

1373

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

HELEN PLATO, _____ Complainant

VS.

JAMES B. PLATO, _____ Respondent

I, Ora S. Nelson,
as ~~Register and~~ Commissioner _____
have called and caused to come before me Helen Plato

witness _____ named in the Requirement for Oral Examination, on the 22nd day of July
1945, at the office of J. E. Blackburn
in Bay Minette, Alabama, and having first sworn said Witness _____ to speak the
truth, the whole truth, and nothing but the truth, the said Helen Plato
_____ doth depose and say as follows:

My name is Helen Plato. I am a married woman over eighteen years of age and am a bona fide resident citizen of Baldwin County, Alabama. The Respondent, James B. Plato, is over twenty-one years of age and a resident of Baldwin County, Alabama.

I was lawfully married to the Respondent, James B. Plato, in Baldwin County, Alabama on April 9, 1942 and we lived together as man and wife in Baldwin County, Alabama until November 27, 1943, when the Respondent, James B. Plato, voluntarily abandoned me without fault on my part. We have not lived together since the said date.

My maiden name was Helen Gilbert.

Helen Plato

ORAL EXAMINATION.

I, Ora S. Nelson, 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—and read over to her and she signed the same in the presence of myself and J. B. Blackburn at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness—or had proom made before me of the identity of said witness—; 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 23rd day of July, 1945.

Ora S. Nelson (L. S.)

NO. 1373 PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

HELEN PLATO,

vs. Complainant

JAMES B. PLATO,

Respondent.

Oral Deposition

Filed July 24, 1945
J. B. Blackburn, Register.

Recorded in _____ Record _____

Vol. _____ Page _____, Register.

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

Your Oratrix, Helen Plato, presents this Bill of Complaint against James B. Plato, and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix is a married woman over eighteen and the Respondent is over twenty-one years of age and they are both residents of Baldwin County, Alabama but the Respondent is now temporarily residing in the Veterans' Hospital at Rutland Heights, Massachusetts.

2. Your Oratrix and the Respondent were lawfully married in Baldwin County, Alabama on April 9, 1942 and lived together as man and wife in Baldwin County, Alabama until November 27, 1943 when the Respondent voluntarily abandoned your Oratrix without fault on her part. Your Oratrix and the Respondent have not lived together since the said date. Your Oratrix' maiden name was Helen Gilbert.

PRAYER FOR PROCESS

Your Oratrix prays that the usual process of this Honorable Court forth with issue to the Respondent, requiring him to appear and answer, plead to or demur to the Bill of Complaint filed against him in this cause within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Your Oratrix prays for the following separate and several relief:

1. That the bonds of matrimony now existing between your Oratrix and the said Respondent be dissolved and that she be divorced from him on the ground of abandonment.

2. Your Oratrix prays that she be permitted to resume the use of her maiden name which was Helen Gilbert.

3. Your Oratrix further prays for such other, further and general relief as she may be equitably entitled to the premises considered.

Helen Plato

Oratrix.

J. B. Blackman

Solicitor for Oratrix.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, personally appeared Helen Plato, who, after being by me first duly and legally sworn, deposes and says: That she is the Complainant in the foregoing Bill of Complaint, which has been read over by her and that the facts stated therein are true.

Helen Plato

Sworn to and subscribed before me on this the 28th day of March, 1945.

J. B. Blackburn

Notary Public, Baldwin County, Alabama.

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RECORDED

BILL OF COMPLAINT

HELEN PLATO,
Complainant,

VS.

JAMES B. PLATO,
Respondent.

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

*Filed July 21-1945 -
R. J. Beck
P. J. Beck*

FILED FOR RECORD IN BALDWIN COUNTY ALABAMA

CLERK

THIS CASE IS THE PROPERTY OF THE BALDWIN COUNTY CLERK'S OFFICE

RECORDS SECTION BALDWIN COUNTY ALABAMA

BALDWIN COUNTY

CLERK OF SUPERIOR COURT

HELEN PLATO,
Complainant,
VS.
JAMES B. PLATO,
Respondent.

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

ANSWER

Now comes the Respondent, James B. Plato, and for answer to the Bill of Complaint filed against him in this cause and to each and every count thereof separately and severally says:

1. He denies each and all of the allegations of the Bill of Complaint and demands strict proof thereof.
2. He consents and agrees that a Commissioner be appointed, testimony taken and this cause submitted for Final Decree without further notice to him, all of which is hereby expressly waived.
3. Respondent, in filing this Answer, submits himself to the jurisdiction of this Court and waives all of the provisions of the Soldiers and Sailors Relief Act, to which he may be entitled.

STATE OF MASSACHUSETTS
Middlesex COUNTY

James B. Plato (SEAL)

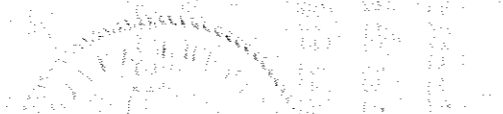
I, William T. Hickey, a Notary Public, within and for said County in said State, hereby certify that James B. Plato, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 23 day of May, 1945.

William T. Hickey
Notary Public, Middlesex County,
Massachusetts.

Affix Seal.

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ANSWER RECORDED

HELEN PLATO,

Complainant,

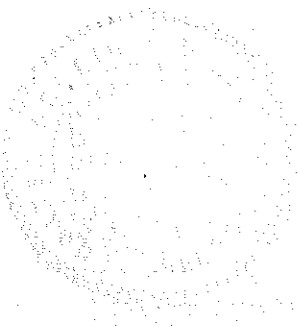
VS.

JAMES B. PLATO,

Respondent.

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

Filed July 21, 1945
R. J. [Signature]
Pyuler



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HELEN PLATO,

Complainant,

VS.

JAMES B. PLATO,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 1373.

NOTE OF TESTIMONY

This cause is submitted on behalf of the Complainant upon the following:

1. Original Bill of Complaint.
2. Answer.
3. Oral Deposition of Complainant, Helen Plato, taken before Ora S. Nelson, as Commissioner.

Dated this 24 day of July, 1945.

R. L. Dora

Register.

J. B. Blackburn

Solicitor for Complainant.

NOTE OF TESTIMONY

HELEN PLATO,

Complainant,

VS.

JAMES B. PLATO,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 1373.

Filed July 24, 1940

[Signature]
Registrar

NOTE OF TESTIMONY

HELEN PLATO,

Complainant,

VS.

JAMES B. PLATO,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 1373.

Filed July 24, 1940

*R. H. [Signature]
Registrar*

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO Ora S. Nelson

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 Helen Plato

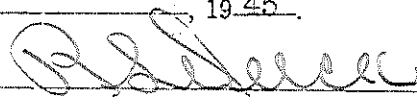
as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Helen Plato

is Complainant and James B. Plato

is Defendant,

on oath to be by you administered, upon Helen Plato to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness this 21st day of July, 1945.



REGISTER

Commissioner's Fee \$ _____

Witness' Fees, \$ _____

NO. 1823

THE STATE OF ALABAMA
Baldwin County
CIRCUIT COURT

HELEN PLATO,

Complainant

VS.

JAMES B. PLATO,

Defendant

Commission To Take Deposition

COMMISSIONER:

Witnesses:

HELEN PLATO,
Complainant,
VS.
JAMES B. PLATO,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 1373.

FINAL DECREE

This cause coming on to be heard on this date is submitted for Final Decree on the original Bill of Complaint, Answer, and 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, Helen Plato, and the Respondent, James B. Plato, be and they are hereby dissolved and the said Complainant is forever divorced from the said Respondent on the ground of abandonment.

2. The said Complainant and Respondent are each hereby permitted to again contract marriage but they shall not marry again 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 the said appeal.

3. The Complainant is hereby permitted to resume the use of her maiden name, of Helen Gilbert.

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

ORDERED, ADJUDGED AND DECREED this 26th day of July -
1945.

J. W. Hare
Judge.

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FINAL DECREE

HELEN PLATO,

Complainant,

VS.

JAMES B. PLATO,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 1373.