

1407

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

ANNIE LOU FRANKS

Complainant

VS.

PHOENIX S. FRANKS

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Denial of Cross Complaint~~

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 ANNIE LOU FRANKS

is forever divorced from the said PHOENIX S. FRANKS

for and on account of CRUELTY

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 PHOENIX S. FRANKS the Defendant pay the cost herein to be taxed, for which execution may issue.

This 25th day of September, 19 45

[Signature]

Judge Circuit Court, in Equity.

I, ROBERT S. 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 September, 19 45

Register of Circuit Court, in Equity

RECORDED
No. 1407 Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

ANNIE LOU FRANKS

vs. Complainant

PHOENIX S. FRANKS

Respondent

DIVORCE DECREE

Filed this _____ day of

September, 1945

Register

ANNIE LOU FRANKS
Complainant

E Q U I T Y

VS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

PHOENIX S. FRANKS
Respondent

DEPOSITION OF ANNIE LOU FRANKS, witness for Complainant.

Said witness who is known to me, appeared before me, Cecelia S. Mickle, acting as commissioner by agreement, and being first duly sworn, upon examination by the solicitor for the Complainant, testifies as follows:

ANNIE LOU FRANKS

I am the Complainant in this cause. Phoenix S. Franks and I are over the age of twenty-one years. I am a resident of the State of Alabama, and he is now in the Armed Forces, and when last heard of was in Randolph Field, Texas. We were married on December 22, 1944, but only lived together until March 5, 1945; when I left him because of his treatment of me. Since that time we have lived separate and apart.

My husband has a violent temper, which he loses on the smallest provocation, and often without any reason at all. He is very jealous and imagines things that are not so. When enraged he loses complete control of himself and has repeatedly struck me. It is on account of this that I left him, as I was in constant fear of him, that in one of his angry spells he would do me serious injury. He might kill me in one of these rages, hence it is not safe for me to live with him.

Annie Lou Franks

C E R T I F I C A T E

I, Cecelia S. Mickle, acting as Commissioner by agreement of the parties in a cause pending in the Equity Side of the Circuit Court of Baldwin County, Alabama, wherein Annie Lou Franks is Complainant and Phoenix S. Franks is Respondent, hereby certify that I caused Annie Lou Franks a witness for Complainant who is known to me to come before me this day in the Town of Fairhope, where, after being duly sworn by me to tell the truth, upon examination by E.G. Rickarby, Esq. Solicitor for Complainant, she testified as is hereinbefore written; that her testimony, after being reduced to writing was read over and signed by her in my presence.

I further certify that I am not of counsel or of kin to either party to this cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF, I hereto set my hand and seal as Commissioner this Twentieth Day of September, 1945.

Cecelia S. Mickle

Commissioner.

1407

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 Fred Sept 20/1945
 [Signature]
 [Signature]

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

Comes ANNIE LOU FRANKS, and by this her Bill of Complaint,
presented against PHOENIX S. FRANKS, respectfully shows:

FIRST: That Complainant and Defendant are both over the
age of twenty-one years; she being a resident of Fairhope, Baldwin
County, Alabama, and he being now in the Armed Forces of the
United States and stationed at Randolph Field, Texas.

SECOND: That Complainant and Defendant were married on
December 22, 1944 and lived together as husband and wife until
March 5, 1945, when they parted.

THIRD: That Defendant is a man of violent temper which
causes him to lose control of himself and when in this condition
he has struck her. He is also very jealous and because of his
temper and jealousy, she has reasonable cause for apprehension
of physical violence or danger to her life or health.

THE PREMISES CONSIDERED, Complainant prays that PHOENIX S.
FRANKS be made party defendant to this cause, and by proper
process required to answer this Bill within the time prescribed
by law.

Complainant further prays that upon the hearing of this
cause a decree be rendered forever divorcing her from said
PHOENIX S. FRANKS, granting her the right to marry again should
she so desire, and to have such other, further or different
relief as to equity may seem meet.

Edw. S. Rinkley
Solicitor for Complainant.

1407

ANNIE LOU FRANKS
Complainant

VS

PHOENIX S. FRANKS
Defendant

BILL

RECORDED

June Sept 20 1945
[Handwritten signatures]

Elliott G. Rickaby

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1407

ANNIE LOU FRANKS,
Complainant,

E Q U I T Y

CIRCUIT COURT OF

vs

BALDWIN COUNTY,

PHOENIX S. FRANKS,
Respondent.

ALABAMA.

Comes PHOENIX S. FRANKS, Respondent in the above styled cause and for answer to the Bill of Complaint says he denies each allegation of same.

Respondent hereby waives notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony; of the time and place for taking same and of the right to introduce evidence in his own behalf. He further agrees that this cause may be submitted for final decree at any time on the pleading and Complainant's evidence as noted by the Register.

Phoenix S. Franks
Respondent.

State of Texas...
County of Berke...

Before me, the undersigned Officer, personally appeared Phoenix S. Franks who is known to me to be the Respondent above named and who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

WITNESS MY HAND at *Randolph Field, Texas* on this the *8th* day of September, 1945.

(Name and rank of *John F. McHale 2nd Lt. A.C.* attesting Officer)

ANNIE LOU FRANKS
Complainant

PHOENIX S. FRANKS
Respondent

versus

ANSWER AND WAIVER

RECORDED

*Filed
Sept 20 1945*

ANNIE LOU FRANKS
Complainant

PHOENIX S. FRANKS
Respondent

ANSWER AND WAIVER

RECORDED

*Filed
Sept 20 1945*

Phoenis S. Franks
Respondent

Phoenis S. Franks
Respondent

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