

1363

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

James Michael Byers Complainant

VS.

Dorothy Gail Byers Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Answer and Waiver~~ 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 James Michael Byers is forever divorced from the said Dorothy Gail Byers

for and on account of the grounds set forth in the Bill of Complaint,

It is further ordered, adjudged and decreed by the Court that the Complainant, James Michael Byers, shall have the custody of the child, Margaret Gail Byers.

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 the Complainant pay the cost herein to be taxed, for which execution may issue.

This 11th day of July, 1945.

J. W. Store 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

Byers

No. 1313 Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

vs. Complainant

Respondent

DIVORCE DECREE

Filed this _____ day of _____

194

Register

James Michael Byers

vs.

Dorothy Gail Byers

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,
and Testimony of James Michael Byers and Walter Byers

and in behalf of Defendant upon Answer and Waiver

E. A. Cramer, Solicitor

For Complainant

R. Byers

Register.

No. 1863

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

James M. Byrum

vs.
Marion H. Byrum

NOTE OF TESTIMONY

Filed in Open Court this 10

day of July, 1945

James M. Byrum
Register.

James Michael Byers	:	Circuit Court
Complainant	:	
	:	Baldwin County
vs	:	
	:	Alabama
<i>DOROTHY</i> Gail James Byers	:	
Respondent	::	In Equity.

Dorothy

Comes Gail ~~James~~ Byers, Respondent in the above styled cause, and for answer to the Bill of Complaint therein says that she denies each and every allegation therein contained.

Respondent further states that she is not a member of the Armed Forces of the United States.

Further, Respondent waives notice of demand for oral examination of complainant's witnesses, the issue of formal commission to take testimony, notice of the time and place of taking same and the right to cross examine or introduce evidence on her own behalf and she agrees that this cause may be submitted for final decree at any time without further notice to her on the pleadings and complainant's testimony as noted by the Register.

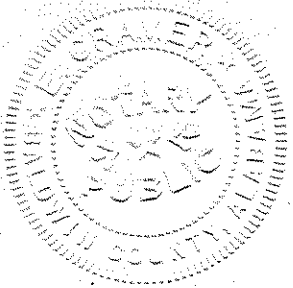
Dorothy Gail Byers

State of Alabama
Baldwin County

Before me, E. Cramer, a Notary Public in and for said County and State, personally appeared *DOROTHY* Gail ~~James~~ Byers, known to me, and she acknowledged that she voluntarily executed the foregoing answer and waiver with full knowledge of the contents thereof.

Given under my hand and official seal this 3rd day of July, 1945.

E. Cramer



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10/19/45

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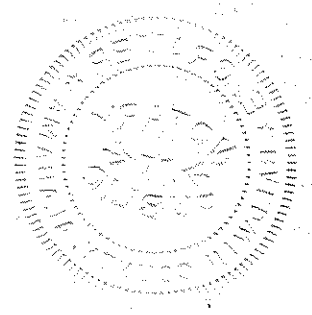
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James Michael Byers
Complainant

vs

Dorothy Gail Byers
Respondent

) Circuit Court

) Baldwin County

) Alabama

) In Equity

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

Comes Your Complainant, James Michael Byers, and respectfully exhibits this, His Bill of Complaint against Dorothy Gail Byers and shows unto Your Honor as follows:

First: Complainant, who is 24 years of age, and Respondent, who is 28 years of age, intermarried on February 24th 1944 at San Francisco, California.

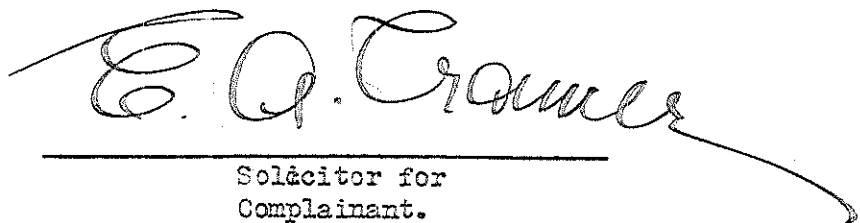
Second: Subsequent to said marriage, Respondent committed adultery with one "John Doe", said name being fictitious in as much as the correct name of the man in question cannot be ascertained.

Third: The parties hereto have been residents of Alabama for more than one year past, Respondent residing presently in Fairhope, Baldwin County, Alabama.

Fourth: There was born to this marriage a daughter, Margaret Gail Byers.

The premises considered, Complainant prays Your Honor to grant all appropriate and legal process and that same be directed to said Dorothy Gail Byers demanding her to personally appear before this Honorable Court within the time required by law and to then and there answer fully and completely the several paragraphs of this Bill of Complaint and that she be required to abide and obey all orders and decrees 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 him from said Dorothy Gail Byers, granting him the custody of said child and granting him such other, further and different relief as may be or appear proper in the premises.


Solâcitor for
Complainant.

1863

RECORDED

Quilbrait

Robert

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546101
10/19/45
[Signature]

James Michael Myers, Plaintiff, vs. Dorothy Bell Myers, Defendant. This is a bill of complaint against Dorothy Bell Myers... The plaintiff, who is 34 years of age, and defendant, who is 28 years of age, were married on February 24th 1944 in San Francisco, California. The plaintiff is a member of the United States Army... The defendant is a member of the United States Army... The plaintiff and defendant have been separated since the summer of 1944... The plaintiff has been advised by his attorney that the defendant is not entitled to any part of the community property... The plaintiff has been advised by his attorney that the defendant is not entitled to any part of the community property... The plaintiff has been advised by his attorney that the defendant is not entitled to any part of the community property...

[Signature]

Plaintiff
Defendant

James Michael Myers
Plaintiff
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Dorothy Bell Myers
Defendant

State of California
County of Santa Clara
District of Santa Clara
in and for the County

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

James Michael Byers

Complainant

VS.

Dorothy Gail Byers

Respondent

I, Frances G. Crawford

as Register and Commissioner

have called and caused to come before me James Michael Byers and Walter Byers

witnesses named in the Requirement for Oral Examination, on the 5th day of July
1945, at the office of E. A. Cramer, Attorney
in Fairhope, Alabama, and having first sworn said Witness^{es} to speak the
truth, the whole truth, and nothing but the truth, the said James Michael Byers
doth depose and say as follows:

(at San Francisco)
Dorothy Gail, who is 28 years of age, and I were married on February 24th 1944. I am 24 years of age. We had been married several years previously but, when I discovered that she had been married previously and that her divorce was not final at the time of our first ceremony, we decided that we had to have the marriage ceremony performed again after the decree had become final. We have a daughter, Margaret Gail Byers. We have lived in Alabama for more than a year and I am now living in Fairhope, Alabama, with my parents. Some months ago, when she thought that I was going to be away, she had some man come to our house. I came home unexpectedly late one evening and went around the back of the house to let myself in. There was a light on in the bedroom and I could see her in bed in her night clothing and I saw this man, partially disrobed in the bedroom with her. When I finally got into the house, he grabbed up his clothing and ran toward the front door and did get away. I never did learn his name. She admitted that she had been unfaithful to me. If I am granted a divorce decree, I would like to have legal custody of my daughter. I have a good place for her at the home of my Dad and Mother in Fairhope.

James Michael Byers

And the said Walter Byers doth depose and say as follows:

I am the Father of James Michael Byers. I know that he had a great deal of trouble with her for sometime before the occurrence which he had told about. His wife was not satisfied to remain with him and the child and to make a decent home. It seems that she always wanted to be running around to so-called hot spots and would do so without him and in spite of his objections. He told me about the man who had been with her directly after it happened. I do not believe that she is a fit person to have the raising of a small child and my wife and I are happy to take over this task and to help our son.

Walter Byers

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 5th day of July, 1945.

Frances G. Crawford (L. S.)

NO. 1365 PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Byjus

vs. Complainant

Byjus

Respondent.

Oral Deposition

Filed July 10, 1945

Byjus, Register.

Recorded in

Record

Vol. _____

Page _____

, Register.