OF COMPLAINANT, IN ABOVE-ENTITLED CAUSE:

DEPOSITION OF BERNICE H. STACEY

My name is Bernice H. Stacey. I am over the age of twenty-one (21) years, and am now and have been for more than two (2) years next immediately preceding the filing of this bill of complaint a bona fide resident citizen of the County of Baldwin, State of Alabama. I live in the Town of Foley, Alabama.

The respondent, Robert Edward Stacey, is over the age of twenty-one (21) years and presently and temporarily is in the armed service of the United States, but is a bona fide resident citizen of Baldwin County, Alabama. My husband is now located at Fort Dix, New Jersey. He is a captain in the Medical Corps.

The respondent, Robert Edward Stacey, and I were married to each other on January 30, 1934, at Pensacola, Florida, and lived together thereafter as husband and wife continuously in Baldwin County, Alabama, until the month of May, 1942. We have not resided or lived together since May, 1942.

Within a year prior to May, 1942, before we separated, my husband became angry with me early one morning at some complaint I had made about his hounds barking all night, and threw one of my shoes at me. The shoe struck me and cut a gash in my left cheek, necessitating the taking of three stitches in it. Many times thereafter he threatened, from time to time, to strike me, and as a result, I had to separate from him in May, 1942. The actual violence which he committed upon my person and the threats which he used against me endangered both my life and health, and I did not feel it safe to continue to live with him. I had reason-

able apprehension of further violence against my person, should I continue to live with him further as his wife. There are no children born of our marriage.

Bernice H. Stacey

CROSS-EXAMINATION BY HON. J.

B. BLACKBURN, SOLICITOR FOR

RESPONDENT:

None.

Bernice H. Stacey

DEPOSITION OF MARGARET H. MARTIN

My name is Margaret H. Martin. I live at 8 Homer Street in Mobile, Alabama. I am thirty-four (34) years of age. I am the sister of Mrs. Bernice H. Stacey, the complainant in this case.

I know Robert Edward Stacey, the respondent, the husband of my sister.

Within a year prior to May, 1942, I saw my sister's face after it had been cut with some object. It had stitches in it and was a very bad cut. I was told by my sister at the time that her husband, Robert Edward Stacey, had thrown a shoe at her and cut her face. I know that my sister and her husband, Robert Edward Stacey, have not lived together since May, 1942.

Mrs. Margaret H. Martin

CROSS-EXAMINATION BY HON. J.

B. BLACKBURN, SOLICITOR FOR

RESPONDENT:

None.

Mrs Margaret H Martin

I, Carolee Borden, as Commissioner, hereby certify that on the 27th day of April, 1945, there appeared before me in the office of Sam M. Johnston, 804 First National Bank Annex, Mobile, Alabama, Bernice H. Stacey, Complainant, and Margaret H. Martin, witness on behalf of the complainant, in the case of Bernice H. Stacey, Complainant, v. Robert Edward Stacey, Respondent, now pending on the Equity Side of the Circuit Court of Baldwin County, Alabama, who, having been made known to me and having been duly sworn to speak the truth, the whole truth and nothing but the truth, testified as set out in the foregoing depositions. I further certify that the answers of the witnesses to the questions propounded to them by Sam M. Johnston, Solicitor for Complainant, and J. B. Blackburn, Solicitor for Respondent, were reduced to writing by me, as nearly as might be in the language of the witnesses, and transcribed on the typewriter; that the answers as written and set out in the foregoing depositions were then read over to them in my presence and signed by them in my presence; that I am not of counsel nor of kin to any of the parties to this cause, nor am I in any way interested in the result thereof.

IN WITNESS WHEREOF, I hereunto set my hand this 27th day of April, 1945.

Carolee Borden
COMMISSIONER

BERNICE H. STACEY,

, Complainant,

No. VS.

ROBERT EDWARD STACEY,

Respondent

ORDER PUBLISHING TESTIMONY

This cause coming on to be heard, upon motion of Complainant, it is ordered that the Register publish testimony.

Dated,

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to-wit:

For Complainant

Bill of Complaint
Answer & Waiver of Respondent
Depositions of Complainant, Bernice H. Stacey, and
Witness on Behalf of Complainant, Margaret H. Martin

James M. Johnston
Solicitor S. for Complainant.

For Respondent

Answer

J. B. Blackburn
Solicitor for Respondent.

FILED, April 27, 1945

R. B. [Signature]
Register.

No.

BERNICE H. STACEY,
Complainant,

VS.

ROBERT EDWARD STACEY,
Respondent.

ORDER PUBLISHING TESTIMONY
ORDER OF SUBMISSION
NOTE OF EVIDENCE

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ORDER PUBLISHING TESTIMONY

This order requires that the respondent appear before the court on the date specified herein and testify under oath.

Attest: I, Clerk of the Court, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the court.

[Handwritten signature]

[Handwritten signature]

FILED IN COURT

[Handwritten signature]