

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

GRADY LEE WHITE

Complainant

VS.

EVELYN WHITE

Respondent

I, Lorna Underwood

as Register and Commissioner in chancery

have called and caused to come before me Grady Lee White and B. W. White

witnesses named in the Requirement for Oral Examination, on the 27th day of November
1951, at the office of C. G. Chason

in Foley, Alabama, and having first sworn said Witnesses to speak the
truth, the whole truth, and nothing but the truth, the said Grady Lee White and
B. W. White doth depose and say as follows:

TESTIMONY OF GRADY LEE WHITE:

My name is Grady Lee White; I am over the age of twenty-one years and a bona fide resident citizen of Foley, Baldwin County, Alabama, and having been such a resident citizen since 1936; I married Evelyn White on May 25, 1949, immediately following which she voluntarily and without cause abandoned me and my bed and board and went home to live with her parents, where she now lives, and we have not lived together as man and wife, nor in any way recognized each other as husband and wife, for more than one year next preceding the filing of my bill of complaint for divorce; the child of this marriage, Kenneth Michael White, has been in the care, custody and control of Evelyn White since our marriage.

Grady Lee White

TESTIMONY OF B. W. WHITE:

My name is B. W. White; I am over the age of twenty-one years and a resident of Foley, Baldwin County, Alabama; I am personally acquainted with Grady Lee White and Evelyn White; they were married on May 25, 1949, and more than one year ago Evelyn White voluntarily and with no cause abandoned the bed and board of Grady Lee White and went to live with her parents, and that Grady Lee White has furnished and been willing to furnish suitable and proper place of abode; since the desertion by Evelyn White they have not lived together as man and wife or in any way conducted themselves as husband and wife; Grady Lee White has been a resident of Foley, Baldwin County, Alabama, for many years; there is one child of this marriage, which was born after Evelyn White deserted and left Grady Lee White, and it has been with her since that time.

B. W. White

ORAL EXAMINATION.

I, Lorna Underwood, as Register and Commissioner hereby certify that the foregoing deposition^S on Oral Examination was taken down by me, in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and C. G. Chason at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness^{es} or had proom 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 27th day of November, 1951.

Lorna Underwood (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

GRADY LEE WHITE

vs. Complainant

EVELYN WHITE

Respondent.

Oral Deposition

Filed 11-29, 1951

Archie French, Register.

Recorded in

Record

Vol. _____ Page _____

, Register.

CIRCUIT COURT COMPLAINT

Printed By Baldwin Times, Bay Minette, Ala.

GRADY LEE WHITE
Complainant,
Vs. EVELYN WHITE
Respondent.

In the Circuit Court.
In Equity No. 2631

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent

Evelyn White

by the Sheriff of Baldwin County, on the 17th day of May,
1941 51.

And it further appears to the Register, that the said Evelyn White

_____, the Respondent, having to the date hereof,
failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,
on motion of C. G. Chason Solicitors
for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,
and it hereby is, in all things taken as confessed against the said _____

Evelyn White

This 20th day of June, 1941 51.

W. J. French
Register.

No. _____

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

GRADY LEE WHITE

Complainant,

Vs.

EVELYN WHITE

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 20th day of June,
1942.

Wm. J. Remick
Register.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Lorna Underwood

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 Grady Lee White and B. W. White

as witnesses in behalf of Grady Lee White in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

Grady Lee White

, Complainant
and Evelyn White

Respondent
on oath, to be by you administered, upon them

to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 27th day of November, 1951

Alice Duck

Register.

Commissioner's Fee, \$ 5.00

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

GRADY LEE WHITE

Complainant—

vs.

EVELYN WHITE

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Lorna Underwood

WITNESSES:

Grady Lee White

B. W. White

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

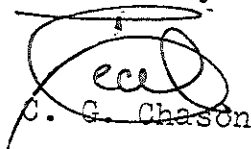
28 November 1951

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Ala.

Dear Mrs. Duck:-

There having been an Answer and Waiver filed in this matter and an original complaint, which was served by the Sheriff, we do not know the amount of costs, however, we will guarantee payment thereof.

Yours very truly,


C. G. Chason

CGC:lu

Encls:

THE STATE OF ALABAMA, }
BALDWIN COUNTY

No. 2631 Circuit Court, In Equity.

GRADY LEE WHITE Complainant

Vs.


EVELYN WHITE Defendant

Motion is hereby made for a Decree Pro Confesso against Evelyn White

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 19th day of June 1951



Solicitor.

No. 2431

Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

GRADY LEE WHITE

Vs.

EVELYN WHITE

Motion for Decree Pro Confesso on
Personal Service

Filed 6-20 1957

Archie H. Hume
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

GRADY LEE WHITE)
Complainant)
vs)
EVELYN WHITE)
Respondent)

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

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, Sitting in Equity:

Comes the respondent, Evelyn White, and files this, her
answer to the bill of Complaint and her Cross-Bill as follows:

1. For answer to paragraph one of the bill of Complaint
the respondent admits the ages of the parties, and the the resi-
dence of the parties.

2. For answer to paragraph two of the bill of Complaint
the respondent admits that the parties were lawfully married on
or about, to-wit, May 25, 1949.

3. For answer to paragraph three of the bill of Complaint,
respondent emphatically denies that she abandoned the bed or board
of Complainant at any time during their marriage nor in anyway
recognized each other as husband and wife for more than one year
next preceding the filing of the bill of complaint.

To the contrary, the respondent avers that the Com-
plainant voluntarily and without fault on the part of the respond-
ent, abandoned the respondent for more than one year next pre-
ceding the filing of this the respondent's answer and crossbill.

4. Respondent and Cross-Complainant further alleges and
avers that on the ninth day of October, 1949 unto the marriage of
the Respondent and Complainant was born a Son, Kenneth Michael
White.

5. That since said marriage the Complainant has failed
and refused to provide a home for his wife and son, nor has he in
anyway contributed to ~~the~~ support and welfare of said wife and son.

6. The respondent and Cross-Complainant further avers that
the Complainant and Cross-Respondent is well able financially to
care for, and to provide the necessities for the Cross-Complainant
and thier Son and that the respondent is steadily employed with an
income of \$35.00 to \$40.00 a week.

7. The respondent and Cross-Complainant avers and alleges

that she is without funds and in need of financial aid for herself and her and the Cross-respondent's child; that she is unable to pay her solicitor's fees.

8. Respondent and Cross-Complainant avers and shows unto the Court that this separation is without fault on her part, that she has at all times been willing and able to perform her duties as a wife to the Cross- Respondent; that she is still ready, able and willing to resume thier marital relationship and to ^{make} a home for the Cross-respondent ^{and} for their Son; that she hopes and prays that the Cross-respondent will agree to join with the Cross-complainant in rearing and educating their child.

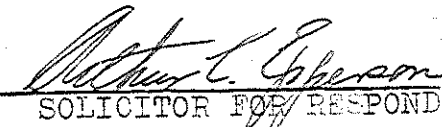
The premises considered, your respondent and cross-complainant makes the said Grady White, respondent to this her cross-bill and prays that process of this court may be directed to him according to law commanding him to appear in this cause within the times and in the manner required by law and the rules of this Honorable Court, and plead, answer or ~~demur~~ to this her bill of Complaint.

PRAYER FOR RELIEF

Respondent and Cross-Complainant prays the Court that ~~it~~ will make and enter an order awarding her the custody, care and control of their minor child, Kenneth Micheal White, that the court will enter an order directing the Register to hold a reference to ascertain the earnings or income and earning capacity of the complainant and cross-respondent and to ascertain a reasonable amount to be paid to her periodically by him as alimony pendente lite, and that the court will order him to pay the same; the court will ascertain or cause to be ascertained a reasonable amount to be paid to her by the complainant and cross-respondent for the support and maintenance of their said minor child pending a final determination of this cause; that on a final hearing of this cause, the court will ascertain and allow a reasonable fee to her solicitor, Arthur C. Epperson, for representing her in this cause; that the court will award her the permanent custody, care and control of her said minor son, with the usual right of visitation by the father; that the court will ascertain and allow her a reasonable amount for the support and maintenance of said child the same to be paid by the complainant and cross-respondent as

the court may direct; that the court will make and enter an order granting unto respondent and cross-complainant a divorce a mensa et thoro and that the court will ascertain and order the complainant and cross-respondent to pay to her a reasonable amount periodically as separate maintenance.

Respondent and cross-complainant prays for such other, further and different relief to which she might be entitled, the premises considered.


SOLICITOR FOR RESPONDENT

GRADY LEE WHITE,) (
 Complainant,) (IN THE CIRCUIT COURT OF
 -vs-) (BALDWIN COUNTY, ALABAMA
 EVELYN WHITE,) (IN EQUITY
 Respondent.) (

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT
 COURT OF BALDWIN COUNTY, Sitting in Equity:

Comes your complainant, Grady Lee White, and files this his
 amended Bill of Complaint and respectfully represents and shows
 unto your Honor:

1. That complainant is over the age of twenty-one years and
 is a resident of said State and County, and has been a bona fide
 resident of said State for more than one year next preceding the
 filing of this Bill of Complaint; that Evelyn White is over the age
 of eighteen years and is a resident of Baldwin County, Alabama.

2. That your complainant and respondent were lawfully mar-
 ried on or about, to-wit, May 25, 1949.

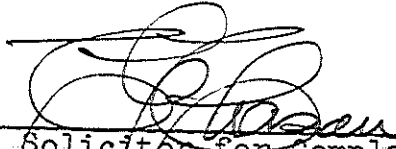
3. Complainant further avers that said respondent voluntarily
 abandoned the bed and board of complainant for more than one year
 next preceding the filing of this Bill of Complaint, since which
 time complainant and respondent have not lived together nor in any
 way recognized each other as husband and wife.

4. That there was born to the complainant and the respondent
 a child, Kenneth Michael White, who is and has been since the abandon-
 ment in the care, custody and control of the respondent.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED: Your complainant prays that Evelyn
 White be made a party defendant to this cause by the usual process
 of this Honorable Court requiring her to plead, answer or demur
 within the time and under the penalties prescribe by the rules of
 this Court and the statutes in such cases made and provided; that
 upon a final hearing of this cause, that your complainant be granted
 a divorce from said respondent; and that the respondent be granted
 custody and control of the child of this marriage, Kenneth Michael
 White. Should your complainant be mistaken in the relief prayed for,

that there be granted to him such other, different and general relief to which he may be entitled and as in duty bound, he will ever pray.



Solicitor for Complainant

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

Circuit Court, In Equity

GRADY LEE WHITE

vs.

, Complainant

EVELYN WHITE

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ ^{answer, amended bill of complaint, answer and waiver} and Testimony as noted by the Register, and upon con-

sideration 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 Grady Lee White is forever divorced from the

said Evelyn White for and on account of

a b a n d o n m e n t

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the care, custody and control of the minor child of the marriage, namely Kenneth Michael White, is awarded to Evelyn White, the respondent.

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 Grady Lee White the complainant pay the cost herein to be taxed, for which execution may issue.

This 29th day of November, 1957.

Julian J. Marshall
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.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

GRADY LEE WHITE

Complainant

vs.

EVELYN WHITE

Respondent

DIVORCE DECREE

GRADY LEE WHITE

vs.

EVELYN WHITE

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, ~~Answer~~,
Amended Bill of Complaint and Testimony of Grady Lee White
and B. W. White

and in behalf of Defendant upon *Answer to original Bill of Complaint and*
Answer and Waiver to Amended Bill
of Complaint

[Signature]
Attorney for ~~Complainant~~.

[Signature]
Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

GRADY LEE WHITE

vs.

EVELYN WHITE

NOTE OF TESTIMONY

Filed in Open Court this 29th

day of Nov, 1947

Alice J. French

Register.

Printed By The Baldwin Times

GRADY LEE WHITE,) (
Complainant,) (IN THE CIRCUIT COURT OF
-vs-) (BALDWIN COUNTY, ALABAMA
EVELYN WHITE,) (IN EQUITY
Respondent.) (

Comes the respondent in the above styled cause and accepts service of an Amended Bill of Complaint heretofore filed in said cause; waives notice of the filing of interrogatories in said cause, and the right to cross same; waives notice of the taking of testimony in said cause, and consents that the same may be taken and the cause submitted for final decree.

1. She admits the allegations contained in Paragraph 1 of said Amended Bill of Complaint.

2. She admits the allegations contained in Paragraph 2 of said Amended Bill of Complaint.

3. She admits the allegations contained in Paragraph 4 of said Amended Bill of Complaint.

4. She denies each and every allegation contained in Paragraph 3 of said Amended Bill of Complaint and demands strict proof thereof.

Mrs. Evelyn White

Sworn to and subscribed before me,
a Notary Public, on this, the 16th
day of November, 1951.

Arlene Gilbrary
Notary Public, Chaves County
State of New Mexico.

My commission expires March 24, 1952.

#2631

))))))))))))))))

ANSWER AND WAIVER

((((((((((((((((

GRADY LEE WHITE,

Complainant,

-vs-

EVELYN WHITE,

Respondent.

))))))))))))))))

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

((((((((((((((((

RECORDED

FILED

NOV 19 1951

ALICE J. DUCK, Register

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2631

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

Evelyn White

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Evelyn White

, Defendant

by *Prady Lee White*

, Plaintiff.....

Witness my hand this

24th

day of

April

19*57*

Alice J. French
Clerk

GRADY LEE WHITE,) (
 Complainant,) (IN THE CIRCUIT COURT OF
 -vs-) (BALDWIN COUNTY, ALABAMA
 EVELYN WHITE,) (IN EQUITY
 Respondent.) (

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT
 COURT OF BALDWIN COUNTY, Sitting in Equity:

Your complainant, Grady Lee White, respectfully represents
 and shows unto your Honor:-

1. That complainant is over the age of twenty-one years and
 is a resident of said State and County, and has been a bona fide
 resident of said State for more than one year next preceding the
 filing of this Bill of Complaint; that Evelyn White is over the age
 of eighteen years and is a resident of Baldwin County, Alabama.

2. That your complainant and respondent were lawfully
 married on or about, to-wit, May 25, 1949.

3. Complainant further avers that said respondent voluntarily
 abandoned the bed and board of complainant for more than one year
 next preceding the filing of this Bill of Complaint, since which
 time complainant and respondent have not lived together nor in any
 way recognized each other as husband and wife.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED: Your complainant prays that Evelyn
 White be made a party defendant to this cause by the usual process
 of this Honorable Court requiring her to plead, answer or demur
 within the time and under the penalties prescribed by the rules of
 this Court and the statutes in such cases made and provided; that
 upon a final hearing of this cause, that your complainant be granted
 a divorce from said respondent. Should your complainant be mis-
 taken in the relief prayed for, that there be granted to him such
 other, different and general relief to which he may be entitled and
 as in duty bound, he will ever pray.


 Solicitor for Complainant