

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

LENA FRYE, Complainant

vs.

WILLIAM ERNEST FRYE, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Publication 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 Lena Frye is forever divorced from the said William Ernest Frye for and on account of abandonment

It is further ordered, adjudged and decreed by the Court that she be granted the care, custody and control of the children; Mary Savage, age 13; Ernestine, age 11; Eunice Elizabeth, age 10; Alice Catherine, age 8; Howard Leon, age 6; and Julius Carl, age 3.

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 Lena Frye the Complainant pay the cost herein to be taxed, for which execution may issue.

This 27th day of February, 1950

Julian J. Mathews
Judge Circuit Court, In Equity.

I, _____ 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 _____, 19____

Register of Circuit Court, In Equity.

RECORDED

No. 2406 Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

LENA FRYE
Complainant

vs.

WILLIAM ERNEST FRYE
Respondent

DIVORCE DECREE

NOTICE TO NON-RESIDENT

The Baldwin Times, Bay Minette, Alabama

		The State of Alabama.
		_____ County.
No. 2406	}	
WILLIAM ERNEST FRYE		
vs.	}	Circuit Court, in Equity
		This the 22nd day of
		December 1949

In this cause it being made to appear to the Clerk of this Court by the affidavit of
Lena Frye

that the Defendant WILLIAM ERNEST FRYE

is a non-resident of the State of Alabama

and further, that, in the belief of said Affiant the Defendant is over the age of 21
years; it is, therefore, ordered that publication be made in the ~~Baldwin Times~~ ^{Foley Onlooker}, a newspaper pub-
lished in ~~Bay Minette~~ ^{Foley}, Baldwin County, Alabama, once a week for four consecutive weeks, requiring
William Ernest Frye the said Defendant

to answer or demur to the Bill of Complaint in this cause by the 25th day of
January 1950, or after thirty days therefrom a decree Pro Confesso may be
taken against

Register.

orig mailed
to Onlooker 12-22-49

STATE OF ALABAMA)

BALDWIN COUNTY)

Before me, the undersigned Notary Public in and for the State of Alabama, Baldwin County, personally appeared Lena Frye, who is known to me and who being by me first duly sworn according to law on oath doth depose and say that she is the Complainant in a certain cause being filed in the Circuit Court of Baldwin County, Alabama; that the Respondent in said cause, William Ernest Frye, is a non resident of the State of Alabama and whose residence, after a search having been made with due diligence, is unknown according to the best information and belief of the Complainant and that your Complainant can not ascertain the particular place of residence and Post Office address of the Respondent after expending a reasonable effort, which has been made; that said Respondent is over the age of twenty-one years.

Lena Frye
Complainant

Sworn to and subscribed before me this 20 day of December,

1949.

C. L. Davis
Notary Public

RESPONDENT

AFFIDAVIT OF NON-RESIDENCE

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DEG 28 1949

ALICE J. DUCK, Registrar

From the Law Office of
C. Lenoir Thompson
Bay Minette, Alabama

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon William Ernest Frye, to appear and plead, answer or demur within thirty days from the service hereof to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in equity, by Lena Frye, as Complainant and against William Ernest Frye, as Respondent.

WITNESS my hand this the 22nd day of December, 1949.

Heinrich H. H. H.
REGISTER

LENA FRYE

Complainant

VS

WILLIAM ERNEST FRYE

Respondent

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

TO HONORABLE TELFAIR J. MASHBURN JR., JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Your Complainant, LENA FRYE, respectfully represents and shows
unto your Honor and this Honorable Court as follows:

1.

That your Complainant is a bona fide resident of Baldwin County,
Alabama, and over twenty-one years of age; that the Respondent is
over twenty-one years of age and is a non-resident of the State of Alabama.

2.

That your Complainant and Respondent married in Monroe County,
Alabama, on May 25, 1935, and lived together in Alabama as husband and
wife until January 11, 1946.

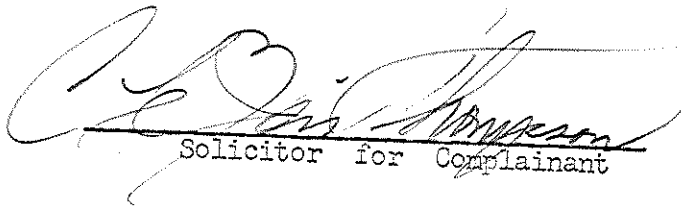
3.

That on January 11, 1946, the Respondent voluntarily abandoned
the bed and board of your Complainant and has remained away voluntarily
and continuously since that time, and your Complainant has no knowledge
of his whereabouts or address.

WHEREFORE the premises considered your Complainant prays that your
Honor will by proper process make the said William Ernest Frye, party
Respondent to this bill of complaint, requiring him 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.

Complainant further prays that upon a final hearing hereof your Honor will make and enter a decree forever barring the bonds of matrimony existing between your Complainant and the Respondent; that she be granted such other, further different or general relief as she may be in equity and good conscience entitled to receive.


Solicitor for Complainant

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C. Davis Thompson
100-11110 and 100-11111

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RECORDED

700 2406.

LENA FRYE

COMPLAINANT

VS

WILLIAM ERNEST FRYE

RESPONDENT

SUMMONS AND COMPLAINT

FILED

DEC 22 1949

ALICE J. DUCK, Registrar

From the Law Office of
C. Lenoir Thompson
Day Kinette, Alabama

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19 50

Lena Frye

Complainant

Vs.

William Ernest Frye

Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 20th day of February, 1950, in the Foley Onlooker, a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 20th day of February, 1950 and

And it now further appearing to the Register Alice J. Duck, that the said

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register

Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said William Ernest Frye

This 20th day of February, 1950.

Alice J. Duck, Register.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19 50

Lena Frye Complainant

Vs.

William Ernest Frye Defendant

Motion is hereby made for a Decree Pro Confesso against _____

William Ernest Frye Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 20th day of February, 19 50.

746 Code

 Solicitor.

RECORDED

No. 2406

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Lena Frye

Complainant

Vs.

William Ernest Frye

Defendant

Motion for Decree Pro Confesso
On Publication

Filed 2-20, 1922

Alfred W. Smith
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

The Baldwin Times, Bay Minette, Ala.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon William Ernest Frye, to appear and plead, answer or demur within thirty days from the service hereof to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in equity, by Lena Frye, as Complainant and against William Ernest Frye, as Respondent.

WITNESS my hand this the 22nd day of December, 1949.

David J. Welch
REGISTER

LENA FRYE

Complainant

VS

WILLIAM ERNEST FRYE

Respondent

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

TO HONORABLE TELFAIR J. MASHBURN JR., JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Your Complainant, LENA FRYE, respectfully represents and shows
unto your Honor and this Honorable Court as follows:

1.

That your Complainant is a bona fide resident of Baldwin County,
Alabama, and over twenty-one years of age; that the Respondent is
over twenty-one years of age and is a non-resident of the State of Alabama.

2.

That your Complainant and Respondent married in Monroe County,
Alabama, on May 25, 1935, and lived together in Alabama as husband and
wife until January 11, 1946.

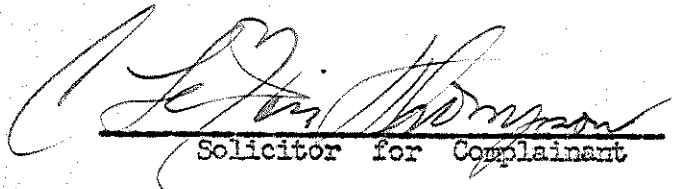
3.

That on January 11, 1946, the Respondent voluntarily abandoned
the bed and board of your Complainant and has remained away voluntarily
and continuously since that time, and your Complainant has no knowledge
of his whereabouts or address.

WHEREFORE the premises considered your Complainant prays that your
Honor will by proper process make the said William Ernest Frye, party
Respondent to this bill of complaint, requiring him 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.

Complainant further prays that upon a final hearing hereof your Honor will make and enter a decree forever barring the bonds of matrimony existing between your Complainant and the Respondent; that she be granted such other, further different or general relief as she may be in equity and good conscience entitled to receive.


Solicitor for Complainant

4005106

LENA FRYE

vs.

WILLIAM ERNEST FRYE

THE STATE OF ALABAMA
Baldwin CountyIN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
Oral deposition

and in behalf of Defendant upon Decree pro confesso of publication

Chas. Thompson
att.

Bligh Luck

Register.

RECORDED

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

LENA FRYE

vs.

WILLIAM ERNEST FRYE

NOTE OF TESTIMONY

Filed in Open Court this

day of, 194

FEB 28 1950

Register.

Printed by The Baldwin Times

Register

LEGAL NOTICE

NOTICE TO NON-RESIDENT

Lena Frye, No. 2406, vs. William Ernest Frye.

The State of Alabama, Baldwin County.

Circuit Court, In Equity.

This the 22nd day of December, 1949.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Lena Frye that the Defendant, William Ernest Frye, is a non-resident of the State of Alabama, and further, that the belief of said affiant that defendant is over the age of the Defendant; it is, therefore, ordered that publication be made in the Foley Onlooker, a newspaper published in Foley, Baldwin County, Alabama, once a week for four consecutive weeks, requiring William

Ernest Frye, the said Defendant, to answer or demur to the Bill of Complaint in this cause by the 25th day of January, 1950, or thirty days thereafter from a decree Pro Con may be taken against him.

ALICE J. DUCK,

Register.

C. LENOIR THOMPSON,

Solicitor for Complainant.

12-29-4th

AFFIDAVIT OF PUBLICATION

I, M. S. Lawrence

Editor

of The Onlooker, published at

Foley, Ala., do solemnly swear that a copy of the above notice, as per clipping attached, was published once each week in the regular and entire edition of said newspaper, and not in any supplement thereof, for Four consecutive weeks, commencing with the issue dated Dec. 29, 1949, and ending with the issue dated Jan. 19, 1950.

M. S. Lawrence

Subscribed and sworn to before me this 22 day

of January 1950

Notary Public.

MY COMMISSION EXPIRES AUGUST 14, 1951

THE FOLEY ONLOOKER

BALDWIN NEWS-HERALD

FOLEY, ALA. Jan. 28 19 35

HOWELL PUBLISHING CO.

Albee J. Duck
Bay Minette, Ala.

HIGH QUALITY JOB PRINTING

Dec. 29

Jan. 5

" 12

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BROUGHT FORWARD

Legal Notice
for

Wm. Dunge.

7. 20

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Peggy Guy

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 Lena Frye and Mrs. Sammie Presley

as witnesses in behalf of Lena Frye in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

Lena Frye, Complainant
and

William Ernest Frye Respondent

on oath, to be by you administered, upon Peggy Guy
to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 22nd day of February, 1950.

W. J. W. W.
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

LENA FRYE

Complainant

vs.

WILLIAM ERNEST FRYE

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

PEGGY GUY

WITNESSES:

LENA FRYE

Mrs. SAMMIE PRESLEY

THE STATE OF ALABAMA }
Baldwin County }

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

LENA FRYE

COMPLAINANT

VS.

WILLIAM ERNEST FRYE

RESPONDENT

I, Peggy Guy

as Register and Commissioner in the above styled cause

have called and caused to come before me Lena Frye and Sammie Presley

witnesses named in the requirement for Oral Examination, on the 23rd day of February

1950, at the office of C. LeNoir Thompson

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

truth, the whole truth, and nothing but the truth, the said Lena Frye and Sammie Presley

doth depose and say as follows:

That my name is Lena Frye, that I am over the age of twenty-one and have been a resident of Alabama more than two years next preceding. The Respondent in this cause is also over the age of twenty-one and since abandoning me, I have had no knowledge of his whereabouts, but to the best of my knowledge and belief he is a non-resident of the State. We were married in Monroe County, Alabama on May 25, 1935 and lived together as husband and wife in Alabama until January 11, 1946 at which time my husband left and he has not lived with me as husband and wife since that date. As fruits of this marriage there are six children, Mary Savage Frye, age 13, Ernestine Frye, age 11, Eunice Elizabeth Frye, Age 10, Alice Catherine Frye, age 8, Howard Leon Frye, Age 6, and Julius Carl Frye, age 3, all of whom reside with me and I would like to have their care, custody and control. I do not ask the Court to order money be paid to me by my husband as maintenance, because I do not know his whereabouts.
(further statement on next page)

Lena Frye

That my name is Sammie Presley and I am over the age of twenty-one and a resident of Alabama. I know both parties to this cause and I know that they are over the age of twenty-one and she is still a resident of Alabama. Mr. Frye was a resident of Alabama until he abandoned her, January 11, 1946 and so far as I know he no longer resides within the State. I know that they had lived together as husband and wife for many years and had six children which Mrs. Frye named in her testimony. Mrs. Frye has had the responsibility of looking after these children since her husband disappeared. That Mr. Frye and Mrs. Frye have not lived together as husband and wife since January 11, 1946 so far as I know and I have seen her at frequent and regular intervals. I do not know of any cause of which she gave him to leave her.

Miss Sammie Presley

That my name is Lena Frye, I am the Complainant in this cause, I was a resident of Baldwin County when my husband abandoned me.

2/25/50

Lena Frye

I, Peggy Guy as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself and C. LeNoir Thompson at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es; 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 23rd day of February 1945

(L. S.) Peggy Guy

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

LENA FRYE COMPLAINANT

vs.

WILLIAM ERNEST FRYE RESPONDENT

ORAL DEPOSITION

Filed _____, 194 _____

RECORDED IN _____, Register.

FILED
FEB 23 1950
MISS. A. WALKER, CLERK

Vol. _____ Page _____

Record _____, Register

2406