

VS.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALA

A. F. PHILLIPS

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 Mcridian, 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 heatell 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. 2 Jybart
SOLICITOR FOR COMPLAINANT

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

SOLICITOR FOR COMPLAINANT

STATE OF ALABAMA BALDWIN COUNTY

IN THE CIRCUIT COURT, IN EQUITY

DEPOSITION OF MARIE PHILLIPS AND T. HAMMONDS

By virtue of the Commission hereto annexed, issued by the Register of the Circuit Court, in Equity of Baldwin County Alabama, in a certain cause pending, wherein Marie Phillips, Complainant, and A. F. Phillips is defendant, J. M. Agee, the Commissioner named therein, have called and caused to come before me, Marie Phillips and T. Hammonds, the witnesses named in said Commission and having first sworn the said witnesses to speak the truth, the whole truth and nothing but the truth, the said witnesses deposeth and says as follows:

TESTIMONY OF MARIE PHILLIPS

Phillips. I am a resident of Monroe County, Ala. I am more than twenty-one years of age. I am the Complainant in this suit. I was married to the Respondent at Bay Minette, Alabama on the 27th day of May, 1928 and we lived together immediately thereafter as man and wife up until about the latter part of May, 1929.

To the second interrogatory the witness says that immediately after our marriage we went to live at Lisman, Alabama and at the commencement of our marital relations we were both apparently happy with our environment. This condition continued up until about the first of March, 1929 when the Respondent commenced staying away from me at night and on my asking about this conduct on his part he informed me that he had been out with a woman, that he had spend the night with her. At this time we was going with one Ethel McDaniel of Meridian, Miss. Lasman, Alabama is

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 thillips

TESTIMONN OF T. HAMMONBS

In answer to the first interrogitory, 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 interrogitary 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, Mississipi; 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.o I am not related to either party, or interested in the result of this suit.

To the third interrogitory 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.

J Hommson

CERTIFICATE OF DEPOSITION

I, J. M. Agee, the Commissioner named in the annexed Commission, hereby certify that the foregoing testimony and answers meduced to writing by me are in the words of the witnesses Marmie 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 daid 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.

Mage COMMISSIONER (L.S.)

C. L. HYBART ATTORNEY AT LAW MONROEVILLE, ALA.

September 20th, 1929

Mt. 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 Com-
missioner, and by these presents do authorize you, at suc	ch time and place as you ma	y appoint, to call before you
and examine T. Hammond, am Marie Phi	i T i i n a	
and examine ". Hammond, am Marie Phi	TTTTÜS	
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as witnesses in behalf ofComplainant	in a	cause pending in our Circuit
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Court of Baldwin County, of said State, wherein	Marie Phillips	<u> 2000. Tilaninis </u>
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		Communitation of
		Complainant
and A: F.Phillips		<u> </u>
		Defendant,
oral	denosition	
on eath to be by you administered, uponoral_		
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 Aug	ust 1929	
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COMMISSIONER'S FEE, \$		REGISTER
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WITNESS' FEES. 8		

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COMMISS	SIONE	₹:	

J. M. Agee

T. Hammond

Marie Phillps

WITNESSES:

VS

IN THE CIRCUIT COURT OF BALDWIN COUNTY,

ALBARA

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:

FIRST

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.

SECOND

That in the month of May, 1928 they were married to each other at Bay Minette, Alabama and lived together immediately thereffter 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.

THIRD

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 acrs 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 Oratedy 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 Oratedy 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 Cratrix prays for such other, further and general relief as in equity may seem just and meet and Oratrix will ever pray.

C. J. Dybort SOLICHTOR FOR GOMPIA MANT.

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.

SOLIGITOR FOR COMPLINANT

MARIE PHILLIPS)	IN THE	CIRCUIT	COURT	OF	BALUVIN	COUMTY,
A. F. PHILLIPS))	ALA BARI	1	IN	EQU I	ΓΤΥ	

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.

Ca. F. Phillips

vs.

A. F. PHILLIPS

ANSWER

Tiled Aug 26/929 Milliamore Register

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Warie 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 interrogitories 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:

i s

VS

ALBERT PHILLIPS

WAIVER OF SERVICE AS TO

INTERR CGAT OR LES

Till Aug 26/929 TWHELEN

VS.

A. F. PHILLIPS

ANSWER

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STATE OF ALABAMA,)	CIRCUIT COURT, IN EQUITY.
	September Term, 192 9
Thall	ing Complainent
Marie Philli	
	vs.
A.F.Phillips	, Defendant
To T.W.Richerson	. Register :
To 1.W.RIGHGISSE	
and evidence having been taken, and the cause	onfesso having been taken against the Defendan being ready for submission for final decree, and r
defense having been interposed, the Complain	ant, by C.F.Bybart
delense invarig	a large files with the Register of this Cou
Solicitors	of record, now files with the Register of this Cou is cause to the Judge for final decree in vacation.
this written request to deliver the papers in the	TRANSPORTER OF THE PROPERTY OF
	C.F.Hybart
;	Solicitor for Complainant.
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8581 NOTE OF TESTIMONY Marie Phillips	The street of th
	THE STATE OF ALABAMA, BALDWIN COUNTY
vs.	IN EQUITY,
A.F.Phillips,	CIRCUIT COURT OF BALDWIN COUNTY
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This cause is submitted in behalf of Com answer of Deft, and testimony of	plainant upon the original Bill of Complaint,
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and in behalf of Defendant upon	
	TW Risewoon
	Register.

N_0 839
THE STATE OF ALABAMA BALDWIN COUNTY
IN EQUITY, CIRCUIT COURT OF BALDWIN COUNTY
Marie Phillips
vs
A.F.Phillios
NOTE OF TESTIMONY
Filed in Open Court this 23rd
day of Sept 1929.
Register

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o. 839	Page
BALDWIN	OF ALABAMA I COUNTY RT, IN EQUITY
Marie Philli	08
v A.F.Phillips	s.
	OR DECREE IN ATION
Sept 23rd,	192 Q Register
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STATE OF ALABAMA BALDWIN COUNTY

MARIE PHILLIPS COMPLAINANT

VS.

COUNTY, ALABAMA IN EQUITY

IN THE CIRCUIT COURT OF BALDWIN

A. F. PHILLIPS RESPONDENT

) No. 839

This cause coming on to be heard at this term was submitted upon the bill of complaint, decree pro confesso, and the 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 Respondent be and the same are hereby dissolved and the same are hereby dissolved and the Complainant is forever divorced from the Defendant on the actount of adultery on the part of A. F. Phillips.

It is further ordered that the said Marie Phillips be and she is hereby permitted to again contract marriage if she so desires and sees fit.

It is further ordered and decreed that the said Marie Phillips is hereby authorized if she so desires to assume her

A. F. Phillips pay to the said Marie Phillips the sum of per month as permanent alimony together with the costs of this sum and it is therefore ordered, adjudged and decorate the said Marie Phillips have and record of the said A. F. Phillips the sum of \$100° per month as permanent alimony, said sum being payable on the lst day of each month after the enrolling of this decree, together with the costs of this proceeding for which execution

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