

The State of Alabama }
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

Fred Forster

COMPLAINANT

VS.

Ada E. Forster

RESPONDENT

I, T. W. Richerson

as Register and Commissioner

have called and caused to come before me Fred Forster, Herbert Forster
J. M. Voltz Jr.,

witness named in the Requirement for Oral Examination, on the 25 day of January

1933, at the office of T. W. Richerson

in Bay Minette, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said Fred Forster

doth depose and say as follows:

My name is Fred Forster. I am a resident of Fairhope, Baldwin County, Alabama, over twenty-one years of age. I have been such resident for more than three years next preceding the filing of the bill of complaint in this cause.

The respondent Ada E. Forster is over twenty-one years of age, a resident of Fairhope, Baldwin County, Alabama, and has been for more than three years next preceding the filing of the bill of complaint in this cause.

The respondent and I were married at Fairhope in Baldwin County, Alabama, in 1923. We lived together as man and wife in Baldwin County, Alabama, until on to-wit: September 6th, 1932.

That on September 6th, 1932 and various other dates the said Ada E. Forster committed acts of adultery with one Woodie Stapleton of Fairhope, Alabama. I at one time got after her about running around with Woodie Stapleton and she told me that she was going to have him regardless of any body, and that she loved him; that she was through with me and for me to get out of the way and stay away. She had been running around with Stapleton before that time but I was unable to catch her. It was the general talk of Fairhope that she was running around with Woodie Stapleton. Since September 6th, 1932, she has continued going with him, and out with him two or three times each week and more. The said acts of adultery on the part of the said Ada E. Forster were without my permission or consent, and did not encourage said acts and have not condoned said acts, but immediately I found out definitely that she was running around with him I left her and have not been with her since that time. Her conduct and actions were such that I could not live with her and allow my children to be brought up by her.

I have two children, girls, Betty Ruth Forster and Geraldine Fay Forster, four and seven years old, respectively. They are now with me, and I am caring and providing for them. That the conduct of the said Ada E. Forster, and the life she is living, is not such that the children should be thrown with or allowed to be with her. I am able and have a suitable place for the children and can take care of and

The State of Alabama, }
Baldwin County.

No. 1037

CIRCUIT COURT, IN EQUITY

FRED FORSTER

Complainant

vs.

ADA FORSTER

Defendant

In this cause it appears to the REGISTER
that a Summons requiring the Defendant ADA FORSTER

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the
service of said Summons upon ADA FORSTER
was served upon HER by the Sheriff of BALDWIN County, Alabama, on the
14th day of December 1932

And the said Defendant ... having failed to demur, plead to or answer the said Bill of Complaint
to this date, it is now, therefore, on motion of Beebe & Hall
ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as
confessed against the said Ada Forster

Defendant aforesaid.

This 23rd day of January 1933



Register.

HON. F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, IN CHANCERY:

Comes your Complainant, FRED FORSTER, and humbly complain-
ing against ADA E. FORSTER, respectfully represents and shows unto
your Honor as follows:

FIRST:

That both your Complainant, Fred Forster, and the Respond-
ent, Ada E. Forster, are over twenty-one years of age and bona fide
residents of Fairhope, in Baldwin County, Alabama, and have been
such residents for more than three years next preceding the filing
of this Bill of Complaint.

SECOND:

That your Complainant and the Respondent were married at
Fairhope, in Baldwin County, Alabama, in 1923, and lived together
as husband and wife in Fairhope, Baldwin County, Alabama, until on
or about, to-wit, on September 6, 1932.

THIRD:

That on or about, to-wit, September 6, 1932, the Respond-
ent committed acts of adultery with one Woodie Stapleton; that said
acts of adultery were committed without the permission or consent
of the Complainant, and that said Complainant did not connive at
nor has he condoned said acts of adultery on the part of the Re-
spondent.

FOURTH:

That there were born to the marriage between your Com-
plainant and the Respondent two children, namely, Geraldine Fay
Forster, a girl seven years old, and Betty Ruth Forster, a girl
four years old; that both children are now and have been all their
lives with their father, your Complainant; that on account of the
said acts on the part of the Respondent hereinabove alleged, she
is not a proper person to have the custody, care and control of
said children; that your Complainant is capable and able to provide
and care for said children and is the right and proper person to
have their custody.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Ada E. Forster party respondent to this Bill of Complaint, requiring her to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant prays that upon a final hearing of this cause your Honor will give and grant unto him a decree of absolute divorce, forever barring the bonds of matrimony existing between him and the said Ada E. Forster.

Your Complainant further prays that your Honor will enter a decree awarding to him the care, custody and control of said children: Geraldine Fay Forster and Betty Ruth Forster.

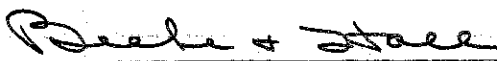
Your Complainant prays that your Honor will give and grant unto him such other, further, different or general relief as he may be in equity and good conscience entitled to receive.

And as in duty bound he will ever pray.


Solicitors for Complainant.

FOOT NOTE:

The Respondent is required to answer each and every allegation contained in the foregoing Bill of Complaint, in Paragraphs numbered "FIRST" to "FOURTH" inclusive, but not under oath, oath being hereby expressly waived.


Solicitors for Complainant.

The State of Alabama, }
Baldwin County } CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY

To Any Sheriff of the State of Alabama---GREETING:

WE COMMAND YOU, That you summon— Ada E. Forster,

of Baldwin 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 Fred Forster,

against said Ada Forster,

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, T. W. Richerson, Register of said Circuit Court, this 13th day of December, 2 193

T. W. Richerson Register.

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

8581 NOTE OF TESTIMONY

Freud Forster

.....
.....

vs.
Ade E Forster

.....
.....

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,

Freud Forster, Herbert Forster,
Jim Volley Jr

and in behalf of Defendant upon

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.....

[Signature]

Register.

The State of Alabama, { No. 1037 ... CIRCUIT COURT IN EQUITY.
Baldwin County.

FRED FORSTER Complainant

vs.

ADA FORSTER Defendant

Motion is hereby made for a Decree Pro Confesso against ADA FORSTER

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant; and that said summons was duly served according to law, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 21st day of January 19 33

Beebe & Stone Solicitor

FRED FORSTER,)	
)	IN THE CIRCUIT COURT OF
Complainant,)	BALDWIN COUNTY, ALABAMA.
)	
vs.)	IN EQUITY.
)	
ADA E. FORSTER,)	
)	
Respondent.)	

This cause coming on to be heard, was submitted upon the original bill of complaint on behalf of the complainant, and the proof 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 the respondent be and the same are hereby dissolved and the complainant is forever divorced from the respondent on the ground of adultery.

It is further ORDERED that the said Fred Forster pay the costs herein taxed, for which execution may issue.

It is further ORDERED that the said Fred Forster be and he is hereby permitted to again contract marriage upon the payment of costs of court in this cause.

It is further ORDERED, ADJUDGED and DECREED that the said Fred Forster shall not again marry, except to the said Ada E. Forster, until sixty days after this date, and that if an appeal is taken within sixty days, he shall not again marry, except to the said Ada E. Forster, during the pendency of the appeal.

It is further ORDERED, ADJUDGED and DECREED that the said Fred Forster shall have the custody, care and control of Geraldine Fay Forster and Betty Ruth Forster, subject to the further orders and jurisdiction of this court.

It is further ORDERED, ADJUDGED and DECREED that the said Ada E. Forster be and she is hereby permitted to again con-

tract marriage.

Dated at Monroeville, Monroe County, Alabama, on this
the 26th day of January, 1933.

J. W. Hare

Judge of the Circuit Court of
Baldwin County, Alabama.