

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 450 Term, 193

MARY STONE, , Complainant

Vs.

FLOYD STONE, , Defendant

To R. S. DUCK, , 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 S. C. JENKINS,

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.

Solicitor for Complainant.

430

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARY STONE, Complainant

vs.

FLOYD STONE, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ Answer & 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 MARY STONE, is forever divorced from the said

FLOYD STONE,

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.

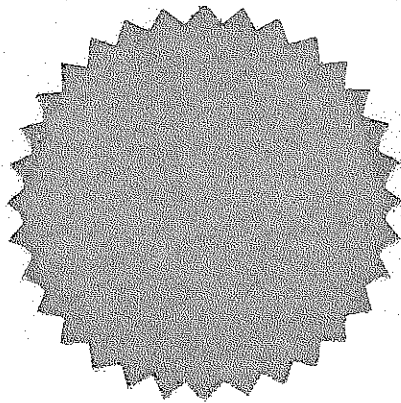
It is further ordered that MARY STONE and FLOYD STONE, be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that MARY STONE, the Complainant, pay the cost herein to be taxed, for which execution may issue.

This 2nd day of September, 19 38

J. M. Bare
Judge Circuit Court, in Equity.

I, _____, Register of the Circuit Court for 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.

Mary Stone, Complainant)
vs)
Floyd Stone, Respondent))

In The Circuit Court of Baldwin
County, Alabama.
In Equity.

To the Honorable Francis W Hare, Judge of the Twenty First Judicial
Circuit of Alabama, which includes Baldwin County:-

Humbly complaining, your Oratrix, the said Mary Stone, respectfully
represents unto your Honor as follows:-

1. That your Oratrix, the said Mary Stone, and the respondent, the
said Floyd Stone, were legally married, on towit, November, 13th, 1936
at Bay Minette, Alabama, in Baldwin County, and they lived together as
husband and wife, until towit, January 27th, 1937, when they separated
while they were living at Bay Minette, Alabama and they have not
lived together since said time. Both your Oratrix and the respondent
reside at Bay Minette in said county and both are bona fide citizens
of Baldwin County, Alabama and your Oratrix was born and raised in
Baldwin County, Alabama. Floyd Stone, the respondent has resided here
for the past two or three years and is over twenty one years of
age; your Oratrix is 17 years of age.

2. That at the time of the separation of your Oratrix and the
Respondent, on towit, Jan. 27th, 1937, the cruel treatment of your
Oratrix by the respondent had be come ^{so} great that she could not live
with respondent without endangering her ^h health and life. For some time
prior to this respondent would lay up drunk for quite awhile at a time
and became in fact a confirmed drunkard; every time respondent got on
a drunk, he would slap and beat up your Oratrix and treat her most
cruelly. He threatened ~~to~~ to kill your Oratrix, if she left him.

On account of the actual violence upon her person and his
threats of killing her, the respondent's conduct toward your
Oratrix became such that your Oratrix had a reasonable belief and
apprehension as would endanger her life and health, consequently ^{she} had to
leave him and go back to live with ^{her} father, Gerald Stewart, at
Perdido, but now ^{she} stays with ^{her} step mother in Bay Minette, Alabama.

Wherefore , the premises considered, your Oratrix, the said Mary Stone, prays that a subpoena be issued and directed to the said Floyd Stone , the respondent aforesaid, ~~in~~ this cause ,; that he be brought into this Honorable court; that he may be made a party defendant to the Bill of complaint filed in this cause and that upon a final hearing of the evidence in this cause offered and at a final hearing therein, your Honor will order, adjudge and decree that the bonds of matrimony heretofore - existing between your Oratrix and the respondent, the said Floyd Stone be forever dissolved and that your Honor will, also, order , adjudge, and decree that your Oratrix be permitted to marry again and that she be granted such other and further relief as ~~may~~ in equity and good con- science may seem meet and proper to your Honor.

And Your Oratrix will ever pray etc

S. Jenkins

Solicitor for the Complainant.

Foot Note:

The respondent is required to answer each and every paragraph of the foregoing Bill of Complaint from item 1 to item 3 inclusive, but his answer under oath is hereby expressly waived .

S. Jenkins

Solicitor for the Complainant .

The State of Alabama } Circuit Court of Baldwin County, Alabama,
Baldwin County (In Equity)

MARY STONE, COMPLAINANT

vs.

FLOYD STONE, RESPONDENT

I, R. S. DUCK,

as Register and Commissioner of Baldwin County

have called and caused to come before me Mary Stone, Arthur Kilpatrick and William Harville, Rosa Lee Stuart,

witnesses named in the Requirement for Oral Examination, on the 8th day of August 1938, at the office of R. S. Duck, Register in Chancery in Bay Minette, Alabama, and having first sworn said witnesses to speak the truth, the whole truth, and nothing but the truth, the said

doth depose and say as follows:

TESTIMONY OF MRS. MARY STONE:-

My name is Mary Stone and I am the Complainant in the cause set out above. I am seventeen years old, and have been a resident of Baldwin County all of my life. I am residing at Bay Minette, Alabama. Floyd Stone, the respondent in this cause is also a resident of Baldwin County, Alabama, and resides at Bay Minette. He is over twenty-one years of age. Floyd Stone and I were legally married on November 15th, 1936, at Bay Minette, Alabama, in Baldwin County, and we lived together as husband and wife until about January, 1937, when we separated while we were living at Bay Minette, and we have not lived together since that time.

At the time of our separation on to-wit, January 27, 1937, the said Floyd Stone struck me about my face and threatened to kill me. At this time the respondent's conduct toward me became so cruel that I could no longer live with him without fear of my health and life. And he committed actual violence upon me by striking me and threatening to kill me, and I had reasonable apprehension that I would endanger my health and life. And I left him and went to live with my father, Gerald Stuart at Perdido. I have not lived with Floyd Stone since that time as husband and wife. Further, for some time before I left the respondent in January, 1937, he would lay up drunk for quite a while at a time, and in fact, he became a confirmed drunkard. He was often put in jail for public drunkenness. Every time the respondent got on a drunk he treated me cruelly, and as a consequence I was forced by his conduct to leave him.

Mary Stone

vs.

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, _____
Testimony of Mary Stone, Arthur Kilpatrick, and William Harville,
Rosa Lee Stewart;

and in behalf of Defendant upon _____ Answer and Waiver.

By: R. S. Duck
Richard Clayton Register.
Deputy

The State of Alabama, { Circuit Court of Baldwin County, In Equity
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

FLOYD STONE,

Baldwin

of _____ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

MARY STONE,

against said FLOYD STONE,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this 11th day of June 1938



Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Mary Stone, Complainant, }
vs))
Floyd Stone, Respondent. }

In Circuit Court of Baldwin County,
Alabama.
In Equity.

Now, comes Floyd Stone, the respondent in the foregoing styled cause and for answer to the complaint and to each paragraph thereof and says he is the person named as the respondent in said cause, now pending in the said Circuit Court of Baldwin County, In equity, and that he says further he is not guilty of the acts or cruelty therein alleged and he demands strict proof of the same; he admits that he and Mary Stone were legally married at Bayminette Alabama on to wit; November 13th, 1936 and that they separated on, to wit, January 27th, 1937 and that they have not since said time lived together as husband and wife: he, also, admits he is a bona fide resident citizen of Baldwin County, Alabama and is over the age of twenty one years.

Respondent further admits he has been served by subpoena ^{said} in ~~case~~ ~~case~~ by the sheriff of Baldwin County, but that he waives notice of same and waives notice of the time and place of the taking of the testimony in said cause, either by direct testimony by witnesses or by testimony of same taken on depositions of same; that he consents that a decree in said cause may be taken in vacation and waives notice of the submission of the cause by the complainant or by her solicitor.

Floyd Stone

Respondent and defendant.

Witnesses:
Geo. J. [unclear]
Geo. J. [unclear]

RECORDED

Duch
7-5-66

No. _____ Page _____

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

MARY STONE,

Vs.

FLOYD STONE,

**REQUEST FOR DECREE IN
VACATION**

Filed August 31, 1938

R S Duch

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

No. 430 Page

The State of Alabama
Baldwin County

In Circuit Court, In Equity

MARY STONE,
vs. Complainant.

FLOYD STONE,
Respondent.

DIVORCE DECREEE

Filed this 2 day of
September, 1938.

R. S. DICK,
Register.

By: Walter J. Langston
Deputy-Register.

RECORDED *Duct*
2-387

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

VS.

NOTE OF TESTIMONY

Filed in Open Court this 31

day of Aug 1938

R. S. Duct,

By: [Signature] REGISTER

Duch
RECORDED 7-56

Filed this 6 day August 1938
P. S. Duch
Clerk-Register

... defendant and ...

(original)

Serve on _____
Circuit Court of Baldwin County
IN EQUITY

No. 430

SUMMONS

MARY STONE,
Complainant,

vs.

FLOYD STONE,
Respondent.

S. C. JENKINS,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

RECORDED *Quest*
7-464

THE STATE OF ALABAMA, BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this 18th day of

June 1938

by leaving a copy of the within Summons with

Floyd Stone

Defendant

M. N. Wilkins
Sheriff

By *John C Davis*
Deputy Sheriff

ORAL EXAMINATION

I, R. S. Duck, as Register and Commissioner hereby certify that the foregoing deposition 5 on Oral Examination was taken down in writing by me in the words of the witness ls 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 ls or had proof 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 11 day of August 1938.

R. S. DUCK (L. S.)
clerk, - register
By Samuel Johnson
Deputy

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

VS.

RESPONDENT

ORAL DEPOSITION

Filed August 11, 1938

R. S. Duck, Register
RECORDED IN

Record

Vol. _____ Page _____

Register

RECORDED
9-465

MARY STONE,

Complainant,

vs.

FLOYD STONE,

Respondent.

BILL OF COMPLAINT.

Filed this 11th day of
June, 1958.

R. S. Quinn
Register.

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

(Signature of name of addressee)

(Signature of addressee's agent)

Date of delivery _____, 19____

Form 3511

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

(Signature of name of addressee)

(Signature of addressee's agent)

Date of delivery _____, 19____

Form 3511

RECEIPT FOR REGISTERED ARTICLE No. _____

15 fee paid, 1 class postage paid, 6/10, 1938

Declared value, \$1.00 Surcharges paid, \$0.00

From R. S. White, Registrar, Clerk of the Court, 123 Main St., New York, N.Y.

Addressed to 3656 A Manhattan Ave., Cudahy, Wis.

Accepting employee will place initials in space below, indicating restricted delivery
Return receipt fee 3 in person or order Special delivery fee
Delivery restricted to addressee Fee paid 10 Postmaster, per 18



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