

MARIE PHILLIPS

VS.

A. F. PHILLIPS

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALA

IN EQUITY

Interrogatories to be propounded to T. Hammond and Marie Phillips, who are material witnesses on behalf of the Complainant and whose depositions when taken will be offered in evidence on the trial of said cause.

Interrogatories to be propounded to T. Hammond:

FIRST INTERROGATORY

Please state your name, age and residence.

SECOND INTERROGATORY

Are you acquainted with the Complainant and Respondent? How long have you known them? When did they separate? Where were they living then? Did the Complainant return to her home in Monroe County, Alabama? Did you ever see the Respondent commit an act of adultery with Ethel McDaniel of Meridian, Miss? If so, when was it and where? Are both of the parties to this suit over the age of twenty-one years? Are you related to either party or interested in the result of this suit?

THIRD INTERROGATORY

What is the condition of the Respondent's health? Is he at present operating a saw mill?

Interrogatories to be propounded to Marie Phillips.

FIRST INTERROGATORY

Please state your name, residence and age? Are you the Complainant in this suit? When and where were you married to the Respondent? Did you live together immediately thereafter as man and wife? If so when did you separate?

SECOND INTERROGATORY

Where did you live with your husband immediately after your marriage? Were your relations happy and cordial? If so how long did this condition exist? What happened then? Did you speak to him about his conduct? Did he tell you that he had spent the night with a woman? At this time was he going

with Ethel McDaniel of Meridian, Miss? How far is Lisman, Alabama from Meridian, Miss? Did you remonstrate with Respondent about his conduct? Did you ask him to give up this woman and lead a proper life? Did his mother and father also talk with him about the matter and beg him to change his conduct? Did he refuse to do so? Did he fail to do so? Did he promise to do so? Did you leave him? What property has the Respondent? What is his earning capacity per month? How old is he? Is his health good?

C. L. Lybart
SOLICITOR FOR COMPLAINANT

NOTE:- The name of J. M. Agee of Monroeville, Alabama is suggested as a suitable person to act as Commissioner to take the answers of said Witnesses to the foregoing interrogatories.

C. L. Lybart
SOLICITOR FOR COMPLAINANT

about twenty-eight miles from Meridian, Miss. I remonstrated with the Respondent about his conduct and asked him to give up this woman and lead a proper life, His mother and father also talked with him about the matter and begged him to change his course of conduct which he refused to do and failed to do and would not promise to do. On account of Respondent's adulterous relation with said Clara McDaniel, I was forced in a spirit of decency to give up the marital relations with the said Respondent. The Respondent has property consisting of saw mill and timber of the value of \$4000.00, and has an earning capacity of \$300.00 per month. He is twenty-one years of age and in good health with no dependents other than Complainant.

Marie W. Phillips

TESTIMONY OF T. HAMMONDS

In answer to the first interrogatory, the witness states that my name is T. Hammond. I am thirty-eight years old and reside at Lisman, Choctaw County, Alabama.

To the second interrogatory the witness says, I am acquainted with the complainant and defendant. I have known the complainant for the last five, or six months. I have known the defendant for about seven months. About the last of May, 1929, they seperated; they were living in Lisman, Alabama, then and the complainant returned to her home in Monroe County, Alabama; that shortly before they seperated I saw the defendant committing an act of adultery with one, Ethel McDaniel, of Meridian, Mississippi; this was out from Meridian, Miss., about five miles in the woods. Both of the parties to this suit are over the age of twenty-one years. I am not related to either party, or interested in the result of this suit.

To the third interrogatory witness says there is nothing the matter with his health so far as I know, he appears to be in good shape, physically. At the present time the defendant is not running a saw mill, that the mill is shut down.

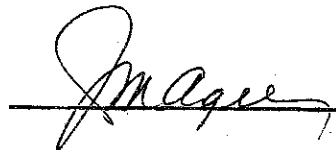
T. Hammond

CERTIFICATE OF DEPOSITION

I, J. M. Agee, the Commissioner named in the annexed Commission, hereby certify that the foregoing testimony and answers reduced to writing by me are in the words of the witnesses Marie U. Phillips and T. Hammonds and were read over to them, that they assented, swore to and subscribed the same in my presence on the 27th day of August, 1929 at Monroeville; that I have personal knowledge of, or had proof made before me of the identity of the witnesses, and that I am not of counsel or kin to any of the parties to said cause, or in any manner interested in the result thereof.

And I enclose the said Deposition together with the Commission and Interrogatories, Direct and Cross and all documents which were deposed to and send to the Register of the Circuit Court, In Equity, where the cause is pending.

Given under my hand and seal this the 27th day of August, 1929.

 COMMISSIONER (L.S.)

C. L. HYBART

ATTORNEY AT LAW
MONROEVILLE, ALA.

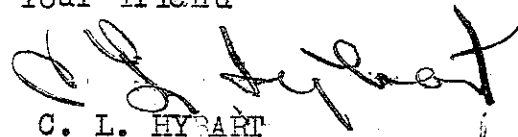
September 30th, 1929

Mr. T. W. Rickerson
Bay Minette, Ala

Dear Sir:

Mr. J. M. Agee is forwarding testimony in case of Mrs. Marie Phillips Vs. A. F. Phillips. Please publish ^{on} the same and prepare note of testimony, submitting ~~the~~ bill and testimony of Mrs. Phillips and T. Hammonds and forward the same to the Judge here for decree, I am

Your friend



C. L. HYBART

CLH:JBU

The State of Alabama, }
Baldwin County

CIRCUIT COURT

To Hon. J. M. Agee, Monroeville, Alabama

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 T. Hammond, and Marie Phillips

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Marie Phillips vs. J. M. Phillips

Complainant
and A. F. Phillips

Defendant,

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

Witness 26th day of August 1929

T. M. Williams
REGISTER

COMMISSIONER'S FEE, \$ _____

WITNESS' FEES, \$ _____

NO. _____

The State of Alabama

BALDWIN COUNTY

CIRCUIT COURT

Marie Phillips

Complainant

vs.

A.F. Phillips

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

J. M. Agee

WITNESSES:

T. Hammond

Marie Phillips

MARIE PHILLIPS
VS
A. F. PHILLIPS

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA
IN EQUITY

TO HON F. W. HARE, JUDGE OF THE 21ST JUDICIAL CIRCUIT OF ALA.

Your Oratrix humbly complaining of the Respondent in a matter of divorce shows unto your Honor as follows:

F I R S T

That both she and the Respondent are over the age of twenty-one years and have resided in the State of Alabama all their lives.

S E C O N D

That in the month of May, 1928 they were married to each other at Bay Minette, Alabama and lived together immediately thereafter as man and wife up until about June, 1929. That about said time the Respondent committed acts of adultery with one Miss McDaniels of Meridian, Miss; whose name is otherwise unknown to your Oratrix. That on this being made known to your Oratrix, she was compelled to leave the bed and board of Respondent and has had nothing to do with him since.

T H I R D

Your Oratrix further shows unto your Honor that the said Respondent is able-bodied, about twenty-two years of age and is engaged in the saw milling business. Your Oratrix further shows unto your Honor that since said separation she

has become absolutely dependent for support upon others and her own efforts. That she has no property of any consequence and that she has not condoned in any manner, shape nor form the wrongful acts committed by said Respondent.

PRAYER FOR PROCESS

To the end that equity may be had in the Premises your Oratrix prays that your Honor will cause the usual writ of process to issue to said Respondent, A. F. Phillips, making him party respondent to this bill of complaint and requiring him to plead answer or demur to the same within the time as required by law.

PRAYER FOR RELIEF

PREMISES CONSIDERED: Your Oratrix prays that on a hearing of this cause your Honor will grant to her a suitable sum of money as temporary alimony for her support during the pendency of these proceedings. Your Oratrix prays that on a final hearing of this cause your Honor will grant her an absolute divorce from the said Respondent and also decree that she may be permitted to resume her maiden name of Marie Urquhart. That your Honor will also decree a suitable sum to be paid her as permanent alimony. Your Oratrix prays for such other, further and general relief as in equity may seem just and meet and Oratrix will ever pray.

C. F. Stewart
SOLICITOR FOR COMPLAINANT.

FOOTNOTE: Respondent is required to plead, answer or demur to paragraphs one through three of the foregoing bill of complaint but not under oath, answer under oath being hereby expressly waived.

C. F. Stewart
SOLICITOR FOR COMPLAINANT

MARIE PHILLIPS
VS
A. F. PHILLIPS

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

Now comes the undersigned, A. F. Phillips,
and for answer to the bill of complaint in this cause denies the
same and calls for strict proof of the same.

A. F. Phillips

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MARIE PHILLIPS

VS.

A. F. PHILLIPS

A N S W E R

Filed Aug 26/1929
D. W. McEwen
Register

Marie Phillips,)
Vs.)
A. F. Phillips.)

I hereby waive any right to file cross-interrogatories in the above entitled cause and also as to any service of any interrogatories that may be filed by the complainant to her witnesses, and that I further agree that as soon as she completes her testimony that the case be submitted for a final decree as I do not care to take any testimony in the premises.

Witness my hand this the 3rd day of August, 1929.

Witness:

J. Maguire

A. F. Phillips

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MARIE PHILLIPS

VS

ALBERT PHILLIPS

WAIVER OF SERVICE AS TO
INTERROGATORIES

Filed Aug 26/1929
D. W. McCreary
Register

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MARIE PHILLIPS

VS.

A. F. PHILLIPS

A N S W E R

Filed Aug 26/1929
D. W. McQuinn
Register

8550 REQUEST FOR DECREE IN VACATION.

MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 839

September

Term, 192 9

Marie Phillips

Complainant

vs.

A.F. Phillips,

Defendant

To T.W. Richerson

Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by C.F. Bybart

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

C.F. Hybart

Solicitor for Complainant.

8581 NOTE OF TESTIMONY

Marie Phillips

vs.

A.F. Phillips,

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, answer of Deft, and testimony of Marie Phillips and T. Hammonds,

and in behalf of Defendant upon

T.W. Richerson

Register.

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No. 839

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Marie Phillips

VS

A.F. Phillips

NOTE OF TESTIMONY

Filed in Open Court this 23rd

day of Sept 1929

D.W. Richmond

Register

MOORE PTG CO

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No. 839

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THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Marie Phillips

VS

A.F. Phillips,

REQUEST FOR DECREE IN
VACATION

FILED Sept 23rd, 1929

D.W. Richmond
Register

RECORDED IN RECORD

VOL. PAGE

Register

MOORE PTG. CO

may issue.

It is further ordered, adjudged, and decreed that the said Marie Phillips shall not again marry except to the said A. F. Phillips until sixty days after this date and that if an appeal is taken within sixty days she shall not marry again except to said A. F. Phillips during the pendency of said appeal.

It is further ordered, adjudged and decreed that jurisdiction over this cause be reserved and retained by this Court for the purpose of enforcing the execution of this decree, or for the purpose of modification of this decree, should it be made to appear in the future, by appropriate proceedings, that changed conditions require a modification of the terms of the decree, or that its continued enforcement as now framed works an inequitable hardship upon either party.

Done at Chambers at Monroeville, Alabama, this the 25th day of September, 1929.

J. W. Hare

JUDGE